



**Planet Depos®**  
We Make It *Happen™*

---

# Transcript of Hearing

**Date:** March 6, 2025

**Case:** CTC Retail, LC & Weiss Markets, Inc. (CU 25-02)

**Planet Depos**

**Phone:** 888.433.3767 | **Email:** [transcripts@planetdepos.com](mailto:transcripts@planetdepos.com)

[www.planetdepos.com](http://www.planetdepos.com)

Michigan #8598 | Nevada #089F | New Mexico #566

Transcript of Hearing  
Conducted on March 6, 2025

1 (284 to 287)

<p>284</p> <p>1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS</p> <p>2 FOR MONTGOMERY COUNTY, MARYLAND</p> <p>3</p> <p>4</p> <p>5 -----x</p> <p>6 In Re Application Of:</p> <p>7 CTC Retail, LC &amp; Weis Markets, Inc. (CU 25-02)</p> <p>8 -----x</p> <p>9</p> <p>10 HEARING BEFORE EXAMINER KHANDIKILE MVUNGA SOKONI</p> <p>11 DAY THREE</p> <p>12 Rockville, Maryland</p> <p>13 Thursday, March 6, 2025</p> <p>14 9:32 a.m.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Job No: 574265</p> <p>24 Pages: 284 - 522</p> <p>25 Transcribed by: Nicole Mastrosimone</p>	<p>286</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 ON BEHALF OF THE APPLICANT:</p> <p>4 ROBERT R. HARRIS, ESQUIRE</p> <p>5 LERCH, EARLY &amp; BREWER</p> <p>6 7600 Wisconsin Avenue, Suite 700</p> <p>7 Bethesda, Maryland 20814</p> <p>8 301-841-3845</p> <p>9</p> <p>10 ON BEHALF OF THE OPPOSITION:</p> <p>11 LESLIE POWELL, ESQUIRE</p> <p>12 POWELL, LLC</p> <p>13 19 North Court Street, Suite 201</p> <p>14 Frederick Maryland 21701</p> <p>15 301-668-7575</p> <p>16</p> <p>17</p> <p>18 ALSO PRESENT:</p> <p>19 Andrew Rouff, Technician</p> <p>20 Steve Feather, via Zoom</p> <p>21 Kate Kubit</p> <p>22 Tim Longfellow, via Zoom</p> <p>23</p> <p>24</p> <p>25</p>
<p>285</p> <p>1 Hearing held at:</p> <p>2</p> <p>3</p> <p>4</p> <p>5 Montgomery County Office of Zoning and</p> <p>6 Administrative Hearings</p> <p>7 100 Maryland Avenue</p> <p>8 County Office Building</p> <p>9 Room 200</p> <p>10 Rockville, Maryland 20850</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19 Before Cody Handlir, Notary Public in and</p> <p>20 for the State of Maryland.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>287</p> <p>1 C O N T E N T S</p> <p>2</p> <p>3 WITNESSES PAGE</p> <p>4 David Samba 306, 331</p> <p>5 By Mr. Harris 313</p> <p>6 By Ms. Powell</p> <p>7 Edward Steele 334, 380</p> <p>8 By Mr. Harris 335, 356, 384</p> <p>9 By Ms. Powell 385</p> <p>10 By Hearing Examiner Sokoni</p> <p>11 Ishan Patel 394, 405</p> <p>12 By Ms. Powell 401</p> <p>13 By Mr. Harris</p> <p>14 Ajay Patel 406, 426</p> <p>15 By Ms. Powell 418</p> <p>16 By Mr. Harris</p> <p>17 Kate Kubit 432</p> <p>18 By Hearing Examiner Sokoni</p> <p>19 Amy Presley 442, 495</p> <p>20 By Amy Presley 474</p> <p>21 By Mr. Harris</p> <p>22</p> <p>23 CLOSING ARGUMENTS PAGE</p> <p>24 By Mr. Harris 499</p> <p>25 By Ms. Powell 507</p> <p>By Ms. Presley 517</p>

Transcript of Hearing  
Conducted on March 6, 2025

2 (288 to 291)

288	290
<p>1 E X H I B I T S (Retained by OZAH.)</p> <p>2</p> <p>3 1. Conditional Use Application</p> <p>4 2. MNCPPC Checklist</p> <p>5 3. Statement of the Case/Statement of</p> <p>6 Operations</p> <p>7 4. Certified Zoning Map</p> <p>8 5. Notice List</p> <p>9 A. Adjoining and Confronting</p> <p>10 B. HOA/Civic Associations</p> <p>11 C. OZAH Mailing List</p> <p>12 6. Traffic Statement</p> <p>13 7. Owner Authorization Affidavit</p> <p>14 A. Authorization Letter</p> <p>15 B. Supplement</p> <p>16 8. Existing Features Plan</p> <p>17 9. Conditional Use Plans</p> <p>18 A. Cover Sheet</p> <p>19 B. Approval Sheet</p> <p>20 C. Conditional Use Site</p> <p>21 D. Site Details Sheet</p> <p>22 E. Landscape Plan and Details</p> <p>23 10. Approved NRI and FSD Plan</p> <p>24 11. Final Forest Conservation Plans</p> <p>25 A. Cover Sheet</p> <p>A. Overall Plan</p> <p>C. Final FCP</p> <p>D. Final FCP 2</p> <p>E. Final FCP 3</p> <p>F. Final FCP Approval</p> <p>G. Final Forest Conservation Tabulations</p> <p>H. Final FCP-Approval Sheet</p> <p>I. Final FCP-Approval Sheet</p> <p>J. Final FCP-Approval Sheet</p> <p>12. Final Water Quality Plans</p> <p>A. Cover Sheet</p> <p>B. Composite Final Quality Site Plan</p> <p>C. Final Water Quality Plan</p> <p>D. Final Water Quality Plan</p> <p>E. Final Water Quality Plan</p> <p>F. Final Water Quality Plan</p> <p>13. SWM Concept Plan Approval Letter</p> <p>14. Record Plat 25584 or 61</p> <p>15. Resumes</p> <p>A. Kevin Foster</p> <p>B. Tim Longfellow</p> <p>C. David Samba</p> <p>D. Edward M. Steere</p>	<p>1 . Staff Report Submission Revised Plans for Plan of Compliance</p> <p>2 . Corrections to Compliance Program Site Plans and Minor Changes</p> <p>3 . Affidavit of Posting submitted on 1/22/2025. EXHIBITS CONTINUED (Retained by OZAH.)</p> <p>4</p> <p>5 49. Opposition to Conditional Use Application submitted by Leslie Powell, Esq.</p> <p>6 A. Clarksburg Town Center Plan of Compliance</p> <p>7 B. Five Mile Radius of CTC</p> <p>8 C. Destination Analysis Clarksburg</p> <p>9 D. Tank Capacity</p> <p>10 50. Preliminary Plan Final Water Quality and Site Plan submitted by Amy Presley</p> <p>11 51. E-mail Exchanges between the Hearing Examiner, Robert Harris, Amy Presley, Leslie Powell</p> <p>12 52. Affidavit of Posting</p> <p>13 53. Planning Board Resolution dated 3-25-24</p> <p>14 54. Clarksburg Town Center Project Plan</p> <p>15 55. Planning Board Transmittal Letter received on January 10, 2025.</p> <p>16 56. 2-23-2025 E-mail from the Hearing Examiner to Parties</p> <p>17 57. E-mail exchange between the Hearing Examiner and Amy Presley</p> <p>18 58. 2-5-2025 E-mail Exchange between the Hearing Examiner and Parties</p> <p>19 59. 2-5-2025 Overall Site Plan</p> <p>20 60. 2-5-2025 Subpoena Request from Leslie Powell</p> <p>21 61. 2-7-2025 Letter from Leslie Powell Attachments</p> <p>22 A. Affidavit of Ajay Patel</p> <p>23 B. Motion to Deny CUA</p> <p>24 I. Exhibits A to I</p> <p>25 62. Opposition to Leslie Powell's Subpoena Request</p> <p>63. Exhibits submitted by Applicant's Landscape Architect Keith Bennett</p> <p>A. Map of Gas Stations within 1 mile</p> <p>B. Project Location</p> <p>64. Reply to Motion to Deny Conditional Use Application submitted by Robert Harris</p> <p>A. Attachments to Reply to Motion (Exhibits A to H)</p> <p>65. Order regarding Leslie Powell's Subpoena Request issued by Hearing Examiner</p> <p>66. Memorandum of law submitted by Robert Harris</p> <p>A. Attachments(Exhibits A through F)</p> <p>67. 3-5-25 E-mail Exchanges among the Hearing Examiner and Parties</p> <p>68. Settlement Agreement (Admitted on page 489)</p>
289	291
<p>1 EXHIBITS CONTINUED (Retained by OZAH.)</p> <p>2</p> <p>3 . Fire Access Site Plan</p> <p>4 . Open Space Plan</p> <p>5 . Circulation Plan</p> <p>6 . Color-Coded Utility Plan</p> <p>7 . Planning Board's Resolution 11-6-08, 12-11-08</p> <p>8 . Planning Board's Resolution 07-23-15</p> <p>9 . Planning Board's Resolution 02-29-24</p> <p>10 . Statement of Justification</p> <p>11 . Sign Location Exhibit</p> <p>12 . Architectural Plan Exhibit</p> <p>13 . Lighting Plans</p> <p>14 . Applicant's Acceptance of the Posting of Signs</p> <p>15 . Applicant's request to amend to add Weis</p> <p>16 Markets, Inc. as Applicant</p> <p>17 . Motion to Amend submitted by Keith Bennet</p> <p>18 . Revised Application for Conditional Use</p> <p>19 . Revised Statement of the Case</p> <p>20 . Revised Conditional Use Plan Cover Sheet</p> <p>21 . Revised Fire Access Plan</p> <p>22 . Needs Analysis</p> <p>23 . 12-3-2024 Notice of Public Hearing</p> <p>24 . Staff Report Completed on 12-11-2024</p> <p>25 A. Attachments</p> <p>. Applicant's Prehearing Statement</p> <p>. Updated Needs Analysis</p> <p>. Letters of Support</p> <p>A. Dennis Swihart</p> <p>B. Eric A. Krandi</p> <p>C. Deborah D 'Attilio</p> <p>D. Gregory Willitis</p> <p>E. Heather &amp; Erik Mann</p> <p>F. Michael Herson</p> <p>G. Clarksburg HOA Statement</p> <p>H. Mark Liebermann</p> <p>I. Steve Feather</p> <p>. Amy Presley Testimony</p> <p>. Request to be made Party of Record from Amy Presley</p> <p>. Exhibits submitted by Amy Presley</p> <p>. Compliance Program Staff Report June 1, 2006</p> <p>. Compliance Plan</p> <p>. Planning Board Resolution dated June 15, 2006.</p>	<p>1 P R O C E E D I N G S</p> <p>2 Whereupon,</p> <p>3 HEARING EXAMINER SOKONI: I'll call this</p> <p>4 hearing to order. It's a conditional use</p> <p>5 application, OZAH case number CU 25-02. It's the</p> <p>6 application of CTC Retail, LC and Weis Markets,</p> <p>7 Inc. Today's hearing, today March 6, the hearing</p> <p>8 today is a continuation of a hearing that was</p> <p>9 started on February 20.</p> <p>10 This is a public hearing regarding the</p> <p>11 above-referenced application. It's an application</p> <p>12 for a conditional use for an automobile filling</p> <p>13 station. With regard to the conditional use</p> <p>14 application, the Applicant has the burden of</p> <p>15 proving that the Applicant meets the general</p> <p>16 requirements and development standards under</p> <p>17 Section 596 and the requirements of Section 59.7.3</p> <p>18 of the Zoning Ordinance, as well as the use</p> <p>19 standards set out in the Zoning Ordinance.</p> <p>20 By way of introduction, again, you have</p> <p>21 the same Hearing Examiner as the last time. My</p> <p>22 name is Khandikile Sokoni, S-O-K-O-N-I. In my</p> <p>23 role as Hearing Examiner, I will listen to the</p> <p>24 testimony, I will review the evidence and render</p> <p>25 an opinion on the application pursuant to the</p>

Transcript of Hearing  
Conducted on March 6, 2025

3 (292 to 295)

<p>292</p> <p>1 criteria set forth in the Zoning Ordinance. 2 Could we please identify the parties 3 present? 4 MR. HARRIS: Yes. Good morning again. 5 For the record, Bob Harris of Lerch, Early and 6 Brewer representing the Applicant. 7 HEARING EXAMINER SOKONI: Thank you. 8 MS. POWELL: Good morning. Leslie Powell 9 on behalf of the Patel parties, Ark 25, Shankar 10 Limited and Aries Investment Group. 11 HEARING EXAMINER SOKONI: Thank you very 12 much. 13 This is a hybrid proceeding, so is there 14 anyone on the Zoom? If you could kindly turn on 15 your camera and introduce yourself. That's if -- 16 it is a public hearing; but, if anyone wishes to 17 participate, we need to have a record of who's 18 present. I see there's a zoning. Must be our 19 Staff. So there's a something iPad. Lauralay's 20 (phonetic) iPad, if that's someone wishing to 21 participate, please identify yourself. Okay. 22 So, like I said, it is a hybrid 23 proceeding, so we will have participation on Zoom. 24 Anyone who is on the Zoom who wishes to 25 participate, when it's time for you to speak, you</p>	<p>294</p> <p>1 That's going to be cross-examination. 2 And today's hearing, as I mentioned, is a 3 continuation of the February 20 hearing. So the 4 order of proceedings is that the Applicant has the 5 burden of proving that they qualify for the 6 benefit they are seeking, and they present their 7 case in chief. We got started with that, and 8 we'll continue with that today. 9 When they close, we turn to the 10 opposition, and they have their case in chief, and 11 it's a similar drill. The Applicants have the 12 opportunity to cross-examine the opposition 13 witnesses. 14 We did opening statements last time, so 15 I'll dispense with those today, except for I will 16 ask counsel to just let me know how many witnesses 17 you have and what your order of presentation will 18 be. 19 MR. HARRIS: Yes. Applicant has two 20 witnesses intended for today. One is David Samba, 21 the traffic engineer, and the second is Ed Steere, 22 the analyst who did the needs analysis. 23 HEARING EXAMINER SOKONI: Thank you. 24 MS. POWELL: Thank you. The opponents 25 have Ajay Patel and Ishan Patel.</p>
<p>293</p> <p>1 have to have your camera on; otherwise, please 2 keep yourselves muted with your camera off until 3 it's time to speak. On Zoom either raise your 4 hand or -- I do ask that people try to avoid 5 interrupting when someone else is speaking. When 6 we have crosstalk, it's very difficult for the 7 court reporter to keep track of what's being said. 8 So if you could just -- you know, if you have 9 something to say, please hold off until the 10 current speaker finishes, unless you're objecting, 11 unless you're raising a legal objection. Also 12 please note that the chat function is disabled on 13 the Zoom, so the only way we'll hear -- the only 14 thing that will get into the record is something 15 that you will speak. You will not be able to 16 share your screen. If there's any exhibits you 17 need to call up, our Zoom operator will assist 18 with pulling those up on the screen. 19 The nature of the proceeding, this is an 20 informal -- the proceeding itself is somewhat 21 informal because it is an administrative 22 proceeding. However, we are governed by rules of 23 procedure, the OZAH Rules of Procedure. All 24 people giving testimony will do so under oath. 25 You may be asked questions about your testimony.</p>	<p>295</p> <p>1 HEARING EXAMINER SOKONI: Thank you. 2 And I know that Ms. Amy Presley, who was 3 present last time, is unable to attend in person, 4 but I believe will be -- she's planning to 5 testify, to present her case in opposition and is 6 scheduled for two p.m. 7 MS. POWELL: That's my understanding. 8 HEARING EXAMINER SOKONI: Yeah. Okay. So 9 I will turn it over to Mr. Harris to get us going 10 and continue from where you left off last time. 11 MR. HARRIS: One preliminary matter, 12 ma'am, when Ms. Kubit testified, she testified 13 that the contract with Weis was contingent on the 14 gas station being approved; and, if the gas pumps 15 were not approved, they could cancel the contract. 16 And then the opposition objected to that 17 testimony. You soon after said you were not going 18 to allow that testimony; but then, in the last 19 couple days, you said that you would allow that 20 testimony. Now, it was repeated by Jack O'Hara of 21 Weis, and there was no objection to that. So that 22 information is already in the record, but if it 23 would help -- I don't know whether you simply want 24 to confirm that the testimony already provided by 25 Ms. Kubit is allowed, or whether you need her to</p>

Transcript of Hearing  
Conducted on March 6, 2025

4 (296 to 299)

<p>296</p> <p>1 come back for one minute and reiterate what she 2 said. 3 HEARING EXAMINER SOKONI: I have no 4 preference. If the Applicant is satisfied that 5 the testimony you tried to get in has gotten in, 6 then that's fine. I had ruled on that objection, 7 and I had prevented Ms. Kubit's testimony, so I 8 was reversing myself. 9 MR. HARRIS: Yes. 10 HEARING EXAMINER SOKONI: And if you're 11 content to leave it alone, that's fine. If she 12 wishes -- if you wish to testify, that's fine, 13 too. 14 MR. HARRIS: Okay. Go ahead. 15 MS. KUBIT: Good morning. My name is Kate 16 Kubit for the record. I don't need to testify, if 17 everybody's comfortable, but I do want to tell you 18 that I'm getting texts that people online can not 19 hear us. 20 HEARING EXAMINER SOKONI: Thank you very 21 much. That's really important so -- 22 MR. HARRIS: It wouldn't be complete 23 without a technological glitch or two. 24 HEARING EXAMINER SOKONI: No, it would 25 not.</p>	<p>298</p> <p>1 and today is a continuation. 2 The application is for a conditional use 3 for an automobile filling station. With regard to 4 the conditional use application, the Applicant has 5 the burden of proving that the application meets 6 the general requirements and development standards 7 set out in the Zoning Ordinance, in particular 8 Sections 59-6 and 59.7.3, as well as any other use 9 standards set out in the Zoning Ordinance. 10 My name is Khandikile Sokoni, S-O-K-O-N-I. 11 I am the Hearing Examiner in this case. What that 12 means is that I will preside over the hearing; I 13 will make rulings on matters of procedure; I will 14 hear testimony; I will administer the oaths to 15 witnesses; and then I will review the evidence and 16 render an opinion on the application pursuant to 17 the criteria set forth in the Zoning Ordinance. 18 Is there anyone online on the Zoom who 19 wishes to testify today? 20 MR. FEATHER: Steve Feather, but no, I'm 21 not testifying. 22 HEARING EXAMINER SOKONI: Are you -- 23 you're not testifying, but you're simply 24 observing? 25 MR. FEATHER: Correct.</p>
<p>297</p> <p>1 MR. HARRIS: So you may have to ask them 2 again whether they want to register to testify. 3 HEARING EXAMINER SOKONI: Yeah. Can 4 someone on the Zoom let us know if you can hear 5 us? Could you -- could someone on the Zoom speak? 6 So I will ask someone in our office. 7 (Technical discussion off the record.) 8 HEARING EXAMINER SOKONI: Thank you very 9 much. So we have someone on Zoom. 10 MR. LONGFELLOW: Yes. Good morning. This 11 is Tim Longfellow. I'm with GLW. I'm just 12 listening in, but I can now hear you. 13 HEARING EXAMINER SOKONI: And is it 14 correct that you -- were you previously on but 15 could not hear us? 16 MR. LONGFELLOW: Yes, ma'am. 17 HEARING EXAMINER SOKONI: Thank you. 18 Okay. So I beg your indulgence with some 19 repetition here; but, if people couldn't hear us, 20 I feel like I have to say some things again. 21 I had called the hearing to order, and 22 this is case number CU 25-02, a conditional use 23 application of CTC Retail, LC and Weis Market, 24 Inc. Today's hearing is a continuation of the 25 public hearing that first convened on February 20,</p>	<p>299</p> <p>1 HEARING EXAMINER SOKONI: Could we just 2 make sure that we have the name? You have names? 3 Okay. I should have mentioned -- 4 MR. FEATHER: Steve Feather, last name is 5 spelled F-E-A-T-H-E-R. 6 HEARING EXAMINER SOKONI: Thank you very 7 much. 8 This is also for people in the room. So 9 anyone online, we need to have an -- if you want 10 to be on the record, this is -- we will have to 11 have your name. And then, anyone present in the 12 room, we have a sign-up sheet in the back. That's 13 the only official record of who was present. 14 For those on Zoom, please make sure 15 that -- if you wish to speak, you have to turn on 16 your camera. When you're not speaking, you can 17 have your camera off and make sure you're muted at 18 all times. Let's avoid some crosstalk, because 19 it's difficult for the court reporter to 20 transcribe when people are talking over each 21 other. 22 I think with that I think I've covered -- 23 I think I've covered anything that people on Zoom 24 might have missed, so I will turn it over. Here 25 in the room, we had counsel identify themselves</p>

Transcript of Hearing  
Conducted on March 6, 2025

5 (300 to 303)

<p>300</p> <p>1 and their clients. Maybe we do that again real 2 quick. Just mention your name and who you're 3 representing. 4 MR. HARRIS: Yes. Good morning. Bob 5 Harris of Lerch, Early, Brewer representing the 6 Applicants. 7 MS. POWELL: Good morning. Leslie Powell 8 on behalf of the opponents, Ark 25, Shankar 9 Limited and Aries Investment Group. And with me I 10 have two representatives, Ajay Patel and Ishan 11 Patel, who will be offering testimony. 12 HEARING EXAMINER SOKONI: Thank you very 13 much. And for the record, I also have 14 communications from Ms. Amy Presley who was 15 present last time. She wishes to testify, and 16 she's not able to be here in person, but we've 17 made arrangements for her to testify at two p.m. 18 this afternoon. 19 With that, I'll turn it over to Mr. Harris 20 to -- before we -- actually, before we move on, we 21 were dealing with some preliminaries, the first 22 one being a ruling that I reversed on objections. 23 And what I've heard is that Ms. Kubit is not 24 planning on testifying, and I leave that totally 25 to the Applicant. It's your choice.</p>	<p>302</p> <p>1 those are, likewise, not binding precedent. And 2 there is insufficient information in those 3 exhibits to determine whether or not they would 4 actually even have any beneficial effect. Because 5 they are not binding, they are not court decisions 6 and they are not recorded court decisions, we 7 would request that they be stricken and that 8 this -- that you not rely upon them. 9 HEARING EXAMINER SOKONI: Response? 10 MR. HARRIS: We believe they are relevant 11 and pertinent, and they are official documents. 12 Whether they're recorded or not is not the point. 13 The Rules of Evidence, as we understand it, before 14 the Zoning Hearing Examiner are not as strict as a 15 court. And there's been a lot of testimony and 16 exhibits in this proceeding so far that are not 17 recorded documents, the plan of compliance being 18 an example of that. These are all relevant, and 19 we think they should be admitted. 20 MS. POWELL: These are not being offered 21 for facts, Madam Examiner. They're being offered 22 for legal argument in support of Mr. Harris' 23 memorandum of law. And because they are being 24 offered for law, I would respectfully disagree 25 with Mr. Harris and that it is inappropriate to</p>
<p>301</p> <p>1 MR. HARRIS: Correct. We see no need for 2 her to testify again. She already has testified, 3 and Jack O'Hara from Weis Market reiterated that 4 testimony. So we're comfortable with that. Thank 5 you. 6 HEARING EXAMINER SOKONI: Thank you. 7 Another preliminary matter is the exhibits. When 8 we last convened, we were up to exhibit 65. There 9 should be an exhibit sheet at the table, counsel 10 table. And then, any members of the public, we 11 have some in the back. Any objections to the 12 inclusion of the additional -- we're now at 13 Exhibit 67 with the addition of motion papers by 14 Mr. Harris, and I think a series of e-mail 15 exchanges. 16 MR. HARRIS: No objection from Applicants. 17 MS. POWELL: Madam Examiner, I will be 18 objecting to the attachments submitted by 19 Mr. Harris that are appended to Exhibit 66. And 20 rather than wait until it comes up, I just want to 21 note my objection now. This consists -- these are 22 legal objections. This consists of an unreported 23 Court of Special Appeals decision, which is not 24 binding precedent. And the other exhibits relate 25 to decisions of various Boards of Appeal, and</p>	<p>303</p> <p>1 rely on unreported decisions, which clearly make 2 plain that they are not to be relied on, as well 3 as the legal aspects of the Board of Appeals 4 decisions, because those are not decisions by a 5 court and they are not -- they're not authority 6 for Madam Examiner. 7 HEARING EXAMINER SOKONI: Correct. I did 8 note that the case cited was an unreported case, 9 but what I do in that case is the Hearing Examiner 10 will decide what weight, if any, to attach to it. 11 So I will not strike them from the record, but 12 your objection is noted and I will consider that 13 in deciding what weight to attach to the 14 documents. 15 The other Board decisions, I mean, we can 16 take judicial notice of government actions or the 17 actions of bodies, not necessarily that they are 18 legally binding and certainly they're not legally 19 binding, but we can take notice of them. 20 MS. POWELL: And I understand that. The 21 basis for my objection is that, to the extent that 22 they're offered as any binding legal precedent, 23 they should be disregarded. I understand that 24 they're facts, that they document decisions made 25 by various Boards of Appeals; but, to the extent</p>

Transcript of Hearing  
Conducted on March 6, 2025

6 (304 to 307)

<p>304</p> <p>1 they're being offered in support of the legal 2 argument that's being presented by Mr. Harris, I 3 suggest that they are actually neither here nor 4 there, frankly. 5 HEARING EXAMINER SOKONI: Mr. Harris, 6 would you be able to get me a reported case on 7 your -- I know you attached an unreported case. 8 Are you able to get me a reported case? 9 MR. HARRIS: Yes, there are reported cases 10 cited in here, Baltimore County Licensed Beverage 11 Association, Springloch Area Citizens Group, both 12 reported cases, Kreatchman Ramsburg, Aspen Hill 13 Venture, all reported cases. 14 HEARING EXAMINER SOKONI: Okay. 15 MS. POWELL: We don't have objections to 16 the reported cases. 17 HEARING EXAMINER SOKONI: Yes. I wanted 18 him to respond to -- okay. I think we will -- 19 everything that's in the memo of law stands, and I 20 will consider what weight, if any, to attach to 21 any of them. That's with regard to the exhibits. 22 So just so I'm clear, Ms. Powell, you're not 23 objecting -- the memo of law stays in. What 24 you're objecting to is you would like to strike 25 the attachments to the memo of law?</p>	<p>306</p> <p>1 case in chief. 2 MR. HARRIS: Okay. Applicant would call 3 David Samba, please. 4 HEARING EXAMINER SOKONI: And my 5 apologies. If we can just pause for one moment 6 because you're -- oh, it's right here. I thought 7 I had left my writing pad. You may proceed. 8 DAVID SAMBA, 9 was examined and testified as follows: 10 DIRECT EXAMINATION BY COUNSEL FOR THE APPLICANT 11 BY MR. HARRIS: 12 Q Mr. Samba, would you state your name and 13 occupation for the record, please? 14 A Sure. My name is David Samba. I am a 15 professional traffic engineer, as well as a 16 certified professional traffic operations 17 engineer, certified professional transportation 18 planner and a dual certified road safety 19 professional. I work with Kimley-Horn and 20 Associates, which is a full service civil 21 engineering firm. 22 MR. HARRIS: Madam Examiner, we have 23 submitted Exhibit 15C, which is a copy of 24 Mr. Samba's resume, and we are going to tender him 25 as an expert in transportation and traffic</p>
<p>305</p> <p>1 MS. POWELL: That's correct. I'm 2 objecting to the merit of the attachments that are 3 submitted with the memorandum of law, that is 4 correct. 5 MR. HARRIS: Applicant is not maintaining 6 that those are binding law applicable here, but 7 they are highly relevant because they show how 8 boards of appeals, including this one, have dealt 9 with the issue of need and how the courts have 10 dealt with it. 11 HEARING EXAMINER SOKONI: Okay. 12 MS. POWELL: Respectfully, Madam Examiner, 13 there is a reported case that is notably omitted 14 from Mr. Harris' memorandum that is directly on 15 point. It's called Lucky Stores, and it analyzes 16 need in the context of gasoline stations in 17 Montgomery County and that is not cited. 18 HEARING EXAMINER SOKONI: Are you -- 19 MS. POWELL: I have copies of it. I'll 20 deal with that later, but -- 21 HEARING EXAMINER SOKONI: If I could have 22 the citation to that, that would be helpful. 23 MS. POWELL: Certainly. 24 HEARING EXAMINER SOKONI: Okay. With 25 that, the exhibits stand and we proceed with the</p>	<p>307</p> <p>1 engineering. 2 MS. POWELL: No objection. 3 MR. HARRIS: All right. Thank you. 4 BY MR. HARRIS: 5 Q Mr. Samba, can you tell us a little bit 6 about what you know of the history of the 7 transportation and traffic review of this subject 8 property over the years? 9 A Certainly. So the retail center was 10 evaluated multiple times by the County. I'll just 11 go back to 1995, which was the first evaluation. 12 And this is shown in Exhibit 54 at page 51, if you 13 want to track with me. So in 1995 the Clarksburg 14 Town Center was approved for 150 -- well, a 15 combined 250,000 square feet of commercial split 16 up between 150,000 square feet of retail and 17 100,000 square feet of office. 18 There's another reevaluation in 2009. 19 Yes, Exhibit 54. I'm sorry. 20 So, again, that was Exhibit 54. That was 21 at page 51. There was a second reevaluation, if 22 you're again tracking, Exhibit 54 at page 52 23 reevaluating in 2009. And at that point the 24 commercial density was reduced by about 96,000 or 25 so square feet. So it started at 250,000 square</p>

Transcript of Hearing  
Conducted on March 6, 2025

7 (308 to 311)

<p>308</p> <p>1 feet, and it was reevaluated at 194,720 square 2 feet. 3       <b>There was another evaluation in 2015,</b> 4 <b>which actually increased the commercial at this</b> 5 <b>point, so from that 194,000 square feet to 206,000</b> 6 <b>square feet. That's described at Exhibit 54 at</b> 7 <b>page 53.</b> 8       <b>But I'll say for each one of those</b> 9 <b>evaluations the Planning Staff and the Board found</b> 10 <b>that the transportation system was adequate. So</b> 11 <b>each -- the impact which affected traffic of each</b> 12 <b>of those densities that were evaluated did not</b> 13 <b>create adverse impacts on the transportation</b> 14 <b>system.</b> 15       <b>The most current and maybe most relevant</b> 16 <b>update that we're talking about today is in 2024,</b> 17 <b>and this is described in the Exhibit 54 at pages</b> 18 <b>65, 71 and 85. The Staff and Board again found</b> 19 <b>the pedestrian vehicle transitions to be adequate.</b> 20 <b>So I kind of want to say that what we're doing in</b> 21 <b>this particular case at this point, the inclusion</b> 22 <b>of the fueling positions, the gas pumps in</b> 23 <b>addition to all the changes that have occurred</b> 24 <b>since 1995 were actually resulting in a smaller</b> 25 <b>level of density than was previously approved.</b></p>	<p>310</p> <p>1       HEARING EXAMINER SOKONI: Would you like 2 to under oath confirm that what you have spoken 3 was the truth, the whole truth and nothing but the 4 truth? 5       THE WITNESS: I can confirm that, yes. 6       HEARING EXAMINER SOKONI: Thank you. 7       THE WITNESS: Thank you. Sorry about 8 that. 9       HEARING EXAMINER SOKONI: You may proceed. 10 My apologies. 11       THE WITNESS: No, no, no. Of course. We 12 got right into it. 13       So let me just recap what I just said 14 there a second ago. For each one of those 15 previous evaluations, the Planning Board and Staff 16 found the transportation system to be adequate. 17       In this current application, we are 18 generating less commercial development, less 19 density overall than what had been planned and 20 considered to be adequate. And so the guidelines 21 allow us to make the case, which we did in our 22 transportation analysis, that, as long as we 23 confirm the number of trips that are generated and 24 we confirm the density and if those two things are 25 less than the previously-approved amount, we can</p>
<p>309</p> <p>1       <b>And per the Local Area Transportation</b> 2 <b>Review Guidelines, kind of the guiding documents</b> 3 <b>that dictate how we're supposed to analyze a</b> 4 <b>development's transportation impacts, when you</b> 5 <b>have a condition where your transportation or your</b> 6 <b>site is developing either less density or less</b> 7 <b>trips than what was previously approved, you can</b> 8 <b>make the case that you're going to fall under the</b> 9 <b>previous approval for transportation adequacy.</b> 10       HEARING EXAMINER SOKONI: Mr. Samba, if I 11 could -- 12       THE WITNESS: Yes. 13       HEARING EXAMINER SOKONI: -- pause for one 14 moment. I just realized -- 15       THE WITNESS: Are we not on -- 16       HEARING EXAMINER SOKONI: No. I did not 17 swear you in. 18       THE WITNESS: Oh, yes. 19       HEARING EXAMINER SOKONI: So if you could 20 raise your right hand. 21       THE WITNESS: Of course. 22       (The witness was sworn.) 23       HEARING EXAMINER SOKONI: And you have 24 been testifying for the last few minutes. 25       THE WITNESS: Yes.</p>	<p>311</p> <p>1 make the case and put it to the Planning Board and 2 Staff that we believe we're adequate for 3 transportation. 4       So, as I mentioned, we did reassess that. 5 So Exhibit 6 is the traffic analysis. We 6 demonstrate that for the additional, or for the 7 reduced amount of activity, commercial activity on 8 the site compared to what was previously approved, 9 even with the fueling positions, we are still 10 again generating less overall trips. And Staff, 11 Planning Staff and Board again found, based on 12 that basis -- and this is described in Exhibit 36, 13 pages 16 and 17 -- that there's a net reduction in 14 number of trips than was previously approved. And 15 so again we are reaching a state of transportation 16 adequacy. 17       Q And did those analyses include both 18 vehicular and pedestrian adequacy? 19       <b>A So per the Local Area Transportation</b> 20 <b>Review Guidelines, the transportation adequacy</b> 21 <b>test is both a vehicular and a nonmotorized test,</b> 22 <b>so all the other ways that you travel that's not</b> 23 <b>in your car. It is looking at the adequacy on</b> 24 <b>public facilities. And so yes, in that sense, it</b> 25 <b>does include both those two levels of tests,</b></p>



Transcript of Hearing  
Conducted on March 6, 2025

8 (312 to 315)

<p>312</p> <p>1 <b>vehicular and nonvehicular adequacy.</b> 2 Q And based on your analysis, have you come 3 to your own conclusion in terms of adequacy, and 4 is that in your traffic statement? 5 A Yes, so it is within my traffic statement, 6 I believe, on Exhibit 6, both -- it's described on 7 the final page of it, and I'll just read it off 8 here. Based on both the ITE -- so that's the 9 Institute of Transportation Engineers -- and the 10 LATR, the Local Area Transportation Review trip 11 generation requirements, it is estimated that the 12 proposed changes to the approved Permanent Plan 13 Amendment 11995042E result in 53 fewer trips in 14 the a.m., a.m. peak hour, and 620 fewer trips 15 during the p.m. peak hour as compared to the 16 originally-approved 2008 Preliminary Plan 17 11995042A. As such, a traffic study would not be 18 required for the proposed land use modifications. 19 And when we say traffic study's not 20 required, that is our statement that we have 21 demonstrated adequacy, so we don't need to go the 22 further step of doing a traffic study. 23 Q And does this lead you to a conclusion as 24 to whether the decrease in vehicle trips will 25 result in no negative impact on the traffic</p>	<p>314</p> <p>1 Q And can you explain -- so the gasoline 2 service stations, as I understand it, are a 3 separate category under your manual? 4 A Correct. 5 Q Is that correct? 6 A Hm-hm. 7 Q And is that because they generate 8 different amounts of trips? 9 A The manual is set up so that you can get 10 as specific as you can given the type of land use. 11 Q Okay. And so does the gasoline station 12 have more trips than it would then, for example, a 13 single-family residence? 14 A It depends on the density, right, so it's 15 not a -- I guess I can not answer that without 16 knowing how many residential units versus how many 17 fueling positions. The variable there is what 18 generates the trips. 19 Q Okay. Well, in this case you have six 20 fueling positions, right? 21 A Hm-hm. 22 Q Okay. And we already have the density 23 that's set forth in your analysis? 24 A Correct. 25 Q Okay. So, if you look at that as a ratio,</p>
<p>313</p> <p>1 network? 2 A Yeah. I'll track -- let me make sure I'm 3 not doing a double negative here. But yes, a 4 decrease in vehicle trips will result in an 5 improved condition than what was previously 6 approved. So yes, it would not contribute to any 7 additional negative impact. 8 MR. HARRIS: I think that's all we have, 9 Madam Examiner. I think the traffic statement and 10 the history recited in Exhibit 60 speak for 11 themselves. 12 CROSS-EXAMINATION BY COUNSEL FOR THE OPPOSITION 13 BY MS. POWELL: 14 Q Good morning, Mr. Samba. 15 A Good morning. 16 Q So I have a few questions because I want 17 to make sure I'm tracking -- 18 A Sure. 19 Q -- what you're saying. So in your -- I 20 believe it's Exhibit 6. In your memorandum you 21 talk about the data relating to -- that you've 22 recovered, or actually, I guess, that you're 23 relying on from the ITE, the Institute of 24 Transportation Engineers Trip Generation Manual? 25 A Correct.</p>	<p>315</p> <p>1 I'm not understanding how you reach these 2 calculations, basically. If you just explain it 3 to me? 4 A Sure. So I'll back up. The way we 5 generate trips or calculate the trips that would 6 be generated is based on this manual that is 7 developed by -- developed and crowd sourced by the 8 Institute of Transportation Engineers. This is 9 material requested from engineers all over the 10 country. 11 It's then kind of synthesized and 12 summarized into trip rates. So, for example, for 13 a gasoline service station, we have trip rates 14 that tell us for the number of fueling positions 15 how many trips you can expect. Same thing for the 16 number of residential units, how many trips you 17 can expect. 18 So what was analyzed in our process, so 19 that's shown in Table two, vehicle trip generation 20 on Exhibit 6, you'll see there's a land use Code 21 ITE 944, which is a gasoline service station. We 22 assume that they're (indiscernible) we assume. We 23 know that there are six fueling positions that are 24 desired. And so for those six fueling positions, 25 we calculate that we generate 62 trips in the a.m.</p>

Transcript of Hearing  
Conducted on March 6, 2025

9 (316 to 319)

<p>1 and 83 trips in the p.m. specifically for those 2 fueling positions. We do the same for every other 3 type of land use both in the approved and in the 4 proposed condition, and then we do a comparison to 5 see what the resultant change is. 6 So the colors are a little faded, so I 7 apologize. But if you look in the middle of that 8 table that's on the screen, there's the previously 9 approved total trips, and in the a.m. peak hour 10 that was 1,069. In the p.m. peak hour, that was 11 2,402. And then there's the proposed total trips, 12 which reflects the differences in densities that 13 have been approved or proposed over time, and so 14 the different -- the proposed density is now -- or 15 the proposed density results in 1,016 trips in the 16 a.m. and 1,782 trips in the p.m. So that's the 17 reduction -- that results in those reductions that 18 I discussed a few minutes ago. 19 Q Okay. And so does the -- which trip 20 generation model did you apply here? I mean the 21 urban, suburban or rural? I mean, as I 22 understand, there's like three choices. 23 A Right. And so this is a newer addition to 24 the Trip Generation Manual. Before it was just 25 one rate. They added settings, context, right?</p>	<p>316 318 1 external site or external trip network. What 2 we're analyzing or focusing on is how the site 3 itself has changed over time. It's not 4 necessarily germane -- especially because we 5 demonstrate that we don't need to do a traffic 6 study because we're self-adequate, it's not 7 germane to look at whether or not the external 8 traffic has increased or decreased. 9 Q Okay. So you're not applying a different 10 standard? You're not applying the newer standard 11 for trip analysis on the existing traffic, on the 12 existing housing development? So, for example, if 13 you have 350 single families, 250 towns, whatever, 14 and for your commercial you're going to have -- 15 back in 1995 you're going to have one set of 16 numbers that you use. 17 A Okay. 18 Q That's what I'm getting at. 19 A Okay. Yes. So the Local Area 20 Transportation Review is updated periodically. I 21 believe that -- under the previous approval, I 22 believe that it was with the -- we did this 23 analysis for the 2023 Local Area Transportation 24 Review, the most recent one. There's already a 25 2025 Local Area Review. They occasionally change</p>
<p>317 1 For the ITE 944 gasoline service station, I 2 believe we applied the general suburban. We 3 typically don't use the urban rate, one, because 4 it has smaller sample sizes, for example. So 5 again this is all crowd sourced from engineers 6 across the country. For some land uses we get a 7 lot of data, and so the results are more reliable. 8 For other land uses we get smaller data. And then 9 once we start splitting it into the urban, 10 suburban, city center, downtown core context, it 11 became even more disaggregated. So the general 12 guidance is to use the more -- the sites or the 13 land use codes that have more data associated with 14 it. 15 Q Okay. So with respect to -- and I got a 16 little bit boggled up in some of your testimony. 17 So are the current traffic count levels more 18 onerous than they were back in 1995? In other 19 words, has the number of trips increased? 20 A At the site or just -- 21 Q No. Just in general in the -- when you do 22 your analysis. So, for example, for each EDU, you 23 know, in 1995, was it less than it is now? 24 A So we are not -- in the context of this 25 kind of analysis, we are not looking first at the</p>	<p>319 1 the structure, the rates that you use. Since in 2 2017 Montgomery County has -- prior to 2017 3 Montgomery County had their own trip-generation 4 rates for different types of land uses. 5 Since 2017 the guidelines have suggested 6 that we should just use the ITE rates with 7 adjustment factors depending if you want to -- if 8 you're Clarksburg or Silver Spring or wherever you 9 are in the County. 10 So, again, because what we're comparing is 11 what was previously approved, we do not 12 recalculate those old trips. Those old trips were 13 calculated based on what the guidelines were at 14 the time. We can't change what was already 15 approved. We then calculate based on the 16 current -- for the proposed site, we calculate 17 based on the current prevailing guidelines, which 18 again is with the -- is referenced using the ITE 19 Manual. And I believe within the guidelines it 20 says references using the most current version of 21 the ITE Manual. 22 Q So it's only with respect to the new 23 development then that you're applying current 24 standards? 25 A Correct, yes.</p>

<p>320</p> <p>1 Q And then when we look at the -- I believe 2 it's your Exhibit 6, page two, you have the 3 approved preliminary plan from back in the day, 4 and we have two new types of uses that are 5 reflected on this little chart, right? So the 6 multifamily garden style and the gasoline pumps 7 were not included in the preliminary plan? 8 <b>A Correct.</b> 9 Q Okay. So these are new uses that are 10 being added? 11 <b>A Yes.</b> 12 Q Or potentially being added? 13 <b>A Yes.</b> 14 Q Okay. So with respect to the statements 15 on page three, it says -- you say, Based on 16 information provided by the potential grocer 17 tenant who would also operate the gas pumps, it is 18 also probable that at least 40 percent of gas pump 19 users will travel to the adjacent shopping center, 20 thereby reducing the projected number of trips. 21 So what did the potential grocer tenant tell you 22 to support that statement? 23 <b>A So this is -- I'll contextualize this in</b> 24 <b>two ways. This is information that was provided</b> 25 <b>by the grocer based on their known operations at</b></p>	<p>322</p> <p>1 <b>It would likely be less number, less trips, but we</b> 2 <b>wanted to be as conservative as possible to make</b> 3 <b>sure we're not, you know, not complying with the</b> 4 <b>guidelines.</b> 5 Q So did they provide you with any written 6 data, or was this simply a conversation? 7 <b>A This was a conversation.</b> 8 Q Okay. So you didn't have an opportunity 9 to test the data? 10 <b>A We didn't need to test the data based on</b> 11 <b>the guidelines, because, again, we were --</b> 12 Q No. Excuse me. You're not understanding 13 my question. You were not able, or you did not 14 test this statement that 40 percent of the gas 15 pump users will travel to the adjacent shopping 16 center; you took his word for it? 17 <b>A Well, again, we --</b> 18 Q That's my question. Yes or no? 19 <b>A We wrote that in the statement, and that's</b> 20 <b>what it says.</b> 21 Q And you didn't test the data? 22 <b>A There's no need to test the data.</b> 23 Q That wasn't my question. 24 <b>A We did not test the data.</b> 25 Q Thank you. All right. Did you ask the</p>
<p>321</p> <p>1 <b>similar sites. But the point we're making in that</b> 2 <b>statement is the trip generation that we've done</b> 3 <b>is all outside of that. It's all just based on</b> 4 <b>the -- what we're told to do by the guidelines</b> 5 <b>using the ITE Manual. We know through experience</b> 6 <b>that -- the grocer tenant's experience, as well as</b> 7 <b>experience that my own firm has done looking at</b> 8 <b>similar grocers that when you have a gasoline</b> 9 <b>fueling station that is adjacent to or actually</b> 10 <b>part of a department of a grocer, it is likely</b> 11 <b>that you'll have combined trips, what we call</b> 12 <b>internal-capture trips. So I will go to the</b> 13 <b>grocery store, and then on the way out I'll get</b> 14 <b>some gas; or I'll go to the gas station, like, oh,</b> 15 <b>you know, I'm going to run in and get some stuff</b> 16 <b>while I'm at the grocery store. And so from that</b> 17 <b>purpose, that combined trips -- when we do</b> 18 <b>independent trip calculations, we say a grocery</b> 19 <b>store generates 10 trips and a gas station</b> 20 <b>generates 10 trips, we need to recognize that some</b> 21 <b>of those 10 trips in either way are the same trip,</b> 22 <b>and so it has one or two or three less trip</b> 23 <b>impacts on external roadways. So that's all that</b> 24 <b>statement says, that we're adding the context that</b> 25 <b>what we've calculated is a conservative number.</b></p>	<p>323</p> <p>1 grocery store tenant what the hours of operation 2 for the store would be? 3 <b>A I believe that is actually in Exhibit 3.</b> 4 Q Okay. 5 <b>A So I didn't need to ask because it was</b> 6 <b>provided. It was through the report.</b> 7 Q Do you remember what that was? 8 <b>A I could search Exhibit 3. I'd have to</b> 9 <b>actually pull it up here, but I don't have that</b> 10 <b>off the top of my head.</b> 11 Q Okay. 12 <b>A Yes.</b> 13 Q Have you looked at the design concepts in 14 the past for the plan of compliance? 15 <b>A I've studied Exhibit 18, which is a</b> 16 <b>circulation plan. I think that's one of the ones</b> 17 <b>that's most germane to a traffic analysis.</b> 18 Q Okay. So you didn't look at the plan of 19 compliance, the design concepts? That's what my 20 question is. 21 <b>A It's typically provided, so we've reviewed</b> 22 <b>it, but, again, not in great detail because we</b> 23 <b>were not -- that was not our charge.</b> 24 Q Okay. So your charge was simply to look 25 at the current plan and not the modifications?</p>

Transcript of Hearing  
Conducted on March 6, 2025

11 (324 to 327)

<p>324</p> <p>1     <b>A No. Our charge was to evaluate the</b> 2 <b>traffic analysis for the current plan and in</b> 3 <b>comparison to the past plan.</b> 4       MS. POWELL: Can you pull up OZAH 49A, 5 please? There we go. Yeah. 6     Q Sorry it's sideways. I don't know -- we 7 can't do anything about that. 8     <b>A Is there a specific page?</b> 9     Q Yeah, it's Exhibit 49A. So when you look 10 at the design of the Town Center that's reflected 11 in the concept plan, and if you look at -- doesn't 12 have page numbers. I'm sorry. 13    <b>A That's all right. I have it on my screen.</b> 14 <b>I can get to whichever page you're in.</b> 15    Q So when you look at that, you did not 16 analyze the difference in traffic from what was 17 originally proposed in the plan of compliance -- 18 well, let me just break that down. You didn't 19 examine traffic patterns for this plan of 20 compliance? 21    <b>A We examined traffic patterns, or we looked</b> 22 <b>at trip generation referencing what is currently</b> 23 <b>proposed to what is the last approval of the site.</b> 24    Q And the last approval of the site was 25 when?</p>	<p>326</p> <p>1       MS. POWELL: I'm trying to establish -- 2 so, first of all, the plan of compliance, Madam 3 Examiner, the design concepts -- I'm losing my 4 voice -- it's incorporated in the compliance 5 program and it's binding. And so my question to 6 Mr. Samba is whether the current program was ever 7 evaluated in the context of what was mandated in 8 2006 by this plan of compliance, and I think the 9 answer is no. 10      MR. HARRIS: Objection again. The plan of 11 compliance was never approved under a preliminary 12 plan of subdivision. What has been approved under 13 the preliminary plan of subdivision are the 1995, 14 the 2009, the 2015 -- and I have to correct that. 15 It was not 2023. It was 2024 when it was last 16 approved. And each of those is what is binding 17 here, not any concept plan which was never 18 evaluated from a traffic standpoint. His job was 19 to compare what was evaluated with what is 20 proposed. 21      MS. POWELL: Respectfully, the plan of 22 compliance design concepts are binding. They are 23 binding on this project. And what I'm trying to 24 establish is that the current program was never 25 evaluated as it relates to the plan of compliance</p>
<p>325</p> <p>1     <b>A So that is the 2024 approval, I believe,</b> 2 <b>that has the -- I'll quote out the numbers here</b> 3 <b>for us. That's the approved preliminary plan, the</b> 4 <b>11995042A. That's the 194,000 square feet of</b> 5 <b>retail, and then 12 -- approximately 1,200</b> 6 <b>dwelling units of residential.</b> 7     Q And what year was that? 8     <b>A I believe that was -- let me grab this and</b> 9 <b>make sure I have it. I have, at least as my</b> 10 <b>memo -- and, again, these things change, but I</b> 11 <b>have in my memo that the preliminary plan</b> 12 <b>amendment was approved in 2023. That was the last</b> 13 <b>approval.</b> 14    Q All right. So if you look -- so you 15 didn't look at the traffic circulation that was in 16 the compliance plan from 2006? 17    <b>A No. But, again, the 2023 plan result was</b> 18 <b>determined to have less density and less traffic</b> 19 <b>impacts compared to the 2006 plan. So --</b> 20    Q Yeah, I'm sorry. I'm talking about 21 traffic circulation. I didn't mean to interrupt 22 you. 23      MR. HARRIS: Objection. The plan of 24 compliance plan was never evaluated from a traffic 25 standpoint, so comparing that is impossible.</p>	<p>327</p> <p>1 design concepts, which were incorporated in the 2 compliance program, which were mandated as part of 3 the settlement agreement in 2006. That's what I'm 4 trying to do. 5      MR. HARRIS: Exhibit 64, our legal 6 memorandum, says just the opposite. The plan of 7 compliance is not binding in the way that 8 Ms. Powell contends. What is binding is the 9 approvals that have occurred since then. 10     HEARING EXAMINER SOKONI: So I see us 11 sliding into argument. We have a -- 12     MS. POWELL: I'd just like an answer to my 13 question. 14     HEARING EXAMINER SOKONI: No. We have a 15 witness on the stand, and I think -- so if you 16 could just rephrase your question and summarize 17 your question; and, you know, Mr. Samba, if you 18 could kindly -- 19     THE WITNESS: Yes. Certainly. 20     HEARING EXAMINER SOKONI: -- just answer 21 if you reviewed it under the compliance plan or 22 not. We will save the argument for later because 23 at the cross-examination you're asking the witness 24 questions about their testimony. 25     MS. POWELL: And that's what I'm trying to</p>

Transcript of Hearing  
Conducted on March 6, 2025

12 (328 to 331)

<p>328</p> <p>1 do.</p> <p>2 BY MS. POWELL:</p> <p>3 Q So did you evaluate the circulation,</p> <p>4 traffic circulation from the design concept plan</p> <p>5 of compliance dated April 6, 2006, which is on the</p> <p>6 screen?</p> <p>7 A <b>I'll just say simply no.</b></p> <p>8 Q Thank you.</p> <p>9 A <b>Yes.</b></p> <p>10 Q So you do a fair amount of work with</p> <p>11 respect to -- well, you look at traffic patterns,</p> <p>12 commuting patterns and things of that nature.</p> <p>13 With respect to this particular community in</p> <p>14 Clarksburg that you've analyzed here, can we say</p> <p>15 or would you agree that the commuting pattern here</p> <p>16 during the morning is to points south of the</p> <p>17 development?</p> <p>18 A <b>I would generally agree.</b></p> <p>19 Q And in the evening or in the late</p> <p>20 afternoon, they would be to the points north?</p> <p>21 A <b>The return, yes.</b></p> <p>22 Q Were the ITE calculations affected by a</p> <p>23 decrease in commuting during COVID?</p> <p>24 A <b>No. The ITE Trip Generation Manual did</b></p> <p>25 <b>not have, like, a COVID --</b></p>	<p>330</p> <p>1 A <b>Again, that is within the Staff -- I</b></p> <p>2 <b>believe it's Exhibit 3, the Staff Report. It's</b></p> <p>3 <b>described there.</b></p> <p>4 Q Well, your report's before the Staff</p> <p>5 Report, right?</p> <p>6 A <b>Correct. But for our analysis, again, we</b></p> <p>7 <b>do an a.m. peak hour and a p.m. peak hour</b></p> <p>8 <b>analysis. It's the peak -- it's not specific to</b></p> <p>9 <b>this is a seven a.m. analysis. It's the peak</b></p> <p>10 <b>hour, so the hour during the morning and during</b></p> <p>11 <b>the afternoon when there's the most traffic</b></p> <p>12 <b>anticipated. And so our trip generation, again --</b></p> <p>13 <b>everything we do in a trip-analysis situation is</b></p> <p>14 <b>always to be as conservative as possible to kind</b></p> <p>15 <b>of find that maximum impact.</b></p> <p>16 Q Did you ever talk to Mr. Edward Steere?</p> <p>17 A <b>I don't think I did directly, unless he</b></p> <p>18 <b>was a member of one of our kind of group calls.</b></p> <p>19 Q Did you ever provide him any data?</p> <p>20 A <b>The only data I provide is through my</b></p> <p>21 <b>analysis, the Exhibit 6.</b></p> <p>22 Q Were you asked to provide him or Valbridge</p> <p>23 or Polestar any information in connection with the</p> <p>24 evaluation of need?</p> <p>25 A <b>I don't believe so, no.</b></p>
<p>329</p> <p>1 Q They didn't adjust --</p> <p>2 A <b>-- adjustment, so these are still</b></p> <p>3 <b>conservative trips, or at least at the time they</b></p> <p>4 <b>were conservative trips.</b></p> <p>5 HEARING EXAMINER SOKONI: Can you tell me,</p> <p>6 for lay people, what ITE is?</p> <p>7 THE WITNESS: Sorry. That's the Institute</p> <p>8 of Transportation Engineers, so that's our</p> <p>9 professional body for us traffic engineers.</p> <p>10 That's where we're going to get our kind of</p> <p>11 manuals and reference texts and the techniques</p> <p>12 that we use to do our analysis.</p> <p>13 HEARING EXAMINER SOKONI: Okay.</p> <p>14 Q And could you tell me with whom you spoke</p> <p>15 at Weis Markets?</p> <p>16 A <b>I believe the information was relayed to</b></p> <p>17 <b>me through our team.</b></p> <p>18 Q So you don't know where the information --</p> <p>19 A <b>No, I don't have the name.</b></p> <p>20 Q Okay. And so you don't know if that</p> <p>21 person was involved in the gasoline operations at</p> <p>22 Weis?</p> <p>23 A <b>I wouldn't speculate.</b></p> <p>24 Q Okay. Were you told the hours that the</p> <p>25 gasoline or the filling station would operate?</p>	<p>331</p> <p>1 Q So did you discuss any transit patterns</p> <p>2 with them?</p> <p>3 A <b>I do not recall any conversations like</b></p> <p>4 <b>that.</b></p> <p>5 Q How about volume of traffic coming in and</p> <p>6 out of the Clarksburg Town Center?</p> <p>7 A <b>Insofar as much as it was in our -- or</b></p> <p>8 <b>maybe described in our Exhibit 6, possibly; but,</b></p> <p>9 <b>otherwise, no.</b></p> <p>10 MS. POWELL: I have no more questions.</p> <p>11 Thank you.</p> <p>12 REDIRECT EXAMINATION BY COUNSEL FOR THE APPLICANT</p> <p>13 BY MR. HARRIS:</p> <p>14 Q Mr. Samba --</p> <p>15 MR. HARRIS: Could you bring up Exhibit</p> <p>16 36, please, page 16? Down at the bottom there,</p> <p>17 please, so just go back.</p> <p>18 Q Mr. Samba, are you familiar with Exhibit</p> <p>19 36?</p> <p>20 A <b>I am familiar.</b></p> <p>21 Q Okay. And is there a review at pages 16</p> <p>22 and 17 of the transportation impact of the fueling</p> <p>23 station?</p> <p>24 A <b>There is.</b></p> <p>25 Q And what has the Planning Staff concluded</p>

Transcript of Hearing  
Conducted on March 6, 2025

13 (332 to 335)

<p>332</p> <p>1 based on its independent review?</p> <p>2 MS. POWELL: I'm going to object. This is</p> <p>3 part of the record already. He's asking him to</p> <p>4 testify about what the Planning Staff did, which</p> <p>5 is already in your --</p> <p>6 HEARING EXAMINER SOKONI: I actually was</p> <p>7 going to ask, because I think it's relevant for</p> <p>8 the expert to opine on whether they agree with</p> <p>9 Planning Staff analysis.</p> <p>10 <b>A I guess I won't try to read all of it, but</b></p> <p>11 <b>they have essentially found that it is, one,</b></p> <p>12 <b>appropriate to consider a fueling station as an</b></p> <p>13 <b>amendment to the previous plan, and they also</b></p> <p>14 <b>concluded the estimated overall impact is a</b></p> <p>15 <b>reduction in trips, as what we proposed in our</b></p> <p>16 <b>Exhibit 6, compared to the previous approved</b></p> <p>17 <b>analysis. They've also concluded that, similar to</b></p> <p>18 <b>us, the number of trips estimated is likely</b></p> <p>19 <b>conservative, so we estimated a maximum number of</b></p> <p>20 <b>trips that likely would not occur through the</b></p> <p>21 <b>conservative techniques that we used. They also</b></p> <p>22 <b>concluded, similar to us, that many of the trips</b></p> <p>23 <b>would be colocated between the gas station and the</b></p> <p>24 <b>grocery stores. As such, that would reduce the</b></p> <p>25 <b>peak-hour trips that would actually be generated.</b></p>	<p>334</p> <p>1 Okay. As our second witness, Applicant</p> <p>2 would call Ed Steere.</p> <p>3 HEARING EXAMINER SOKONI: This time around</p> <p>4 I will administer the oath. Please, if you could</p> <p>5 kindly raise your right hand.</p> <p>6 (The witness was sworn.)</p> <p>7 HEARING EXAMINER SOKONI: Thank you.</p> <p>8 DIRECT EXAMINATION BY COUNSEL FOR THE APPLICANT</p> <p>9 BY MR. HARRIS:</p> <p>10 Q Mr. Steere, would you state your name and</p> <p>11 employment position for the record, please?</p> <p>12 <b>A My name is Edward Steere. I am the</b></p> <p>13 <b>Principal of Polestar Analysis.</b></p> <p>14 Q And what does Polestar Analysis do?</p> <p>15 <b>A A market analysis and planning firm. We</b></p> <p>16 <b>do market studies, economic development studies,</b></p> <p>17 <b>affordable housing studies. Those types of</b></p> <p>18 <b>things.</b></p> <p>19 MR. HARRIS: Exhibit 15D as in David is</p> <p>20 Mr. Steere's resume. I don't have that in front</p> <p>21 of me. That might have been before he set up his</p> <p>22 own company. Can you pull that up? Let's see</p> <p>23 what that is. Thank you. Yeah, that is post.</p> <p>24 Okay. So we're going to offer Mr. Steere</p> <p>25 as expert in needs analysis based on his resume</p>
<p>333</p> <p>1 <b>So, overall -- and I'm not sure if it's on this</b></p> <p>2 <b>page or in this section -- this discussion is</b></p> <p>3 <b>demonstrating that Staff and Planning Board find</b></p> <p>4 <b>that there's adequacy with respect to</b></p> <p>5 <b>transportation.</b></p> <p>6 MR. HARRIS: I have no further questions.</p> <p>7 Thank you, Mr. Samba.</p> <p>8 HEARING EXAMINER SOKONI: Just for my</p> <p>9 understanding, in the -- we usually do ask the</p> <p>10 experts, you know, with regard to the planning --</p> <p>11 the exhibit that was referred to is the Planning</p> <p>12 Staff analysis. Is there any -- I assume you've</p> <p>13 had an opportunity to review the Staff Report. Is</p> <p>14 there anything in their analysis with regard to</p> <p>15 traffic that you disagree with?</p> <p>16 THE WITNESS: No. We actually -- so that</p> <p>17 was the first thing I reviewed to see if it was in</p> <p>18 agreement, and we agree with everything that was</p> <p>19 written there. Their findings align with ours,</p> <p>20 that there are no additional impacts; there's a</p> <p>21 reduction in trips; and, as such, we believe and</p> <p>22 they seem to confirm that transportation is</p> <p>23 adequate in this case.</p> <p>24 HEARING EXAMINER SOKONI: Thank you.</p> <p>25 MR. HARRIS: Thank you.</p>	<p>335</p> <p>1 and his past experience.</p> <p>2 HEARING EXAMINER SOKONI: Mr. Steere, have</p> <p>3 you testified before this body?</p> <p>4 THE WITNESS: Yes, I have.</p> <p>5 HEARING EXAMINER SOKONI: Do you have a</p> <p>6 case number that you could -- or could you</p> <p>7 remember when you last testified?</p> <p>8 THE WITNESS: I honestly can't put my</p> <p>9 finger on that at the moment.</p> <p>10 HEARING EXAMINER SOKONI: About how many</p> <p>11 times have you testified before OZAH?</p> <p>12 THE WITNESS: Before OZAH, I think four.</p> <p>13 Just to clarify, I want to clarify the</p> <p>14 initial report that came through was under</p> <p>15 Valbridge Property Advisors. I was the Principal</p> <p>16 of Valbridge Property Advisors for many years, and</p> <p>17 separated from that company and opened my own this</p> <p>18 past fall. So things have changed to Polestar</p> <p>19 Analysis. So under Valbridge Property Advisors, I</p> <p>20 presented at boards all over Maryland.</p> <p>21 MS. POWELL: I do have a few questions.</p> <p>22 VOIR DIRE EXAMINATION BY COUNSEL FOR THE</p> <p>23 OPPOSITION</p> <p>24 BY MS. POWELL:</p> <p>25 Q Mr. Steere, you indicated, I believe, you</p>

<p>336</p> <p>1 have a Master's from Johns Hopkins?</p> <p>2 <b>A That's correct.</b></p> <p>3 Q What's that in?</p> <p>4 <b>A Real estate.</b></p> <p>5 Q Could you explain that? I mean, real</p> <p>6 estate is kind of a broad topic here.</p> <p>7 <b>A It's a Master's of Real Estate</b></p> <p>8 <b>Development. So Hopkins has several real estate</b></p> <p>9 <b>specialty degrees, some like, for example, for</b></p> <p>10 <b>hotels, or for other real estate development</b></p> <p>11 <b>purposes or appraisal. Things like that.</b></p> <p>12 Q And what is your -- what area of study did</p> <p>13 you focus on?</p> <p>14 <b>A It was real estate development. That's</b></p> <p>15 <b>what it's called.</b></p> <p>16 Q Real estate development?</p> <p>17 <b>A This is part of the Carey Business School</b></p> <p>18 <b>at Hopkins.</b></p> <p>19 Q And you also indicate that you have an</p> <p>20 AICP certification. What does that permit you to</p> <p>21 do?</p> <p>22 <b>A It is not a license. The planning</b></p> <p>23 <b>profession doesn't have a licensure. But it's a</b></p> <p>24 <b>national certification as a certified planner. In</b></p> <p>25 <b>some jurisdictions, it's a requirement for certain</b></p>	<p>338</p> <p>1 Q 38. Thank you. Can you walk us through</p> <p>2 your analysis that went into that report and the</p> <p>3 conclusions in it?</p> <p>4 <b>A Certainly. So I'll try to be as brief as</b></p> <p>5 <b>I can, but it may not be. I'm going to refer to</b></p> <p>6 <b>certain pages in Exhibit 38, but also a couple</b></p> <p>7 <b>other exhibits as well that are not.</b></p> <p>8 <b>So the issue that the code needs to</b></p> <p>9 <b>address is whether we can demonstrate need or</b></p> <p>10 <b>necessity as convenient, expedient or useful.</b></p> <p>11 <b>That's on case history in Maryland. So, in doing</b></p> <p>12 <b>that, I approach a gas station needs analysis from</b></p> <p>13 <b>two directions, two perspectives. One is a</b></p> <p>14 <b>calculation of volume, of supply and demand. The</b></p> <p>15 <b>other is on the community, you know, whether it's</b></p> <p>16 <b>convenient, expedient and useful, as to use those</b></p> <p>17 <b>simple terms.</b></p> <p>18 <b>So in this case I have done just that. So</b></p> <p>19 <b>I have determined that there is a demand of 13.2</b></p> <p>20 <b>million gallons per year in this trade area. I'll</b></p> <p>21 <b>explain the trade area momentarily. And that,</b></p> <p>22 <b>based on the other gas available, the supply in</b></p> <p>23 <b>this trade area, there is an unmet demand. So we</b></p> <p>24 <b>won't exceed that unmet demand with this</b></p> <p>25 <b>particular proposal.</b></p>
<p>337</p> <p>1 <b>roles or certain testimonies, not in Maryland.</b></p> <p>2 Q Do you have any degrees in economics?</p> <p>3 <b>A Specifically, no.</b></p> <p>4 Q Do you have a minor?</p> <p>5 <b>A Specifically, no.</b></p> <p>6 Q Okay. Have you published any papers on</p> <p>7 supply and demand?</p> <p>8 <b>A I have published hundreds of reports.</b></p> <p>9 Q That's not my question. Public</p> <p>10 peer-reviewed papers.</p> <p>11 <b>A No. That's not my business. I have made</b></p> <p>12 <b>presentations on that, though, as a speaker.</b></p> <p>13 MS. POWELL: I have no more questions</p> <p>14 during voir dire.</p> <p>15 HEARING EXAMINER SOKONI: On the basis of</p> <p>16 the resume and, you know, testimony under oath</p> <p>17 that you have previously testified before this</p> <p>18 body, you're qualified as an expert.</p> <p>19 THE WITNESS: Thank you.</p> <p>20 CONTINUED DIRECT EXAMINATION BY COUNSEL FOR THE</p> <p>21 APPLICANT</p> <p>22 BY MR. HARRIS:</p> <p>23 Q Okay. Mr. Steere, you referenced the</p> <p>24 report that you submitted. That's Exhibit --</p> <p>25 <b>A 38.</b></p>	<p>339</p> <p>1 <b>So I will talk about the trade area. If</b></p> <p>2 <b>you could look at the map on page 15 of Exhibit</b></p> <p>3 <b>38, the trade area that I've defined here goes to</b></p> <p>4 <b>the county line. It goes down to the Little</b></p> <p>5 <b>Bennett Stream Valley and the Dickerson and Little</b></p> <p>6 <b>Seneca Lake in the south. It doesn't go as far as</b></p> <p>7 <b>Damascus. It doesn't go as far as the Potomac</b></p> <p>8 <b>River, of course. But this is based on the trade</b></p> <p>9 <b>area that Weis gave me that they were using for</b></p> <p>10 <b>their site selection as a starting point. I</b></p> <p>11 <b>modified it slightly so that I could fit it with</b></p> <p>12 <b>these real geographic boundaries. They're --</b></p> <p>13 <b>stream valleys and certain other features create a</b></p> <p>14 <b>trade boundary. Let's say if you were to go</b></p> <p>15 <b>north, you're going to go into Damascus, for</b></p> <p>16 <b>example, ad Damascus has its own grocery store and</b></p> <p>17 <b>gas and things like that, and those people aren't</b></p> <p>18 <b>going to travel to Clarksburg to get those things</b></p> <p>19 <b>because they have them in their town. So there's</b></p> <p>20 <b>got to be that natural dividing line between those</b></p> <p>21 <b>areas, and that's what this sort of represents.</b></p> <p>22 <b>Now, with that I'm able to use census</b></p> <p>23 <b>block data, which is the smallest geography the</b></p> <p>24 <b>census uses to capture real data. And so it</b></p> <p>25 <b>matches up with nine census blocks. So this is</b></p>

Transcript of Hearing  
Conducted on March 6, 2025

15 (340 to 343)

<p>340</p> <p>1 not a neighborhood; this is a trade area. The 2 neighborhood is best shown -- well, there's a 3 couple different variations of neighborhood that 4 people are thinking of here, but the County Staff 5 has attributed a neighborhood on Exhibit 54, page 6 49 -- I'm sorry. Exhibit 36.</p> <p>7 Q Let me interrupt a minute and take a step 8 back. Why are you referring to neighborhood? 9 Where does that word come from?</p> <p>10 A So in the code section for this particular 11 conditional use, it states that there has -- that 12 you need to see that a need exists for the 13 proposed use to serve the population in the 14 general neighborhood, considering the present 15 availability of identical or similar uses to that 16 neighborhood. So the code section specifically 17 calls for a neighborhood analysis.</p> <p>18 I do a trade area analysis to determine 19 these things, because people leave their 20 neighborhood to go to get -- to accommodate their 21 needs, whatever they may be. At this point there 22 is no grocery store, nor gas, other than one small 23 station in this neighborhood.</p> <p>24 So let me -- if you could, go to that 25 neighborhood map that's Exhibit 36, page four.</p>	<p>342</p> <p>1 neighborhood for their review purposes. 2 The neighborhood I would look at would 3 be -- I believe it's Exhibit 54, page 49. So on 4 this one, it's -- 5 Oh, that's good. Right there. 6 The outline in red is the Clarksburg Town 7 Center development. That's a more realistic 8 neighborhood for this particular commercial site; 9 and in that particular neighborhood, there is no 10 other commercial. There's no gas stations; 11 there's no grocery stores. So the requirement of 12 the code that the need exists for this to serve 13 the population in this neighborhood, considering 14 the present availability of identical or similar 15 uses in that neighborhood, there aren't any in the 16 neighborhood today, so we don't have that 17 particular issue.</p> <p>18 The trade area that I developed, like I 19 said, was based on the demand that Weis advised me 20 they need, and I agree with it, and took those 21 nine census blocks and said this is a trade area 22 that will most likely come to this commercial 23 center for their food and gas.</p> <p>24 HEARING EXAMINER SOKONI: I know you say 25 you would have drawn the neighborhood area to</p>
<p>341</p> <p>1 HEARING EXAMINER SOKONI: So am I -- the 2 neighborhood is smaller than the trade area? 3 THE WITNESS: Absolutely, yes. 4 So this is what the County Staff has 5 identified as the neighborhood. You can see that 6 it's pretty much the undeveloped area around this 7 commercial site, which would have new residential 8 in it. I would argue that the neighborhood is 9 bigger than this. So if you were asking what the 10 last witness -- you know, what we agree and 11 disagree with in the Staff Report, this is where I 12 would say that the neighborhood is actually, the 13 rest of Clarksburg Town Center.</p> <p>14 HEARING EXAMINER SOKONI: Just for my 15 purposes, because when I go back and listen to 16 the -- when I read the transcript, could you just 17 describe -- are we referring here to the yellow -- 18 if you could give some markers for me so when I go 19 back and listen to the transcript, I'll be able to 20 know what you were disagreeing with?</p> <p>21 THE WITNESS: So in this particular map -- 22 this is generated by the County Staff -- the 23 dashed red outline is our site where the grocery 24 store and other commercial uses and the gas would 25 be, and the yellow line they've identified as the</p>	<p>343</p> <p>1 cover a larger area than what Staff indicated. 2 THE WITNESS: Right. 3 HEARING EXAMINER SOKONI: Is there a 4 different conclusion or need based on the -- 5 THE WITNESS: No, there is not. Like I 6 say, there is no -- there is no gas or grocery in 7 that -- in either neighborhood today. So the need 8 argument that's written into this conditional use 9 requirement says it's kind of -- you know, that 10 it's not available in the neighborhood. And the 11 subject property's identified there in that 12 southern end of that neighborhood.</p> <p>13 Further I discussed in my report -- so 14 further I discussed in my report that the Weis Gas 15 is a niche market. Most people get their gas from 16 either convenience stores with gas, traditional 17 gas station that's got service bays, or they go to 18 a supermarket or membership club type environment. 19 There's no doubt that the convenience store market 20 is the largest market for gas in the country. I 21 get data from the National Association of 22 Convenience Stores, NACS, and they state that 23 approximately -- in their survey is that 80 24 percent of the fuel sold in America is from 25 convenience stores, and the other 20 percent comes</p>



Transcript of Hearing  
Conducted on March 6, 2025

16 (344 to 347)

<p>344</p> <p>1 from places like grocery stores and membership 2 clubs. 3 What I also get from all of that research, 4 and I transpose into my report is that the 5 consumer is looking for a particular environment 6 for purchasing their gas. And today's consumer, 7 more and more, is looking at what food is being 8 offered in the convenience store, for one. That's 9 a big deal. It's a growing number every year. 10 And you can see, for example, that Royal Farms 11 specializes in chicken, and Wawa specializes in 12 sandwiches and Sheetz specializes in something 13 else. So people are choosing convenience stores 14 not just for their gas, but also for the offerings 15 they have inside. 16 In the case of a grocery store, what 17 they're looking for is the convenience of one-stop 18 shopping, and that's important in the community. 19 So the number one driving factors for consumers 20 for gasoline is that it's clean, well-lit, has 21 clean bathrooms and has good food. The older 22 stations that we're familiar with from decades ago 23 have less and less curb appeal because they don't 24 represent those particular factors. 25 MS. POWELL: I'm going to object to the</p>	<p>346</p> <p>1 we have to demonstrate that it's not specifically 2 reserved for metrics of supply and demand, and 3 that, although we can calculate the supply and 4 demand, we are looking at the community. I know 5 I'm going to get a lot of questions about this, 6 but the supply and demand numbers are elastic, and 7 it's -- there's no requirement to prove absolute 8 necessity here. And so I do prove the numbers 9 that I can, but I'm also looking at the efficiency 10 of the site and whether it meets the consumer 11 demand for expediency, convenience. 12 Q Can you take a step back? You had talked 13 about the relationship of the gas to the grocery 14 and the convenience. Is there a discount bonus 15 factor involved as well? 16 A There certainly are. There's bonus 17 discount plans, rewards plans offered at virtually 18 all gas stations these days. The grocery stores 19 at Weis, they have a program where, after you 20 purchase so much, you get credits towards your 21 gas. It discounts your gas, or you can use those 22 points to discount groceries. The other gas 23 stations also do similar types of things, or they 24 may have a relationship with another grocer, for 25 example. So Weis has -- its program is offered at</p>
<p>345</p> <p>1 lack of foundation. I don't know what the basis 2 is for these statements that people are selecting 3 gas based on the appearance of the gasoline 4 station. 5 THE WITNESS: I stated that this is data 6 that's based on surveys from the National 7 Association of Convenience Stores. 8 MS. POWELL: I'll deal with this on cross. 9 I don't think that that's sufficient, but -- 10 HEARING EXAMINER SOKONI: You may proceed. 11 THE WITNESS: Okay. So what's important 12 about the niche that this particular gas station 13 is is that it is another department of a grocery 14 store, and that's the way grocery store gas 15 stations operate. They are not offering a full 16 convenience store there. They're not competing 17 with a convenience store on the side of a highway. 18 They're competing only for the customer that's in 19 the store. 20 You asked the previous expert about the 21 percentage of crossover customers between the 22 grocery store and the gas. The Weis annual report 23 states that 5.1 percent of their sales are fuel, 24 so that is where you get that crossover number. 25 The important thing is, in case history,</p>	<p>347</p> <p>1 some other independent gas stations, and, 2 likewise, with Giant Foods and other grocery 3 chains. And Exxon and 7-Eleven have their own 4 discount plans. It's an incentive to get people 5 to come and shop there. They can go in a store, 6 buy what they're going to buy, and they can get a 7 discount on gas when they leave. 8 Q Okay. Thank you. So you were starting to 9 talk about expedient, reasonably convenient, 10 useful to the public. Can you resume with your 11 testimony there? 12 A Yes. So it's important that -- there's 13 been a lot of discussion in the previous hearing 14 about the location and the access and so forth. 15 It's very important to point out that this site is 16 not on Stringtown Road. It's not well-visible 17 from Stringtown Road. It's not on the side of 18 Route 270. It is a site that's oriented to the 19 community. 20 So a competing gas station, grocer or 21 convenience store's going to go for as much 22 visibility as they can get, and Weis is not doing 23 that here. This is -- this is set up to be a part 24 of the grocery store and to blend into the 25 community, rather than be a place that draws in</p>

Transcript of Hearing  
Conducted on March 6, 2025

17 (348 to 351)

<p>348</p> <p>1 people from the highway. That's an important 2 factor in this. It's important. It's important 3 for the Weis model, and it's important for the 4 community to know that they're not going to be, 5 you know, inundated with traffic that's looking 6 for this from -- you know, as they're driving by, 7 and they say -- look at their gas gauge, and then 8 look at the sign and say I can go get gas here. 9 It's not going to be that kind of visibility on 10 this site. So this is good for everybody in that 11 respect. 12 People in this community can get their 13 fuel and their food together without driving far. 14 They can reduce their trip time they're ready to 15 reduce their extra trips, or trip on a road. 16 That's -- the convenient and expedient part of 17 this is very important, that it's within the 18 community, rather than having to leave the 19 community to find gas somewhere else. 20 Next I'll talk about the numbers. I 21 discussed demand on page 16 of my report, Exhibit 22 38. What we have in this community, in this trade 23 area, my numbers are based on that trade area, 24 like I said, nine census blocks. There's a rapid 25 growth of population and households in the past 15</p>	<p>350</p> <p>1 one that's in your file, then I would use that 2 number. 3 HEARING EXAMINER SOKONI: So what page 4 number are we on in the -- what's the PDF page 5 number? 6 THE WITNESS: 18. 7 HEARING EXAMINER SOKONI: And the exhibit 8 number is 38. 9 THE WITNESS: Exhibit 38, page 18. 10 Somehow they got the one with the messed up page 11 numbering on it. 12 So anyway, the PDF page number 18, that's 13 a good way to go. So the 2029 projections here 14 are very conservative. There are roughly 1,200 15 more units approved to be built with 1,200 more 16 households, so that household number should be 17 higher than that by 2029 if the economy doesn't 18 tank. 19 HEARING EXAMINER SOKONI: And just so I 20 don't get lost when I'm looking at the transcript, 21 the document we're looking at, the document itself 22 is -- where we are now says page 10, but it's page 23 18 of the PDF? 24 THE WITNESS: Yes. 25 So I just wanted to clarify that, that</p>
<p>349</p> <p>1 years roughly. 80 percent growth is more than 2 most communities. At that same timeframe, only 3 two gas stations were constructed in this trade 4 area, two 7-Elevens, and they are actually -- one 5 of them is on the side of the highway. The other 6 one is in Snowden Farm Parkway at Clarksburg 7 Village Center. 8 THE WITNESS: I'm going to say -- if you 9 go to -- that's not the right page. So what -- 10 scroll up, way up. Oh, the page numbers are 11 wrong. There, right there. 12 A I have projections up to 2029. This is 13 from data from Esri, which consolidates census 14 data. The 2029 estimate -- 15 HEARING EXAMINER SOKONI: Sorry. What 16 page are we at on Exhibit -- what's the exhibit 17 number and the page number? 18 THE WITNESS: That's page 10. It should 19 not -- the page numbering is wrong on that 20 version. I don't know why. 21 MR. HARRIS: Yeah. It's showing 18 on the 22 screen. 23 THE WITNESS: Yeah. It's -- I thought I 24 submitted the right one with the right paging, 25 page numbering on it, but it's -- if that's the</p>	<p>351</p> <p>1 even with these numbers the growth should continue 2 between the 1,200 more units that haven't been 3 built, and the future development of the Comsat 4 site that's under discussion these days. So we 5 fully expect that the rapid growth curve in this 6 community or in this trade area is going to 7 continue for the foreseeable future. 8 Moving down to the next table down, I just 9 outlined some of the basic data about the people 10 who live here. What's important in this table is 11 that there's approximately two vehicles per 12 household, and that two-thirds of workers drive 13 alone and a third of them drive more than 45 14 minutes to work. I was pointing that out. This 15 is a bedroom community for people who work 16 somewhere else, whether it's Frederick or points 17 south, and -- for the most part. I'm sure they 18 work in other places too. That's where I come to 19 computing how much gallonage. Based on the 20 Consumer Expenditure Surveys, we know how much 21 people pay for fuel in a year, and so I compute 22 that out, and that's where we get 7,584 households 23 at 1,738 gallons per year is 13.2 million gallons 24 of demand. 25 HEARING EXAMINER SOKONI: Per year?</p>

Transcript of Hearing  
Conducted on March 6, 2025

18 (352 to 355)

<p>352</p> <p>1 THE WITNESS: Per year, yes. Yes. 2 So what the Consumer Expenditure Survey 3 computed for us on the next page is that an 4 average household is going through just about 5 2,000 gallons of gasoline per year. Of course, 6 these numbers can vary based on the price of gas. 7 It's sort of a point in time. When I look at the 8 average price of gas over the year, which was 3.83 9 last year, it changes, obviously. So that's where 10 the 13.2 million gallons of demand is what we're 11 looking at. 12 Then I looked at the supply, and I need to 13 go to Exhibit 63A for a map. 14 If you can zoom out. There you go. 15 Perfect. 16 This is a map done by GLW. I don't use 17 radius ever. I'm just going to declare that. I'm 18 using the map for something else here. So what's 19 shown on this map are red dots for the other gas 20 stations in the area, and it's an easy map to -- I 21 don't know if you can see them. 22 Can you -- 23 So right closest to our site, just to the 24 left of our site, we have the Clarksburg Market 25 and the Clarksburg Sunoco, and then at the far</p>	<p>354</p> <p>1 convenience store, large convenience store 2 facilities. The other stations are older or 3 smaller. And the Clarksburg Market has two MPD, 4 multi-product dispensers that aren't under canopy 5 in a one-way parking lot, for example. It's not 6 competitive with the new major convenience stores 7 in that regard. 8 So on average we know that gas stations 9 produce an average of 1.4 million gallons per 10 year. If we were to apply that to all of those, 11 that would be a total of 7.2 million gallons of 12 fuel, which is approximately 60 percent of the 13 demand for 13.2 million. We don't believe that 14 every station is producing the average in this 15 trade area. We believe that the two 7-Elevens 16 were probably above average, and the other 17 stations were more likely below average based on 18 just the design. And, as I said before, curb 19 appeal matters. 20 So my conclusion is that these five gas 21 stations are not directly competitive with the 22 Weis or vice versa. They serve the residents 23 here, or they serve other commuters and pass-by 24 traffic that's using the highway. And so we still 25 have approximately seven million gallons of unmet</p>
<p>353</p> <p>1 lower-right corner you have a 7-Eleven Shell. In 2 the lower-left corner, you have a 7-Eleven Exxon. 3 And what's out of this picture up north in 4 Hyattstown is another -- I believe it's Carroll 5 Fuel. These are the gas stations that are in the 6 trade area. You can see -- what I wanted to point 7 out on this map is that all of these other gas 8 stations are located on main roads. Well, the 9 Clarksburg Sunoco used to be a main road. It's 10 not since Stringtown Road was built. But the 11 other stations are built near the highway, or on 12 main roads or in shopping centers and they will -- 13 there's a massive population around each one of 14 them. So the Exxon 7-Eleven has an entire 15 development down there, and it's right on the 16 highway interchange; likewise at the 7-Eleven down 17 at where Clarksburg Village Center. So that's one 18 point that's important here. They are oriented to 19 pass-by traffic. Every one of them is oriented to 20 pass-by traffic, and the Weis site is not. 21 The only two that are new and meet the 22 standards that are currently trending amongst 23 convenience store development are the two 24 7-Elevens at Route 270 and Clarksburg Village 25 Center, which have covered gas pumps and a</p>	<p>355</p> <p>1 demand after those stations. 2 So this conditional use, in my opinion, 3 should be approved on the needs because it's 4 expedient. It's one-stop shopping near home for 5 the entire community there. It's convenient. 6 It's colocated with the grocery store and other 7 commercial uses that will come thereafter in their 8 own neighborhood. And it's useful because this is 9 a neighborhood that does not have any alternative 10 means of transportation. Everybody here needs to 11 have a car, and they all need to get gas to get to 12 work or to go wherever they're going to go. 13 Q You referenced three words from the code 14 requirement for need, being expedient, convenient 15 and useful. You previously talked about 16 availability of identical or similar uses in the 17 neighborhood. Is that part of the need test as 18 well? 19 A Correct. 20 Q And how does that apply here to your 21 conclusions in terms of need? 22 A So in the neighborhood itself, which we 23 were talking about as Clarksburg Town Center, 24 there are no other similar uses. There is a small 25 gas station with a convenience store, but that is</p>

<p>356</p> <p>1 it. There's no other similar setup with a grocery 2 store with the department out in a parking lot 3 offering gas and also not as accessible in the 4 same way. The other store on Route 355 is visible 5 to passersby. This one is within the community 6 it's serving. It's designed to serve the nucleus 7 of the community, rather than the greater 8 population of Frederick County and Montgomery 9 County.</p> <p>10 MR. HARRIS: We have no further questions. 11 HEARING EXAMINER SOKONI: Ms. Powell? 12 MS. POWELL: Thank you.</p> <p>13 CROSS-EXAMINATION BY COUNSEL FOR THE OPPOSITION 14 BY MS. POWELL:</p> <p>15 Q Mr. Steere, did you talk to any of the 16 gasoline station owners?</p> <p>17 A Nope.</p> <p>18 Q So you didn't talk to the owners of the 19 7-Elevens or the other stations in your defined 20 trade area?</p> <p>21 A No, I did not.</p> <p>22 Q And you did not determine whether or not 23 they ever ran out of fuel?</p> <p>24 A I have no expectation that anybody was 25 running out of fuel.</p>	<p>358</p> <p>1 A I have looked for publicly-available data 2 from MDE and -- well, not just MDE, from the 3 Comptroller's Office from the Federal Department 4 of Energy. It's not part of this analysis.</p> <p>5 Q Okay. So you didn't look at tank 6 capacities for any of these stations?</p> <p>7 A As I pointed out, tank capacity is 8 immaterial. Tanks get refilled.</p> <p>9 Q They do; don't they? Have you looked at 10 any studies that show how frequently the tanks are 11 refilled for gasoline stations?</p> <p>12 A Nope.</p> <p>13 Q So you don't have any idea. Are you aware 14 of any limitations that are imposed by any 15 governmental agency on the amount of gasoline that 16 any particular gasoline seller can offer?</p> <p>17 A Well, I know on this particular site we're 18 limited to I believe it's 1.3 million gallons per 19 year.</p> <p>20 Q That's not my question. Are there any 21 government regulations that limit the amount of 22 gasoline that any one particular dealer can offer?</p> <p>23 A I'm not aware.</p> <p>24 Q And you're not aware of any government 25 agency that actually polices the amount of</p>
<p>357</p> <p>1 Q Okay. And you also have no expectation 2 that they were overwhelmed by customers?</p> <p>3 A To be sure, gas station owners and 4 proprietors are very secretive about their 5 volumes. This data is not publicly available even 6 through the government, and its -- if I approach 7 gas station owners, and I've done this in the 8 past, and asked for that information, even when 9 they were my clients it was withheld. It is a 10 highly-competitive, highly-secretive set of data, 11 so we have to work with other data that we can 12 interpolate and other resources that we can 13 interpolate to determine the effectiveness of 14 sales and so forth.</p> <p>15 So the volume is resupplied by trucks and 16 tankers as they need it. That's not something 17 that I would expect is an issue, unless there's 18 some other issue about why their tanks may run 19 dry.</p> <p>20 Q Well, in this case you didn't even try to 21 talk to anybody; is that fair to say?</p> <p>22 A So after 30 some, 40 some gas station 23 analyzes, no, I don't go and approach them.</p> <p>24 Q And you also didn't look at any of the 25 publicly-available data from MDE; did you?</p>	<p>359</p> <p>1 gasoline that's being offered on an annual basis?</p> <p>2 A No.</p> <p>3 Q Okay. So we have two different reports, 4 but I don't actually think they're two different 5 reports. Is it fair to say that Exhibit 34 and 6 Exhibit 38 are basically identical?</p> <p>7 A Yeah. I might have edited a couple 8 periods or commas in there.</p> <p>9 Q Sure. But so I'd like to talk about 10 Exhibit 34 because that's where I made all my 11 notes.</p> <p>12 A Okay.</p> <p>13 MR. HARRIS: Can you hold on a minute, 14 counsel?</p> <p>15 MS. POWELL: Sure.</p> <p>16 MR. HARRIS: Sorry about the confusion 17 with the couple of changes there.</p> <p>18 THE WITNESS: They confused all of us too.</p> <p>19 MR. HARRIS: Yeah.</p> <p>20 THE WITNESS: I'm good.</p> <p>21 Q Okay. Super. So if you look at the 22 bottom of page one of OZAH 34, your executive 23 summary, you make the statement here that these 24 grocery-operated fuel facilities typically operate 25 during the same operating hours as the</p>

<p>360</p> <p>1 supermarket. Where did you get that information?</p> <p>2 <b>A That's just observation.</b></p> <p>3 Q Did somebody from Weis tell you that</p> <p>4 that's when they were going to operate?</p> <p>5 <b>A Initially, yes, and then there was a</b></p> <p>6 <b>shift.</b></p> <p>7 Q And there was a fairly significant shift;</p> <p>8 isn't that fair to say?</p> <p>9 <b>A That's not up to me.</b></p> <p>10 Q Okay. Well, so the hours went from seven</p> <p>11 a.m. to 11 p.m. to 4 a.m. to midnight; is that</p> <p>12 right?</p> <p>13 <b>A That's what I heard. Yes.</b></p> <p>14 Q And the reason they went to four a.m.,</p> <p>15 which is not while the store is open, but that was</p> <p>16 to capture a commuter market?</p> <p>17 <b>A I heard --</b></p> <p>18 Q What'd you hear?</p> <p>19 <b>A I heard they were also talking about</b></p> <p>20 <b>capturing their employee market.</b></p> <p>21 Q At four a.m.?</p> <p>22 <b>A The employees that --</b></p> <p>23 Q How many employees are at a Weis?</p> <p>24 <b>A I have no idea.</b></p> <p>25 Q Are you aware that elsewhere in the</p>	<p>362</p> <p>1 <b>A I don't. I just know there is one. I</b></p> <p>2 <b>don't use it. My wife does.</b></p> <p>3 Q Now, the trade area is -- I want to make</p> <p>4 sure I'm tracking this, because the trade area was</p> <p>5 identified by Weis Market according to your</p> <p>6 report, right?</p> <p>7 <b>A They proposed their trade area to me, and</b></p> <p>8 <b>I modified it slightly. Yes.</b></p> <p>9 Q Okay. Well, you say that it was defined</p> <p>10 as a geographic area within nine census block</p> <p>11 groups identified by Weis Markets and confirmed</p> <p>12 with data. So there's no mention of any</p> <p>13 modification.</p> <p>14 <b>A I don't have their map handy, but there</b></p> <p>15 <b>was a slight difference in one area. I'm not sure</b></p> <p>16 <b>what it was. I massaged it to fit the nine census</b></p> <p>17 <b>blocks more comfortably than they did.</b></p> <p>18 Q Okay. So this statement, then, isn't</p> <p>19 accurate? It's not the nine census block groups</p> <p>20 identified by Weis Markets?</p> <p>21 <b>A It's nine census block groups identified</b></p> <p>22 <b>by Ed Steere.</b></p> <p>23 Q Okay, so that's different. What was the</p> <p>24 basis for selecting these census blocks? Is it</p> <p>25 based on grocery store trips, or what is it?</p>
<p>361</p> <p>1 submissions here that the change was made to</p> <p>2 capture the commuter market?</p> <p>3 <b>A To be sure, Clarksburg is not the closest</b></p> <p>4 <b>suburb to Washington, DC, so there is an early</b></p> <p>5 <b>commuter market, and this would fit the convenient</b></p> <p>6 <b>and expedient side of this use to allow those</b></p> <p>7 <b>people to get their fuel before they travel into</b></p> <p>8 <b>rush hour and points south. So I don't see an</b></p> <p>9 <b>issue with that personally, as a market analyst</b></p> <p>10 <b>professionally. I think that it fits.</b></p> <p>11 Q But it does affect your report, because</p> <p>12 you emphasize in your report on several occasions</p> <p>13 that it relates -- that the overwhelming majority,</p> <p>14 I believe were your words, of the gas customers</p> <p>15 were going to be supermarket customers?</p> <p>16 <b>A That doesn't suggest that they aren't</b></p> <p>17 <b>supermarket customers. It doesn't mean they're</b></p> <p>18 <b>supermarket customers at the same time.</b></p> <p>19 Q I see.</p> <p>20 <b>A You still collect points when you go to</b></p> <p>21 <b>the supermarket that you can use for gas at any</b></p> <p>22 <b>time. They have -- in their program they have a</b></p> <p>23 <b>timeline, deadline for when you have to use your</b></p> <p>24 <b>points, like weeks or month.</b></p> <p>25 Q Do you know what the deadline is?</p>	<p>363</p> <p>1 <b>A If Weis had come to me and asked me to do</b></p> <p>2 <b>this without giving me their particular site</b></p> <p>3 <b>selection criteria, I would have come up with</b></p> <p>4 <b>these nine census block groups based on the</b></p> <p>5 <b>availability of services in other communities</b></p> <p>6 <b>around here, and the natural ramparts of certain</b></p> <p>7 <b>stream valleys and other features and the manmade</b></p> <p>8 <b>rampart of a county line, which legally we can't</b></p> <p>9 <b>count the other county in this. So we -- and</b></p> <p>10 <b>we're looking at a town that's on the other side</b></p> <p>11 <b>of the county line that has its own -- what's</b></p> <p>12 <b>the -- I'm terrible with names. So right up Route</b></p> <p>13 <b>270 is another town in Frederick County.</b></p> <p>14 MR. HARRIS: Urbana?</p> <p>15 <b>A Urbana. That's it, Urbana.</b></p> <p>16 MS. POWELL: Wait a minute. Wait a</p> <p>17 minute.</p> <p>18 <b>A I had Union on my -- Urbana is just north</b></p> <p>19 <b>of the line there. So the county line actually</b></p> <p>20 <b>does make a good barrier of the market in this</b></p> <p>21 <b>case. So I would determine this market based on</b></p> <p>22 <b>those parameters. What the site selectors at Weis</b></p> <p>23 <b>did I can not answer. I did not talk to site</b></p> <p>24 <b>selectors at Weis about how they did this.</b></p> <p>25 HEARING EXAMINER SOKONI: Can you please</p>

Transcript of Hearing  
Conducted on March 6, 2025

21 (364 to 367)

<p>364</p> <p>1 pull up the -- as you speak, the area, the defined 2 area? 3 THE WITNESS: Keep going down. It should 4 be page 16. There. 5 HEARING EXAMINER SOKONI: Yeah. Thank 6 you. 7 Q So I'm afraid I wasn't tracking your 8 responses to why -- 9 Well, first of all, let's just back up. 10 Do you know -- you don't know why Weis picked that 11 area, is that fair to say, or the area that Weis 12 didn't pick? I'm a little confused now. 13 <b>A I can't certify why Weis picked this area.</b> 14 <b>I can assume why because they're professionals</b> 15 <b>like me, but I can't certify that. That would</b> 16 <b>have to be a question for Weis.</b> 17 Q Okay. So but you say, We believe this 18 area demonstrates the customer base likely to shop 19 at the Weis store and purchase gas. So what's the 20 basis for that statement? 21 <b>A Well, the beginning point is there's no</b> 22 <b>other grocery stores in this market area or this</b> 23 <b>trade area that's shown here.</b> 24 Q Well, in the trade area as you define it. 25 I mean, there are other grocery stores that are</p>	<p>366</p> <p>1 <b>nature is to go to the closest space you can get</b> 2 <b>to get these things.</b> 3 Q So you're suggesting then that -- are you 4 suggesting that people north of Clarksburg are 5 going to go south to Clarksburg to get gasoline? 6 <b>A It's quite possible. There is only one</b> 7 <b>station in Hyattstown north of Clarksburg.</b> 8 Q How many stations are in Urbana? 9 <b>A I don't know.</b> 10 Q Now, you heard the testimony this morning 11 of Mr. Samba that talked about the direction of 12 commuter traffic and the volume of commuter 13 traffic and the majority of which is -- from 14 Clarksburg is heading south. Do you agree with 15 that statement? 16 <b>A I would generally agree with that</b> 17 <b>statement, but I have not studied it.</b> 18 Q Well, why didn't you consider it in terms 19 of your gasoline analysis? Wouldn't it be 20 important to consider the traffic pattern, the 21 commuting pattern? 22 <b>A I pointed out in my analysis how many</b> 23 <b>people are commuting. I described that they</b> 24 <b>commute to mostly points south, more than north.</b> 25 <b>I believe that I also pointed out that most of</b></p>
<p>365</p> <p>1 within a couple of miles' proximity of Clarksburg 2 Town Center. 3 <b>A That's a different trade area, and those</b> 4 <b>grocery stores are serving a different trade area.</b> 5 <b>Their trade area today includes Clarksburg, but it</b> 6 <b>also covers stuff at points south. There's a</b> 7 <b>group of grocery stores south of this right up at</b> 8 <b>Route 355 and Ridge Road, and those grocery stores</b> 9 <b>are serving a large residential market in that</b> 10 <b>area down there and over towards Germantown. So</b> 11 <b>their primary trade area is different than this</b> 12 <b>primary trade area.</b> 13 Q As you defined it? 14 <b>A Yes.</b> 15 Q All right. So but people aren't stopped 16 at the boundary of the trade area to get services? 17 <b>A Absolutely not. You're correct.</b> 18 Q Now, you state next that Weis correctly 19 assumes that most grocery customers from the rural 20 northern parts of Montgomery County will travel to 21 either Clarksburg or Damascus for groceries and 22 purchase gas while there. What's the basis for 23 that statement? 24 <b>A It reduces their trips. They don't have</b> 25 <b>to drive in the congestion of Germantown. Human</b></p>	<p>367</p> <p>1 <b>them are not carpooling, and they're driving alone</b> 2 <b>in their cars for a great distance or time. I'm</b> 3 <b>not certain about distance. It's time. And,</b> 4 <b>therefore, I have established all that I need to</b> 5 <b>know about the commuter in that particular</b> 6 <b>neighborhood or trade area. I don't have to know</b> 7 <b>how many people drove on which roads in which</b> 8 <b>direction. That's not critical to this study.</b> 9 Q Well, in determining whether or not gas, 10 you know, falls within the need definition of the 11 Montgomery County Code, or an additional filling 12 station is, wouldn't it be appropriate to consider 13 the fact that these commuters are heading south, 14 and, because it's on their way to work, that they 15 would also consider buying gasoline at those 16 stations? 17 <b>A Yes and no. Yes, they're doing that</b> 18 <b>today. They don't have a choice. We're providing</b> 19 <b>the alternative so that they don't have to do that</b> 20 <b>now, so they don't have to pull off the road on</b> 21 <b>their way to work to get gas. They can get it</b> 22 <b>before they leave, or they can get it when they</b> 23 <b>come home the night before.</b> 24 Q But you've excluded the commuter market? 25 <b>A I have not excluded the commuter market.</b></p>

Transcript of Hearing  
Conducted on March 6, 2025

22 (368 to 371)

<p>368</p> <p>1 <b>I excluded the Route 270 commuter market. Let's</b> 2 <b>say the bypass traffic. I did not exclude anybody</b> 3 <b>in the local neighborhood. They're all included.</b> 4 Q So your entire determination of need is 5 hinged upon your specific definition of the trade 6 area; is that fair to say? 7 MR. HARRIS: Objection. He talked about 8 the need in the neighborhood, which is the 9 standard in the code. He said that he analyzed 10 the trade area as well. 11 MS. POWELL: This neighborhood is used -- 12 is an elastic concept. And the neighborhood for 13 gasoline purchases is different than the 14 neighborhood in the context of, you know, this 15 particular application, because he's been tasked 16 to testify to the determination of need for an 17 additional filling station to serve this 18 particular market, to serve this area. So the 19 gasoline market is not the same as the quote, 20 unquote, Clarksburg neighborhood, and that's why 21 he's talking about his trade area, which is 22 different than the Clarksburg neighborhood. And 23 what I'm suggesting is, is that his determination 24 of neighborhood in order to come up with his 25 analysis is based on the trade area as he has</p>	<p>370</p> <p>1 THE WITNESS: No, no, no. That yellow 2 boundary is what the County called the 3 neighborhood. 4 HEARING EXAMINER SOKONI: Sorry, the 5 neighborhood. 6 THE WITNESS: Yes, and I think it was too 7 small. It was too precise the way they did it, 8 because there is an entire community of new homes 9 just next -- just around that, which is the rest 10 of Clarksburg Town Center. So Clarksburg Town 11 Center, the community is a neighborhood that was, 12 you know, a planned community that has integrated 13 services and so forth, and homeowner's 14 associations, whatever that makes it the 15 neighborhood. 16 The rural areas, you know, north of Little 17 Bennett Regional Park have nothing to do with 18 Clarksburg Town Center. They're not part of their 19 neighborhood. So that's what I mean by a 20 neighborhood is a far more precise and defined 21 space. 22 BY MS. POWELL: 23 Q But when you look at the number of 24 gasoline stations that are available to serve the 25 neighborhood, as you justified it, that also</p>
<p>369</p> <p>1 defined it under his supply and demand heading in 2 his own report. 3 HEARING EXAMINER SOKONI: Are you able to 4 just clarify for us again your distinction between 5 the neighborhood and the trade area? 6 THE WITNESS: Yes. So the trade area is 7 loosely defined as the area that we would expect 8 customers to come from within to this use. 9 A neighborhood is a far more precise 10 description of a community. It is not -- I didn't 11 write the County Code or this case law, but what I 12 can say is that a neighborhood is not a trade 13 area. Trade areas do differ for different types 14 of uses, and in some cases I call it a primary 15 market area. But a neighborhood is -- the word is 16 slipping me right now, but a neighborhood is a far 17 more refined community, much like a subdivision 18 would be for a, you know, particular -- that's the 19 best example, or a planned community or something 20 like that. 21 HEARING EXAMINER SOKONI: So when we were 22 earlier looking at that Staff Report where they 23 had the yellow boundary, that would be -- the 24 yellow boundary represented what you're calling a 25 trade area?</p>	<p>371</p> <p>1 includes gasoline stations that are located to the 2 south that are on the way to work on 355 or 3 adjacent to 270, correct? 4 <b>A The gas stations that are out here are</b> 5 <b>servicing the people in this trade area today.</b> 6 Q And, in fact -- and you say that in the 7 report the demand is being met with supply from 8 outside the immediate trade area, as gas stations 9 located in other markets and near commuters' 10 places of work? 11 <b>A That's correct.</b> 12 Q Okay. Isn't it true that the most 13 motivating factor for a gasoline purchaser is 14 price, as opposed to how shiny and pretty the 15 station is? 16 <b>A Actually, the trend is shifting, that</b> 17 <b>people will definitely -- price is very important,</b> 18 <b>but the trend is shifting now to favorite products</b> 19 <b>and brands and foods, and I didn't cite all of</b> 20 <b>that in this report. I'm telling you what</b> 21 <b>professionally I deal with in research.</b> 22 <b>But the overwhelming factor that I did</b> 23 <b>describe in the report that is still important is</b> 24 <b>that, yes, the consumer does not want to go to a</b> 25 <b>station that doesn't feel welcoming when they pull</b></p>

<p>372</p> <p>1 in, and that has been proven over and over again</p> <p>2 in surveys year after year, market surveys by the</p> <p>3 industry experts.</p> <p>4 Q Have you looked at the actual sales data,</p> <p>5 the volume, volume of sales for those gasoline</p> <p>6 stations?</p> <p>7 A I have discussed volume of sales data with</p> <p>8 some of those companies, and their numbers are</p> <p>9 significantly higher than the averages. And in</p> <p>10 the NACS reports they identify that -- I have it</p> <p>11 in my report. Let me look real quickly. They</p> <p>12 identified the difference in production. I</p> <p>13 discussed -- on page 22 of the same report, I</p> <p>14 discussed the different types of convenience</p> <p>15 stores.</p> <p>16 Q Hm-hm.</p> <p>17 A So the expectations for certain</p> <p>18 facilities, as I mentioned earlier here, was they</p> <p>19 want a canopy over there so they don't get wet.</p> <p>20 They want clean bathrooms. Good food is becoming</p> <p>21 a bigger thing. Every year the percentage has</p> <p>22 gone up. Well over 50 percent of customers that</p> <p>23 pull up to a convenience store are going inside</p> <p>24 for something now. And so the move today with</p> <p>25 convenience stores is to -- their profit margins</p>	<p>374</p> <p>1 Q What were they when you wrote your report?</p> <p>2 A I don't know. I don't have that written</p> <p>3 here.</p> <p>4 Q Did you study it?</p> <p>5 A We look at it, but I don't have it. I</p> <p>6 don't have it here.</p> <p>7 Q Was it part of your report?</p> <p>8 A No. Gas prices are -- never mind.</p> <p>9 Q Go ahead.</p> <p>10 A No, thank you. I'm good. The gas</p> <p>11 prices -- I'll say this. Gas prices are</p> <p>12 subjective to each site. It isn't necessarily</p> <p>13 uniform how gas is priced at every station.</p> <p>14 Q But if price is a component of the person</p> <p>15 who's purchasing gas, it's an important factor; is</p> <p>16 it not?</p> <p>17 A It's important to the consumer, sure.</p> <p>18 Q So it's fair to say that in your</p> <p>19 determination of need that you did not consider</p> <p>20 gasoline stations that are located to points</p> <p>21 south, say, within a five-mile radius of the site</p> <p>22 as being within the trade area, even though they</p> <p>23 are on the commuter pathway?</p> <p>24 A I didn't as a starting point. No true</p> <p>25 market study uses a radius to determine anything.</p>
<p>373</p> <p>1 on their fuel is low so that they can get people</p> <p>2 in a store where they have high profit margins on</p> <p>3 food stuffs. And so they're trying to --</p> <p>4 Q I'm sorry. Go ahead.</p> <p>5 A They are trying to market their foods</p> <p>6 more, and all the marketing that you see right now</p> <p>7 for most of the big performing convenience stores</p> <p>8 is about food, not about their gas.</p> <p>9 Q Well, if you look at the bottom of page 22</p> <p>10 of your report, the same reports that you were</p> <p>11 just discussing say that consumers will drive up</p> <p>12 to 10 minutes out of their way to save pennies on</p> <p>13 gas purchases.</p> <p>14 A That's true.</p> <p>15 Q So price is important?</p> <p>16 A Yeah, I did say that. I did agree it is</p> <p>17 important, but so are -- some other factors are</p> <p>18 gaining importance. The trends are gaining</p> <p>19 importance in another direction. The gas prices</p> <p>20 in this community are all very similar.</p> <p>21 Q What are they?</p> <p>22 A I'm not sure today.</p> <p>23 Q I beg your pardon?</p> <p>24 A I'm not sure today what they are, but they</p> <p>25 change daily.</p>	<p>375</p> <p>1 Q Well, I'm asking you if you considered any</p> <p>2 of the gasoline stations on the commuter pathway,</p> <p>3 which people have to travel, whether they want to</p> <p>4 or not, that are to points south of your trade</p> <p>5 area, which are available to serve the individuals</p> <p>6 in the neighborhood. That's my question.</p> <p>7 A In the effort to find whether the proposed</p> <p>8 gas station is convenient, expedient and useful to</p> <p>9 the neighborhood, I have to see what is working</p> <p>10 for them in their neighborhood. There is nothing</p> <p>11 else. One other small station that does not have</p> <p>12 canopies and you have to go through a residential</p> <p>13 drive to get into a one-way parking lot. The</p> <p>14 ability to drive out of the trade area to get fuel</p> <p>15 is considered as the standard of -- not the</p> <p>16 standard, but as the basis for what's happening</p> <p>17 today that I'm trying to overcome by suggesting</p> <p>18 that this is more convenient, more expedient and</p> <p>19 more useful to the neighborhood than driving out</p> <p>20 of their path off of Route 270 to get to a gas</p> <p>21 station on 355 on their way to work in the</p> <p>22 morning, or on their way home in the evening.</p> <p>23 Q Why is it driving out of their path?</p> <p>24 A Because it's not on Route 270.</p> <p>25 Q Well, it's -- or 355. They're adjacent.</p>



<p>376</p> <p>1 A But it's not -- I mean, it's adjacent. I 2 don't know the distance offhand, but that's added 3 time in your travel, in your commute. So people 4 don't want to do that. I'm talking human nature. 5 You don't want to get off your path once you're on 6 your path, if you can. That's why the stations 7 like the 7-Eleven in Clarksburg is right there on 8 the highway. It's got a sign on the highway that 9 can be seen, and people look at it and say I can 10 get there and get back on the highway without 11 having to go through a lot more hassle. 12 To get over to the Giant Foods at 355 and 13 Ridge Road is a lot more traffic congestion than 14 just staying on Route 270. So the logic is, I 15 found, that putting a gas station right near their 16 home is far more convenient and expedient than 17 having to get out of the highway traffic flow, go 18 down some side streets to get to your gas, and get 19 back to the highway and then get back down to 20 where you're going, whether it's going to work or 21 going to home. So there is a significant 22 improvement in that part of your trip in your day 23 by not having to get off Route 270. 24 Q What's the basis for that statement? What 25 independent data do you have, other than your</p>	<p>378</p> <p>1 but the other stations do in some form. They're 2 all different. 3 Q Sure. Just bear with me just for a 4 minute. I think I'm finished, but I just want to 5 make sure. 6 A Sure. 7 Q Why did you rely on the Traffic Generation 8 Manual from 2017, the 10th edition, instead of the 9 11th? 10 A I was citing a statement from that. I 11 wasn't relying on it for anything. 12 Q You weren't? 13 A I didn't calculate from that -- 14 Q Okay. 15 A -- is what I'm saying. Yes. 16 Q Isn't there a point at which gasoline 17 usage caps out? I mean, you used a straight up 18 formula of 3.3 percent of income and determined 19 that gasoline usage would increase the more -- the 20 higher someone's income would be, right? If 21 somebody makes \$200,000 a year and they spend 3.3 22 percent of their income on gasoline, that amount 23 is obviously less than somebody who makes \$300,000 24 a year, right? 25 A I understand.</p>
<p>377</p> <p>1 belief in human nature that people will make a 2 different trip within a neighborhood, as opposed 3 to passing by a gas station on their way to work? 4 What's the basis for that? 5 A I've been doing this for decades, and I 6 can't tie that to a particular study off the top 7 of my head. I've read so many articles and so 8 many trade surveys and things like that that get 9 into this. I can't nail that one down, but I can 10 tell you that from years of experience in doing -- 11 Q That's -- you're not answering my 12 question. You don't know. You can not -- 13 MR. HARRIS: He didn't say he didn't know. 14 A I didn't say I didn't know. I said I 15 can't identify the source. 16 Q Okay. Do you know what the price of 17 gasoline is that the Weis store intends to offer? 18 A No, and that would be a daily change. 19 That wouldn't be something they could declare 20 anyway. 21 Q And I do believe you said that there were 22 other discount stations available even within your 23 trade area, correct? 24 A Yes. I believe all the stations have a 25 discount. I'm not sure about the Patel station,</p>	<p>379</p> <p>1 Q And there's a certain point at which, 2 perhaps, people will stop increasing by 3.3 3 percent. I mean, I think it's fair to say that 4 Bill Gates doesn't spend 3.3 percent of his income 5 on gas. 6 A I understand what you're saying. What I'm 7 trying to measure here is on more or less a gross 8 number. The data that I'm using is from the 9 Consumer Expenditure Survey by the Department of 10 Labor and Census, which is averaged. So the 11 computation is just to illustrate the trend. It's 12 not an absolute number. 13 So in this -- in the theory that you're 14 putting forth here, how many Bill Gateses would 15 live in this particular community, for example? 16 Q That's not my question, sir. 17 A I know that's not your question. What I'm 18 suggesting is that the average works because the 19 anomalies get dropped off. 20 Q What's the standard deviation? Do you 21 know? 22 A I do not know. 23 MS. POWELL: I have no further questions. 24 MR. HARRIS: Just a couple. 25 REDIRECT EXAMINATION BY COUNSEL FOR THE APPLICANT</p>

Transcript of Hearing  
Conducted on March 6, 2025

25 (380 to 383)

<p>380</p> <p>1 BY MR. HARRIS:</p> <p>2 Q You were asked extensively about gas</p> <p>3 stations farther south in Germantown or maybe even</p> <p>4 farther south than that. If there were no gas</p> <p>5 stations anywhere in Clarksburg, would people</p> <p>6 still find a place to buy gas?</p> <p>7 A Yes, absolutely. They have to.</p> <p>8 Q Would that make -- to what extent would</p> <p>9 having to go all the way to Germantown be</p> <p>10 expedient, reasonably convenient or useful to the</p> <p>11 public in Clarksburg? Would it be?</p> <p>12 A No. It would -- in the alternative of</p> <p>13 this site, there's no comparison. However, if</p> <p>14 that's all they have to work with, that's as</p> <p>15 reasonably convenient as they can make it. It's</p> <p>16 not expedient. So this site, on that theory</p> <p>17 alone, is far more reasonably convenient,</p> <p>18 expedient and useful than commuting anywhere to</p> <p>19 get the same services.</p> <p>20 Q And does the presence of a gas station</p> <p>21 somewhere that could have the capacity mean that</p> <p>22 the County can not approve any gas station</p> <p>23 anywhere else because the customer for the</p> <p>24 prospective gas station could go to the existing</p> <p>25 gas station?</p>	<p>382</p> <p>1 Staff did what the Planning Staff did.</p> <p>2 HEARING EXAMINER SOKONI: And I will</p> <p>3 overrule, because we do that all the time. The</p> <p>4 Planning Staff have provided their analysis. We</p> <p>5 want to know if the experts agree or disagree. I</p> <p>6 think it's relevant.</p> <p>7 A Yes, I agree with what is stated here.</p> <p>8 Q And do you have an opinion as to whether</p> <p>9 these gas pumps are important to the operation of</p> <p>10 the proposed Weis supermarket?</p> <p>11 MS. POWELL: I'm going to object to that.</p> <p>12 The issue is the gasoline filling station. It's</p> <p>13 not the Weis Supermarket.</p> <p>14 MR. HARRIS: They're interconnected, as --</p> <p>15 MS. POWELL: No, they're not.</p> <p>16 MR. HARRIS: -- he has testified</p> <p>17 extensively.</p> <p>18 MS. POWELL: That doesn't make them so.</p> <p>19 For the purposes of this hearing, the issue is</p> <p>20 whether or not the filling station should have a</p> <p>21 conditional use approval.</p> <p>22 MR. HARRIS: The issue is whether it's</p> <p>23 expedient, reasonably convenient and useful to the</p> <p>24 public.</p> <p>25 Q Is it useful to the public then for the</p>
<p>381</p> <p>1 A No. There's no relationship to that at</p> <p>2 all. The capacity of gas stations is not taken</p> <p>3 into consideration in zoning.</p> <p>4 MR. HARRIS: Turn to Exhibit 36, please.</p> <p>5 Q I think you referenced that. That's the</p> <p>6 Staff Report on this.</p> <p>7 MR. HARRIS: And page 20 in particular.</p> <p>8 Right there. Thank you.</p> <p>9 Q Would you read for the record below the</p> <p>10 letter D where it says the Applicant?</p> <p>11 A The Applicant has provided a needs</p> <p>12 analysis with this application, attachment B. The</p> <p>13 study shows the filling station use is needed for</p> <p>14 the Clarksburg Town Center area. The needs</p> <p>15 analysis indicates that there's a demand of 13.2</p> <p>16 million gallons of gasoline in the Clarksburg Weis</p> <p>17 Market area, and shows there is unmet demand of</p> <p>18 approximately seven million gallons of gas for</p> <p>19 this area.</p> <p>20 Q Does that share that this Park and</p> <p>21 Planning professional Staff agrees with your</p> <p>22 analysis?</p> <p>23 MS. POWELL: I'm going to object to that.</p> <p>24 There's absolutely no way he can know what the --</p> <p>25 I mean, the parking -- excuse me. The Planning</p>	<p>383</p> <p>1 Weis Market to have gas pumps?</p> <p>2 A Okay. Yes, I believe it is useful to the</p> <p>3 public for the Weis Market to have gas pumps for</p> <p>4 the entire Clarksburg Town Center commercial</p> <p>5 development, actually.</p> <p>6 MR. HARRIS: No further questions. I'm</p> <p>7 sorry.</p> <p>8 HEARING EXAMINER SOKONI: Could I ask why</p> <p>9 you believe that?</p> <p>10 THE WITNESS: It's a -- the principle of a</p> <p>11 shopping center is that you have an anchor and you</p> <p>12 have sub-anchor type uses, and the anchor in this</p> <p>13 shopping center, the Clarksburg Town Center, is</p> <p>14 the Weis store. The other uses are dependent on</p> <p>15 the Weis store being there. For the consumer, the</p> <p>16 existence of shopping centers is specifically to</p> <p>17 help consumers do one-stop shopping, to reduce</p> <p>18 their travel and to reduce their stops when</p> <p>19 they're out doing -- getting services and goods.</p> <p>20 So this is just another component of what could be</p> <p>21 a complete retail and service experience in one</p> <p>22 location. That's where I come from with that.</p> <p>23 MS. POWELL: I just have one followup</p> <p>24 question.</p> <p>25 RECROSS-EXAMINATION BY COUNSEL FOR THE OPPOSITION</p>

Transcript of Hearing  
Conducted on March 6, 2025

26 (384 to 387)

<p>384</p> <p>1 BY MS. POWELL:</p> <p>2 Q I believe that the question was posed to</p> <p>3 you about whether the Planning Staff analysis</p> <p>4 comported with yours. And, in fact, the Planning</p> <p>5 Staff in the Staff Report simply adopted your</p> <p>6 report without doing any independent analysis.</p> <p>7 MR. HARRIS: We don't know what analysis</p> <p>8 they did. Objection.</p> <p>9 MS. POWELL: That was my objection before</p> <p>10 and so --</p> <p>11 Q And it says here, if we go back to the</p> <p>12 page that you were talking about, the Applicant</p> <p>13 has provided a needs analysis. The study shows</p> <p>14 that a filling station use is needed. The needs</p> <p>15 analysis indicates that. This is all based simply</p> <p>16 on the needs analysis; isn't that correct? That's</p> <p>17 what --</p> <p>18 MR. HARRIS: If they disagreed with the</p> <p>19 study, they would have said that. This implicitly</p> <p>20 says they agree.</p> <p>21 MS. POWELL: It doesn't demonstrate in any</p> <p>22 way that they actually undertook any analysis</p> <p>23 whatsoever on their own.</p> <p>24 MR. HARRIS: Or maybe that they even read</p> <p>25 it.</p>	<p>386</p> <p>1 they in the same neighborhood in the same --</p> <p>2 MR. HARRIS: Back to 54, page 49 maybe.</p> <p>3 THE WITNESS: Yeah, that would be it.</p> <p>4 <b>A Yeah. Yeah. If I could point to it -- I</b></p> <p>5 <b>don't know if anybody can see that up there, but</b></p> <p>6 <b>the Patel station is right here.</b></p> <p>7 Q You're pointing to the bottom left of the</p> <p>8 screen?</p> <p>9 <b>A Yes, yes. So this is Route 355, and they</b></p> <p>10 <b>own these two buildings there and the gas pumps</b></p> <p>11 <b>are behind the building.</b></p> <p>12 Q Are they considered competitors of this to</p> <p>13 the extent that you can say?</p> <p>14 <b>A They had a different use. So they have</b></p> <p>15 <b>a -- they have -- I'm sure they'll describe it for</b></p> <p>16 <b>you better, but they have a deli, which was more</b></p> <p>17 <b>or less a convenience store, small type of -- not</b></p> <p>18 <b>like a 7-Eleven, but something different than</b></p> <p>19 <b>that, and a liquor store next to that. And they</b></p> <p>20 <b>have -- in their back parking lot behind this,</b></p> <p>21 <b>they have two gas pumps for four positions to</b></p> <p>22 <b>fill.</b></p> <p>23 Q I'm curious. You had some numbers. You</p> <p>24 know, you had, you know, the projections, I think,</p> <p>25 an 80 something percent increase in population</p>
<p>385</p> <p>1 MS. POWELL: That's possible.</p> <p>2 MR. HARRIS: Yeah.</p> <p>3 MS. POWELL: -- didn't read it.</p> <p>4 MR. HARRIS: Come on.</p> <p>5 MS. POWELL: The question was whether or</p> <p>6 not the Staff analysis comported with his.</p> <p>7 MR. HARRIS: And he answered that it does.</p> <p>8 MS. POWELL: There's no indication of any</p> <p>9 Staff analysis is my point.</p> <p>10 HEARING EXAMINER SOKONI: Your opinion is</p> <p>11 noted.</p> <p>12 MS. POWELL: Thank you, ma'am.</p> <p>13 HEARING EXAMINER SOKONI: Do you have --</p> <p>14 that was redirect after cross. Are we done?</p> <p>15 I just have some --</p> <p>16 THE WITNESS: Sure.</p> <p>17 EXAMINATION BY HEARING EXAMINER SOKONI</p> <p>18 Q To the extent that you can answer these</p> <p>19 questions. Relative to this project, are you</p> <p>20 familiar with where -- the Patel parties have a</p> <p>21 gas station as well. Are you familiar with where</p> <p>22 that is located relative to this project?</p> <p>23 <b>A Yes, ma'am.</b></p> <p>24 Q Could you point that out to me, or just</p> <p>25 give some general description? Are they -- are</p>	<p>387</p> <p>1 over a certain period of time, and you were</p> <p>2 drawing conclusions about, you know, demand for</p> <p>3 gas. Is any of this analysis impacted in any way</p> <p>4 by the electric car market, or is that outside of</p> <p>5 the purview of anything you've looked at?</p> <p>6 <b>A I did not study the electric car market.</b></p> <p>7 <b>What I can tell you is I have studied the -- it's</b></p> <p>8 <b>not in the report. I have studied the volume of</b></p> <p>9 <b>vehicles registered based on what type of fuel</b></p> <p>10 <b>they use, whether it's gas, diesel, electric,</b></p> <p>11 <b>hybrid, and gasoline is significantly larger than</b></p> <p>12 <b>all the others for this. So the electric market</b></p> <p>13 <b>is still very, very small. It wouldn't -- it</b></p> <p>14 <b>wouldn't change the demand number. It will impact</b></p> <p>15 <b>it eventually, but today it's not bringing it down</b></p> <p>16 <b>in any significant way that -- in other words, the</b></p> <p>17 <b>indicator that fuel that we would test for all of</b></p> <p>18 <b>this, for gas stations would be gasoline and not</b></p> <p>19 <b>the others.</b></p> <p>20 Q And last question from me is are you</p> <p>21 familiar with -- so the section that you've been</p> <p>22 reviewing for us in the Zoning Code is Section</p> <p>23 7.3.1.(e)(5), which is the standard. It reads --</p> <p>24 and I'm reading straight out of the Zoning Code</p> <p>25 Section 7.3.1(e)(5).</p>

Transcript of Hearing  
Conducted on March 6, 2025

27 (388 to 391)

<p>388</p> <p>1     <b>A (E)(5), correct.</b></p> <p>2     Q   The following conditional uses may only be</p> <p>3 approved when the Hearing Examiner finds from a</p> <p>4 preponderance of the evidence of record that the</p> <p>5 need exists for the proposed use to serve the</p> <p>6 population in the general neighborhood,</p> <p>7 considering the present availability of identical</p> <p>8 or similar uses to that neighborhood. And so, you</p> <p>9 know, gas stations is one of the things that that</p> <p>10 standard applies to.</p> <p>11       There's a second -- and this may very well</p> <p>12 be outside of your analysis, but I just would like</p> <p>13 to ask. Contrasted with the separate standard in</p> <p>14 Subsection six, which applies to funeral homes and</p> <p>15 hotels and motels, are you familiar with the</p> <p>16 difference between the two standards?</p> <p>17   <b>A I am familiar with the difference. Yes.</b></p> <p>18   Q   So, in layperson's terms, are you able</p> <p>19 to -- and this was briefed in Mr. Harris' memo of</p> <p>20 law. What's the difference between the standard</p> <p>21 for gas stations and the other standard?</p> <p>22       THE WITNESS: Okay. So first, to clarify,</p> <p>23 as we all know, number six does not apply to gas</p> <p>24 stations.</p> <p>25   Q   Correct.</p>	<p>390</p> <p>1     Q   -- from a Zoning Code standpoint?</p> <p>2     <b>A That's correct.</b></p> <p>3       HEARING EXAMINER SOKONI: Okay. Thank you</p> <p>4 so much.</p> <p>5       MR. HARRIS: I think that is the extent of</p> <p>6 our witnesses today, ma'am. We do want to keep</p> <p>7 this moving so that we can meet Ms. Presley's</p> <p>8 schedule this afternoon, so we're ready for the</p> <p>9 opposition, I think.</p> <p>10       HEARING EXAMINER SOKONI: Do you have an</p> <p>11 estimate of how much time you need?</p> <p>12       MS. POWELL: I don't anticipate that it'll</p> <p>13 be terribly long, but I do have a question about</p> <p>14 the process. So are the people that are going</p> <p>15 to -- the individual public comment or individual</p> <p>16 public testimony for versus anti, does that come</p> <p>17 after Mr. Harris', or how does this work?</p> <p>18       HEARING EXAMINER SOKONI: So with</p> <p>19 Mr. Harris having closed on his case in chief,</p> <p>20 we're now turning to what we call the opposition</p> <p>21 case. And with Ms. Presley not being here --</p> <p>22       MS. POWELL: Sure --</p> <p>23       HEARING EXAMINER SOKONI: -- certainly you</p> <p>24 can go first. I had suggested having her, you</p> <p>25 know, at one, but I think we've agreed to 2:00.</p>
<p>389</p> <p>1     <b>A And number six is talking about a result</b></p> <p>2 <b>of multiplicity or saturation of similar uses in</b></p> <p>3 <b>the neighborhood. So here before this Board I</b></p> <p>4 <b>have discussed this in regards to drive-throughs,</b></p> <p>5 <b>for example. It's an issue in Montgomery County.</b></p> <p>6 <b>So there we're looking at whether there's too many</b></p> <p>7 <b>drive-throughs, and it's a different issue</b></p> <p>8 <b>altogether, because -- those types of uses they're</b></p> <p>9 <b>listing here, a couple of these, drive-throughs is</b></p> <p>10 <b>one of them, funeral homes another is that you</b></p> <p>11 <b>could have a traffic problem, that there's too</b></p> <p>12 <b>many of them in a certain vicinity and they --</b></p> <p>13 <b>they're popular. So Dunkin Donuts, for example,</b></p> <p>14 <b>or Chick-fil-A, those kinds of things become</b></p> <p>15 <b>controversial over those issues. In a</b></p> <p>16 <b>multiplicity and saturation consideration is that</b></p> <p>17 <b>there's lots and lots of opportunities for you to</b></p> <p>18 <b>get that cup of coffee without getting out of your</b></p> <p>19 <b>car; therefore, do we really need another one?</b></p> <p>20    Q   And that's not the standard for gas</p> <p>21 stations?</p> <p>22    <b>A And that's not the standard for gas</b></p> <p>23 <b>stations. No.</b></p> <p>24    Q   Having too many of them is not an issue --</p> <p>25    <b>A Correct.</b></p>	<p>391</p> <p>1       MS. POWELL: I think she asked for two.</p> <p>2       HEARING EXAMINER SOKONI: No, no. She did</p> <p>3 ask for 2:00, and I told her that was perfectly</p> <p>4 fine. So although I had earlier intended to take</p> <p>5 a break for lunch between noon and one, I'm happy</p> <p>6 to get -- you know, we can proceed.</p> <p>7       MS. POWELL: If I could have a bathroom</p> <p>8 break.</p> <p>9       HEARING EXAMINER SOKONI: Let's stick with</p> <p>10 the plan for noon -- why don't we break for lunch</p> <p>11 now for an hour, come back and then you'll start</p> <p>12 your case. And maybe that gives everyone and</p> <p>13 opportunity to regroup and --</p> <p>14       MS. POWELL: Yeah. I just needed the</p> <p>15 bathroom break.</p> <p>16       MR. HARRIS: Will that be sufficient to</p> <p>17 accommodate Amy at 2:00 then do you believe?</p> <p>18       MS. POWELL: Well, I hope so.</p> <p>19       MR. HARRIS: Okay. Fine.</p> <p>20       MS. POWELL: It's dependent on you.</p> <p>21       MR. HARRIS: I want to respect her time.</p> <p>22       MS. POWELL: Well, I mean, we can -- I</p> <p>23 mean, obviously we would stop if she needed --</p> <p>24       HEARING EXAMINER SOKONI: Correct. Good</p> <p>25 point. Correct, yes. No. Thank you, Mr. Harris,</p>

Transcript of Hearing  
Conducted on March 6, 2025

28 (392 to 395)

<p>392</p> <p>1 for being so accommodating on her request. 2 MR. HARRIS: It's an unfortunate 3 situation. None of us would want to be there. 4 HEARING EXAMINER SOKONI: It is. So we 5 can break now for an hour, reconvene at 12:50. 6 Then we'll start with the opposition case, and 7 then we'll break for her at two. 8 MS. POWELL: Got it. 9 (A luncheon recess was taken.) 10 HEARING EXAMINER SOKONI: We're convening 11 for part two of today's hearing. So before we 12 turn it over to Ms. Powell for the opposition 13 case, Mr. Harris, I did want -- I know people have 14 the option to do closing statements, so you 15 certainly mentioned that. So I don't know if you 16 were planning to or not, but you do have that 17 option. 18 Before we conclude, I did want to get the 19 Applicant's -- I did want to ask about the 20 Applicant's views on the conditions proposed by 21 the Planning Staff. So that's not something you 22 need -- 23 MR. HARRIS: Right now or -- 24 HEARING EXAMINER SOKONI: You don't have 25 to address it right this minute. I'm just</p>	<p>394</p> <p>1 Q One thing you have to do -- you're very 2 soft. You need to keep your voice up. 3 Mr. Patel, could you state your full name, 4 and your current position and where you work? 5 <b>A Name is Ishan Patel. I'm a general 6 manager at the Clarksburg Market property.</b> 7 Q And what's your educational background? 8 <b>A I have an MBA.</b> 9 Q From where? 10 <b>A Mount St. Mary's.</b> 11 Q Can you tell me where the Clarksburg Deli, 12 convenience store and gasoline station are 13 located? 14 <b>A Yeah, we're right in downtown Clarksburg, 15 the historic downtown right off of 355. Our 16 entrance is through the Clarksburg Square Road.</b> 17 Q And how long have you worked at the 18 Clarksburg facility? 19 <b>A Since -- almost 19 years.</b> 20 Q And was the entrance always off the road 21 going into the neighborhood? 22 <b>A No. Before the County wanted to put 23 Clarksburg Square Road, we had three entrances to 24 355 directly.</b> 25 Q Okay. And why did you change the location</p>
<p>393</p> <p>1 throwing it out there as a heads up. I do want us 2 to address -- even though Planning Staff are 3 recommending approval, and I believe the Planning 4 Board also recommended approval, but there are 5 conditions attached and I would like to hear 6 Applicant's reactions to those. 7 MR. HARRIS: Sure. 8 HEARING EXAMINER SOKONI: Let's turn 9 things over to the opposition. And it's the same 10 drill; you can call your witnesses; I'll 11 administer the oath; and then the other side can 12 cross-examine; and you have the option for 13 redirect. 14 MS. POWELL: Certainly. Thank you. I'd 15 like to introduce Mr. Ishan Patel, if you'd like 16 to swear him. 17 HEARING EXAMINER SOKONI: Yes. Okay. 18 Mr. Patel, if you could kindly raise your right 19 hand. 20 (The witness was sworn.) 21 ISHAN PATEL, 22 having been first duly sworn or affirmed, was 23 examined and testified as follows: 24 DIRECT EXAMINATION BY COUNSEL FOR THE OPPOSITION 25 BY MS. POWELL:</p>	<p>395</p> <p>1 of the entrance? 2 <b>A I believe it's because they wanted the 3 path to the development, so we had to relocate one 4 of the buildings. The gas pumps went to the back, 5 and then the entrance shifted to the side.</b> 6 Q So you did that -- 7 HEARING EXAMINER SOKONI: I'm sorry. Is 8 there any image or map in the existing records 9 that -- 10 MS. POWELL: Actually, I believe if we 11 look back at -- I think it was 59. It's the one 12 that -- 13 MR. HARRIS: 59 is the overall site -- 14 MS. POWELL: Yeah. 15 MR. HARRIS: -- for Clarksburg Town 16 Center. 17 MS. POWELL: I believe that Mr. Steere -- 18 MR. HARRIS: Kevin Foster produced, yes. 19 MS. POWELL: -- referred to it also. 63A 20 should also show it. 21 HEARING EXAMINER SOKONI: So I apologize 22 for interrupting the flow of your -- 23 MS. POWELL: Sure. 24 HEARING EXAMINER SOKONI: I just want to 25 make sure that I'm following. And when you</p>

Transcript of Hearing  
Conducted on March 6, 2025

29 (396 to 399)

<p>396</p> <p>1 mentioned changing the entrance, I just want to 2 get my bearings. Changing from where to where? 3 THE WITNESS: So the entrance was directly 4 from 355 onto the property. Now that the 5 Clarksburg Square Road is there, the entrance is 6 on the -- it's shifted from direct from the 355 to 7 entering through the Clarksburg Square Road. 8 BY MS. POWELL: 9 Q And that was done as part of the 10 Clarksburg development plan? 11 A Yes. 12 Q And you agreed to move that? 13 A Yes. 14 Q Now, has the gasoline service station ever 15 run out of gas? 16 A Not recently. We did one time in 2021, I 17 believe, when there was a shortage of some 18 pipeline issue. Most of the region was out during 19 that time. 20 Q So it was the entire east coast? 21 A Yeah. 22 Q Is that right? 23 A Yeah. 24 Q And is that the only occasion on which 25 you've run out of gas?</p>	<p>398</p> <p>1 BY MS. POWELL: 2 Q So looking at -- and this is -- 49B is 3 also up on the screen. You can see that. Can you 4 describe, please, for the Hearing Examiner what 5 that is? 6 A So it's a five-mile radius of the 7 Clarksburg Town Center. I used Google Maps to 8 create this, used a tool to add a radius in. I 9 add a text box to show where the gas stations are 10 with the MDE facility ID and their tank storage 11 gallon count. 12 Q Okay. And then if you turn to the second 13 page of Exhibit B, which is a little bit sideways 14 and upside down -- there we go. We have -- can 15 you describe what that is? Well, first of all, 16 did you create this? 17 A Yes. So it's the same cadence as before. 18 It's just this is just a three-mile radius. 19 Q Okay. And then the same thing going down 20 to the third page of 49B? 21 A Yeah. This is the 1.5-mile radius. 22 Q And why did you use this radius? 23 A Well, it shows where 270 is and 355 is, 24 which are like the commuter patterns. 25 Q And you heard the testimony previously of</p>
<p>397</p> <p>1 A Yes. 2 Q Have ever had any queuing into the street 3 for gasoline? 4 A No. 5 Q What are the peak times that you 6 provide -- in your experience that you've noticed 7 that people come for gasoline? 8 A It's usually commuters going back home, so 9 from like four p.m. to six p.m. they're usually 10 coming north from 355. 11 Q Now, if you look at -- 12 MS. POWELL: If you could pull up 49B, 13 49B, please. 14 Q And we'll go through each page. 15 A Okay. 16 HEARING EXAMINER SOKONI: Before we even 17 proceed further, can we just get a sound check 18 from the people on Zoom? Can someone on Zoom 19 confirm that they can hear us, please? 20 UNIDENTIFIED SPEAKER: I can hear. 21 HEARING EXAMINER SOKONI: Could someone on 22 the Zoom -- 23 MR. HARRIS: He said yes. 24 HEARING EXAMINER SOKONI: Okay. Thank you 25 very much.</p>	<p>399</p> <p>1 Mr. Steere and of Mr. Samba that the commuters 2 from Clarksburg are typically heading south? 3 A Yes. 4 Q In the morning? 5 A In the morning. North in the evening. 6 Q And north in the evening, okay. Have you 7 ever had any complaints or comments about the 8 features of your gasoline station? 9 A No. We do pretty well with the upkeep, 10 simply because we have other businesses right on 11 the property such as the Italian ice and a 12 restaurant, like a deli and a beer and wine store. 13 Q Are you able to serve more gasoline or 14 filling station customers than you do currently? 15 A Yes. 16 Q Do you have any limitations on the amount 17 of gasoline that you can offer for sale? 18 A No. 19 Q Can you tell Madam Examiner what the 20 current pricing is for, say, for example, a gallon 21 of regular gasoline at the Clarksburg store? 22 A As of last night, I think it was 2.89. 23 Q And if you look at the -- what is it on 24 the nearby other gas stations? What is Shell? 25 A They're typically -- I think it was 3.09,</p>

Transcript of Hearing  
Conducted on March 6, 2025

30 (400 to 403)

<p>400</p> <p>1 if I'm --</p> <p>2 Q For regular?</p> <p>3 A <b>For regular.</b></p> <p>4 Q Okay. And what about for high test? Do</p> <p>5 you know?</p> <p>6 A <b>High test we're typically 50 cents higher</b></p> <p>7 <b>than our regular.</b></p> <p>8 Q Shell is higher than you?</p> <p>9 A <b>Shell high test, yes.</b></p> <p>10 Q No. I'm sorry. I'm getting confused.</p> <p>11 You mean 50 cents higher for your price for high</p> <p>12 test?</p> <p>13 A <b>Yes.</b></p> <p>14 Q Okay. So the high test gasoline that you</p> <p>15 offer is 3.60 --</p> <p>16 A <b>3.59ish.</b></p> <p>17 Q Okay. And then what about for the Shell?</p> <p>18 A <b>They're typically higher as well. It's</b></p> <p>19 <b>kind of like the same ratio.</b></p> <p>20 Q Okay. So if they're regular's 3.09, then</p> <p>21 what's the high test?</p> <p>22 A <b>3.69.</b></p> <p>23 Q Okay. Has anyone ever complained about</p> <p>24 access to the facility, to the gasoline station?</p> <p>25 A <b>No.</b></p>	<p>402</p> <p>1 A <b>Yeah. My family bought it back in 2004.</b></p> <p>2 <b>I started working there in 2005.</b></p> <p>3 Q Okay, fine. I think I saw some data that</p> <p>4 the gas pumps were out of operation for a number</p> <p>5 of years from like 1975 to 2018; is that correct?</p> <p>6 A <b>No, they were -- they were active when we</b></p> <p>7 <b>bought them. There was -- I believe between the</b></p> <p>8 <b>part of the development thing that -- the gas</b></p> <p>9 <b>pumps were much older, so they had issues where</b></p> <p>10 <b>they were not -- sorry, allergies -- operational,</b></p> <p>11 <b>but part of the reshuffle for the road to come</b></p> <p>12 <b>through, all the pumps are new. I think -- I</b></p> <p>13 <b>believe that happened in 2018.</b></p> <p>14 Q Okay. So I'm confused a little bit. Are</p> <p>15 you saying there was or there was not a period of</p> <p>16 time when there was no gas operation there?</p> <p>17 A <b>There was a period of time where there was</b></p> <p>18 <b>no gas operation there.</b></p> <p>19 Q What period of time was that?</p> <p>20 A <b>It was a few years, I believe.</b></p> <p>21 Q A few years?</p> <p>22 A <b>Yes.</b></p> <p>23 Q Okay. So just before 2018, maybe like</p> <p>24 2015 to 2018?</p> <p>25 A <b>Yes, around that time I would say.</b></p>
<p>401</p> <p>1 Q Okay. Did you notice a reduction in</p> <p>2 consumers when you moved from 355 to off of</p> <p>3 Clarksburg Road?</p> <p>4 A <b>Yes. The buildings are historic, so they</b></p> <p>5 <b>have to be 355 facing. So the gas pumps are kind</b></p> <p>6 <b>of covered by the building, the two buildings. So</b></p> <p>7 <b>other than a small sign in the front, we're not</b></p> <p>8 <b>allowed to post anything more because it's a</b></p> <p>9 <b>historic building.</b></p> <p>10 Q And for your customer base, where are</p> <p>11 people coming from in your experience?</p> <p>12 A <b>Mostly from in the neighborhood from the</b></p> <p>13 <b>back, just because they use the Clarksburg Square</b></p> <p>14 <b>Road to come out of their development, their</b></p> <p>15 <b>homes.</b></p> <p>16 Q And when you say the neighborhood, is that</p> <p>17 the neighborhood that we've been talking about?</p> <p>18 A <b>Yes, behind the gas station.</b></p> <p>19 MS. POWELL: No other questions.</p> <p>20 CROSS-EXAMINATION BY COUNSEL FOR THE APPLICANT</p> <p>21 BY MR. HARRIS:</p> <p>22 Q Thank you, Mr. Patel. A few questions for</p> <p>23 you. You say you bought the store in 2005? I</p> <p>24 think you said 19 years, so maybe it's 20 years</p> <p>25 ago?</p>	<p>403</p> <p>1 Q And the stores were able to stay in</p> <p>2 business without selling any gas then?</p> <p>3 A <b>Yeah. We struggled just because the --</b></p> <p>4 <b>part of the construction that was going on for the</b></p> <p>5 <b>moving of the gas tanks and all that --</b></p> <p>6 Q Yeah.</p> <p>7 A <b>-- kind of --</b></p> <p>8 Q That would have interrupted your</p> <p>9 operation?</p> <p>10 A <b>Yes.</b></p> <p>11 Q On that, by the way, just -- I think that</p> <p>12 the County and Newlands, I think, paid all the</p> <p>13 money for building the road and installing the new</p> <p>14 gas pumps and all of that?</p> <p>15 A <b>I can't speak to that. I don't know the</b></p> <p>16 <b>specifics. I do know that part of the -- we did</b></p> <p>17 <b>give up some land for Clarksburg Square Road to</b></p> <p>18 <b>come through, so it was part of the package.</b></p> <p>19 Q Okay. I don't assume you're prepared to</p> <p>20 share your annual income statements with us to</p> <p>21 show what your business operations are and where</p> <p>22 your profits come from?</p> <p>23 A <b>I am not.</b></p> <p>24 Q Okay. You did say, though, that in</p> <p>25 addition to the gas you have a store. There's a</p>

Transcript of Hearing  
Conducted on March 6, 2025

31 (404 to 407)

<p>404</p> <p>1 deli there?</p> <p>2 <b>A Hm-hm.</b></p> <p>3 Q I think you said Italian ice?</p> <p>4 <b>A Yes.</b></p> <p>5 Q I don't know that you mentioned it, but I</p> <p>6 think there's a beer and wine --</p> <p>7 <b>A Yes.</b></p> <p>8 Q -- operation there. What other facilities</p> <p>9 do you have there?</p> <p>10 <b>A That's it.</b></p> <p>11 Q That's it, okay. You don't offer customer</p> <p>12 rewards on gas sales, or discounts for customers?</p> <p>13 Is the price that's on the pump the price that</p> <p>14 everyone pays?</p> <p>15 <b>A Yes.</b></p> <p>16 Q Your customer profile I think you said --</p> <p>17 and this would make sense to me -- are local</p> <p>18 people who get along with you, like your small</p> <p>19 business, like to support you? Is that a</p> <p>20 significant part of your business?</p> <p>21 <b>A Significant, yes.</b></p> <p>22 Q And to what extent -- it sounded as if you</p> <p>23 said that the drive-by business, the gas customers</p> <p>24 on 355 declined substantially when you had to move</p> <p>25 the pumps behind the store. So to what extent are</p>	<p>406</p> <p>1 HEARING EXAMINER SOKONI: Has our court</p> <p>2 reporter got the spelling of the name?</p> <p>3 Okay. If you may kindly, Mr. Patel, raise</p> <p>4 your right hand.</p> <p>5 (The witness was sworn.)</p> <p>6 HEARING EXAMINER SOKONI: Thank you.</p> <p>7 AJAY PATEL,</p> <p>8 having been first duly sworn or affirmed, was</p> <p>9 examined and testified as follows:</p> <p>10 DIRECT EXAMINATION BY COUNSEL FOR THE OPPOSITION</p> <p>11 BY MS. POWELL:</p> <p>12 Q Could you please state your affiliation</p> <p>13 with what I've been referring to as the Patel</p> <p>14 parties?</p> <p>15 <b>A Sure. So my family, with Ishan and my</b></p> <p>16 <b>sister, they own the Clarksburg Market, and I help</b></p> <p>17 <b>them manage it, as well as one of my company owns</b></p> <p>18 <b>the property.</b></p> <p>19 Q So could you please just briefly describe</p> <p>20 your educational background?</p> <p>21 <b>A I have about 20 years of telecommunication</b></p> <p>22 <b>engineering background and private consulting for</b></p> <p>23 <b>the 1,400 companies.</b></p> <p>24 Q Okay. And what do you devote your time to</p> <p>25 now?</p>
<p>405</p> <p>1 your customers drive-by customers?</p> <p>2 <b>A I can't quantify that simply because</b></p> <p>3 <b>it's -- my major interaction with them is when</b></p> <p>4 <b>they come in the store.</b></p> <p>5 MR. HARRIS: Sure. Okay. I don't think I</p> <p>6 have any other questions. Thank you for</p> <p>7 testifying.</p> <p>8 THE WITNESS: Thank you.</p> <p>9 REDIRECT EXAMINATION BY COUNSEL FOR THE OPPOSITION</p> <p>10 BY MS. POWELL:</p> <p>11 Q I just wanted to clarify something. So</p> <p>12 when your family purchased the gasoline station,</p> <p>13 the pumps were operating?</p> <p>14 <b>A Yes.</b></p> <p>15 Q And it wasn't until the road relocation</p> <p>16 work commenced that the pumps ceased operation?</p> <p>17 <b>A Around that time, yes.</b></p> <p>18 Q And that took place over a fairly</p> <p>19 significant period of time?</p> <p>20 <b>A Yes.</b></p> <p>21 MS. POWELL: Approximately three years.</p> <p>22 Okay. No more questions.</p> <p>23 If you would please introduce yourself to</p> <p>24 Madam Examiner, and she will swear you in.</p> <p>25 THE WITNESS: I'm Ajay Patel.</p>	<p>407</p> <p>1 <b>A Mostly I do the strategy of the family</b></p> <p>2 <b>companies, as well as help them guide for the</b></p> <p>3 <b>management.</b></p> <p>4 Q Where do you live?</p> <p>5 <b>A I live in Urbana.</b></p> <p>6 Q Okay.</p> <p>7 <b>A A little bit -- about eight miles from the</b></p> <p>8 <b>Clarksburg.</b></p> <p>9 Q Okay. And Urbana, is there a grocery</p> <p>10 store in the Town Center there?</p> <p>11 <b>A Yeah, it's a Giant Foods.</b></p> <p>12 Q Does it have a gasoline station?</p> <p>13 <b>A Not in the core neighborhood. All the gas</b></p> <p>14 <b>stations are located in the surrounding areas</b></p> <p>15 <b>where the commercial development is. So there is</b></p> <p>16 <b>a Royal Farms. Sheetz is coming up. 7-Eleven is</b></p> <p>17 <b>there. Exxon is there, and a Shell.</b></p> <p>18 Q So they're outside of the Town Center?</p> <p>19 <b>A It's on a periphery of it. It's not</b></p> <p>20 <b>within the Town Center.</b></p> <p>21 Q And the Giant doesn't have a gas station</p> <p>22 affiliated with it?</p> <p>23 <b>A Giant ties up with the Shell gas station,</b></p> <p>24 <b>which is outside on the --</b></p> <p>25 Q So it has a relationship with Shell?</p>



<p>408</p> <p>1 A Yeah.</p> <p>2 Q The gas station -- excuse me. The</p> <p>3 markets, the grocery stores that are proximate</p> <p>4 to -- well, what are the other grocery stores</p> <p>5 proximate to the Clarksburg Town Center?</p> <p>6 A So the nearest one is Harris Teeter, which</p> <p>7 is on the south -- we call it the Clarksburg</p> <p>8 Village.</p> <p>9 Q Hm-hm.</p> <p>10 A Then the Wegmans, which is further down</p> <p>11 the street. Next to that is a Walmart, and this</p> <p>12 side is where the Giant Foods is.</p> <p>13 Q Do any of those grocery stores have</p> <p>14 gasoline stations?</p> <p>15 A None of them have.</p> <p>16 Q Okay. Now I'd like you to go to Exhibit</p> <p>17 49D. OZAH 49D, that's what this is. We're going</p> <p>18 to be referring to two, so B, which was the map</p> <p>19 that was shown previously, and talking about this</p> <p>20 exhibit, 49D. So if you could please describe to</p> <p>21 Madam Examiner what is reflected on the first page</p> <p>22 of 49D?</p> <p>23 A So if you look at the top table, that's</p> <p>24 basically five stations on the earlier map close</p> <p>25 to the vicinity of the Clarksburg area, Clarksburg</p>	<p>410</p> <p>1 radius of Germantown, that's a capacity -- yeah.</p> <p>2 Q No. Let's start with the first part,</p> <p>3 which is the Valbridge --</p> <p>4 A Okay.</p> <p>5 Q -- trade area, because we -- she's going</p> <p>6 to have to go back and look at this record and be</p> <p>7 able to track what you're talking about. So this</p> <p>8 is the first part here.</p> <p>9 A Okay.</p> <p>10 Q So if we look at the Valbridge trade area,</p> <p>11 if we take those five tanks or five tank capacity</p> <p>12 numbers, do you get the total that's reflected</p> <p>13 here?</p> <p>14 A Yeah. 203,000, yes.</p> <p>15 Q Okay. And then we're going to get to the</p> <p>16 attachments in a minute.</p> <p>17 A Okay.</p> <p>18 Q So then you have a total combined</p> <p>19 potential output per year. Could you please</p> <p>20 explain to Madam Examiner how you came up with</p> <p>21 these numbers?</p> <p>22 A So typically on gas stations I review this</p> <p>23 analysis for the expert part of it, but my</p> <p>24 analysis comes from owning multiple stations for</p> <p>25 the last 17 years. So even though he doesn't have</p>
<p>409</p> <p>1 Market, Sunoco, which is on the Clarksburg Road,</p> <p>2 7-Eleven Exxon, which is near the outlets,</p> <p>3 7-Eleven Shell, which is near the Harris Teeter,</p> <p>4 and Carroll Fuel, which is on the Urbana Pike</p> <p>5 further down the street in Hyattstown.</p> <p>6 Q And these are the stations that were</p> <p>7 identified in Mr. Steere's trade area?</p> <p>8 A One of them is, I think, outside. Carroll</p> <p>9 Fuel was not depicted on that one. I think it's</p> <p>10 on the borderline, I think.</p> <p>11 Q It's on the border?</p> <p>12 A Yeah.</p> <p>13 Q And so then, if we look at the total</p> <p>14 capacity column, can you just explain to Madam</p> <p>15 Examiner what that means?</p> <p>16 A So those numbers are built directly from</p> <p>17 the MD website, and MD sites basically keeps track</p> <p>18 of what tanks are operational on the continual</p> <p>19 basis. So these are facilities open for business</p> <p>20 with this capacity.</p> <p>21 Q Okay. And so then, if you go below that,</p> <p>22 you have a total combined tank capacity. Is that</p> <p>23 just you adding up these individual --</p> <p>24 A Yeah. So when you -- yeah. When you</p> <p>25 expand that list of the station to five-mile</p>	<p>411</p> <p>1 an ability to glean from what owners does not want</p> <p>2 to share with him, I have actual data from my</p> <p>3 experience as well as other businesses. So</p> <p>4 typically, if we go back to very high level at the</p> <p>5 Costco level, right -- they get two deliveries per</p> <p>6 day, and they have 12 fueling stations. So Costco</p> <p>7 can handle six million gallons at 12 fueling</p> <p>8 stations. If you want to correlate similar things</p> <p>9 to it, so two Exxon -- one Exxon and a Shell gas</p> <p>10 stations, they have similar size capacity of the</p> <p>11 tank as well as filling stations. So considerably</p> <p>12 those two stations can do 12 million gallons.</p> <p>13 Now, if they decide to do it based on the</p> <p>14 pricing aspect, that is different. But the</p> <p>15 capacities are perspective. They can do 10</p> <p>16 million gallons very conservatively, those five</p> <p>17 stations.</p> <p>18 MR. HARRIS: Excuse me. I want to make</p> <p>19 sure -- I'm having a little trouble. I've got</p> <p>20 hearing issues. I want to make sure I understood.</p> <p>21 THE WITNESS: Should I sit on the other</p> <p>22 side?</p> <p>23 MR. HARRIS: You talked about the Costco,</p> <p>24 and what was the other facility?</p> <p>25 THE WITNESS: Two Exxon and the Shell.</p>

Transcript of Hearing  
Conducted on March 6, 2025

33 (412 to 415)

<p>412</p> <p>1 MR. HARRIS: Okay.</p> <p>2 THE WITNESS: So Costco has a similar</p> <p>3 sizing as a Shell gas station near Harris Teeter</p> <p>4 and the Exxon near the outlet.</p> <p>5 MR. HARRIS: Okay. And together those</p> <p>6 three you're saying could do 10 million gallons?</p> <p>7 Is that what you're saying?</p> <p>8 THE WITNESS: Two of them, they should be</p> <p>9 able to do 10 million.</p> <p>10 MR. HARRIS: Okay.</p> <p>11 BY MS. POWELL:</p> <p>12 Q So could we get back to the first page?</p> <p>13 Because this -- we're looking at the page that</p> <p>14 we're not talking about, and so it's a little bit</p> <p>15 confusing. Okay. So now you --</p> <p>16 HEARING EXAMINER SOKONI: And we're still</p> <p>17 at Exhibit 49D?</p> <p>18 MS. POWELL: Correct.</p> <p>19 HEARING EXAMINER SOKONI: Tank capacity.</p> <p>20 MS. POWELL: Yes. Yes, ma'am.</p> <p>21 Q So but you have a lower number, the 10</p> <p>22 million 150, 10,150,000 gallons here?</p> <p>23 A So calculation is -- this is very</p> <p>24 conservative. Assuming that every station get</p> <p>25 only one-and-a-half tanker load of the gas, okay,</p>	<p>414</p> <p>1 A Yeah.</p> <p>2 Q And is that how you came up with your</p> <p>3 total combined output?</p> <p>4 A Yes.</p> <p>5 Q And what is that total combined output?</p> <p>6 A That is 24 million gallons. 24,850,000</p> <p>7 gallons.</p> <p>8 Q Okay. And then just -- if you would just</p> <p>9 look at -- there are several attachment pages to</p> <p>10 the summary pages. Could you just -- you don't</p> <p>11 have to go through each one, but explain generally</p> <p>12 to Madam Examiner what those are.</p> <p>13 A So this is a facility report you can</p> <p>14 download from the MD website. And summary page</p> <p>15 what you see, that's where we build the data from.</p> <p>16 So what is the each capacities, what kind of tank</p> <p>17 it is, are they operational or not operational.</p> <p>18 These are for each of the stations.</p> <p>19 Q Now, you heard Ishan testify about just</p> <p>20 the general situation of the Clarksburg facility.</p> <p>21 Have you ever heard any complaints about the</p> <p>22 gasoline component of your facility?</p> <p>23 A We haven't heard any.</p> <p>24 Q And the time period of the closure of the</p> <p>25 pumps, could you please explain that?</p>
<p>413</p> <p>1 which is 12,000 gallons, multiply that by the</p> <p>2 stations. That's how I come up with that number,</p> <p>3 10 million gallons.</p> <p>4 Q Okay. And that's within this trade area?</p> <p>5 A Yes.</p> <p>6 Q Okay. So then if we go down to -- staying</p> <p>7 on the same page, go down to the total gas</p> <p>8 stations with the five-mile radius. So it</p> <p>9 includes the five from Mr. Steere's trade area,</p> <p>10 but you've added some others, and this is based on</p> <p>11 the map that Ishan --</p> <p>12 A The five-mile radius, yes.</p> <p>13 Q Right. Okay. So could you then just walk</p> <p>14 us through that? So how many stations have we</p> <p>15 added then by heading south?</p> <p>16 A Eight, eight more.</p> <p>17 Q Eight more stations?</p> <p>18 A So it's the same logic, adding five plus</p> <p>19 eight stations, which is on the commuter traffic</p> <p>20 directions, and total capacity of the gallon</p> <p>21 available is 497,000 gallons.</p> <p>22 Q And then did you apply the same</p> <p>23 conservative --</p> <p>24 A Yes.</p> <p>25 Q -- tank fills?</p>	<p>415</p> <p>1 A Sure. So I believe, I mean, this is --</p> <p>2 I'm still under oath, but I'm going by my memory.</p> <p>3 Okay? And you asked that question also. So 2011</p> <p>4 or 12 when this whole conversation was going on</p> <p>5 with the Newland and the Elm Street about the road</p> <p>6 alignment, during that time we had a very</p> <p>7 challenging things to source the part of the old</p> <p>8 gas stations, and those pumps were dial and gauges</p> <p>9 so they go back in -- like back in the days. And</p> <p>10 not knowing the -- basically direction of what</p> <p>11 County is going to tell us to do in terms of the</p> <p>12 road alignment, investment aspect of it and</p> <p>13 sourcing of those part, station was, I think,</p> <p>14 closed at least for three, four years. And</p> <p>15 between --</p> <p>16 HEARING EXAMINER SOKONI: Sorry. For at</p> <p>17 least how many years?</p> <p>18 THE WITNESS: Three to four years.</p> <p>19 A When the Elm Street came in and they had a</p> <p>20 directive from the County, as well as work with</p> <p>21 us, we diligently worked with the County as well</p> <p>22 as Elm Street. During that time, even though a</p> <p>23 project was executed by County as well as Elm</p> <p>24 Street, it took five years to get the permitting.</p> <p>25 So during that time we could not invest into any</p>

Transcript of Hearing  
Conducted on March 6, 2025

34 (416 to 419)

<p style="text-align: right;">416</p> <p>1 of the things what we need to do. So that was the 2 reason for -- hopefully that answer why it was 3 closed. One is the very old pump and stations, 4 which we can source it. I mean, we source it -- 5 like we spend \$20,000 at that time, and then it 6 basically went (indiscernible). And then we 7 worked with the County to align that part of it. 8 One thing in terms of the economic 9 impact -- you ask about the things who pay for it, 10 and this is the part where us as the citizens do 11 what is necessary for the community, as well as 12 helping the County out. Contract was very clear 13 when we had a contract with DOT to have 15 to 20 14 parking spot all the time. This was County's 15 contract. We hardly had five, and we went back 16 and forth with the DOT Administration, and they 17 will refuse to listen to or enforce the contract. 18 During those times we lost sizable amount of the 19 money during while this gas station was being 20 built. 21 Q Can you describe for Madam Examiner your 22 customer base? 23 A So our customer base is typically a 24 combination, right; I mean, it's a neighborhood, 25 obviously, which is part of our contribution to</p>	<p style="text-align: right;">418</p> <p>1 A Yeah. 2 MS. POWELL: Okay. I have no further 3 questions. 4 CROSS-EXAMINATION BY COUNSEL FOR THE APPLICANT 5 BY MR. HARRIS: 6 Q Back to the years of operation, did I hear 7 you correctly -- or in operation, let's say, when 8 the gas pumps are up, there were three or four 9 years closed because the pumps were deficient, or 10 whatever -- my word. 11 A Two of the -- multiple combination, right? 12 The pumps were old. And if you're familiar with 13 the old dial and gauge -- 14 Q Yes. 15 A -- those pumps, so sourcing of the part, 16 as well as this overhang of what's going to happen 17 with the Clarksburg Master Plan, if alignment's 18 going to happen or not going to happen, and 19 overlay all of these with the whole Clarksburg 20 compliance plan. I'm pretty sure you're familiar 21 with that time when deficiency of the whole 22 development happened, there was county-wide ban 23 for any development, right? So part of that we 24 also suffer through that. No decisions, right? 25 We can't make decisions about capital investment</p>
<p style="text-align: right;">417</p> <p>1 the community. It made it easier for them to get 2 out of the community from Town Center to 355. 3 Second thing, by that road alignment and 4 suffering through that construction, Clarksburg 5 Historic District had a sewer line now. If you go 6 back and examine the sewer connection, there are 7 so many community people affected by not having a 8 sewer connection in the Clarksburg Historic 9 District. We agreeing and sacrificing 10 significantly economically gave that alignment. 11 Clarksburg Road was -- if you pull up the 12 map, it was stopped right there at the last house. 13 The rest was our property. We allowed that. 14 Alignment happens, alignment line happens, right? 15 Our customer base is the community, 355, 16 as well as all the industrial areas around us, 17 either north of it or as well as some office 18 customers, and also the folks who are fed up with 19 270 traffic. There is a crash every day, so they 20 get off on the 355 and they are our customers. 21 Q And in your experience, in the morning is 22 the path of travel to the south? 23 A Yeah, when everybody goes south. 24 Q And in the evening it's in the other 25 direction?</p>	<p style="text-align: right;">419</p> <p>1 or whether County's going to move the house, where 2 are they going to move it, they going to take the 3 property, what not. So that's a challenge we had. 4 And pretty much same challenge Newland had, what 5 they're going to do in the bank as well as the Elm 6 Street. 7 Q So if my arithmetic is correct, the 8 combination of what you talked about and then the 9 permitting period of time, which I think you said 10 was five years, that meant there was a period of 11 eight or nine years -- 12 A No. That includes all of those, yes. 13 Q So the total time was -- 14 A Eight years. 15 Q -- eight years when you were not selling 16 gas there? 17 A Yes. 18 Q Okay, fine. And as I asked -- is it your 19 son? I'm sorry. 20 A Ishan. 21 Q Yeah, Ishan. You were able to stay in 22 business during that period of time? 23 A With a significant economic hardship, yes. 24 Q You're not here opposing the Weis grocery 25 store; are you?</p>

<p>420</p> <p>1 <b>A Weis grocery store, we don't have any</b> 2 <b>issues with it.</b> 3 Q And it is something that the community has 4 been looking for for a long time? 5 <b>A Community's looking for a Town Center.</b> 6 Q Absolutely. 7 <b>A They're not looking for a Weis grocery</b> 8 <b>store. If you do the survey of the grocery</b> 9 <b>stores, they might be looking for Trader Joe's or</b> 10 <b>some other establishment, but Weis is -- grocery</b> 11 <b>store is grocery store, right?</b> 12 Q Yeah. And I think you mentioned talking 13 about the situation up in Urbana where you live, 14 you mentioned -- I think I counted six stations 15 that you had up there in the immediate Urbana 16 area. And I think you said that the Giant Food 17 out there has a rewards program that they -- 18 <b>A They don't have a gas station.</b> 19 Q No, but they team up with Shell gas 20 stations elsewhere? 21 <b>A Yeah. Sure.</b> 22 Q Is it your understanding that that's a 23 benefit to the grocery store, to be able to -- 24 <b>A They're doing it all over the country.</b> 25 MS. POWELL: One thing, you're talking --</p>	<p>422</p> <p>1 study, but you didn't do a demand study as to -- 2 <b>A What do you mean by that?</b> 3 Q How much gas the public in this upper 4 Montgomery County area wants or needs in a year. 5 <b>A Sure. I can do that.</b> 6 Q Do you have that number? 7 <b>A Do you want me to do that now?</b> 8 Q How do you -- tell me how you calculate 9 that. 10 <b>A Okay. What is the population of the</b> 11 <b>Clarksburg area?</b> 12 Q I don't know. 13 <b>A 35,000.</b> 14 Q Okay. 35,000 in Clarksburg. Okay? 15 <b>A 12,000 households.</b> 16 Q 12,000? 17 <b>A Households.</b> 18 Q 35,000 people, 12,000 households. Okay. 19 <b>A Assuming your expert's testimony, two cars</b> 20 <b>per household --</b> 21 Q Hm-hm. 22 <b>A -- right, and they burn the gasoline, so I</b> 23 <b>have done the demand analysis and current -- and,</b> 24 <b>if you want, I can submit those.</b> 25 Q Look, let me -- do you disagree with the</p>
<p>421</p> <p>1 excuse me. You need to be sure not to talk over 2 Mr. Harris. 3 MR. HARRIS: No. You're trying to be 4 helpful. I appreciate that. 5 Q So anyway, so they offer a gas rewards 6 program and that, you believe, is helpful to the 7 grocery store? 8 <b>A I don't gauge -- I don't use it, so I</b> 9 <b>can't tell you.</b> 10 Q Do you have an opinion as to whether that 11 is appreciated by the Giant Food customers? 12 <b>A I have no idea.</b> 13 Q You mentioned other gas stations or 14 grocery stores -- I'm sorry -- further to the 15 south. Harris Teeter, there is a gas station next 16 to that, I believe, right? 17 <b>A Yeah.</b> 18 Q But it's not Harris Teeter's gas station? 19 <b>A Correct.</b> 20 Q And the Wegmans and the Giant and the 21 others grocers farther to the south, they don't 22 have gas stations -- 23 <b>A No.</b> 24 Q -- I think you said. You did not do a 25 demand study other than -- you did this capacity</p>	<p>423</p> <p>1 demand number that he -- 2 <b>A So the demand number, two things, right?</b> 3 <b>If you look at just a neighborhood, neighborhood</b> 4 <b>is different than the whole Clarksburg. So you</b> 5 <b>can do the 35,000 Clarksburg area populations, and</b> 6 <b>then say, like, we need 13 million gallons. 10</b> 7 <b>million gallons is supported by these stations.</b> 8 <b>So if the demand is 10 million there, it can be</b> 9 <b>supported.</b> 10 <b>Now, if you want to reduce the population,</b> 11 <b>then you can use 35,000 people. You use whatever</b> 12 <b>the neighborhood is, right? So I can summarize</b> 13 <b>this and send it to --</b> 14 MS. POWELL: No. You can just answer the 15 question. Yeah. 16 <b>A So I have done it, and, according to my</b> 17 <b>calculations going by the demand and your</b> 18 <b>projected demand for 2030, there is sufficient</b> 19 <b>capacity for the gas stations.</b> 20 Q I didn't ask about the capacity. I'm 21 asking about what the demand is. 22 <b>A Yeah, demand is 180,000 gallons.</b> 23 Q Demand is how much? 24 <b>A 180,000 gallons.</b> 25 Q 180,000 gallons --</p>

Transcript of Hearing  
Conducted on March 6, 2025

36 (424 to 427)

<p>424</p> <p>1     <b>A Per week.</b></p> <p>2     Q Per week. And for what area is that?</p> <p>3     <b>A This is entire Clarksburg, 30,000</b></p> <p>4 <b>population.</b></p> <p>5     Q For Clarksburg overall, so 30,000. Okay.</p> <p>6 Let's go to your table here.</p> <p>7     <b>A Sure.</b></p> <p>8     Q And I think you said this is your work,</p> <p>9 but you obtained some data from the State.</p> <p>10    <b>A This is all data from State.</b></p> <p>11    Q But this is your table?</p> <p>12    <b>A Table, yes.</b></p> <p>13    Q Okay. All due respect, it looks to me as</p> <p>14 if you've made some mistakes in this.</p> <p>15    <b>A Okay.</b></p> <p>16    Q Okay. It appears to me that you've not --</p> <p>17 when you calculate total capacity, you're not</p> <p>18 separating out diesel fuel, which is a different</p> <p>19 demand.</p> <p>20    <b>A Understood.</b></p> <p>21    Q Okay. So that would have to come out, and</p> <p>22 that would change the numbers, right?</p> <p>23    <b>A Okay.</b></p> <p>24    Q Okay. Also I think some of these tanks</p> <p>25 are double tanks where there are two products in a</p>	<p>426</p> <p>1     <b>A Yes.</b></p> <p>2     Q Okay. Do you believe customers have a</p> <p>3 preference to be able to purchase their gas at the</p> <p>4 same time they go to their grocery store?</p> <p>5     <b>A Not really.</b></p> <p>6     Q No, you don't think that's a preference?</p> <p>7     <b>A Not really, no.</b></p> <p>8     Q Okay. And do they have a preference to</p> <p>9 buy gas when they stop in to a 7-Eleven, or is the</p> <p>10 gas independent in your mind?</p> <p>11    <b>A Independent.</b></p> <p>12    Q Okay. One second, please. Bear with me.</p> <p>13 I'm sorry. There are other people that know more</p> <p>14 than I do. Sometimes I need to consult them.</p> <p>15    <b>A No problem.</b></p> <p>16       MR. HARRIS: Okay. I have nothing</p> <p>17 further. Thank you.</p> <p>18       MS. POWELL: So I have -- I'm sorry. Do</p> <p>19 you have questions? I just had --</p> <p>20       HEARING EXAMINER SOKONI: You can do your</p> <p>21 redirect.</p> <p>22       MS. POWELL: Okay. Thank you.</p> <p>23 REDIRECT EXAMINATION BY COUNSEL FOR THE OPPOSITION</p> <p>24 BY MS. POWELL:</p> <p>25     Q In your experience, Mr. Patel, are gas</p>
<p>425</p> <p>1 tank, and it looks to me as if you've</p> <p>2 double-counted some of those tanks.</p> <p>3     <b>A No, that's not --</b></p> <p>4     Q You don't think so?</p> <p>5     <b>A No.</b></p> <p>6     Q Okay. You conclude that there's a</p> <p>7 combined potential aggregate per year of 10,150</p> <p>8 gallons in the trade area that --</p> <p>9     <b>A 10 million.</b></p> <p>10    Q 10 million, yes, in that trade area.</p> <p>11 Okay. Wasn't Mr. Steere's demand number</p> <p>12 significantly higher than that?</p> <p>13    <b>A His number is higher because he's using</b></p> <p>14 <b>the entire population of the Clarksburg, and this</b></p> <p>15 <b>is only counting those nearby stations, not</b></p> <p>16 <b>assuming that what commuter is going to fill up at</b></p> <p>17 <b>the gas stations outside.</b></p> <p>18    Q Okay. Well, we may have to have him come</p> <p>19 back and explain that, because it looked to me</p> <p>20 like you have some errors in here, but I'm not</p> <p>21 sure it is significant anyway.</p> <p>22       What are your -- what number of gallons of</p> <p>23 gas do you sell per year?</p> <p>24    <b>A That's proprietary.</b></p> <p>25    Q Proprietary?</p>	<p>427</p> <p>1 station purchases influenced by the price of the</p> <p>2 gasoline being offered?</p> <p>3     <b>A Yes.</b></p> <p>4       MS. POWELL: I believe that was it.</p> <p>5 That's all I have.</p> <p>6       MR. HARRIS: Okay. That's it. Thank you.</p> <p>7       THE WITNESS: Thank you.</p> <p>8       MS. POWELL: Madam Examiner, do you have</p> <p>9 any questions for him?</p> <p>10       HEARING EXAMINER SOKONI: Not at this</p> <p>11 time.</p> <p>12       MS. POWELL: Okay. Thank you.</p> <p>13       HEARING EXAMINER SOKONI: So, Ms. Presley,</p> <p>14 I presume you've completed your --</p> <p>15       MS. POWELL: Yes.</p> <p>16       HEARING EXAMINER SOKONI: My apologies.</p> <p>17 Ms. Powell.</p> <p>18       MS. POWELL: They're very close.</p> <p>19       HEARING EXAMINER SOKONI: I had</p> <p>20 Ms. Presley on my mind because I'm thinking she's</p> <p>21 next.</p> <p>22       MS. POWELL: Yeah. No. That's all the</p> <p>23 testimony I'm offering.</p> <p>24       HEARING EXAMINER SOKONI: I'm turning to</p> <p>25 folks on Zoom. Is there anyone on Zoom who --</p>

Transcript of Hearing  
Conducted on March 6, 2025

37 (428 to 431)

<p>428</p> <p>1 I think we have too many mics on. Is that 2 better? 3 Okay. So I'm turning to folks on Zoom. 4 Is there anyone on Zoom who wishes to testify in 5 opposition to the application? 6 Okay. Hearing none, and we still need to 7 give Ms. Presley some time, because she's 8 scheduled to appear at two. Is there anyone on 9 Zoom at all who wishes to speak? I mean, I know I 10 specifically asked for opposition, but who wishes 11 to speak regardless, you know, in support or in 12 opposition. 13 Hearing none, is there any members of the 14 public in the hearing room wishing to testify 15 either in opposition or in support? 16 Hearing none, we are scheduled to have 17 Ms. Presley at two p.m. So, in the meantime, 18 maybe in the interest of time, I could dispense 19 with some -- 20 I can turn back to Mr. Harris. I had a 21 couple of questions for you. Sorry about the back 22 and forth. Normally you finish the case in chief, 23 and go to the opposition and then you do closing 24 statements. But I do -- I really do want to get 25 your thoughts, or your client's thoughts on the</p>	<p>430</p> <p>1 Page three, sorry, of the PDF. Page four. Well, 2 it's marked page three, but I think, if you 3 exclude the cover, it's page four of the PDF. 4 So section one of the Staff Report says 5 recommendations and conditions. Staff recommends 6 approval of Weis filling station, conditional use 7 number CU 2025-02 for a filling station subject to 8 the following conditions. One, the use is limited 9 to an automobile filling station and must meet all 10 requirements of section 59.3.5.13.C. 11 Condition two, the conditional use will be 12 limited to three or fewer pumps, which is six 13 positions. 14 And condition three is the Applicant must 15 amend the preliminary plan, site plan and the 16 forest conservation plan to reflect the 17 conditional use approval. 18 Condition four was hours of operation 19 shall be limited to six a.m. through 12 a.m., 20 which the Planning Board then modified the start 21 time to four a.m. 22 Condition five, the filling station must 23 dispense less than 3.6 million gallons of gas and 24 fuel. 25 MR. HARRIS: Yes, ma'am. Yes, we agree</p>
<p>429</p> <p>1 conditions that were -- and if you need, we have 2 plenty -- you know, we have close to half an hour 3 before Ms. Presley is scheduled, so if you wanted 4 to recess to regroup, that's fine. 5 MR. HARRIS: I think we can answer that 6 now, but I was looking for the Planning Board's -- 7 I have the Staff recommendation, but I want to see 8 what the final Planning Board conditions were. I 9 think that's -- 10 HEARING EXAMINER SOKONI: Exhibit 55. 11 MR. HARRIS: 55. Okay. Can you pull that 12 up a minute, please? 13 HEARING EXAMINER SOKONI: So Exhibit 55 14 was the transmittal from the Planning Board. 15 MR. HARRIS: So yes, we concur with the 16 conditions as recommended by the Staff as modified 17 by the Planning Board. 18 HEARING EXAMINER SOKONI: And just for 19 clarity, I just want to -- the Staff Report was? 20 MR. HARRIS: Exhibit 36. 21 HEARING EXAMINER SOKONI: Okay. So I'm 22 just going to call it up. Would you kindly pull 23 up Exhibit 36, the Staff Report? And I believe on 24 the very first page -- well, the first page is the 25 cover, but I guess the second page is the summary.</p>	<p>431</p> <p>1 with those conditions. 2 HEARING EXAMINER SOKONI: Okay. As 3 modified by the Planning Board? 4 MR. HARRIS: Yes, as modified by the 5 Planning Board. Thank you. 6 HEARING EXAMINER SOKONI: Then I had an 7 additional question about that. In the 8 application, the hours you were asking, were the 9 hours specified in the application? 10 MR. HARRIS: They were. And as we worked 11 through the process from the filing of the 12 application, we decided that the hours needed to 13 be revised and this -- and the Planning Board's 14 decision reflects the revised hours. 15 HEARING EXAMINER SOKONI: Could I then 16 have the Applicant on the record? You know, 17 because there was no amendment, there was no 18 formal amendment of the application. However, it 19 can be amended in a public hearing by -- you know, 20 so if the Applicant wants to take the stand -- 21 this is a recommendation of the Planning Board, 22 but I just want to have the Applicant on record 23 indicating that they are formally amending their 24 application to conform with this recommendation. 25 MR. HARRIS: We can certainly do that.</p>

Transcript of Hearing  
Conducted on March 6, 2025

38 (432 to 435)

<p style="text-align: right;">432</p> <p>1 That's a good suggestion. Kate Kubit is here and 2 could do that right now, if you wish. 3 HEARING EXAMINER SOKONI: Please. Thank 4 you. 5 MS. KUBIT: Hello. 6 HEARING EXAMINER SOKONI: Hi. I don't 7 think we have administered an oath today, so I 8 will. If you could kindly raise your right hand. 9 (The witness was sworn.) 10 KATE KUBIT, 11 having been first duly sworn or affirmed, was 12 examined and testified as follows: 13 DIRECT EXAMINATION BY THE HEARING EXAMINER 14 Q Okay. So can you confirm it -- what hours 15 of operation were you asking for in the underlying 16 application? 17 A In the initial application? 18 Q Correct. 19 A What was written in the initial 20 application was -- it's my understanding that it 21 was the same hours of the operations of the 22 grocery store, which was six to -- 23 Q The six to 11? 24 A Yes. 25 Q And so where did the modification happen?</p>	<p style="text-align: right;">434</p> <p>1 THE WITNESS: Thank you. 2 HEARING EXAMINER SOKONI: We do not have 3 any other speakers, so we'll -- you know, we have 4 20 minutes before two p.m., which is when we'll 5 have Ms. Presley testify. In the meantime, I 6 do -- I'll let -- we'll have time, ample time for 7 closing statements at the end. 8 I did want to explain to the attorneys I 9 do have a request, and I can dispense with some of 10 these details now. We typically leave the record 11 open for 10 business days for production of the 12 transcript and for inclusion of the transcript in 13 the record. I will check with Ms. Presley if she 14 needs to make any formal written presentation. 15 She sent an e-mail yesterday that she had 16 indicated she wanted included, but it was clear to 17 me that she was very -- it was written in haste 18 not knowing whether she would have time to get 19 something in, so I'll check in with her. So we 20 usually have the record open for 10 business days. 21 I actually do have a request of the 22 attorneys. There is a tool in the Hearing 23 Examiner's toolbox that I wish to invoke. Under 24 Rule 4.29(a) the Hearing Examiner may ask the 25 parties on the record to submit proposed findings</p>
<p style="text-align: right;">433</p> <p>1 A It happened as we started to work our way 2 through the process. We filed the application 3 several months before we actually got to the 4 Planning Board. And as we were working our way 5 through the process with Weis Markets, it came to 6 our attention that some additional hours of 7 operation would be helpful. 8 Q So is it your position that you are 9 formally amending your application to conform with 10 these hours? 11 A We are formally amending our application 12 to conform with the new hours that are identified 13 in the Planning Board's letter. 14 Q Okay. Thank you. 15 A Thank you. 16 Q And I know your counsel has already 17 confirmed that the Applicant is in agreement, but, 18 since I have you on the stand, are you confirming 19 that you're -- the Applicants are in agreement 20 with the conditions that were attached by the 21 Planning Board? 22 A Yes, we are in agreement with the 23 conditions as modified by the Planning Board. 24 HEARING EXAMINER SOKONI: Okay. Thank you 25 very much.</p>	<p style="text-align: right;">435</p> <p>1 of fact. I would like to ask the parties to do 2 that. This has been a complex case. It has 3 spanned two days of -- it has stretched over two 4 days of a combination of motion, argument and 5 testimony. There is no -- you present your 6 proposed findings of fact, and, of course, it's 7 almost like being asked to present a proposed 8 order in court. There's no obligation on my part 9 to rely on it, but I would like to see, in 10 summary, what is the opposition saying, what would 11 they find as their findings of fact, and what 12 would the Applicants find as findings of fact. 13 And so if there are no -- 14 MR. HARRIS: No. That makes perfect 15 sense. We'd like to make your job easier if we 16 can. 17 HEARING EXAMINER SOKONI: Thank you very 18 much. And, you know, the Planning Staff have made 19 their findings of fact and outlined them, but I 20 would like to give both sides the opportunity to 21 do the same. 22 MR. HARRIS: As far as leaving the record 23 open, certainly you need to do that for the 24 transcript. I do have a concern about leaving the 25 record generally open, because testimony is</p>

Transcript of Hearing  
Conducted on March 6, 2025

39 (436 to 439)

<p>436</p> <p>1 supposed to be subject to cross-examination, and 2 that doesn't happen if people are submitting 3 substantive information after the hearing. And 4 we've been at this hearing for now well over a 5 month. 6 I appreciate Ms. Presley's situation. I 7 think she will be able to explain her position 8 orally today, and I would like to see the record 9 closed after the conclusion of the hearing but for 10 the transcript. 11 HEARING EXAMINER SOKONI: I will make a 12 final call on that after Ms. Presley testifies, 13 because it's entirely possible that her concern 14 was because she wasn't sure she would be able to 15 testify. And so I'll make a final determination 16 on that. If I was going to leave the record open, 17 it would be for the limited purpose of the 18 transcript and giving her an opportunity to get 19 her statement in. If I did that, the Applicant 20 would have a corresponding opportunity to respond. 21 MR. HARRIS: Exactly. 22 HEARING EXAMINER SOKONI: Not just the 23 Applicant. Everyone else would have -- I would 24 say she gets, you know, 10 business days -- or I 25 don't think she would need 10 business days, but,</p>	<p>438</p> <p>1 request for findings of fact should extend 2 beyond -- 3 MS. POWELL: I think it would be 4 appropriate, because, otherwise, we're going to be 5 relying on our notes. 6 HEARING EXAMINER SOKONI: Correct. 7 MS. POWELL: Which are not part of the 8 record. 9 HEARING EXAMINER SOKONI: Correct. 10 MS. POWELL: And I don't know what time 11 you think is necessary, but I do think it should 12 be after that. 13 HEARING EXAMINER SOKONI: After the 14 transcript. That's -- I agree. 15 MR. HARRIS: I'm fine with that. Yes. A 16 reasonable amount of time -- again, this case, 17 from your perspective as well as ours, has taken 18 more time than we anticipated and we do want to 19 get to the finish line. So yeah, okay. 20 MS. POWELL: Yeah. I just -- I need a 21 date. 22 MR. HARRIS: Right, right. 23 HEARING EXAMINER SOKONI: So in the 10, 15 24 minutes that we'll be waiting, we can recess and I 25 will go and confer with my calendar and count my</p>
<p>437</p> <p>1 you know, let's say five -- she can get her 2 statement in within that 10 business days, and 3 then I would extend the time for a response. 4 MR. HARRIS: If that's necessary, we think 5 that's -- I think that's an appropriate course of 6 action. 7 HEARING EXAMINER SOKONI: Correct, but 8 we'll cross that bridge when we get to it, because 9 it depends on what she is asking. 10 MR. HARRIS: Exactly. You know, despite 11 the fact that she's an opponent here, I want to 12 be, you know, very respectful of her situation. 13 HEARING EXAMINER SOKONI: It's good for 14 the process, and I appreciate that. 15 MS. POWELL: Could I request a little 16 clarification on -- certainly I get submitting the 17 proposed findings of fact; but, if the 18 transcript's not ready, what's the timeframe that 19 you're looking for? Because, typically, we would 20 refer back to a transcript to be sure we're a 21 hundred percent right. 22 HEARING EXAMINER SOKONI: In that case -- 23 that's an excellent point. The transcript should 24 be ready within 10 business days, so let me get to 25 the calendar. So what you're asking is that my</p>	<p>439</p> <p>1 10 business days plus. So how many business 2 days -- how many days after the transcript do you 3 think you need? 4 MS. POWELL: Well, I have -- I've got -- 5 my trial schedule's my trial schedule, and so I 6 need to look at my calendar also, and I'm sure 7 that you have other things on your calendar. But 8 I don't think, frankly, that it would be more than 9 just I would say two regular weeks, not -- no 10 business days, but just two weeks from that time, 11 you know, and maybe sooner. 12 HEARING EXAMINER SOKONI: So I allow 10 13 business days for the transcript, and maybe 14 14 days after that. 15 MS. POWELL: I think that's a reasonable 16 period of time. 17 MR. HARRIS: So transcript, 10 days later 18 would be, let's call that St Patrick's Day, March 19 17. And then two weeks after that would be -- 20 HEARING EXAMINER SOKONI: Is that business 21 days? 22 MR. HARRIS: I beg your pardon? 23 HEARING EXAMINER SOKONI: Is that business 24 days? 25 MR. HARRIS: No. That was carrying over</p>



Transcript of Hearing  
Conducted on March 6, 2025

40 (440 to 443)

<p>440</p> <p>1 from a Sunday. Two weeks calendar days would be 2 on a Sunday, the 16th. I'm sorry. 10 days after 3 the 6th would be the 16th, which is a Sunday. 4 HEARING EXAMINER SOKONI: I believe our -- 5 MS. POWELL: Calendar days. 6 MR. HARRIS: Business days, okay. 7 HEARING EXAMINER SOKONI: The transcript 8 people require 10 business days. 9 MR. HARRIS: I see. Misunderstood. Okay. 10 So let's see if I can do the arithmetic on this. 11 You got -- that would be the 20th of March, I 12 believe, would be the transcript, I think. 13 Subject to objection -- 14 HEARING EXAMINER SOKONI: The 20th is 10 15 business days. 16 MR. HARRIS: Yes. Okay. And then what 17 was the proposition in terms of finding -- 18 MS. POWELL: 14 regular days after that. 19 MS. KUBIT: It's 10 business days. 20 MS. POWELL: Pardon me? 21 MS. KUBIT: It's the same as 10 business 22 days. 23 MS. POWELL: Oh, well, what do you know? 24 HEARING EXAMINER SOKONI: April 3? 25 MR. HARRIS: April 3.</p>	<p>442</p> <p>1 our thoughts and everybody here has been extremely 2 accommodating. Thank you so much. 3 MS. PRESLEY: I appreciate it. I want to 4 state for the record that it shows on my name at 5 the bottom -- it looks like it says Amy Presley 6 and Andy Spagnolo, but it's only me on the 7 conference. This is my account, so it's just me. 8 HEARING EXAMINER SOKONI: Yeah, yeah. 9 Understood. Okay. So, you know, you're the last 10 person speaking. You know, we had a whole morning 11 of proceedings, so we're now at the opposition 12 stage. And, you know, you may go ahead. I will 13 administer the oath. If you could kindly raise 14 your right hand. 15 (The witness was sworn.) 16 HEARING EXAMINER SOKONI: Okay. You may 17 proceed. And once you're done, then the other 18 side will have the option for cross-examination. 19 MS. PRESLEY: Great. Then I'm not the fat 20 lady singing. 21 AMY PRESLEY, 22 having been first duly sworn or affirmed, was 23 examined and testified as follows: 24 DIRECT TESTIMONY OF THE OPPOSITION 25 MS. PRESLEY: Okay. I think it's</p>
<p>441</p> <p>1 HEARING EXAMINER SOKONI: That takes us to 2 April 3, I believe. 3 MR. HARRIS: And both parties submit their 4 findings of fact simultaneously. It's not a reply 5 situation. 6 HEARING EXAMINER SOKONI: Correct. 7 MR. HARRIS: I think that -- I think we 8 can make that work. 9 HEARING EXAMINER SOKONI: Sounds good. 10 MS. POWELL: Thank you. 11 HEARING EXAMINER SOKONI: We can take a 12 10-minute recess, and we will reconvene at two. 13 MR. HARRIS: Thank you. 14 (A recess was taken.) 15 HEARING EXAMINER SOKONI: Good afternoon. 16 Ms. Presley, you're joining us by Zoom? 17 MS. PRESLEY: Yes. Good afternoon. 18 HEARING EXAMINER SOKONI: Yes. Is this a 19 good time? Are you ready to proceed? 20 MS. PRESLEY: Yes, I am, and I appreciate 21 you making the accommodations for me to join by 22 Zoom. Thank you. 23 HEARING EXAMINER SOKONI: Absolutely. 24 That's a difficult circumstance you're dealing 25 with, and you're in our thoughts. Your mom's in</p>	<p>443</p> <p>1 important -- this has been on the record in prior 2 testimony, but I want to begin by just a brief 3 background. I believe that will substantiate the 4 applicability of not just the master plan, but 5 also the compliance program in decisions on this 6 case. 7 My role in this is that I've been a 8 resident of the Town Center at 23506 Sugarview 9 Drive. It's approximately 1,000 feet from the 10 proposed site. And I've been here since 2002. 11 Early on in the development process, when it was 12 still under the hands of Newland, I was involved 13 with a community group. In fact, I became the 14 leader of the Clarksburg Town Center Advisory 15 Committee. 16 We did, in fact, in April of 2005 present 17 to the Planning Board a list of numerous alleged 18 violations. They were heard by the Board, 19 rejected and then heard again in July, and they 20 actually found for multiple violations, including 21 such things as heights that had been exceeded, 22 and, you know, basically things that were on the 23 site plan that were not adhered to. And it became 24 so contentious with more and more violations 25 coming forward such as streets too narrow for</p>

Transcript of Hearing  
Conducted on March 6, 2025

41 (444 to 447)

<p>444</p> <p>1 emergency vehicles to transgress and so forth that 2 it not only was a huge deal in the newspapers, but 3 the County Council put a stop-work order on all 4 projects in the County for a number of months 5 while they tried to look into this. 6 Ultimately, what happened is we continued 7 to have hearings. Violations continued to be 8 found. They had -- the Planning Board had started 9 to assess fines and penalties and had already 10 reached -- 11 HEARING EXAMINER SOKONI: Ms. Presley, I 12 apologize for interrupting you. I just want to 13 make sure -- it looks like -- 14 Do we have the video on? 15 I feel like we just lost your video, and 16 to testify we need to be able to see you. 17 THE WITNESS: My video shows it as being 18 on. 19 HEARING EXAMINER SOKONI: There you go. 20 Sorry. Okay. 21 THE WITNESS: Thank you. So, in essence, 22 I don't want to take too much time on that, 23 because it's also in the record in attachments and 24 so forth. But the bottom line was that we were, 25 we the CTC, were asked by the County Council and</p>	<p>446</p> <p>1 and really the satisfaction of any penalties that 2 would have otherwise been levied against the 3 developer for the violations. 4 At the time the Board Staff and the Board 5 did get to review the settlement agreement under 6 the monitoring of Judge Barbara Kerr Howe, but 7 none of that was made public. Only what was made 8 public was the result, which was the compliance 9 program. So in my attachments 1A, B and C, which 10 I'm sure the opposition has as well, that is where 11 the specific drawings, details, etcetera of what 12 was to be provided, that's where they are 13 included. So I'm not going to rehash that. 14 What is important to note is that in the 15 Board's resolution -- I want to pull this up for a 16 moment so I can be very specific. In the Board's 17 resolution there were several findings that speak 18 to the importance of providing every element 19 contained in the compliance program. 20 HEARING EXAMINER SOKONI: Could you please 21 refer to the exhibit number you're referencing? 22 THE WITNESS: Yes. I'm sorry. So right 23 now I'm on EXHIBIT 1C, and that is the Planning 24 Board resolution -- 25 HEARING EXAMINER SOKONI: One moment.</p>
<p>445</p> <p>1 the Planning Board to enter into mediation with 2 Newland and the builders of the time to try to 3 resolve this apart from the press and the public, 4 and we did. 5 So those proceedings took place really 6 over a period of five months, and resulted in what 7 today is being referred to as the compliance 8 program. Prior to that, though, it was actually a 9 settlement agreement, and I will testify to some 10 of that based on my knowledge. But the agreement 11 in its entirety is prohibited from being shared 12 based on some of the terms. I don't have to 13 reveal any of those to state, you know, what 14 occurred. 15 In essence, the compliance program -- it 16 is in my original submission. It would be the 17 attachments that would be labeled 1A, B and C. 18 That would include the submission to the Planning 19 Board of the proposed program that was resultant 20 from the settlement agreement. Then it includes 21 the Staff Report and the Planning Board's 22 resolution. Before I get into talking about any 23 of the details of the settlement, what is 24 pertinent to know is that this entire program 25 constituted what was deemed to be a fair exchange,</p>	<p>447</p> <p>1 THE WITNESS: -- the compliance program. 2 HEARING EXAMINER SOKONI: One moment. So 3 I want to get to the OZAH exhibits. 4 MS. POWELL: I think it's OZAH 45. 5 THE WITNESS: Okay. Sorry. I don't have 6 that reference. 7 HEARING EXAMINER SOKONI: No problem. 8 We'll get to it. So are you referring to the 9 Planning Board resolution of June 15, 2006? 10 THE WITNESS: Correct. 11 HEARING EXAMINER SOKONI: Okay. That's 12 Exhibit 45, and you're heading from page -- 13 THE WITNESS: I am now on page six, the 14 second paragraph in the findings. So finding 4.2 15 is that -- I'm only reading the brief parts that I 16 have highlighted -- completion of the compliance 17 program according to its terms. That's terms of 18 the compliance program. Because it provides 19 substantial enhancements to the community 20 amenities and facilities planned, etcetera, 21 etcetera, that's why they're saying, in accordance 22 with that, the Board finds that the public 23 interest will be served. 24 The next finding, three, is that the Board 25 finds, subject to its completion according to its</p>

Transcript of Hearing  
Conducted on March 6, 2025

42 (448 to 451)

<p>448</p> <p>1 terms and in accordance with the resolution, that 2 then the compliance program constitutes a lawful 3 and appropriate alternative to imposing fines or 4 monetary penalties. 5 And, most importantly, based on the 6 history post this adoption is that, in accordance 7 with all three findings, the Board then hereby 8 orders the Respondents to comply strictly with 9 each of the elements, terms and conditions of the 10 compliance program and expressed otherwise under 11 the resolution. The Board further instructs -- 12 and this is where I think there's been a gross 13 failure on the Staff's part, the Board further 14 instructs the Planning Staff to undertake all 15 reasonable measures to detect and report to the 16 Board the Respondent's compliance and 17 noncompliance, as the applicable case may be. 18 I'm going to come back to that in a 19 moment; but, further, the Board in its authority, 20 even though it reserves it, it states how in this 21 matter under -- I'm still on page six -- under 22 paragraph five, except as expressly provided in 23 this resolution, states nothing will reduce the 24 Board's ability to impair their discretion or 25 authority. But it states that the Board --</p>	<p>450</p> <p>1 inside and out. But, you know, the first finding 2 is that it must satisfy any applicable previous 3 approval on the subject site, or, if not, that 4 previous approval must be amended. And what I am 5 stating here, the compliance program itself, 6 neither the compliance plan program nor the 7 Board's initial resolution adopting it with 8 specific implementation requirements, has never 9 been amended. So if errors have proceeded since 10 then, it has not changed the fact that these have 11 not been amended and must be followed. 12 What I want to state regarding the 13 settlement agreement -- and I can say some of the 14 players who were there; Mr. Brewer of Lerch, 15 Early, Brewer; there were folks from some of the 16 other developers, including Pulte and, gosh, 17 Craftstar Homes and so forth. Over a period of 18 five months, the focus of the debate and what 19 actually held up the settlement agreement was 20 specifically the constitution of the retail core. 21 It's what initially sent the advisory group into 22 the search for violations and etcetera, because 23 that was a response to the at-the-time developer, 24 Newland, changing what the approved site plan was 25 in terms of a pedestrian-oriented retail core.</p>
<p>449</p> <p>1 according to the terms of this resolution, the 2 Board will act, and then it reserves its right to 3 only such changes as are required by law. 4 So in this what I want to point out with 5 reference to the Board's order to the Staff is 6 that for many years the Staff reported on an 7 item-by-item basis, actually, in comparison to the 8 compliance program elements, not broad-stroke 9 statements, but physical elements, what was and 10 was not in compliance. 11 What has occurred in this most recent 12 request on the gas station's conditional use, 13 there was no comparison in their recommendation 14 for approval, no comparison to the compliance 15 program or what it recommended. 16 So going back to now my position, I agree 17 with the Patels. I would like to adopt all the 18 argumentation of Ms. Powell in agreement with 19 that. Specifically I, as an individual, am 20 saying, in accordance with the compliance program 21 and the master plan, grocery store yes, and gas 22 station no. 23 The necessary findings -- I'm looking now 24 just at the excerpts from Montgomery County Code 25 under Section 73.1, which I know Ms. Sokoni knows</p>	<p>451</p> <p>1 They changed it into what appeared as what we 2 would refer to as a strip mall, a grocery station, 3 you know -- I mean grocery on one side, a dry 4 cleaner, and, you know, beer and wine shop on the 5 other. So that's why it became such a heated 6 debate. And the focus of all provisions that 7 would be made, they were really centered on the 8 Town Center retail core and how it would be laid 9 out. 10 So in the compliance program flowing from 11 the settlement agreement, there were details down 12 to the type of pavement to be included. It wasn't 13 merely a statement that this should be pedestrian 14 oriented. There were specific drawings, and I'll 15 refer to the -- let me find the -- sorry. Hang 16 with me just a minute. I want to reference the 17 compliance program drawings. I believe they're 18 1C. Nope, they would be 1B. So my Exhibit 1B -- 19 I don't know what that exhibit would equate to in 20 your records, but 1B is the compliance program 21 design concepts. Those were incorporated into the 22 Staff Report, the whole set of concepts, on June 23 1, 2006. And the importance there is that the 24 Board recognized that these were the elements -- 25 as the Board itself described in its resolution,</p>

Transcript of Hearing  
Conducted on March 6, 2025

43 (452 to 455)

<p>452</p> <p>1 the elements to be provided. They incorporated 2 the Staff Report by reference as a requirement 3 under that 1C adoption resolution. So when it 4 comes to specifics as to even types of retail, in 5 the settlement agreement what the community was 6 trying to achieve, at least through those who 7 recognized the CTCAC as representative, was to 8 achieve specific types of retail, such as dining 9 as entertainment.</p> <p>10 There was a very critical focus placed on 11 what would be referred to as a view shed. We were 12 working with Duany Plater-Zyberk as consultants on 13 the design side. It was actually their concepts 14 put forth that established things such as the 15 Clarksburg Town Center, the road, Clarksburg 16 Square Road as what they call a spine road and 17 very critical, and then the crossroad, which was 18 General Store Drive, but has since been renamed, I 19 believe, Saint Clair. Bob can correct me if I'm 20 wrong, but I think that's Saint Clair that comes 21 from Stringtown Road and goes up through and 22 crosses Clarksburg Square Road. That's called a 23 spine road, and it's detailed within the 24 compliance program with specific notation. And 25 this was what was driven by the settlement, that</p>	<p>454</p> <p>1 completely different than what the four corners of 2 the document say, and she's going -- 3 THE WITNESS: Can I reply? 4 MR. HARRIS: -- on and on about her 5 interpretation of it. I think the document speaks 6 for itself, and her, you know, speculation and 7 opinion is irrelevant. 8 THE WITNESS: Bob, it's not speculation or 9 opinion, because what I'm tying it to is the 10 settlement agreement, of which I was a party to. 11 I still am. And in the settlement agreement, it 12 was spelled out how the compliance program had to 13 be presented to the Board and how it was adopted. 14 So I do find it's relevant, because it's not a 15 mere interpretation. I was there until two a.m. 16 on many mornings arguing about the language that 17 had to be defined to prevent just such a thing as 18 this from happening. 19 MR. HARRIS: Well, if -- 20 THE WITNESS: And I was there. I was a 21 witness. You know, if we needed to, we could call 22 Robbie Brewer. He'll remember many nights, 1:00, 23 2:00, where the judge wouldn't let us leave, and 24 the contention was how this would be presented. 25 That's not my interpretation. That's my</p>
<p>453</p> <p>1 the view shed, a person approaching from 2 Stringtown Road would not be seeing what others 3 would have typically thought of as a strip mall or 4 something of that nature that looked like a 5 drive-through place. It was to be fronted by 6 retail that was facing the Stringtown and what was 7 at that time called General Store Drive.</p> <p>8 So the notion of putting a gas station 9 there as an entry point, wholly apart from the 10 parking field, which originally was, you know, 11 secluded and now it's not -- I'm not arguing that, 12 but putting a gas station there is in direct 13 opposition to what was required as an element of 14 provision on the design --</p> <p>15 MR. HARRIS: Madam Sokoni, may I -- 16 THE WITNESS: -- of the retail core. 17 MR. HARRIS: Amy, excuse me for a second. 18 I want to note an objection here. 19 THE WITNESS: Okay. 20 MR. HARRIS: Ms. Presley is going on and 21 on about what the plan of compliance does or 22 doesn't say. The plan of compliance is in the 23 record. It speaks for itself. As our memo, 24 Exhibit 64, mentioned, what Ms Presley's 25 perception is of the plan of compliance is</p>	<p>455</p> <p>1 experience. 2 MR. HARRIS: If the settlement 3 agreement -- are you going to put the settlement 4 agreement into evidence? 5 THE WITNESS: I would like to do that, 6 Bob; but, just as your client can not put the 7 contract into evidence, neither can I put the 8 settlement agreement because there are areas that 9 would have to be redacted. I can speak to 10 settlement terms that I helped craft, and I could 11 seek to find if I could submit something redacted, 12 but just like the contract -- I mean Ms. Kubit's 13 testifying as to what's required under the 14 contract, and you guys aren't submitting the 15 contract. The only thing I can do at this point 16 is testify to what I participated in. I'm 17 actually an individual signatory to the settlement 18 agreement. I would have a right to go to a court 19 separate from this proceeding to try to claim 20 damages. I haven't done that. I don't want to do 21 that. But I can speak to my direct experience in 22 the settlement process and that document which I 23 signed. 24 MR. HARRIS: Well, okay. I -- 25 HEARING EXAMINER SOKONI: Mr. Harris, I've</p>

Transcript of Hearing  
Conducted on March 6, 2025

44 (456 to 459)

<p>456</p> <p>1 noted your objection.</p> <p>2 Ms. Presley, I've been a bit flexible with</p> <p>3 the -- you know, it's an administrative</p> <p>4 proceeding, so I'm actually allowing you much more</p> <p>5 leeway than --</p> <p>6 THE WITNESS: Okay.</p> <p>7 HEARING EXAMINER SOKONI: But if you</p> <p>8 could -- you know, if you could contain your --</p> <p>9 please go ahead, testify to the facts and avoid</p> <p>10 being repetitive, because, remember, we did have a</p> <p>11 motion argument at the outset specifically to the</p> <p>12 compliance plan.</p> <p>13 THE WITNESS: Got it.</p> <p>14 HEARING EXAMINER SOKONI: And you had the</p> <p>15 chance to argue -- legal arguments were made then</p> <p>16 which were outside of fact, but were opinion and</p> <p>17 argument.</p> <p>18 THE WITNESS: Okay.</p> <p>19 HEARING EXAMINER SOKONI: So this part of</p> <p>20 the process is for factual testimony. I do have</p> <p>21 some questions for you, but if you could -- I do</p> <p>22 want to allow you the opportunity to testify.</p> <p>23 THE WITNESS: I'll just make it briefer</p> <p>24 then, and conclude by stating that I was a party</p> <p>25 to the settlement agreement. I still am today.</p>	<p>458</p> <p>1 THE WITNESS: Got it. Perfect.</p> <p>2 Okay. So we're still under 7.3.1,</p> <p>3 conditional use, what must be approved, and I am</p> <p>4 looking at -- right now I'm referring to the use</p> <p>5 must comply with the master plan. So under page</p> <p>6 six of the master plan -- and I don't know what</p> <p>7 exhibit that is in the files, but page six of the</p> <p>8 Clarksburg Master Plan, I just want to reiterate</p> <p>9 three quick points.</p> <p>10 It says the concept plan for Clarksburg</p> <p>11 features a Town Center, which includes the</p> <p>12 Historic District. It also states that the plan</p> <p>13 continues the town scale of development, and that</p> <p>14 it proposes a pattern of development similar to</p> <p>15 traditional town squares, which I would argue</p> <p>16 don't include a gas station in the face.</p> <p>17 Secondly, on page 26 of the master plan,</p> <p>18 it says that the Town Center, which is compatible</p> <p>19 with the scale and character of the Clarksburg</p> <p>20 Historic District. So I find that would have to</p> <p>21 be a finding made, that this is compatible with</p> <p>22 the district.</p> <p>23 And then it states that assuring</p> <p>24 compatibility of future development with the</p> <p>25 Historic District has been a guiding principle of</p>
<p>457</p> <p>1 And, in fact, post the Board's adoption -- and</p> <p>2 this is on record, Bob. Post the Board's adoption</p> <p>3 of the compliance program, the entire group got</p> <p>4 sent back to mediation over a point as what could</p> <p>5 be now deemed as insignificant as landscaping. We</p> <p>6 had -- we were sent back to mediate because the</p> <p>7 developer wanted to change roughly \$100,000 worth</p> <p>8 of landscaping. So my point in bringing up the</p> <p>9 settlement agreement at all is that is the driving</p> <p>10 legal underpinning and document for the compliance</p> <p>11 program. That's all I want to say about that.</p> <p>12 HEARING EXAMINER SOKONI: Okay. There'll</p> <p>13 be an opportunity -- is that the end of your</p> <p>14 testimony?</p> <p>15 THE WITNESS: No. That was just for the</p> <p>16 plans. I'll try to move on. Did you want to ask</p> <p>17 me the questions about that now?</p> <p>18 HEARING EXAMINER SOKONI: I don't want to</p> <p>19 interrupt the flow of your testimony. If you can</p> <p>20 proceed, I do have some questions for you at the</p> <p>21 end.</p> <p>22 THE WITNESS: Okay.</p> <p>23 HEARING EXAMINER SOKONI: And, of course,</p> <p>24 on factual testimony there's an opportunity for</p> <p>25 cross.</p>	<p>459</p> <p>1 the planning process. Those are important things</p> <p>2 to consider.</p> <p>3 On Section 7.3.1 again, (d), it must be</p> <p>4 harmonious with and will not alter the character</p> <p>5 of the surrounding neighborhood in a manner</p> <p>6 inconsistent with the plan. And the reason that I</p> <p>7 am so, you know, strongly reiterating the</p> <p>8 compliance program and even the underlying</p> <p>9 settlement agreement is that those plans required</p> <p>10 a character that this would jeopardize.</p> <p>11 Further --</p> <p>12 HEARING EXAMINER SOKONI: I was going to</p> <p>13 hold my questions for the end, but can I just --</p> <p>14 THE WITNESS: Sure.</p> <p>15 HEARING EXAMINER SOKONI: -- interject</p> <p>16 here?</p> <p>17 THE WITNESS: Sure.</p> <p>18 HEARING EXAMINER SOKONI: So the Planning</p> <p>19 Staff recommendations, the Planning Staff Report,</p> <p>20 I believe it's exhibit --</p> <p>21 MR. HARRIS: 36, ma'am.</p> <p>22 HEARING EXAMINER SOKONI: 36, their</p> <p>23 conditions, right, that they are recommending.</p> <p>24 And one of the conditions is that the Applicant</p> <p>25 must amend the preliminary plan, the site plan and</p>

Transcript of Hearing  
Conducted on March 6, 2025

45 (460 to 463)

<p>460</p> <p>1 the forest conservation plan to reflect the 2 conditional use approval. 3 THE WITNESS: Right. 4 HEARING EXAMINER SOKONI: So there's an 5 understanding here that if -- and that's an if -- 6 if this conditional use was approved, then they 7 would have to take it -- it goes back to Planning 8 for amendment of the preliminary plan, site plan 9 and forest conservation plan. 10 THE WITNESS: And my argument is that the 11 Staff did not even compare before suggesting -- 12 HEARING EXAMINER SOKONI: But is that not 13 premature? Isn't that putting -- 14 THE WITNESS: That's actually the reverse. 15 HEARING EXAMINER SOKONI: -- before the 16 horse? Don't you do the conditional use first and 17 then go to site plan? 18 THE WITNESS: No. In this case they have 19 an existing plan that they had to compare even a 20 conditional use application against. It's 21 required that they compare every -- 22 HEARING EXAMINER SOKONI: The Applicant is 23 here with a condition on use, not with a site 24 plan. Site plan would -- if they got the 25 approval, then they would come back for site plan.</p>	<p>462</p> <p>1 Examiner that they move for approval, they are, 2 without stating so on paper, saying it's okay, it 3 passes the compliance program. But they've made 4 no comparison even to the Board, which, by the 5 way, is a Board who's so far removed from it they 6 have not even been told by the Staff what they 7 should have been looking for in addition to the 8 standards for conditional use. It's too late once 9 a conditional use is approved. 10 But I understand your point. I'm not 11 suggesting that the Board has the authority to 12 approve or disapprove, ultimately, the conditional 13 use. But I confirm they had the responsibility to 14 state to the Board, the Staff did, any conflict. 15 Just as the resolution stated, they must present 16 any conflict in any presentations on this, this 17 entire project. They had to present any 18 adherences or failure to adhere to the compliance 19 program, and it wasn't done. 20 HEARING EXAMINER SOKONI: The question I 21 have for you is -- Exhibit 45, the Planning Board 22 resolution you were reading from at page -- I 23 guess it's page seven of the PDF, the section 24 five, which says Planning Board authority 25 expressly reserved.</p>
<p>461</p> <p>1 Is that -- do you -- is that your understanding? 2 THE WITNESS: Except that the inversion 3 here is that the use itself as a conditional use 4 had to have been compared in submission and review 5 by the Bard against the requirements of the 6 compliance program, because the compliance program 7 speaks to specific retail, speaks to the character 8 and the nature. So if it gets approved first as a 9 conditional use and then goes back, that's already 10 missed the boat, because to compare it then to the 11 compliance program doesn't undo a gas station. 12 So, therefore, how can you undesign an actual use 13 where the use itself would not have been permitted 14 under the compliance program? 15 HEARING EXAMINER SOKONI: Are you arguing 16 that the Planning Board has jurisdiction over 17 conditional uses? 18 THE WITNESS: No. I'm arguing that they 19 failed their duty in comparing this specific 20 application prior to sending it out for your 21 review, that they should have stated that here are 22 some issues when it comes to doesn't alter the 23 character and etcetera and complies with the 24 plans, underlying plans. Those are 25 recommendations that, in telling the Hearing</p>	<p>463</p> <p>1 THE WITNESS: Yes, and it states -- 2 HEARING EXAMINER SOKONI: It's my 3 question, Ms. Presley. 4 THE WITNESS: Yeah. Okay, go ahead. It 5 specifically reserves. 6 HEARING EXAMINER SOKONI: The planning -- 7 let's see. 8 THE WITNESS: You're at the top paragraph? 9 HEARING EXAMINER SOKONI: So page seven of 10 the PDF. Okay. And if you scroll further down so 11 we can see a little bit -- yeah, let's go down a 12 little bit further. So is it possible to get a 13 little bit of -- 14 THE WITNESS: I have that in front of me 15 as well. 16 HEARING EXAMINER SOKONI: The Planning 17 Board recognizes that the compliance plan is 18 conceptual in nature, and that additional review 19 of more detailed plans may involve modifications, 20 except otherwise required by or relating to 21 physical project conditions unforeseen by the 22 Board or applicable law, in parenthesis, including 23 the requirements of the Montgomery County Zoning 24 Ordinance. The Planning Board intends to require 25 only such modifications that are reasonably</p>

Transcript of Hearing  
Conducted on March 6, 2025

46 (464 to 467)

<p>464</p> <p>1 consistent with a compliance plan. So do you see 2 that they were carving out things such as the law 3 and the Montgomery County Zoning Ordinance? 4 THE WITNESS: But they state specifically 5 as required, and the reason is rooted in the 6 settlement agreement. We were concerned that 7 there would be changes at a later point. And the 8 Board, I believe, that's why specifically states 9 that only such as legally required and so forth. 10 And if you look at the next sentence, it says, 11 Subject only to unforeseen project conditions, 12 applicable law and regulations, express terms of 13 the resolution. And, of course, they would have 14 to -- we had discussion on that. They had -- we 15 couldn't tie the Board's hands for their legal and 16 lawful right to review and approve and consider. 17 But this resolution was presented with the 18 compliance program specifically with the retail 19 core design concepts, and they knew that it had to 20 be submitted for another approval, which is why -- 21 I believe that is why it was included. Subject 22 only to unforeseen project conditions, those have 23 not occurred. There are no unforeseen physical 24 conditions which they mention. The physical 25 conditions unforeseen, that's because we knew what</p>	<p>466</p> <p>1 to take in hearsay, so I -- 2 But, Ms. Presley, if you could -- you 3 know, we specifically scheduled you to have the 4 opportunity to testify, but if you could proceed 5 and conclude so that, you know, people can 6 cross-examine and -- 7 THE WITNESS: I would respectfully ask 8 that when you review this that you would refer 9 back to the plan approvals by Rose Crasnow. They 10 are included, and they do corroborate what I 11 stated about the Board's intent. Any -- 12 HEARING EXAMINER SOKONI: To your 13 knowledge, is there anything -- are there things 14 that were in the plan, you know, this plan that 15 just won't be there anymore? 16 THE WITNESS: Yes. 17 HEARING EXAMINER SOKONI: Anything, 18 libraries or -- are there any things that were in 19 the plan that will not be there anymore? 20 THE WITNESS: There are things that have 21 been moved, you know, over time. One of the most 22 significant things early on was the elimination of 23 two parking structures that were to hide parking. 24 And there was a large debate over that. And my 25 exhibit -- let me see which one this is. It was</p>
<p>465</p> <p>1 was on the ground. And I don't see this as 2 limiting the Board's authority, but I do see it as 3 actually upholding what they state in the prior 4 paragraphs that -- that they order the Respondents 5 to comply strictly with each of the elements, and 6 they request the Staff to undertake all reasonable 7 measures to detect and report compliance and 8 noncompliance. So that is -- I understand your 9 question. I don't believe that is what they 10 intended. It's very explicitly written in a way. 11 I guess I'd have to compare it to other 12 resolutions to see the comparison of the 13 definition. But I recall at the time with Rose 14 Crasnow the pending of that was particular. 15 HEARING EXAMINER SOKONI: Okay. 16 MR. HARRIS: Just for the record I want to 17 restate my objection. What we're getting into 18 here is an incredible amount of hearsay and 19 individual interpretation of documents that, 20 frankly, we've already been through before. And, 21 you know, it's, you know -- well, whatever. 22 HEARING EXAMINER SOKONI: I have a 23 litigation background, so the other day I ruled 24 out testimony based on hearsay. And then I was 25 surprised to find out that our rules do allow me</p>	<p>467</p> <p>1 Rose Crasnow's. It would have been my exhibit 2 under appendix number three, which is the first 3 amendment to the compliance program plans. That 4 is the Staff Report to the Board of November 6, 5 2008. 6 In addition, appendix -- my submission 7 number two, which is submission of revised site 8 plans for plan of compliance. That's the one I 9 was talking about, Staff Report November 30, 2007. 10 Both that report and the November 6, 2008, 11 Ms. Crasnow as chief of staff states specifically 12 where the Applicant has failed to comply with the 13 compliance program; and yet, to your point, 14 Ms. Sokoni, the Board did retain its right to 15 eliminate one of the garages. They gave a 16 justification for it and stated why it was 17 important, and then the plan went forward. So 18 yes, garages have been removed. 19 Over time what was planned in the 20 compliance program as a central gathering point, 21 which was the dedicated land for the library, that 22 also has changed and I -- my understanding is -- I 23 haven't been as much a participant in that. My 24 understanding is that the County itself wanted to 25 go for a larger regional library, and felt that</p>

Transcript of Hearing  
Conducted on March 6, 2025

47 (468 to 471)

<p>468</p> <p>1 the corner of Stringtown and 355 was a better -- 2 you know, better site than the proposed. Those 3 are the two major changes. 4 But, other than that, as you stated, 5 there's still an element that is there somewhere 6 else. Elements that are missing are things like 7 live-work units and things maybe physically I 8 would say. Looking again at my exhibit, the 9 compliance program 1B, where it specifically 10 detailed why there should be street-facing retail 11 at the entry point. That's gone. But other than 12 that, no. 13 HEARING EXAMINER SOKONI: Okay. 14 THE WITNESS: Changes on things like 15 putting in retail -- I mean, sorry, rental units 16 where other things were supposed to be, but I 17 don't find that to be pertinent, you know, in view 18 of the one conditional use. 19 So I only have a few more points, brief. 20 So relative to the filling station itself, I 21 understand that a filling station conditional use 22 may only be approved when you find from a 23 preponderance of the evidence that the need exists 24 to serve the population in the general 25 neighborhood considering the present availability</p>	<p>470</p> <p>1 neighborhood. And that gas station is used by 2 many people I know and I go there. It makes no 3 sense to me why that's not included. And I know 4 that I've never waited in line. I have waited in 5 line there once, but I've never waited in line at 6 any of the other surrounding stations, the Sunoco, 7 the one at the Harris Teeter, which is, you know, 8 attached to the 7-Eleven. So, for me, I find it 9 hard to understand how there can be a verifiable 10 need to, quote, serve the population in the 11 general neighborhood, considering the present 12 availability of identical or similar uses. So I 13 did, you know, take offense to that, and I 14 don't -- I can't hire an analyst to show that it's 15 different, but I didn't see anything inclusive of 16 the Patels' station, and neither did I see 17 anything that shows that there's an inadequate 18 amount of such services presently here. So that's 19 really it on that point. 20 There's one thing that I had asked to -- I 21 had submitted, Ms. Sokoni, the last time, but 22 didn't have an appropriate link, and that was for 23 Mr. Flanagan's own testimony on an interview with 24 COE where there were some specific things stated, 25 and you had asked if I could provide a link to the</p>
<p>469</p> <p>1 of identical or similar uses. 2 I know Mr. Harris submitted what he called 3 a memorandum of law. And I'm not an attorney, 4 Bob, but, you know, I like to dabble, but I at 5 least wanted to read the cases from what you've 6 drawn, and I don't understand how you're equating 7 the cases to a conditional use when my 8 understanding -- correct me if I'm wrong -- 9 Kreatchman v Ramsburg and Aspen Hill, they were 10 zoning, rezoning matters, not conditional use 11 permits. If I'm wrong, please correct me on that, 12 but I understood that those are zoning. And so, 13 therefore, that would be a different requirement, 14 because my understanding is Montgomery County 15 Zoning President has upheld that an Applicant has 16 to provide quantifiable proof that existing 17 services are inadequate, so like documented 18 service gaps and demonstrated inadequacy of 19 stations like operational deficiencies and things 20 along that nature. 21 So what's confusing to me in this is, 22 first and foremost, in the analysis by the 23 Applicant, they don't even include the Patels' gas 24 station in the neighborhood. The master plan 25 specifically includes that area as part of the</p>	<p>471</p> <p>1 YouTube, you know, through YouTube, but it's not 2 on YouTube. I don't know if it's possible for me 3 to share a screenshot, but I have the two clips 4 I'd like to share -- it's got his face, it's got 5 his voice that just state in his own words that he 6 bought the plan for a dollar, and he specifically 7 states that he understood that there were 8 settlement agreement requirements. I think that's 9 important for the record. I have them. 10 HEARING EXAMINER SOKONI: Our process for 11 recordings is it has to be a YouTube link, because 12 everyone has to have access to it and an 13 opportunity to weigh in and comment on it so 14 nobody -- we haven't reviewed it. 15 MS. PRESLEY: Okay. May I submit within 16 the 10 days post -- I don't know how to create a 17 YouTube link. I can research it, because there -- 18 it's not my -- you know, that's not hearsay. It's 19 there for anybody. If that's something that's 20 allowed to be submitted within the 10 days post 21 hearing, I can find a way to do it and submit it 22 to everyone. 23 HEARING EXAMINER SOKONI: So we had a 24 discussion before you came on. It will be -- the 25 record is only open for 10 business days for</p>



Transcript of Hearing  
Conducted on March 6, 2025

48 (472 to 475)

<p>472</p> <p>1 submission of the transcript. I was actually 2 going to ask -- I mean, you had -- you sent an 3 e-mail yesterday -- 4 THE WITNESS: Uh-huh. 5 HEARING EXAMINER SOKONI: -- because you 6 were not sure you would be able to testify today, 7 and you had asked if that could get into the 8 record. 9 THE WITNESS: I see. 10 HEARING EXAMINER SOKONI: So my 11 question -- I was waiting to make a final ruling 12 until you testified. Now that you've had the 13 chance to testify and I'm assuming -- were you 14 still looking to submit -- I'm assuming that your 15 need to submit that e-mail has become moot, right? 16 THE WITNESS: That's correct, other than 17 the points I made in it that I would like to adopt 18 by reference the argumentation of Ms. Powell, as 19 well as any testimony from the Patels. 20 HEARING EXAMINER SOKONI: Unfortunately, 21 YouTube link is a problem because nobody has had 22 the opportunity to review it and testify either in 23 support or against it. 24 THE WITNESS: Mm-hm. Okay. Well -- 25 HEARING EXAMINER SOKONI: But what I did</p>	<p>474</p> <p>1 technical inadequacy, but I understand. 2 HEARING EXAMINER SOKONI: You're not alone 3 there. I don't think I could figure out how to do 4 a YouTube link if my life depended on it. 5 THE WITNESS: No, I understand completely. 6 That's all I have then. 7 HEARING EXAMINER SOKONI: Any 8 cross-examination? 9 MR. HARRIS: Yes. 10 CROSS-EXAMINATION BY COUNSEL FOR THE APPLICANT 11 BY MR. HARRIS: 12 Q Yes, I do, Amy. And before I start the 13 cross-examination, you know, while you're an 14 opponent, I again want to say I feel sorry for 15 your situation, so don't take any of my 16 cross-examination as personal. I'm trying -- 17 <b>A No. We've managed to be on opposite sides 18 many times and come up friends, Bob, so have at 19 it.</b> 20 Q Yes. Okay. Thank you. So I'm going to 21 ask you some questions. 22 MR. HARRIS: Although, I think, Madam 23 Examiner, that our memo on the plan of compliance 24 addresses everything that Ms. Presley has 25 testified here to; but, just to nail it down, I'm</p>
<p>473</p> <p>1 offer the parties here was that I would only leave 2 the -- the hearing is closing today. 3 THE WITNESS: Okay. 4 HEARING EXAMINER SOKONI: The record will 5 be left open for 10 business days for the limited 6 purpose of including the transcript, and then I 7 was giving the parties -- I was giving the 8 attorneys the opportunity to give me their 9 proposed findings of fact. 10 THE WITNESS: Okay. 11 HEARING EXAMINER SOKONI: You're certainly 12 welcome to provide your proposed findings of fact. 13 THE WITNESS: Okay. Then that would 14 eliminate this, because this is just -- you know, 15 someone's got to evaluate it and make their own 16 decision about what he speaks so -- 17 HEARING EXAMINER SOKONI: Okay. But we'll 18 have no more testimony so -- 19 THE WITNESS: I will -- 20 HEARING EXAMINER SOKONI: And just for the 21 record, I believe I did cover the -- I provided 22 the information that we would take this in as a 23 YouTube link. 24 THE WITNESS: You did. I just wasn't able 25 to get it there. I didn't know how to do it, so</p>	<p>475</p> <p>1 going to go back. 2 Q Can you go to the plan of compliance and 3 show me exactly where in there it uses the word 4 gas, filling station or any -- or automobile 5 filling station? 6 <b>A Of course not, Bob, because you know it 7 doesn't do that. It uses other specific terms 8 about retail, about, you know, dining, things like 9 that. There's nowhere that it -- and I think we 10 had that on our last hearing too. There's nowhere 11 that it says it. There's nowhere it approves or 12 disapproves specifically of that use. It was only 13 in the designs evident and the language about what 14 the look and feel should be that I referred to. 15 There's nowhere that says gas station.</b> 16 Q Show me in any of the documents that you 17 produced where it uses the word gas station, 18 filling station at all. 19 <b>A It won't. No. It only shows the design 20 specific that would by itself to any other person 21 be obvious that a filling station can't be plunked 22 there. For example, there's a literal design. If 23 the design is a circle, you can't fit a square in 24 it. It doesn't say no squares allowed. The 25 design itself speaks for itself, and I can not --</b></p>

<p>476</p> <p>1 I know there's nowhere that the word gas station, 2 filling station, petrol, nothing like that is used 3 anywhere. No, you're correct. 4 Q And then, other than a grocery store, does 5 it make any specific recommendations affirmatively 6 or negatively with respect to any other retail 7 use? 8 A It does, Bob. You won't approve of that 9 because it's in the settlement agreement, and then 10 in language -- let me see if I can find it -- 11 about the purpose, which was to -- I'm trying to 12 find it. There's places where it talks about 13 dining as entertainment and blah, blah, blah. 14 Hang on. You know, nowhere -- if what you're 15 getting at is anywhere does it say a pizza place 16 or dry cleaner, like things like that, no. 17 Q Right. Okay. 18 A There's general terminology, but I think 19 that's your point is that there are no specifics 20 as to exact retail, but what they're -- 21 Q Yeah, exactly. Okay. We're on the same 22 page. 23 A Okay. 24 Q Okay. So I know that you've talked about 25 being friendly and walkable objectives, and you</p>	<p>478</p> <p>1 or a gathering, because that's going to be 2 eliminated. And I have consistently stated 3 pedestrian scale and orientation. That is what 4 the compliance program states, and that's what the 5 master plan states. 6 Q You're saying that putting these gas pumps 7 in there makes that area inaccessible to 8 pedestrians? 9 A No, not at all. Of course, because how's 10 a pedestrian going to fill their tank? What I'm 11 saying is it flies in the face of the design that 12 was intended to activate that space for 13 pedestrians on a pedestrian scale. What I'm 14 saying is that would no longer be a place where 15 pedestrians would gather from the Town Center 16 using a parking lot, as many do across the county, 17 for farmers markets and things of that nature. No 18 one's going to do that with a gas station there. 19 And part of the original plan in the 20 descriptions -- no one says farmers market. 21 Actually, I think it does in one place. But again 22 it's not a -- 23 Q Are you maintaining that the parking lot 24 is going to be a gathering spot for pedestrians, 25 the parking lot for the Weis store?</p>
<p>477</p> <p>1 maintain that adding these gas pumps to the 2 parking lot for the grocery store will make it 3 unwalkable and unproductive and not -- 4 A No. 5 Q -- pedestrian friendly. 6 A I think you might be confusing that 7 testimony with Ms. Powell. I'm specifically 8 referring to pedestrian scale, which is a specific 9 term used in the settlement and the compliance 10 program and the Staff Report, pedestrian oriented 11 and pedestrian scale. And you can still have a 12 pedestrian -- sorry. Back just for a moment, the 13 compliance program isn't referring to the entirety 14 of the Town Center. It's specifically referring 15 to the walkability, pedestrian orientation of the 16 retail core. 17 So it was bad enough to see a field of 18 parking put where it wasn't originally in the 19 compliance program, so I would have contended 20 that. And then a gas station, though, goes beyond 21 the pale, because no, it absolutely prohibits 22 pedestrians there. No one's going to be standing 23 around, other than filling their gas tank. No 24 one's going to potentially be using that space of 25 the parking lot for, let's say, a farmers market</p>	<p>479</p> <p>1 A What I'm maintaining, Bob, is that putting 2 a gas station specifically -- that's all I'm 3 maintaining -- putting a gas station there will 4 prohibit the pedestrian orientation and scale that 5 was intended in the compliance program for the 6 retail core. 7 Q Okay. So you're maintaining that the 8 Kentlands is not pedestrian friendly? 9 A I'm not maintaining that because this 10 doesn't have to do with the Kentlands. This is 11 specifically pertinent to the compliance program 12 and the Town Center retail core. That's all. 13 Q You're avoiding the question. 14 A Actually, you're right. No. I do believe 15 some of the Kentlands is not pedestrian friendly. 16 Some of it is not; some of it is. 17 Q And the same thing -- 18 A -- town area. And using your own 19 question, in the very area that is where they have 20 the tiny little street-facing retail and they've 21 got the movie theater and everything, that's 22 completely walkable. There's no gas station 23 there. You know where the gas stations are; over 24 in the area where it's not pedestrian friendly 25 where you've got the big box stores. That's where</p>

Transcript of Hearing  
Conducted on March 6, 2025

50 (480 to 483)

<p>480</p> <p>1 <b>it's not friendly. That's my answer.</b></p> <p>2 Q So how about the King Farm? You maintain</p> <p>3 that's not pedestrian friendly either?</p> <p>4 <b>A Same thing. There are areas of King Farm</b></p> <p>5 <b>that I believe are pedestrian friendly. But,</b></p> <p>6 <b>overall, do I think that's a pedestrian scale in</b></p> <p>7 <b>certain areas, but not -- not in that area where</b></p> <p>8 <b>you go towards the grocery store, no.</b></p> <p>9 Q Okay.</p> <p>10 <b>A But they didn't -- I don't know what their</b></p> <p>11 <b>underlying design is, but it wasn't a compliance</b></p> <p>12 <b>program design that even included the parking</b></p> <p>13 <b>lots, the grocery store, the building facing. And</b></p> <p>14 <b>to me, again, I find that to be irrelevant to</b></p> <p>15 <b>this, because this I'm comparing only to the</b></p> <p>16 <b>compliance program and the master plan, not the</b></p> <p>17 <b>Kentlands and not King Farm.</b></p> <p>18 Q Okay. The Planning Staff, the Planning</p> <p>19 Board, our expert planner, Kevin Foster, and even</p> <p>20 our transportation expert, David Samba, all</p> <p>21 concluded that the end result with the grocery</p> <p>22 store and with the gas pumps would be pedestrian</p> <p>23 friendly and walkable. You're disagreeing with</p> <p>24 them?</p> <p>25 <b>A Absolutely. And of course they would find</b></p>	<p>482</p> <p>1 inconsistent with the plan of compliance. Is that</p> <p>2 something --</p> <p>3 <b>A And as was stated before --</b></p> <p>4 Q Excuse me. Excuse me. Excuse me. Let me</p> <p>5 finish my question, please. Do you agree that the</p> <p>6 Planning Board has the discretion to change things</p> <p>7 that were contemplated in the plan of compliance?</p> <p>8 <b>A Only as it limited itself by specifically</b></p> <p>9 <b>with its own wording in the resolution and the</b></p> <p>10 <b>incorporation of the Staff Report, and, as they</b></p> <p>11 <b>quoted, commanding the developer to provide every</b></p> <p>12 <b>element, and they included that. So I believe</b></p> <p>13 <b>that that is why it was so carefully worded.</b></p> <p>14 <b>They're not hamstringing themselves as to their</b></p> <p>15 <b>legal authority and rights, but they are</b></p> <p>16 <b>specifically limiting what they could amend. Has</b></p> <p>17 <b>that been transgressed since then, I believe so in</b></p> <p>18 <b>the most recent years. But no, they did not state</b></p> <p>19 <b>that in a way that gave license to the same type</b></p> <p>20 <b>of revision that any other site plan would</b></p> <p>21 <b>receive.</b></p> <p>22 Q The settlement agreement to which you</p> <p>23 referenced, I've looked at that as well, and I see</p> <p>24 nothing in there that mentions gas stations.</p> <p>25 And --</p>
<p>481</p> <p>1 <b>that it's necessary --</b></p> <p>2 Q Okay.</p> <p>3 <b>A But, yeah, of course I disagree. Yeah.</b></p> <p>4 Q Do you acknowledge that the design</p> <p>5 concepts envisioned in the plan of compliance have</p> <p>6 been changed multiple times since 2006?</p> <p>7 <b>A Yeah. And specifically on that point,</b></p> <p>8 <b>Bob, I included, I think, in my first letter of</b></p> <p>9 <b>testimony when that stopped in the last few</b></p> <p>10 <b>reviews. Now, the design concepts didn't change.</b></p> <p>11 <b>Specific site plan amendments have been made. So</b></p> <p>12 <b>no, no one ever -- no one ever made any amendments</b></p> <p>13 <b>to the initial Planning Board resolution or to the</b></p> <p>14 <b>program of compliance. There have been site plan</b></p> <p>15 <b>revisions, the recent of which I disagree with.</b></p> <p>16 <b>After five or six changes of Planning Board and a</b></p> <p>17 <b>Staff that now fails to adhere to what the</b></p> <p>18 <b>resolution was, yes, there have been changes, but</b></p> <p>19 <b>it hasn't been anything that, as the original</b></p> <p>20 <b>resolution required, would go back and amend the</b></p> <p>21 <b>program of compliance or the resolution.</b></p> <p>22 Q I didn't ask if the program of compliance</p> <p>23 was amended. My position is that it does not need</p> <p>24 to be amended because it gives the Planning Board</p> <p>25 the discretion to approve plans that are</p>	<p>483</p> <p>1 <b>A No. There isn't. Of course not.</b></p> <p>2 Q So --</p> <p>3 <b>A I didn't say there was.</b></p> <p>4 Q You can't point to anything in there that</p> <p>5 prohibits that?</p> <p>6 <b>A I can.</b></p> <p>7 Q Okay. Where?</p> <p>8 <b>A It doesn't prohibit, quote, gas station.</b></p> <p>9 <b>It specifically requires certain types of</b></p> <p>10 <b>retail --</b></p> <p>11 Q Where?</p> <p>12 <b>A And the --</b></p> <p>13 Q Which page?</p> <p>14 <b>A Bob, I'm interested to know how you have a</b></p> <p>15 <b>settlement plan, because I understood we weren't</b></p> <p>16 <b>allowed to distribute them; but, if we are and you</b></p> <p>17 <b>can put it into the record, I'd be happy for you</b></p> <p>18 <b>to put it into the record so I could have a chance</b></p> <p>19 <b>to rebut your comment on it because --</b></p> <p>20 Q I've got it in front of me. I'm just</p> <p>21 looking to see --</p> <p>22 <b>A -- a physical copy. I don't have it in</b></p> <p>23 <b>front of me. It's a physical copy only, so refer</b></p> <p>24 <b>to your --</b></p> <p>25 Q That's fine. I've been through it. I</p>

Transcript of Hearing  
Conducted on March 6, 2025

51 (484 to 487)

<p>484</p> <p>1 don't see anything in there that says that. Until 2 you can prove that it does -- 3 MS. POWELL: Wait a minute. No. He's 4 testifying. Objection. He's absolutely 5 testifying to what's in a document that is not -- 6 MR. HARRIS: She's testifying what's in 7 the document too, and I'm saying it's wrong. 8 THE WITNESS: I never testified that a gas 9 station was in the document, Bob. I stated that, 10 being present, I knew the intent of the retail 11 core specifically, what we strove for hour after 12 hour until midnight and beyond for five months. 13 And I can guaran, blank, tee you that there was 14 never anyone who would have approved a gas 15 station. 16 In fact, specific language is in there 17 that -- if we need to do an extension so I can go 18 back and review it and find and cite the 19 paragraphs, there's specific language on the 20 incorporation of a design. The design itself was 21 incorporated into the plan by the settlement 22 agreement. That's what the settlement was about, 23 what was to be delivered specifically. And there 24 is no gas station there. There is no gas station 25 because it was never intended to be part of the</p>	<p>486</p> <p>1 <b>I am not allowed to -- by nature of what I signed,</b> 2 <b>I can't divulge -- if you can, I'd love to have it</b> 3 <b>in the record.</b> 4 Q I can do that. 5 A <b>Okay.</b> 6 Q So long as it doesn't delay things. I 7 don't want you using this as a tactic to delay the 8 hearing further. You've had two months. 9 A <b>Bob, I don't want to delay the hearing.</b> 10 Q Excuse me. I'm talking. You've had two 11 months to introduce it if you wanted to. 12 HEARING EXAMINER SOKONI: Are we getting 13 the settlement agreement into the record? 14 MR. HARRIS: I can see that it's going to 15 be useful, yes. 16 THE WITNESS: You're not prohibited, Bob, 17 under the terms of the settlement agreement? 18 Because I heard from my attorney that I'm 19 prohibited and that everyone's prohibited from 20 submitting that, unless it becomes -- 21 MR. HARRIS: I'm not prohibited from doing 22 it at all. I'm not a party to -- 23 THE WITNESS: Okay. 24 HEARING EXAMINER SOKONI: Do you have 25 any --</p>
<p>485</p> <p>1 new and hard-fought design that was in exchange 2 for multiple violations that we had already 3 exceeded a point of \$8 million in fines should the 4 Planning Board continue. That's -- 5 Q Do you agree that page three of the 6 settlement agreement says, Notwithstanding 7 anything to the contrary set forth in this 8 settlement agreement, the exhibits to the 9 development terms for CTC provide a guide for 10 purposes of determining the financial commitment 11 of the developer and the general conceptual 12 agreements regarding design? That seems -- 13 A <b>Well --</b> 14 Q -- to me; doesn't it? 15 A <b>Bob, I know you. I like you. Like you</b> 16 <b>said, no hard feelings. But you pick and choose,</b> 17 <b>just like you referred to the Zoning Ordinance for</b> 18 <b>something that's not a specific use. So I</b> 19 <b>understand you could pick paragraph C -- if we're</b> 20 <b>going to do that, I need to have time to look at</b> 21 <b>the document again to show you all the other</b> 22 <b>paragraphs that specifically do incorporate the</b> 23 <b>design as it is. Because if you're going to</b> 24 <b>eliminate one, then I would ask Ms. Sokoni to</b> 25 <b>require that you submit the settlement agreement.</b></p>	<p>487</p> <p>1 MS. POWELL: No, I don't have that. 2 HEARING EXAMINER SOKONI: Ms. Powell will 3 need a copy. 4 MR. HARRIS: Yep. I've got it. Thank 5 you. 6 THE WITNESS: So, Ms. Sokoni, how do we 7 respond to this? It can be in the record. And I 8 understand, if you're saying that's it for the 9 evidence, that's now submitted as factual, which 10 is good and you can review it. Perhaps there's no 11 need for me to respond at all, because you have 12 the evidence in front of you. And if that's all 13 that's required, you know -- 14 MR. HARRIS: I think that's correct. You 15 have the actual document, not my interpretation, 16 not Ms. Presley's interpretation. 17 HEARING EXAMINER SOKONI: Ms. Presley, do 18 you -- 19 THE WITNESS: On that point only, Bob, I 20 want to say it's not my interpretation. I was 21 there, so I am a primary -- I'm a witness. I'm a 22 party to it. I don't know if you were there. I 23 know Robbie was for some of it. But my statements 24 were based on my presence at those hearings, 25 mediations and final settlement.</p>

Transcript of Hearing  
Conducted on March 6, 2025

52 (488 to 491)

<p>488</p> <p>1 HEARING EXAMINER SOKONI: The settlement 2 agreement has been offered into evidence. Our 3 last exhibit was Exhibit 66. Sorry about that. 4 The last exhibit was 65. No. 5 MR. HARRIS: 67, I think. 6 HEARING EXAMINER SOKONI: 67. So we're 7 now on -- so now, if this is introduced, it would 8 be Exhibit 68. 9 MR. HARRIS: Yes. 10 HEARING EXAMINER SOKONI: Any objections 11 to its inclusion in the record? 12 MS. POWELL: I'm confused, because there's 13 a lot of interlineation on this document, so I 14 don't know if it's the final version or not and -- 15 MR. HARRIS: It's the final version. It 16 has all the signatures on it. 17 MS. POWELL: Yeah, but there's no initials 18 where you typically put initials. 19 MR. HARRIS: -- done that formally. This 20 is the document. Trust me. 21 MS. POWELL: Excuse me. 22 THE WITNESS: I have all the -- I have 23 all -- the one I have, Bob, from the thing itself 24 has -- it was a series of some handwritten changes 25 that the --</p>	<p>490</p> <p>1 I'll ask my colleagues here to remind me if I 2 forget. 3 BY MR. HARRIS: 4 Q A couple more questions. I believe you've 5 seen the community support for this -- 6 <b>A Absolutely.</b> 7 Q -- conditional use? 8 <b>A Yep, I sure have. I know what it's</b> 9 <b>contingent on, too, Bob, so yeah.</b> 10 Q You know what? 11 <b>A I know what that was contingent on. As</b> 12 <b>you know, I've been here since 2002. I've heard</b> 13 <b>everything, and I've heard all the threats and</b> 14 <b>everything. So I understand why the community</b> 15 <b>supported. They've been told they will not get</b> 16 <b>any grocery without a gas station so --</b> 17 Q That is true. 18 <b>A I don't constitute that as support for a</b> 19 <b>plan. I constitute that -- you call it community</b> 20 <b>support. I call it community fear to testify in</b> 21 <b>any other way because they've been waiting so</b> 22 <b>long.</b> 23 Q Other than you, I'm not aware of any 24 resident of Clarksburg Town Center who opposes 25 this. Are you aware of any?</p>
<p>489</p> <p>1 MR. HARRIS: Yeah. 2 MS. POWELL: That's all I'm -- 3 THE WITNESS: But the signatures of all 4 parties are on yours as well? 5 (Crosstalk.) 6 THE WITNESS: There's one thing -- and I'm 7 saying this, like, as a friend. Are you sure you 8 don't want to redact parts that were agreed to as 9 not ever being revealed based on builder 10 contributions and so forth? That was a specific 11 thing that was requested that we not do. 12 MS. POWELL: I don't think you can. 13 THE WITNESS: You need to have, if you -- 14 I mean, that's on you. I'm not submitting it. 15 MR. HARRIS: I'm fine with it as it is. 16 THE WITNESS: Okay. 17 MR. HARRIS: Just a few more -- 18 HEARING EXAMINER SOKONI: We have entered 19 the -- it's entered as Exhibit 68. 20 (Exhibit 68 was admitted.) 21 MR. HARRIS: Yes. Thank you. 22 HEARING EXAMINER SOKONI: Could you kindly 23 ensure that we have an electronic copy as well for 24 posting? 25 MR. HARRIS: I will do that. Thank you.</p>	<p>491</p> <p>1 <b>A Yeah. Uh-huh. Both Fantels. Let's see.</b> 2 <b>What is her name? Jim and Lynne Crimm. People</b> 3 <b>who -- Bob, people are sick and tired. I mean,</b> 4 <b>that's not going to be the argument. I knew when</b> 5 <b>I came out like the last thing --</b> 6 Q They oppose it, but they haven't put 7 anything in the record? 8 <b>A That's right, Bob, because people are</b> 9 <b>afraid and there's a bunch of stuff being pushed</b> 10 <b>around. And, you know, that's not on me. All I</b> 11 <b>can do is a final piece in a long, long line of</b> 12 <b>participation that is a last straw for me so --</b> 13 <b>yeah, it's not --</b> 14 Q Isn't it true -- 15 <b>A And aside from that, I'd like to answer</b> 16 <b>your question further. Ms. Sokoni's -- any</b> 17 <b>Hearing Examiner's acceptance or denial has</b> 18 <b>absolutely zero to do with community support and</b> 19 <b>everything to do with the requirements of finding</b> 20 <b>under law.</b> 21 Q Is it true that since at least January 16 22 you've been communicating on your neighborhood 23 Listserv soliciting people to oppose this 24 application? 25 <b>A No. You said since January -- there's one</b></p>

<p style="text-align: right;">492</p> <p>1 time I posted one thing; and, based on the 2 response, I privately dealt with one gentleman who 3 said -- he thanked me, but he wasn't going to 4 participate. He hoped I could win. I had -- I 5 didn't post again because the responses were 6 exactly as you had stated, We want a grocery 7 store; we're not -- we're not in opposition. So 8 you're right, but that's only once. I mean, I -- 9 it's -- the way you stated it, it sounded as if I 10 have been communicating there since. No. Once. 11 Once. 12 Q If it's once, okay. Despite your effort, 13 those people have not come forward to oppose this; 14 is that correct? 15 A That's correct. 16 Q At one time you -- in fact, at the last 17 hearing you said you were going to ask County 18 Executive Marc Elrich to come and testify. 19 A As I stated -- 20 Q May I ask the question, please? Did you 21 ask -- did you ask him to come and testify today? 22 A No, I did not. In fact, I sent a message, 23 as I did to you, an e-mail stating that I thought 24 it would be redundant, and I didn't think it was 25 kind to make an executive come to a hearing like</p>	<p style="text-align: right;">494</p> <p>1 be necessary in the first hearing. I said okay. 2 I agreed. I never said I was going to have them 3 support my position. I wanted them to come 4 cross-examine them. 5 HEARING EXAMINER SOKONI: -- objecting, 6 and you're not representing that. 7 MS. POWELL: No, I'm not, but I am -- I'm 8 here and I'm entitled to object on behalf of my 9 clients, and that's why I'm making the objection. 10 MR. HARRIS: I have no further questions. 11 HEARING EXAMINER SOKONI: Anyone else 12 wishing to cross-examine? I don't think there's 13 anyone online. 14 THE WITNESS: Ms. Sokoni, may I state for 15 the record that -- in answer to Mr. Harris' 16 question, that I never stated, nor did I 17 anticipate that I would have Planning Board affirm 18 my position. I wanted them specifically in front 19 of me so that I could cross-examine them as to 20 when and why they stopped making comparisons to 21 the compliance program because members of that had 22 done so in the past and on this most recent did 23 not. I wanted that, and you stated that probably 24 wasn't necessary. And then I went a different 25 direction. So no, I didn't get them back. But</p>
<p style="text-align: right;">493</p> <p>1 this. I did have lunch with him where he said 2 things to me that I can testify to, but that's -- 3 Q No. That would be hearsay and -- 4 A That's correct, and that's why I wanted 5 him there. But then I thought it's not fair to do 6 to the guy. He's running the County. But, bottom 7 line, his testimony doesn't matter. He was there. 8 It's in the record. He was one of the Council 9 members who found our compliance program to be 10 sufficient to remediate violations. So no, I 11 wasn't going to get Marc out of his office to come 12 in, and I left him a message, a voicemail message 13 to that effect. And I sent the e-mail I guess it 14 was yesterday or the day before stating that it 15 doesn't make sense to me to do that to him. So 16 no, I did not ask him. 17 Q Okay. Is it the same conclusion -- at one 18 time you had talked about asking Park and Planning 19 Staff to come and support your position on this. 20 Did you ask them to come? 21 MS. POWELL: This is way out of -- 22 objection. 23 A Actually, Bob, that's a misrepresentation 24 of what happened. It's actually Ms. Sokoni who 25 said -- initially encouraged that that might not</p>	<p style="text-align: right;">495</p> <p>1 Bob, I never, never anticipated having the 2 Planning Staff support what I'm saying to you now. 3 If they did, they would have done it right the 4 first time. 5 HEARING EXAMINER SOKONI: Your 6 clarification is noted. 7 THE WITNESS: Thank you. 8 HEARING EXAMINER SOKONI: Just for me 9 to -- and, by the way, you were cross-examined. 10 So if you had counsel, they could do redirect. 11 THE WITNESS: I don't know about those 12 things. Well, since I'm not and I don't know what 13 a redirect is -- 14 HEARING EXAMINER SOKONI: I'm just -- I 15 just want to make sure you have an opportunity. 16 Was there anything in the cross-examination that 17 you wanted to clarify? 18 REDIRECT TESTIMONY BY THE OPPOSITION 19 MS. PRESLEY: Yes, I would. Just going 20 back again as a final time to Mr. Harris' 21 continued questions about whether there's ever a 22 gas station, and just as we had at the last 23 hearing, went back and forth with Ms. Kubit about 24 the master plan, the master plan doesn't say 25 anything about gas stations either. There's not a</p>

Transcript of Hearing  
Conducted on March 6, 2025

54 (496 to 499)

<p>496</p> <p>1 specific use there, and that was never there. My 2 point was, and I tried to clarify that, very 3 specifically, the design of the retail core 4 presented in the compliance program, argued for 5 and won in the settlement agreement, was the issue 6 at hand, not one or two specific uses. It's this 7 use, where it's proposed and how it conflicts. 8 That's all. Nothing else. I didn't have anything 9 else I would redirect. 10 HEARING EXAMINER SOKONI: Thank you. 11 Thank you. So just in summary, for me to -- 12 because you were a party to the settlement 13 agreement, you were part of the whole compliance 14 plan, my understanding, and correct me if I'm 15 wrong, is once, you know, you -- there were all 16 these violations of, for instance, construction 17 happening with, you know, building heights above 18 what was approved and, you know, narrow streets, 19 all the things you've described. And so the 20 settlement was to -- was corrective, right? That 21 going forward -- 22 THE WITNESS: It was corrective, yes, and 23 also -- 24 HEARING EXAMINER SOKONI: It was 25 corrective to address all those violations.</p>	<p>498</p> <p>1 because it would have been a mutually-agreed-upon 2 settlement. 3 HEARING EXAMINER SOKONI: And this was the 4 final -- the settlement was in two thousand and -- 5 THE WITNESS: Five. 6 HEARING EXAMINER SOKONI: Five. Okay. 7 THE WITNESS: I believe it -- 8 (Crosstalk.) 9 THE WITNESS: -- for the record. Sorry. 10 There's some -- I thought I had included the 11 formal history with dates. The settlement 12 ended -- the agreement was entered to on April 6, 13 2006. And then the plan of compliance was 14 submitted in April, but approved by the Board on 15 June 15, 2006. And that's where -- 16 HEARING EXAMINER SOKONI: -- understand 17 that the current version of the Zoning Ordinance 18 under which this application is made is the Zoning 19 Ordinance of 2014. 20 THE WITNESS: Oh, yes, I participated. 21 Remember, I was a commissioner for eight years. I 22 was prohibited from speaking against things that 23 were happening, but I participated in the zoning 24 rewrite, so I'm well-aware that it's different. 25 Yeah.</p>
<p>497</p> <p>1 THE WITNESS: And also the ones that had 2 not yet been heard, so it was preventative. In 3 other words, there was still a list of roughly I 4 think it was 18 violations. I can provide that, 5 if necessary. But the ones that had found to date 6 had included types of homes in areas that were not 7 approved on the site plan. So, for example, 8 something should be townhouses and instead it was 9 condos, or something should be one thing and it's 10 another, height violations. Those were all found. 11 The setbacks, the side-street setbacks, the 12 narrowing of streets, there was a -- those things 13 were already adjudicated. But as more and more 14 violations kept being uncovered, that's when the 15 desire of the whole County, especially during the 16 stop-work order, was to change course of how 17 things would be done, and that's what the 18 settlement agreement was to take care of. And if 19 you -- I believe if you look on the first page of 20 the Board's resolution, I believe it mentions what 21 was adjudicated and what was alleged but not 22 adjudicated. So it was covering, as you said, 23 everything that had occurred as remedial and 24 everything that was yet to be heard. That would 25 have removed any need to hear that as well,</p>	<p>499</p> <p>1 HEARING EXAMINER SOKONI: Okay. I would 2 turn it to the attorneys for closing arguments, 3 closing statements. 4 MR. HARRIS: I assume Applicant first? 5 HEARING EXAMINER SOKONI: Yes. 6 MR. HARRIS: Madam Examiner, thank you for 7 your patience on this. I believe that the record 8 will show that -- 9 HEARING EXAMINER SOKONI: We need your 10 mic. 11 MR. HARRIS: I believe that the record 12 will show that this case should be easier for you 13 to decide than the lengthy hearing has suggested. 14 The Zoning Ordinance has -- provision 15 Section 7.3.1 has seven basic standards that have 16 to be met. Section 3.5.13 has 10 additional 17 requirements for filling stations. And 7.3.1 18 calls for a finding of need for a filling station 19 in the, quote, general neighborhood, considering 20 the availability of identical or similar uses in 21 the neighborhood. We had testimony about that 22 earlier today. We have provided expert testimony 23 on each of the standards, each of the requirements 24 required for approval of this. Similarly, the 25 Planning Staff has analyzed it, and they support</p>

Transcript of Hearing  
Conducted on March 6, 2025

55 (500 to 503)

<p>500</p> <p>1 it. That's Exhibit 36. The Planning Board 2 unanimously supports the application. That's 3 Exhibit 55. 4 The opposition does not question most of 5 those findings. They focus really on two and a 6 half things. The reason I say it's two and a half 7 is because one is kind of a variation of the 8 second. 9 The first is, as we've heard today here, 10 extensive comment from Ms. Presley about how she 11 believes this would be inconsistent with the plan 12 of compliance and, indirectly today, inconsistent 13 with the settlement agreement. So that's sort of 14 their argument number one. 15 The second argument is that we do not meet 16 the need standard. But as our testimony provided 17 and our legal memorandum, Exhibit 66, explains, we 18 believe the opposition has misconstrued what need 19 means, and that the standard is much more flexible 20 than they would have it. 21 I said there are two and a half objections 22 that they've made. The other half, I think, is an 23 implicit opposition that approval of this 24 application would be anticompetitive to the Patel 25 operations that we heard about earlier today.</p>	<p>502</p> <p>1 compliance prohibits the gas pumps accessory to 2 the grocery store, the opposition argues that at 3 least the plan of compliance envisioned a 4 walkable, pedestrian-friendly community, or 5 various versions of that term, and that, in their 6 mind, gas pumps in the parking lot of the grocery 7 store behind the stores, well away from the 8 pedestrian system, well away from the street 9 somehow will make the Clarksburg Town Center 10 unwalkable. Even if pedestrian-friendly 11 walkability was a general goal in the plan of 12 compliance, it was a very loose ideal, not an 13 explicit standard. And, as we've seen, the 14 Planning Board has interpreted multiple times over 15 the years, including here -- our professional 16 Staff, Kevin Foster, who does planning as his 17 profession, gave detailed expert testimony as to 18 why this application is consistent with the plan 19 of compliance and why it does not make the area 20 unwalkable. He explained the comprehensive 21 pedestrian system. He explained the location of 22 the pumps, away from the pedestrian system. In 23 fact, he commented that the addition of the gas 24 station and this overall retail adds to the 25 walkability of the community because it provides</p>
<p>501</p> <p>1 MS. POWELL: We did not make that 2 argument. 3 MR. HARRIS: Okay. That's fine. 4 HEARING EXAMINER SOKONI: You will have 5 the opportunity in closing statements. These are 6 closing statements. 7 MR. HARRIS: No. That makes my job 8 easier. Thank you. 9 Let's turn to the plan of compliance. Our 10 memo, Exhibit 54, and the attached exhibits go 11 through this in detail, and I believe that they 12 show that this application is not in violation of 13 the plan of compliance. As we heard again today, 14 there's no prohibition in the plan of compliance 15 against gas stations. In fact, there's no 16 specification for what retail uses will be there 17 or will not be there, other than a grocer, even 18 where the plan of compliance is explicit in what 19 it will have, a library, parking garages, 20 live-work units, etcetera. The Planning Board has 21 repeatedly concluded over the years that the plan 22 of compliance is not to be read so restrictively; 23 rather, that it allows things to change per the 24 Planning Board's approval. 25 Given that nothing in the plan of</p>	<p>503</p> <p>1 these services in their neighborhood. 2 The Planning Board and Planning Staff 3 found in their conclusions, Exhibit 66, Exhibit 54 4 and Exhibit 55, that this will result in a 5 walkable, pedestrian-friendly neighborhood. 6 Let's see. Ms. Presley at one time 7 anticipated, suggested she might have expert 8 testimony through the Planning Staff or through 9 the County Executive to defend her position on the 10 plan of compliance. She did not do that, so there 11 is no evidence to the contrary, other than 12 Ms. Presley's testimony. That's the issue of the 13 plan of compliance. 14 The second issue is the need. Need does 15 not require what some imply it does. We submitted 16 a memo, legal memorandum, Exhibit 66, that had 17 both Montgomery County Board of Appeals cases, 18 Maryland case law and Prince George's County cases 19 dealing with gas stations where it confirms that 20 the standard of need is expedient, reasonably 21 convenient and useful to the public based on the 22 neighborhood, and it says to consider the present 23 availability of identical or similar uses in that 24 neighborhood. We provided extensive evidence in 25 how there is no identical or similar use in the</p>



Transcript of Hearing  
Conducted on March 6, 2025

56 (504 to 507)

<p>504</p> <p>1 neighborhood, and that's pretty much irrespective 2 of how you define the neighborhood. I'm not 3 saying that the Patel store shouldn't be part of 4 the neighborhood. That's reasonable to do so, and 5 I think that Ed Steere did say that, fine, that 6 can be considered in the neighborhood, but that 7 operation certainly is not identical, not even 8 similar to what Weis is proposing here. The 9 neighborhood really is Clarksburg Town Center and 10 its immediate surroundings, and in that area there 11 are no identical or similar uses. And as the 12 testimony provided both from the operation, the 13 Weis operator, from Ed Steere on behalf of needs, 14 he maintains -- and I support this -- that the 15 addition of these gas pumps as an accessory use to 16 the grocery store will be expedient, reasonably 17 convenient and useful to the public, and that 18 there are no identical or similar operations in 19 the neighborhood. 20 There was testimony about how people could 21 go from Clarksburg to other gas stations, whether 22 in Germantown or elsewhere, to purchase gas. We 23 don't deny that. Certainly that is the case, but 24 that's not the test that we have here. If that 25 were the case, we would only need one gas station</p>	<p>506</p> <p>1 membership department store within a half a mile, 2 I believe, of it -- this is on Rockville Pike many 3 years ago -- wanted to -- already had those. 4 There were four gas stations at the same corner of 5 Rockville Pike. There were 20 gas stations in 6 close proximity to that. And on the basis of 7 those facts, the County concluded that there was 8 not a need. Those facts are vastly different than 9 ours. 10 In closing, Applicant has worked long and 11 hard to bring the desired retail to Clarksburg. 12 It's been decades. They have finally found a 13 grocery who's willing to come, but that grocer has 14 testified under oath that, without the gas pumps, 15 they aren't coming because that's an important 16 component of their productivity. The site is 17 inferior, and, without that, they are concerned 18 that it will fail. And that will be in no one's 19 interest. 20 We believe the testimony and exhibits that 21 we've submitted totally support what I'm saying 22 here today. The Planning Staff and the Planning 23 Board have independently reviewed it, and they 24 affirm propriety of this. We have support from 25 the Clarksburg Homeowner's Association and eight</p>
<p>505</p> <p>1 in the entire metropolitan area, if everybody 2 could eventually go to that gas station. Now, 3 that's a bit facetious, but the reality is that 4 it's not a test of whether there is someplace else 5 that you can buy gas. It's whether it's 6 expedient, reasonably convenient and in the public 7 interest. 8 In terms of the nature of this use, this 9 is -- you know, we've testified extensively how 10 the gas pumps and the grocery store are 11 intertwined as an operation, and we think that's 12 unique. 13 Ms. Powell commented that my legal 14 memorandum on the need issue did not include the 15 Lucky Stores case, so let me address that for a 16 minute. I did not include that. That case does, 17 however, specifically say that the test for a gas 18 station is expedient, reasonably convenient and in 19 the public interest based on uses in, you know, 20 the neighborhood. That case did result in a 21 denial of the proposed gas station, but you need 22 to look at the facts and those facts bear nothing 23 to what we have. That was an instance where a 24 membership department store wanted to put gas 25 pumps in their parking lot where another</p>	<p>507</p> <p>1 individual residents. 2 And those of you who are still on the 3 phone, I thank you for your commitment. 4 Bottom line, the community has been 5 waiting for so long for this retail center. Let's 6 make it happen. That's all I have. Thank you. 7 HEARING EXAMINER SOKONI: Ms. Powell. 8 MS. POWELL: Thank you, Madam Sokoni. 9 As we've stated previously, the 10 application here is not for a grocery store. It's 11 not for a convenience store with gas station. It 12 is for a gas station. That's the way the 13 Montgomery County Code is written. It's a special 14 exception for conditional use, if you will, for a 15 gasoline station. 16 And in this case the Applicant would have 17 you believe that no consideration of identical or 18 similar uses available to the neighborhood should 19 be considered. Essentially, what they're arguing 20 is that, well, it's expedient for Weis to have a 21 gas station; it makes Weis competitive, which 22 isn't the test for whether or not a conditional 23 use should be granted; and basically, you know, 24 we'd just like to have one here and that's enough. 25 Well, it's not enough.</p>

Transcript of Hearing  
Conducted on March 6, 2025

57 (508 to 511)

<p>508</p> <p>1 And so you heard at some length already 2 our arguments with respect to the meaning of the 3 plan of compliance. And nowhere in that document 4 does it indicate, as Mr. Harris says, that it is, 5 you know, advisory, or, in fact, not controlling. 6 It says the opposite. It was given in exchange 7 for very valuable consideration that Montgomery 8 County could have otherwise gotten, and it was 9 given in exchange based on a commitment to develop 10 the retail center in a certain way. And when Elm 11 Street bought this property, it knew those were 12 the conditions, and that was clear from the deed 13 as well as from all the matters of record that had 14 taken place up until that time. So those 15 modifications had to be made in a retail center, 16 because the County said, Okay, we'll give up our 17 right to fines; we'll give up, you know, having to 18 knock down all these buildings and start over; 19 people are living in them; but we'll do this if 20 you do this within our retail center. And the 21 concept plan, the concept design plan is 22 specifically incorporated into the plan of 23 compliance. And the plan of compliance is at -- I 24 believe it's at OZAH 45 and it's law. And that 25 document, the resolution itself referred</p>	<p>510</p> <p>1 Except as otherwise required by, or relating to 2 physical project conditions unforeseen by the 3 Board or applicable law, including the 4 requirements of the Montgomery County Zoning 5 Ordinance such as, you know, ADA. These 6 regulations change, and you have to apply the laws 7 that exist at the time. The Planning Board 8 intends to require only such modifications that 9 are reasonably consistent with the compliance 10 program. And the use of a filling station, which 11 is a conditional use, is not reasonably consistent 12 with the compliance program itself, and it's 13 subject only to the unforeseen project conditions, 14 applicable law and regulations and the express 15 terms of the resolution and compliance program 16 that the Board can go outside and address its 17 other lawful requirements. It's expressly subject 18 to the compliance program. It says it over and 19 over again in the resolution. And, you know, if 20 part of the compliance program requirements were 21 to identify everything that you couldn't do, that 22 document would go on for a really long time, and 23 it wasn't necessary because it is not consistent 24 with what was envisioned in the concept plan, 25 which is part of the plan of compliance. It's</p>
<p>509</p> <p>1 specifically to what is incorporated in the plan 2 of compliance. And the resolution is pretty clear 3 that, you know, economic necessity isn't part of 4 the test. It's not part of the program. These 5 are benefits that were to have been provided. And 6 you know, if the parking decks hadn't been taken 7 away when people weren't paying attention, there 8 wouldn't be a sea of asphalt now in front of the 9 Giant. That's -- excuse me. In front of the 10 intended Weis Supermarket. 11 And also, going back to our memorandum, 12 which is included in the record, you know, 13 violation of the law or an ultra vires act doesn't 14 mean that subsequent violations are okay. It's 15 not a waiver. It's not a waiver. And urging that 16 against a municipality is tough sledding in the 17 first instance. And we've also briefed that in 18 our memorandum. And the language in the 19 resolution itself is very clear that, while the 20 Board can consider the future applications and 21 plans, it has to be done according to the terms of 22 the resolution, the law and merits applicable. He 23 goes on to say that they recognize that it's 24 conceptual in nature and that it may involve 25 modifications. And then the next sentence is,</p>	<p>511</p> <p>1 just not there. 2 The other thing that's interesting about 3 it is that if anybody wanted to deviate from what 4 was required by the plan of compliance, they had 5 to go to binding arbitration. That didn't happen 6 here. 7 As I said in -- as Mr. Harris has also 8 said, you know, we've been talking about that for 9 quite awhile, and so I don't need to keep pounding 10 the table with respect to that. But really this 11 is not your typical conditional use case, because 12 it's -- not only does it have the normal 13 conditional use tests that have to be applied in 14 connection with any conditional use, it has the 15 gasoline filling station conditional use criteria, 16 but then it also has this legally-imposed criteria 17 of the plan of compliance. So it's not just your 18 standard application, and it's important that this 19 application be reviewed consistently through that 20 lens. 21 Excuse me. I lost my spot. I went off 22 script. 23 Again, it's the burden of the Applicant to 24 demonstrate these criteria that are called for in 25 meeting the special -- you know, the conditions</p>

Transcript of Hearing  
Conducted on March 6, 2025

58 (512 to 515)

<p>512</p> <p>1 that are imposed through the conditional use. 2 Schultz versus Prince, which is sort of 3 something that everybody likes to cite, although 4 it's an application in Montgomery County is just 5 for fraud principles, because you are -- it's a 6 code county, and you've got your code that sets 7 forth all the specific things you have to 8 consider. But the Schultz versus Prince decision 9 recognizes that there are inherent adverse effects 10 in documents or in uses that are categorized as 11 conditional uses or, in other jurisdictions, 12 special exceptions. And I would suggest to you 13 that at the outset this means that you can't 14 reconcile something that has inherent adverse 15 effects on the neighborhood with the plan of 16 compliance. It just -- it doesn't even get out of 17 the box. 18 Now, the first criterion is that it 19 satisfies any applicable previous approvals, and 20 again we would say that you have to revert back to 21 the plan of compliance. That is, in fact, 22 mandatory, and it has to conform with the 23 recommendations of the master plan. 24 Now, when you look at the specific 25 criteria with respect to the need component -- and</p>	<p>514</p> <p>1 language in the ordinance at the time Lucky Stores 2 was decided is very similar to that which we have 3 now. Actually, it might even be a little bit 4 stricter, because now there isn't any reference to 5 public convenience and service, which was, in 6 fact, included in the prior ordinance. That's not 7 there anymore. But the court there noted that the 8 term neighborhood is flexible and relative, and it 9 varies from case to case, and that, while need 10 doesn't mean absolute necessity, it still means 11 something. And the court said it is the 12 requirement of need that goes to the very heart of 13 the Zoning Ordinance and enables the Board to 14 effectively carry out the intent of the ordinance. 15 The court goes on to say, We have 16 consistently held that a Zoning Board may give 17 important consideration to the presence of other 18 filling stations, stations in the general area -- 19 doesn't say neighborhood -- in reaching its 20 decision in regard to granting or refusing an 21 application for another filling station. The lack 22 of need for another gasoline filling station in 23 the vicinity of other stations is, as we have 24 previously noted, an important factor that courts 25 have relied upon in refusing a permit for a</p>
<p>513</p> <p>1 you've heard a lot about that -- well, what's 2 really important to remember is that it's not -- 3 what the ordinance says is not in the 4 neighborhood; it's the services to the 5 neighborhood, available to the neighborhood, and 6 there is a big difference. And so they have to 7 demonstrate that the need exists for the proposed 8 use to serve the population in the general 9 neighborhood, considering the present availability 10 of identical or similar uses to that neighborhood. 11 Now the Lucky Stores decision is 12 controlling law. It was decided by the Supreme 13 Court. I have copies, if anybody wants. 14 HEARING EXAMINER SOKONI: Yes, please. 15 MS. POWELL: And there -- 16 HEARING EXAMINER SOKONI: We really should 17 have a water fountain in here. I apologize. 18 MS. POWELL: So in this case they talk 19 about service to the population in the general 20 neighborhood. And Mr. Harris is absolutely right, 21 there were a lot of gasoline stations, but the 22 court -- it wasn't necessarily hinged on the fact 23 that there were numerous gas stations. What the 24 court talked about were the tests that are applied 25 in the context of a filling station. And the</p>	<p>515</p> <p>1 filling station. 2 Now, the testimony was really interesting, 3 because there was a lot of emphasis on, you know, 4 one-stop shopping and the discount program here as 5 justifications for allowing this particular 6 conditional use. Well, in Lucky Stores the court 7 said absolutely not. The court rejected the 8 testimony that the station was necessary because 9 it completed its, quote, one-stop shopping 10 complex, because it had no bearing on the 11 determination of need. This argument is, frankly, 12 identical to the one made by Mr. Steere as well as 13 the Vice President of Weis Markets. Nor does the 14 loyalty program demonstrate need. And in Lucky 15 Stores, the court looked at it as, well, if you 16 have evidence in the record, as you do here, that 17 numerous other stations have discount programs, 18 whether or not this particular store or this 19 gasoline station offers a discount program is 20 beside the point, and it doesn't even demonstrate, 21 frankly, that gas will be sold at a discount from 22 the prices available elsewhere. I mean, it's a 23 marketing tool. You know, people will think 24 they're getting a great deal, when, in fact, you 25 can just go around the corner and get gas for a</p>

Transcript of Hearing  
Conducted on March 6, 2025

59 (516 to 519)

<p>516</p> <p>1 lot less money. 2 Then Mr. Steere's testimony and his 3 opinion are really -- they're very interesting. 4 And, as I said, it -- his decision or his 5 determination rested very heavily on the market 6 that either he or Weis determined. I'm not sure 7 who. I mean, his report said it was Weis, but 8 that was the grocery store market. But that 9 doesn't address the fact that there are all these 10 other gas stations in the area which vastly exceed 11 the 13.2 million gallons that may or may not be 12 required by this particular trade area. And 13 there's no indication that anybody is not able to 14 meet the demands of the neighborhood. And, in 15 fact, in Mr. Steere's own report he indicates that 16 the need is met with supply from outside the 17 immediate trade areas located in other markets and 18 near commuters' places of work. I mean, the 19 testimony is un rebutted that in the morning people 20 are going south; and, if you look at all those gas 21 stations, there are plenty that meet the capacity. 22 And even if you don't want to use my client's 23 calculations, which are actually based on tank 24 capacity and personal experience, using 25 Mr. Steere's determination of 1.44 per station on</p>	<p>518</p> <p>1 Ms. Powell stated. I guess I would only reiterate 2 the point that the compliance program was 3 inclusive of a specific design, and it didn't say 4 gas station, as Mr. Harris said, and -- it didn't 5 in any way say gas station, but the designs 6 themselves were incorporated by the Board and this 7 is just a flagrant opposition to that. 8 HEARING EXAMINER SOKONI: Thank you. 9 Just some details, the exhibits are -- 10 we're now at Exhibit 68. All the exhibits, as 11 published on the OZAH website and added to today, 12 are all entered into the record. 13 And, with that, the record shall only 14 remain open as follows: Through March 20 for the 15 limited purpose of adding the court transcript, 16 the court reporter transcript, and from -- and 17 then further through April 3 for the further 18 limited purpose of accepting proposed findings of 19 fact by both parties in this matter. Other than 20 those -- 21 Yes, Ms. Presley? 22 MS. PRESLEY: I just had one question, and 23 I'm sorry to interrupt the flow. I know we're 24 trying to end here, but, based on Mr. Harris' 25 cross of me, he rephrased that I was unable to</p>
<p>517</p> <p>1 an annual basis, heading south, it still vastly 2 exceeds the \$13.2 million need that -- or 13 -- 3 not 13.2 million. Excuse me. 13.2 million gallon 4 need. 5 So when you look at what the code 6 requires, it's not whether or not a filling 7 station is identical. In the Lucky Stores case, 8 they compared regular gas stations, convenience 9 stores, other stores. It's not so restricted, 10 because the test is for a filling station. And, 11 for that reason and the fact that Lucky Stores 12 is -- it's pretty clear you've still got to look 13 at the other gas stations in the area that are 14 available to the individuals in that neighborhood 15 that they haven't met their burden of establishing 16 need. 17 Thank you. 18 HEARING EXAMINER SOKONI: Thank you very 19 much. With that, Ms. Presley, are you still 20 there? 21 MS. PRESLEY: Yes, I am. I had just muted 22 myself. 23 HEARING EXAMINER SOKONI: Did you have a 24 brief closing statement? 25 MS. PRESLEY: I agree with everything that</p>	<p>519</p> <p>1 achieve Mr. Elrich's support or statement, which, 2 again, anything said on it would be hearsay, but 3 my understanding, based on what you're saying 4 about what the record is open for, it sounds like, 5 even if I now would be able to get his affidavit 6 to this effect or note from him that it would not 7 be admissible because that's not -- 8 HEARING EXAMINER SOKONI: We're not -- 9 we're not including -- the hearing concludes today 10 and the -- 11 MS. PRESLEY: Okay. 12 HEARING EXAMINER SOKONI: -- remaining -- 13 in fairness, I think we've been -- 14 MS. PRESLEY: Yeah. It's been -- 15 HEARING EXAMINER SOKONI: -- dragged out 16 longer than usual, but, you know, rightly so 17 because the issues were complex. The hearing 18 concludes today, and the record closes in all 19 respects, except as specified, which is 10 20 business days for the transcript, and then another 21 10 business days, or 14 calendar days through 22 April 3 for submission of proposed findings of 23 fact. Except for those specific items, the record 24 is closed. Just to be clear, the record remains 25 open through April 3, but for the limited purpose</p>

Transcript of Hearing  
Conducted on March 6, 2025

60 (520 to 523)

<p>520</p> <p>1 of transcript and findings of fact and nothing 2 else. 3 MS. PRESLEY: Okay. Thank you. 4 HEARING EXAMINER SOKONI: With that I -- 5 and I've attended to exhibits. Mr. Harris, you 6 will kindly give us an electronic copy of the 7 settlement agreement. 8 Thank you all so much for your time and 9 your patience. It's important for the process, 10 and I just -- I really appreciate sort of your 11 professionalism and your assistance through this 12 process. 13 Once the record closes -- from the date of 14 closing of the record, the Hearing Examiner must 15 render a written decision within 30 days. 16 MR. HARRIS: And we appreciate your 17 patience, too. Thank you. 18 MS. POWELL: We certainly do. 19 HEARING EXAMINER SOKONI: You're welcome. 20 MS. POWELL: Thank you very much. 21 MR. HARRIS: And, Amy, best wishes for 22 your mom. 23 HEARING EXAMINER SOKONI: Yes. 24 MS. PRESLEY: Thank you. 25 (The hearing adjourned at 3:39 p.m.)</p>	<p>522</p> <p>1 CERTIFICATE OF TRANSCRIBER 2 I, Nicole Mastro Simone, do hereby certify 3 that this transcript was prepared from the digital 4 audio recording of the foregoing proceeding; that 5 said transcript is a true and accurate record of 6 the proceedings to the best of my knowledge, 7 skills, and ability; and that I am neither counsel 8 for, related to, nor employed by any of the 9 parties to the case and have no interest, 10 financial or otherwise, in its outcome. 11 <i>Nicole Mastro Simone</i> 12 _____ 13 Nicole Mastro Simone, 14 Stenographic Reporter, Legal Transcriptionist 15 March 18, 2025 16 17 18 19 20 21 22 23 24 25</p>
<p>521</p> <p>1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC 2 I, Cody Handlir, the officer before whom 3 the foregoing proceedings were taken, do hereby 4 certify that any witnesses in the foregoing 5 proceedings were fully sworn; that the proceedings 6 were recorded by me and thereafter reduced to 7 typewriting by a qualified transcriptionist; that 8 said digital audio recording of said proceedings 9 are a true and accurate record to the best of my 10 knowledge, skills, and ability; and that I am 11 neither counsel for, related to, nor employed by 12 any of the parties to this case and have no 13 interest, financial or otherwise, in its outcome. 14 15 16 <i>Cody Handlir</i> 17 _____ 18 CODY HANDLIR, 19 NOTARY PUBLIC FOR THE STATE OF MARYLAND 20 21 22 23 24 25</p>	

Transcript of Hearing  
Conducted on March 6, 2025

61

A			
<p><b>ability</b> 375:14, 411:1, 448:24, 521:10, 522:7</p> <p><b>able</b> 293:15, 300:16, 304:6, 304:8, 322:13, 339:22, 341:19, 369:3, 388:18, 399:13, 403:1, 410:7, 412:9, 419:21, 420:23, 426:3, 436:7, 436:14, 444:16, 472:6, 473:24, 516:13, 519:5</p> <p><b>about</b> 293:25, 307:6, 307:24, 308:16, 310:7, 313:21, 324:7, 325:20, 327:24, 331:5, 332:4, 335:10, 339:1, 345:12, 345:20, 346:5, 346:13, 347:9, 347:14, 348:20, 351:9, 352:4, 355:15, 355:23, 357:4, 357:18, 359:9, 359:16, 360:19, 363:24, 366:11, 367:3, 367:5, 368:7, 368:21, 373:8, 377:25, 380:2, 384:3, 384:12, 387:2, 389:1, 390:13, 392:19, 399:7, 400:4, 400:17, 400:23, 401:17, 406:21, 407:7, 408:19, 410:7, 411:23, 412:14, 414:19,</p>	<p>414:21, 415:5, 416:9, 418:25, 419:8, 420:13, 423:20, 423:21, 428:21, 431:7, 435:24, 445:22, 453:21, 454:4, 454:16, 457:11, 457:17, 466:11, 467:9, 473:16, 475:8, 475:13, 476:11, 476:12, 476:24, 480:2, 484:22, 488:3, 493:18, 495:11, 495:21, 495:23, 495:25, 499:21, 500:10, 500:25, 504:20, 511:2, 511:8, 513:1, 513:19, 513:24, 519:4</p> <p><b>above</b> 354:16, 496:17</p> <p><b>above-referenced</b> 291:11</p> <p><b>absolute</b> 346:7, 379:12, 514:10</p> <p><b>absolutely</b> 341:3, 365:17, 380:7, 381:24, 420:6, 441:23, 477:21, 480:25, 484:4, 490:6, 491:18, 513:20, 515:7</p> <p><b>acceptance</b> 289:15, 491:17</p> <p><b>accepting</b> 518:18</p> <p><b>access</b> 289:4, 289:22, 347:14, 400:24, 471:12</p> <p><b>accessible</b> 356:3</p> <p><b>accessory</b> 502:1, 504:15</p>	<p><b>accommodate</b> 340:20, 391:17</p> <p><b>accommodating</b> 392:1, 442:2</p> <p><b>accommodations</b> 441:21</p> <p><b>accordance</b> 447:21, 448:1, 448:6, 449:20</p> <p><b>according</b> 362:5, 423:16, 447:17, 447:25, 449:1, 509:21</p> <p><b>account</b> 442:7</p> <p><b>accurate</b> 362:19, 521:9, 522:5</p> <p><b>achieve</b> 452:6, 452:8, 519:1</p> <p><b>acknowledge</b> 481:4</p> <p><b>across</b> 317:6, 478:16</p> <p><b>act</b> 449:2, 509:13</p> <p><b>action</b> 437:6</p> <p><b>actions</b> 303:16, 303:17</p> <p><b>activate</b> 478:12</p> <p><b>active</b> 402:6</p> <p><b>activity</b> 311:7</p> <p><b>actual</b> 372:4, 411:2, 461:12, 487:15</p> <p><b>actually</b> 300:20, 302:4, 304:3, 308:4, 308:24, 313:22, 321:9, 323:3, 323:9, 332:6, 332:25, 333:16, 341:12, 349:4,</p>	<p>358:25, 359:4, 363:19, 371:16, 383:5, 384:22, 395:10, 433:3, 434:21, 443:20, 445:8, 449:7, 450:19, 452:13, 455:17, 456:4, 460:14, 465:3, 472:1, 478:21, 479:14, 493:23, 493:24, 514:3, 516:23</p> <p><b>ad</b> 339:16</p> <p><b>ada</b> 510:5</p> <p><b>add</b> 289:16, 398:8, 398:9</p> <p><b>added</b> 316:25, 320:10, 320:12, 376:2, 413:10, 413:15, 518:11</p> <p><b>adding</b> 321:24, 409:23, 413:18, 477:1, 518:15</p> <p><b>addition</b> 301:13, 308:23, 316:23, 403:25, 462:7, 467:6, 502:23, 504:15</p> <p><b>additional</b> 301:12, 311:6, 313:7, 333:20, 367:11, 368:17, 431:7, 433:6, 463:18, 499:16</p> <p><b>address</b> 338:9, 392:25, 393:2, 496:25, 505:15, 510:16, 516:9</p> <p><b>addresses</b> 474:24</p> <p><b>adds</b> 502:24</p>

<p><b>adequacy</b> 309:9, 311:16, 311:18, 311:20, 311:23, 312:1, 312:3, 312:21, 333:4</p> <p><b>adequate</b> 308:10, 308:19, 310:16, 310:20, 311:2, 333:23</p> <p><b>adhere</b> 462:18, 481:17</p> <p><b>adhered</b> 443:23</p> <p><b>adherences</b> 462:18</p> <p><b>adjacent</b> 320:19, 321:9, 322:15, 371:3, 375:25, 376:1</p> <p><b>adjoining</b> 288:10</p> <p><b>adjourned</b> 520:25</p> <p><b>adjudicated</b> 497:13, 497:21, 497:22</p> <p><b>adjust</b> 329:1</p> <p><b>adjustment</b> 319:7, 329:2</p> <p><b>administer</b> 298:14, 334:4, 393:11, 442:13</p> <p><b>administered</b> 432:7</p> <p><b>administration</b> 416:16</p> <p><b>administrative</b> 284:1, 285:6, 293:21, 456:3</p> <p><b>admissible</b> 519:7</p> <p><b>admitted</b> 290:52, 302:19, 489:20</p> <p><b>adopt</b> 449:17, 472:17</p>	<p><b>adopted</b> 384:5, 454:13</p> <p><b>adopting</b> 450:7</p> <p><b>adoption</b> 448:6, 452:3, 457:1, 457:2</p> <p><b>adverse</b> 308:13, 512:9, 512:14</p> <p><b>advised</b> 342:19</p> <p><b>advisors</b> 335:15, 335:16, 335:19</p> <p><b>advisory</b> 443:14, 450:21, 508:5</p> <p><b>affect</b> 361:11</p> <p><b>affected</b> 308:11, 328:22, 417:7</p> <p><b>affidavit</b> 288:14, 290:5, 290:20, 290:34, 519:5</p> <p><b>affiliated</b> 407:22</p> <p><b>affiliation</b> 406:12</p> <p><b>affirm</b> 494:17, 506:24</p> <p><b>affirmatively</b> 476:5</p> <p><b>affirmed</b> 393:22, 406:8, 432:11, 442:22</p> <p><b>affordable</b> 334:17</p> <p><b>afraid</b> 364:7, 491:9</p> <p><b>after</b> 295:17, 346:19, 355:1, 357:22, 372:2, 385:14, 390:17, 436:3, 436:9, 436:12,</p>	<p>438:12, 438:13, 439:2, 439:14, 439:19, 440:2, 440:18, 481:16, 484:11</p> <p><b>afternoon</b> 300:18, 328:20, 330:11, 390:8, 441:15, 441:17</p> <p><b>again</b> 291:20, 292:4, 297:2, 297:20, 300:1, 301:2, 307:20, 307:22, 308:18, 311:10, 311:11, 311:15, 317:5, 319:10, 319:18, 322:11, 322:17, 323:22, 325:10, 325:17, 326:10, 330:1, 330:6, 330:12, 369:4, 372:1, 438:16, 443:19, 459:3, 468:8, 474:14, 478:21, 480:14, 485:21, 492:5, 495:20, 501:13, 510:19, 511:23, 512:20, 519:2</p> <p><b>against</b> 446:2, 460:20, 461:5, 472:23, 498:22, 501:15, 509:16</p> <p><b>agency</b> 358:15, 358:25</p> <p><b>aggregate</b> 425:7</p> <p><b>ago</b> 310:14, 316:18, 344:22, 401:25, 506:3</p> <p><b>agree</b> 328:15, 328:18, 332:8, 333:18, 341:10, 342:20,</p>	<p>366:14, 366:16, 373:16, 382:5, 382:7, 384:20, 430:25, 438:14, 449:16, 482:5, 485:5, 517:25</p> <p><b>agreed</b> 390:25, 396:12, 489:8, 494:2</p> <p><b>agreeing</b> 417:9</p> <p><b>agreement</b> 290:52, 327:3, 333:18, 433:17, 433:19, 433:22, 445:9, 445:10, 445:20, 446:5, 449:18, 450:13, 450:19, 451:11, 452:5, 454:10, 454:11, 455:3, 455:4, 455:8, 455:18, 456:25, 457:9, 459:9, 464:6, 471:8, 476:9, 482:22, 484:22, 485:6, 485:8, 485:25, 486:13, 486:17, 488:2, 496:5, 496:13, 497:18, 498:12, 500:13, 520:7</p> <p><b>agreements</b> 485:12</p> <p><b>agrees</b> 381:21</p> <p><b>ahead</b> 296:14, 373:4, 374:9, 442:12, 456:9, 463:4</p> <p><b>aicp</b> 336:20</p> <p><b>ajay</b> 287:15, 290:34, 294:25, 300:10, 405:25, 406:7</p> <p><b>align</b> 333:19, 416:7</p>
---	--	---	--

<p><b>alignment</b> 415:6, 415:12, 417:3, 417:10, 417:14 <b>alignment's</b> 418:17 <b>all</b> 293:23, 299:18, 302:18, 304:13, 307:3, 308:23, 311:22, 313:8, 315:9, 317:5, 321:3, 321:23, 322:25, 324:13, 325:14, 326:2, 332:10, 335:20, 344:3, 346:18, 353:7, 354:10, 355:11, 359:10, 359:18, 364:9, 365:15, 367:4, 368:3, 371:19, 373:6, 373:20, 377:24, 378:2, 380:9, 380:14, 381:2, 382:3, 384:15, 387:12, 387:17, 388:23, 398:15, 402:12, 403:5, 403:12, 403:14, 407:13, 416:14, 417:16, 418:19, 419:12, 420:24, 424:10, 424:13, 427:5, 427:22, 428:9, 430:9, 444:3, 448:7, 448:14, 449:17, 451:6, 457:9, 457:11, 465:6, 474:6, 475:18, 478:9, 479:2, 479:12, 480:20, 485:21, 486:22, 487:11, 487:12, 488:16, 488:22, 488:23, 489:2, 489:3,</p>	<p>490:13, 491:10, 496:8, 496:15, 496:19, 496:25, 497:10, 507:6, 508:13, 508:18, 512:7, 516:9, 516:20, 518:10, 518:12, 519:18, 520:8 <b>alleged</b> 443:17, 497:21 <b>allergies</b> 402:10 <b>allow</b> 295:18, 295:19, 310:21, 361:6, 439:12, 456:22, 465:25 <b>allowed</b> 295:25, 401:8, 417:13, 471:20, 475:24, 483:16, 486:1 <b>allowing</b> 456:4, 515:5 <b>allows</b> 501:23 <b>almost</b> 394:19, 435:7 <b>alone</b> 296:11, 351:13, 367:1, 380:17, 474:2 <b>along</b> 404:18, 469:20 <b>already</b> 295:22, 295:24, 301:2, 314:22, 318:24, 319:14, 332:3, 332:5, 433:16, 444:9, 461:9, 465:20, 485:2, 497:13, 506:3, 508:1 <b>also</b> 286:18, 293:11, 299:8, 300:13, 320:17, 320:18,</p>	<p>332:13, 332:17, 332:21, 336:19, 338:6, 344:3, 344:14, 346:9, 346:23, 356:3, 357:1, 357:24, 360:19, 365:6, 366:25, 367:15, 370:25, 393:4, 395:19, 395:20, 398:3, 415:3, 417:18, 418:24, 424:24, 439:6, 443:5, 444:23, 458:12, 467:22, 496:23, 497:1, 509:11, 509:17, 511:7, 511:16 <b>alter</b> 459:4, 461:22 <b>alternative</b> 355:9, 367:19, 380:12, 448:3 <b>although</b> 346:3, 391:4, 474:22, 512:3 <b>altogether</b> 389:8 <b>always</b> 330:14, 394:20 <b>amend</b> 289:16, 289:18, 430:15, 459:25, 481:20, 482:16 <b>amended</b> 431:19, 450:4, 450:9, 450:11, 481:23, 481:24 <b>amending</b> 431:23, 433:9, 433:11 <b>amendment</b> 312:13, 325:12, 332:13, 431:17, 431:18, 460:8, 467:3 <b>amendments</b> 481:11, 481:12</p>	<p><b>amenities</b> 447:20 <b>america</b> 343:24 <b>among</b> 290:50 <b>amongst</b> 353:22 <b>amount</b> 310:25, 311:7, 328:10, 358:15, 358:21, 358:25, 378:22, 399:16, 416:18, 438:16, 465:18, 470:18 <b>amounts</b> 314:8 <b>ample</b> 434:6 <b>amy</b> 287:21, 287:22, 289:39, 289:40, 289:42, 290:17, 290:19, 290:28, 295:2, 300:14, 391:17, 442:5, 442:21, 453:17, 474:12, 520:21 <b>analyses</b> 311:17 <b>analysis</b> 289:23, 289:28, 290:14, 294:22, 310:22, 311:5, 312:2, 314:23, 317:22, 317:25, 318:11, 318:23, 323:17, 324:2, 329:12, 330:6, 330:8, 330:9, 330:21, 332:9, 332:17, 333:12, 333:14, 334:13, 334:14, 334:15, 334:25, 335:19, 338:2, 338:12, 340:17, 340:18, 358:4, 366:19,</p>
---	--	---	--



<p>366:22, 368:25, 381:12, 381:15, 381:22, 382:4, 384:3, 384:6, 384:7, 384:13, 384:15, 384:16, 384:22, 385:6, 385:9, 387:3, 388:12, 410:23, 410:24, 422:23, 469:22 <b>analyst</b> 294:22, 361:9, 470:14 <b>analyze</b> 309:3, 324:16 <b>analyzed</b> 315:18, 328:14, 368:9, 499:25 <b>analyzes</b> 305:15, 357:23 <b>analyzing</b> 318:2 <b>anchor</b> 383:11, 383:12 <b>andrew</b> 286:19 <b>andy</b> 442:6 <b>annual</b> 345:22, 359:1, 403:20, 517:1 <b>anomalies</b> 379:19 <b>another</b> 301:7, 307:18, 308:3, 345:13, 346:24, 353:4, 363:13, 373:19, 383:20, 389:10, 389:19, 464:20, 497:10, 505:25, 514:21, 514:22, 519:20 <b>answer</b> 314:15, 326:9, 327:12, 327:20, 363:23, 385:18,</p>	<p>416:2, 423:14, 429:5, 480:1, 491:15, 494:15 <b>answered</b> 385:7 <b>answering</b> 377:11 <b>anti</b> 390:16 <b>anticipate</b> 390:12, 494:17 <b>anticipated</b> 330:12, 438:18, 495:1, 503:7 <b>anticompetitive</b> 500:24 <b>any</b> 293:16, 298:8, 301:10, 301:11, 302:4, 303:10, 303:22, 304:20, 304:21, 313:6, 322:5, 326:17, 330:19, 330:23, 331:1, 331:3, 333:12, 337:2, 337:6, 342:15, 355:9, 356:15, 357:24, 358:6, 358:10, 358:13, 358:14, 358:16, 358:20, 358:22, 358:24, 361:21, 362:12, 375:1, 380:22, 384:6, 384:21, 384:22, 385:8, 387:3, 387:16, 395:8, 397:2, 399:7, 399:16, 403:2, 405:6, 408:13, 414:21, 414:23, 415:25, 418:23, 420:1, 427:9, 428:13, 434:3, 434:14, 445:13, 445:22, 446:1, 450:2, 462:14,</p>	<p>462:16, 462:17, 466:11, 466:18, 470:6, 472:19, 474:7, 474:15, 475:4, 475:16, 475:20, 476:5, 476:6, 481:12, 482:20, 486:25, 488:10, 490:16, 490:21, 490:23, 490:25, 491:16, 497:25, 511:14, 512:19, 514:4, 518:5, 521:4, 521:12, 522:8 <b>anybody</b> 356:24, 357:21, 368:2, 386:5, 471:19, 511:3, 513:13, 516:13 <b>anymore</b> 466:15, 466:19, 514:7 <b>anyone</b> 292:14, 292:16, 292:24, 298:18, 299:9, 299:11, 400:23, 427:25, 428:4, 428:8, 484:14, 494:11, 494:13 <b>anything</b> 299:23, 324:7, 333:14, 374:25, 378:11, 387:5, 401:8, 466:13, 466:17, 470:15, 470:17, 481:19, 483:4, 484:1, 485:7, 491:7, 495:16, 495:25, 496:8, 519:2 <b>anyway</b> 350:12, 377:20, 421:5, 425:21 <b>anywhere</b> 380:5, 380:18, 380:23, 476:3,</p>	<p>476:15 <b>apart</b> 445:3, 453:9 <b>apologies</b> 306:5, 310:10, 427:16 <b>apologize</b> 316:7, 395:21, 444:12, 513:17 <b>appeal</b> 301:25, 344:23, 354:19 <b>appeals</b> 301:23, 303:3, 303:25, 305:8, 503:17 <b>appear</b> 428:8 <b>appearance</b> 345:3 <b>appeared</b> 451:1 <b>appears</b> 424:16 <b>appended</b> 301:19 <b>appendix</b> 467:2, 467:6 <b>applicability</b> 443:4 <b>applicable</b> 305:6, 448:17, 450:2, 463:22, 464:12, 509:22, 510:3, 510:14, 512:19 <b>applicant</b> 286:3, 289:17, 291:14, 291:15, 292:6, 294:4, 294:19, 296:4, 298:4, 300:25, 305:5, 306:2, 306:10, 331:12, 334:1, 334:8, 337:21, 379:25, 381:10, 381:11, 384:12, 401:20,</p>
---	---	--	---

418:4, 430:14, 431:16, 431:20, 431:22, 433:17, 436:19, 436:23, 459:24, 460:22, 467:12, 469:15, 469:23, 474:10, 499:4, 506:10, 507:16, 511:23 <b>applicant's</b> 289:27, 392:19, 392:20, 393:6 <b>applicants</b> 294:11, 300:6, 301:16, 433:19, 435:12 <b>applicant's</b> 289:15, 289:16, 290:38 <b>application</b> 284:6, 288:4, 289:19, 290:9, 290:43, 291:5, 291:6, 291:11, 291:14, 291:25, 297:23, 298:2, 298:4, 298:5, 298:16, 310:17, 368:15, 381:12, 428:5, 431:8, 431:9, 431:12, 431:18, 431:24, 432:16, 432:17, 432:20, 433:2, 433:9, 433:11, 460:20, 461:20, 491:24, 498:18, 500:2, 500:24, 501:12, 502:18, 507:10, 511:18, 511:19, 512:4, 514:21 <b>applications</b> 509:20 <b>applied</b> 317:2, 511:13, 513:24 <b>applies</b> 388:10, 388:14	<b>apply</b> 316:20, 354:10, 355:20, 388:23, 413:22, 510:6 <b>applying</b> 318:9, 318:10, 319:23 <b>appraisal</b> 336:11 <b>appreciate</b> 421:4, 436:6, 437:14, 441:20, 442:3, 520:10, 520:16 <b>appreciated</b> 421:11 <b>approach</b> 338:12, 357:6, 357:23 <b>approaching</b> 453:1 <b>appropriate</b> 332:12, 367:12, 437:5, 438:4, 448:3, 470:22 <b>approval</b> 288:20, 288:31, 288:43, 309:9, 318:21, 324:23, 324:24, 325:1, 325:13, 382:21, 393:3, 393:4, 430:6, 430:17, 449:14, 450:3, 450:4, 460:2, 460:25, 462:1, 464:20, 499:24, 500:23, 501:24 <b>approvals</b> 327:9, 466:9, 512:19 <b>approve</b> 380:22, 462:12, 464:16, 476:8, 481:25 <b>approved</b> 288:24, 295:14, 295:15, 307:14,	308:25, 309:7, 311:8, 311:14, 312:12, 313:6, 316:3, 316:9, 316:13, 319:11, 319:15, 320:3, 325:3, 325:12, 326:11, 326:12, 326:16, 332:16, 350:15, 355:3, 388:3, 450:24, 458:3, 460:6, 461:8, 462:9, 468:22, 484:14, 496:18, 497:7, 498:14 <b>approves</b> 475:11 <b>approximately</b> 325:5, 343:23, 351:11, 354:12, 354:25, 381:18, 405:21, 443:9 <b>april</b> 328:5, 440:24, 440:25, 441:2, 443:16, 498:12, 498:14, 518:17, 519:22, 519:25 <b>arbitration</b> 511:5 <b>architect</b> 290:39 <b>architectural</b> 289:13 <b>area</b> 304:11, 309:1, 311:19, 312:10, 318:19, 318:23, 318:25, 336:12, 338:20, 338:21, 338:23, 339:1, 339:3, 339:9, 340:1, 340:18, 341:2, 341:6, 342:18, 342:21, 342:25, 343:1, 348:23, 349:4,	351:6, 352:20, 353:6, 354:15, 356:20, 362:3, 362:4, 362:7, 362:10, 362:15, 364:1, 364:2, 364:11, 364:13, 364:18, 364:22, 364:23, 364:24, 365:3, 365:4, 365:5, 365:10, 365:11, 365:12, 365:16, 367:6, 368:6, 368:10, 368:18, 368:21, 368:25, 369:5, 369:6, 369:7, 369:13, 369:15, 369:25, 371:5, 371:8, 374:22, 375:5, 375:14, 377:23, 381:14, 381:17, 381:19, 408:25, 409:7, 410:5, 410:10, 413:4, 413:9, 420:16, 422:4, 422:11, 423:5, 424:2, 425:8, 425:10, 469:25, 478:7, 479:18, 479:19, 479:24, 480:7, 502:19, 504:10, 505:1, 514:18, 516:10, 516:12, 517:13 <b>areas</b> 339:21, 369:13, 370:16, 407:14, 417:16, 455:8, 480:4, 480:7, 497:6, 516:17 <b>aren't</b> 339:17, 342:15, 354:4, 361:16, 365:15, 455:14, 506:15 <b>argue</b> 341:8, 456:15,
--	--	--	---

458:15 <b>argued</b> 496:4 <b>argues</b> 502:2 <b>arguing</b> 453:11, 454:16, 461:15, 461:18, 507:19 <b>argument</b> 302:22, 304:2, 327:11, 327:22, 343:8, 435:4, 456:11, 456:17, 460:10, 491:4, 500:14, 500:15, 501:2, 515:11 <b>argumentation</b> 449:18, 472:18 <b>arguments</b> 287:25, 456:15, 499:2, 508:2 <b>aries</b> 292:10, 300:9 <b>arithmetic</b> 419:7, 440:10 <b>ark</b> 292:9, 300:8 <b>around</b> 334:3, 341:6, 353:13, 363:6, 370:9, 402:25, 405:17, 417:16, 477:23, 491:10, 515:25 <b>arrangements</b> 300:17 <b>articles</b> 377:7 <b>aside</b> 491:15 <b>asked</b> 293:25, 330:22, 345:20, 357:8, 363:1, 380:2, 391:1, 415:3, 419:18, 428:10, 435:7, 444:25,	470:20, 470:25, 472:7 <b>asking</b> 327:23, 332:3, 341:9, 375:1, 423:21, 431:8, 432:15, 437:9, 437:25, 493:18 <b>aspect</b> 411:14, 415:12 <b>aspects</b> 303:3 <b>aspen</b> 304:12, 469:9 <b>asphalt</b> 509:8 <b>assess</b> 444:9 <b>assist</b> 293:17 <b>assistance</b> 520:11 <b>associated</b> 317:13 <b>associates</b> 306:20 <b>association</b> 304:11, 343:21, 345:7, 506:25 <b>associations</b> 288:11, 370:14 <b>assume</b> 315:22, 333:12, 364:14, 403:19, 499:4 <b>assumes</b> 365:19 <b>assuming</b> 412:24, 422:19, 425:16, 472:13, 472:14 <b>assuring</b> 458:23 <b>at-the-time</b> 450:23 <b>attach</b> 303:10, 303:13, 304:20	<b>attached</b> 304:7, 393:5, 433:20, 470:8, 501:10 <b>attachment</b> 381:12, 414:9 <b>attachments</b> 289:26, 290:33, 290:44, 301:18, 304:25, 305:2, 410:16, 444:23, 445:17, 446:9 <b>attachments (exhi- bits</b> 290:49 <b>attend</b> 295:3 <b>attended</b> 520:5 <b>attention</b> 433:6, 509:7 <b>attorney</b> 469:3, 486:18 <b>attorneys</b> 434:8, 434:22, 473:8, 499:2 <b>attributed</b> 340:5 <b>audio</b> 521:8, 522:4 <b>authority</b> 303:5, 448:19, 448:25, 462:11, 462:24, 465:2, 482:15 <b>authorization</b> 288:14, 288:15 <b>automobile</b> 291:12, 298:3, 430:9, 475:4 <b>availability</b> 340:15, 342:14, 355:16, 363:5, 388:7, 468:25, 470:12, 499:20, 503:23, 513:9 <b>available</b> 338:22, 343:10,	357:5, 370:24, 375:5, 377:22, 413:21, 507:18, 513:5, 515:22, 517:14 <b>avenue</b> 285:7, 286:6 <b>average</b> 352:4, 352:8, 354:8, 354:9, 354:14, 354:16, 354:17, 379:18 <b>averaged</b> 379:10 <b>averages</b> 372:9 <b>avoid</b> 293:4, 299:18, 456:9 <b>avoiding</b> 479:13 <b>aware</b> 358:13, 358:23, 358:24, 360:25, 490:23, 490:25 <b>away</b> 502:7, 502:8, 502:22, 509:7 <b>awhile</b> 511:9 <hr/> <b>B</b> <hr/> <b>back</b> 296:1, 299:12, 301:11, 307:11, 315:4, 317:18, 318:15, 320:3, 331:17, 340:8, 341:15, 341:19, 346:12, 364:9, 376:10, 376:19, 384:11, 386:2, 386:20, 391:11, 395:4, 395:11, 397:8, 401:13, 402:1, 410:6, 411:4, 412:12, 415:9, 416:15,
---	---	---	--

417:6, 418:6, 425:19, 428:20, 428:21, 437:20, 448:18, 449:16, 457:4, 457:6, 460:7, 460:25, 461:9, 466:9, 475:1, 477:12, 481:20, 484:18, 494:25, 495:20, 495:23, 509:11, 512:20 <b>background</b> 394:7, 406:20, 406:22, 443:3, 465:23 <b>bad</b> 477:17 <b>baltimore</b> 304:10 <b>ban</b> 418:22 <b>bank</b> 419:5 <b>barbara</b> 446:6 <b>bard</b> 461:5 <b>barrier</b> 363:20 <b>base</b> 364:18, 401:10, 416:22, 416:23, 417:15 <b>based</b> 311:11, 312:2, 312:8, 315:6, 319:13, 319:15, 319:17, 320:15, 320:25, 321:3, 322:10, 332:1, 334:25, 338:22, 339:8, 342:19, 343:4, 345:3, 345:6, 348:23, 351:19, 352:6, 354:17, 362:25, 363:4, 363:21,	368:25, 384:15, 387:9, 411:13, 413:10, 445:10, 445:12, 448:5, 465:24, 487:24, 489:9, 492:1, 503:21, 505:19, 508:9, 516:23, 518:24, 519:3 <b>basic</b> 351:9, 499:15 <b>basically</b> 315:2, 359:6, 408:24, 409:17, 415:10, 416:6, 443:22, 507:23 <b>basis</b> 303:21, 311:12, 337:15, 345:1, 359:1, 362:24, 364:20, 365:22, 375:16, 376:24, 377:4, 409:19, 449:7, 506:6, 517:1 <b>bathroom</b> 391:7, 391:15 <b>bathrooms</b> 344:21, 372:20 <b>bays</b> 343:17 <b>bear</b> 378:3, 426:12, 505:22 <b>bearing</b> 515:10 <b>bearings</b> 396:2 <b>became</b> 317:11, 443:13, 443:23, 451:5 <b>become</b> 389:14, 472:15 <b>becomes</b> 486:20 <b>becoming</b> 372:20 <b>bedroom</b> 351:15	<b>been</b> 302:15, 309:24, 310:19, 316:13, 326:12, 334:21, 347:13, 351:2, 368:15, 372:1, 377:5, 387:21, 393:22, 401:17, 406:8, 406:13, 420:4, 432:11, 435:2, 436:4, 442:1, 442:22, 443:1, 443:7, 443:10, 443:21, 446:2, 448:12, 450:9, 450:11, 452:18, 456:2, 458:25, 461:4, 461:13, 462:6, 462:7, 465:20, 466:21, 467:1, 467:18, 467:23, 481:6, 481:11, 481:14, 481:18, 481:19, 482:17, 483:25, 488:2, 490:12, 490:15, 490:21, 491:22, 492:10, 497:2, 498:1, 506:12, 507:4, 509:5, 509:6, 511:8, 519:13, 519:14 <b>beer</b> 399:12, 404:6, 451:4 <b>before</b> 284:10, 285:19, 300:20, 302:13, 316:24, 330:4, 334:21, 335:3, 335:11, 335:12, 337:17, 354:18, 361:7, 367:22, 367:23, 384:9, 389:3, 392:11, 392:18, 394:22, 397:16, 398:17,	402:23, 429:3, 433:3, 434:4, 445:22, 460:11, 460:15, 465:20, 471:24, 474:12, 482:3, 493:14, 521:2 <b>beg</b> 297:18, 373:23, 439:22 <b>begin</b> 443:2 <b>beginning</b> 364:21 <b>behalf</b> 286:3, 286:10, 292:9, 300:8, 494:8, 504:13 <b>behind</b> 386:11, 386:20, 401:18, 404:25, 502:7 <b>being</b> 293:7, 295:14, 300:22, 302:17, 302:20, 302:21, 302:23, 304:1, 304:2, 320:10, 320:12, 344:7, 355:14, 359:1, 371:7, 374:22, 383:15, 390:21, 392:1, 416:19, 427:2, 435:7, 444:17, 445:7, 445:11, 456:10, 476:25, 484:10, 489:9, 491:9, 497:14 <b>belief</b> 377:1 <b>believe</b> 295:4, 302:10, 311:2, 312:6, 313:20, 317:2, 318:21, 318:22, 319:19, 320:1, 323:3, 325:1,
--	---	--	--

325:8, 329:16, 330:2, 330:25, 333:21, 335:25, 342:3, 353:4, 354:13, 354:15, 358:18, 361:14, 364:17, 366:25, 377:21, 377:24, 383:2, 383:9, 384:2, 391:17, 393:3, 395:2, 395:10, 395:17, 396:17, 402:7, 402:13, 402:20, 415:1, 421:6, 421:16, 426:2, 427:4, 429:23, 440:4, 440:12, 441:2, 443:3, 451:17, 452:19, 459:20, 464:8, 464:21, 465:9, 473:21, 479:14, 480:5, 482:12, 482:17, 490:4, 497:19, 497:20, 498:7, 499:7, 499:11, 500:18, 501:11, 506:2, 506:20, 507:17, 508:24 <b>believes</b> 500:11 <b>below</b> 354:17, 381:9, 409:21 <b>beneficial</b> 302:4 <b>benefit</b> 294:6, 420:23 <b>benefits</b> 509:5 <b>bennet</b> 289:18 <b>bennett</b> 290:39, 339:5, 370:17 <b>beside</b> 515:20	<b>best</b> 340:2, 369:19, 520:21, 521:9, 522:6 <b>bethesda</b> 286:7 <b>better</b> 386:16, 428:2, 468:1, 468:2 <b>between</b> 290:18, 290:27, 290:29, 307:16, 332:23, 339:20, 345:21, 351:2, 369:4, 388:16, 388:20, 391:5, 402:7, 415:15 <b>beverage</b> 304:10 <b>beyond</b> 438:2, 477:20, 484:12 <b>big</b> 344:9, 373:7, 479:25, 513:6 <b>bigger</b> 341:9, 372:21 <b>bill</b> 379:4, 379:14 <b>binding</b> 301:24, 302:1, 302:5, 303:18, 303:19, 303:22, 305:6, 326:5, 326:16, 326:22, 326:23, 327:7, 327:8, 511:5 <b>bit</b> 307:5, 317:16, 398:13, 402:14, 407:7, 412:14, 456:2, 463:11, 463:12, 463:13, 505:3, 514:3 <b>blah</b> 476:13 <b>blank</b> 484:13	<b>blend</b> 347:24 <b>block</b> 339:23, 362:10, 362:19, 362:21, 363:4 <b>blocks</b> 339:25, 342:21, 348:24, 362:17, 362:24 <b>board</b> 289:45, 290:21, 290:23, 303:3, 303:15, 308:9, 308:18, 310:15, 311:1, 311:11, 333:3, 389:3, 393:4, 429:8, 429:14, 429:17, 430:20, 431:3, 431:5, 431:21, 433:4, 433:21, 433:23, 443:17, 443:18, 444:8, 445:1, 445:19, 446:4, 446:24, 447:9, 447:22, 447:24, 448:7, 448:11, 448:13, 448:16, 448:19, 448:25, 449:2, 451:24, 451:25, 454:13, 461:16, 462:4, 462:5, 462:11, 462:14, 462:21, 462:24, 463:17, 463:22, 463:24, 464:8, 467:4, 467:14, 480:19, 481:13, 481:16, 481:24, 482:6, 485:4, 494:17, 498:14, 500:1, 501:20, 502:14, 503:2, 503:17, 506:23, 509:20, 510:3, 510:7, 510:16,	514:13, 514:16, 518:6 <b>board's</b> 429:6, 431:13, 433:13, 445:21, 446:15, 446:16, 448:24, 449:5, 450:7, 457:1, 457:2, 464:15, 465:2, 466:11, 497:20, 501:24 <b>boards</b> 301:25, 303:25, 305:8, 335:20 <b>board's</b> 289:8, 289:9, 289:10 <b>boat</b> 461:10 <b>bob</b> 292:5, 300:4, 452:19, 454:8, 455:6, 457:2, 469:4, 474:18, 475:6, 476:8, 479:1, 481:8, 483:14, 484:9, 485:15, 486:9, 486:16, 487:19, 488:23, 490:9, 491:3, 491:8, 493:23, 495:1 <b>bodies</b> 303:17 <b>body</b> 329:9, 335:3, 337:18 <b>boggled</b> 317:16 <b>bonus</b> 346:14, 346:16 <b>border</b> 409:11 <b>borderline</b> 409:10 <b>both</b> 304:11, 311:17, 311:21, 311:25,
--	---	---	---

<p>312:6, 312:8, 316:3, 435:20, 441:3, 467:10, 491:1, 503:17, 504:12, 518:19 <b>bottom</b> 331:16, 359:22, 373:9, 386:7, 442:5, 444:24, 493:6, 507:4 <b>bought</b> 401:23, 402:1, 402:7, 471:6, 508:11 <b>boundaries</b> 339:12 <b>boundary</b> 339:14, 365:16, 369:23, 369:24, 370:2 <b>box</b> 398:9, 479:25, 512:17 <b>brands</b> 371:19 <b>break</b> 324:18, 391:5, 391:8, 391:10, 391:15, 392:5, 392:7 <b>brewer</b> 286:5, 292:6, 300:5, 450:14, 450:15, 454:22 <b>bridge</b> 437:8 <b>brief</b> 338:4, 443:2, 447:15, 468:19, 517:24 <b>briefed</b> 388:19, 509:17 <b>briefe</b> 456:23 <b>briefly</b> 406:19 <b>bring</b> 331:15, 506:11</p>	<p><b>bringing</b> 387:15, 457:8 <b>broad</b> 336:6 <b>broad-stroke</b> 449:8 <b>build</b> 414:15 <b>builder</b> 489:9 <b>builders</b> 445:2 <b>building</b> 285:8, 386:11, 401:6, 401:9, 403:13, 480:13, 496:17 <b>buildings</b> 386:10, 395:4, 401:4, 401:6, 508:18 <b>built</b> 350:15, 351:3, 353:10, 353:11, 409:16, 416:20 <b>bunch</b> 491:9 <b>burden</b> 291:14, 294:5, 298:5, 511:23, 517:15 <b>burn</b> 422:22 <b>business</b> 336:17, 337:11, 403:2, 403:21, 404:19, 404:20, 404:23, 409:19, 419:22, 434:11, 434:20, 436:24, 436:25, 437:2, 437:24, 439:1, 439:10, 439:13, 439:20, 439:23, 440:6, 440:8, 440:15, 440:19, 440:21, 471:25, 473:5, 519:20,</p>	<p>519:21 <b>businesses</b> 399:10, 411:3 <b>buy</b> 347:6, 380:6, 426:9, 505:5 <b>buying</b> 367:15 <b>bypass</b> 368:2</p> <hr/> <p><b>C</b></p> <hr/> <p><b>cadence</b> 398:17 <b>calculate</b> 315:5, 315:25, 319:15, 319:16, 346:3, 378:13, 422:8, 424:17 <b>calculated</b> 319:13, 321:25 <b>calculation</b> 338:14, 412:23 <b>calculations</b> 315:2, 321:18, 328:22, 423:17, 516:23 <b>calendar</b> 437:25, 438:25, 439:6, 439:7, 440:1, 440:5, 519:21 <b>call</b> 291:3, 293:17, 306:2, 321:11, 334:2, 369:14, 390:20, 393:10, 408:7, 429:22, 436:12, 439:18, 452:16, 454:21, 490:19, 490:20 <b>called</b> 297:21, 305:15, 336:15, 370:2, 452:22, 453:7, 469:2, 511:24 <b>calling</b> 369:24</p>	<p><b>calls</b> 330:18, 340:17, 499:18 <b>came</b> 335:14, 410:20, 414:2, 415:19, 433:5, 471:24, 491:5 <b>camera</b> 292:15, 293:1, 293:2, 299:16, 299:17 <b>can't</b> 319:14, 324:7, 335:8, 363:8, 364:13, 364:15, 377:6, 377:9, 377:15, 403:15, 405:2, 418:25, 421:9, 470:14, 475:21, 475:23, 483:4, 486:2, 512:13 <b>cancel</b> 295:15 <b>canopies</b> 375:12 <b>canopy</b> 354:4, 372:19 <b>capacities</b> 358:6, 411:15, 414:16 <b>capacity</b> 290:15, 358:7, 380:21, 381:2, 409:14, 409:20, 409:22, 410:1, 410:11, 411:10, 412:19, 413:20, 421:25, 423:19, 423:20, 424:17, 516:21, 516:24 <b>capital</b> 418:25 <b>caps</b> 378:17 <b>capture</b> 339:24, 360:16,</p>
--	---	---	--

361:2 <b>capturing</b> 360:20 <b>car</b> 311:23, 355:11, 387:4, 387:6, 389:19 <b>care</b> 497:18 <b>carefully</b> 482:13 <b>carey</b> 336:17 <b>carpooling</b> 367:1 <b>carroll</b> 353:4, 409:4, 409:8 <b>carry</b> 514:14 <b>carrying</b> 439:25 <b>cars</b> 367:2, 422:19 <b>carving</b> 464:2 <b>case</b> 288:6, 289:20, 291:5, 294:7, 294:10, 295:5, 297:22, 298:11, 303:8, 303:9, 304:6, 304:7, 304:8, 305:13, 306:1, 308:21, 309:8, 310:21, 311:1, 314:19, 333:23, 335:6, 338:11, 338:18, 344:16, 345:25, 357:20, 363:21, 369:11, 390:19, 390:21, 391:12, 392:6, 392:13, 428:22, 435:2, 437:22, 438:16, 443:6, 448:17, 460:18, 499:12,	503:18, 504:23, 504:25, 505:15, 505:16, 505:20, 507:16, 511:11, 513:18, 514:9, 517:7, 521:12, 522:9 <b>cases</b> 304:9, 304:12, 304:13, 304:16, 369:14, 469:5, 469:7, 503:17, 503:18 <b>categorized</b> 512:10 <b>category</b> 314:3 <b>ceased</b> 405:16 <b>census</b> 339:22, 339:24, 339:25, 342:21, 348:24, 349:13, 362:10, 362:16, 362:19, 362:21, 362:24, 363:4, 379:10 <b>center</b> 290:11, 290:22, 307:9, 307:14, 317:10, 320:19, 322:16, 324:10, 331:6, 341:13, 342:7, 342:23, 349:7, 353:17, 353:25, 355:23, 365:2, 370:10, 370:11, 370:18, 381:14, 383:4, 383:11, 383:13, 395:16, 398:7, 407:10, 407:18, 407:20, 408:5, 417:2, 420:5, 443:8, 443:14, 451:8, 452:15, 458:11, 458:18, 477:14, 478:15,	479:12, 490:24, 502:9, 504:9, 507:5, 508:10, 508:15, 508:20 <b>centered</b> 451:7 <b>centers</b> 353:12, 383:16 <b>central</b> 467:20 <b>cents</b> 400:6, 400:11 <b>certain</b> 336:25, 337:1, 338:6, 339:13, 363:6, 367:3, 372:17, 379:1, 387:1, 389:12, 480:7, 483:9, 508:10 <b>certainly</b> 303:18, 305:23, 307:9, 327:19, 338:4, 346:16, 390:23, 392:15, 393:14, 431:25, 435:23, 437:16, 473:11, 504:7, 504:23, 520:18 <b>certificate</b> 521:1, 522:1 <b>certification</b> 336:20, 336:24 <b>certified</b> 288:8, 306:16, 306:17, 306:18, 336:24 <b>certify</b> 364:13, 364:15, 521:4, 522:2 <b>chains</b> 347:3 <b>challenge</b> 419:3, 419:4 <b>challenging</b> 415:7 <b>chance</b> 456:15, 472:13,	483:18 <b>change</b> 316:5, 318:25, 319:14, 325:10, 361:1, 373:25, 377:18, 387:14, 394:25, 424:22, 457:7, 481:10, 482:6, 497:16, 501:23, 510:6 <b>changed</b> 318:3, 335:18, 450:10, 451:1, 467:22, 481:6 <b>changes</b> 290:4, 308:23, 312:12, 352:9, 359:17, 449:3, 464:7, 468:3, 468:14, 481:16, 481:18, 488:24 <b>changing</b> 396:1, 396:2, 450:24 <b>character</b> 458:19, 459:4, 459:10, 461:7, 461:23 <b>charge</b> 323:23, 323:24, 324:1 <b>chart</b> 320:5 <b>chat</b> 293:12 <b>check</b> 397:17, 434:13, 434:19 <b>checklist</b> 288:5 <b>chick-fil-a</b> 389:14 <b>chicken</b> 344:11 <b>chief</b> 294:7, 294:10, 306:1, 390:19, 428:22, 467:11
--	--	--	---

<b>choice</b> 300:25, 367:18 <b>choices</b> 316:22 <b>choose</b> 485:16 <b>choosing</b> 344:13 <b>circle</b> 475:23 <b>circulation</b> 289:6, 323:16, 325:15, 325:21, 328:3, 328:4 <b>circumstance</b> 441:24 <b>citation</b> 305:22 <b>cite</b> 371:19, 484:18, 512:3 <b>cited</b> 303:8, 304:10, 305:17 <b>citing</b> 378:10 <b>citizens</b> 304:11, 416:10 <b>city</b> 317:10 <b>civic</b> 288:11 <b>civil</b> 306:20 <b>claim</b> 455:19 <b>clair</b> 452:19, 452:20 <b>clarification</b> 437:16, 495:6 <b>clarify</b> 335:13, 350:25, 369:4, 388:22, 405:11, 495:17, 496:2 <b>clarity</b> 429:19 <b>clarksburg</b> 289:36, 290:11,	290:14, 290:22, 307:13, 319:8, 328:14, 331:6, 339:18, 341:13, 342:6, 349:6, 352:24, 352:25, 353:9, 353:17, 353:24, 354:3, 355:23, 361:3, 365:1, 365:5, 365:21, 366:4, 366:5, 366:7, 366:14, 368:20, 368:22, 370:10, 370:18, 376:7, 380:5, 380:11, 381:14, 381:16, 383:4, 383:13, 394:6, 394:11, 394:14, 394:16, 394:18, 394:23, 395:15, 396:5, 396:7, 396:10, 398:7, 399:2, 399:21, 401:3, 401:13, 403:17, 406:16, 407:8, 408:5, 408:7, 408:25, 409:1, 414:20, 417:4, 417:8, 417:11, 418:17, 418:19, 422:11, 422:14, 423:4, 423:5, 424:3, 424:5, 425:14, 443:14, 452:15, 452:22, 458:8, 458:10, 458:19, 490:24, 502:9, 504:9, 504:21, 506:11, 506:25 <b>clean</b> 344:20, 344:21, 372:20 <b>cleaner</b> 451:4, 476:16 <b>clear</b> 304:22, 416:12,	434:16, 508:12, 509:2, 509:19, 517:12, 519:24 <b>clearly</b> 303:1 <b>client</b> 455:6 <b>client's</b> 428:25, 516:22 <b>clients</b> 300:1, 357:9, 494:9 <b>clips</b> 471:3 <b>close</b> 294:9, 408:24, 427:18, 429:2, 506:6 <b>closed</b> 390:19, 415:14, 416:3, 418:9, 436:9, 519:24 <b>closes</b> 519:18, 520:13 <b>closest</b> 352:23, 361:3, 366:1 <b>closing</b> 287:25, 392:14, 428:23, 434:7, 473:2, 499:2, 499:3, 501:5, 501:6, 506:10, 517:24, 520:14 <b>closure</b> 414:24 <b>club</b> 343:18 <b>clubs</b> 344:2 <b>coast</b> 396:20 <b>code</b> 315:20, 338:8, 340:10, 340:16, 342:12, 355:13, 367:11, 368:9, 369:11, 387:22,	387:24, 390:1, 449:24, 507:13, 512:6, 517:5 <b>codes</b> 317:13 <b>cody</b> 285:19, 521:2, 521:18 <b>coe</b> 470:24 <b>coffee</b> 389:18 <b>colleagues</b> 490:1 <b>collect</b> 361:20 <b>colocated</b> 332:23, 355:6 <b>color-coded</b> 289:7 <b>colors</b> 316:6 <b>column</b> 409:14 <b>combination</b> 416:24, 418:11, 419:8, 435:4 <b>combined</b> 307:15, 321:11, 321:17, 409:22, 410:18, 414:3, 414:5, 425:7 <b>come</b> 296:1, 312:2, 340:9, 342:22, 347:5, 351:18, 355:7, 363:1, 363:3, 367:23, 368:24, 369:8, 383:22, 385:4, 390:16, 391:11, 397:7, 401:14, 402:11, 403:18, 403:22, 405:4, 413:2, 424:21, 425:18, 448:18, 460:25, 474:18, 492:13, 492:18,
---	--	--	--



<p>492:21, 492:25, 493:11, 493:19, 493:20, 494:3, 506:13 <b>comes</b> 301:20, 343:25, 410:24, 452:4, 452:20, 461:22 <b>comfortable</b> 296:17, 301:4 <b>comfortably</b> 362:17 <b>coming</b> 331:5, 397:10, 401:11, 407:16, 443:25, 506:15 <b>commanding</b> 482:11 <b>commas</b> 359:8 <b>commenced</b> 405:16 <b>comment</b> 390:15, 471:13, 483:19, 500:10 <b>commented</b> 502:23, 505:13 <b>comments</b> 399:7 <b>commercial</b> 307:15, 307:24, 308:4, 310:18, 311:7, 318:14, 341:7, 341:24, 342:8, 342:10, 342:22, 355:7, 383:4, 407:15 <b>commissioner</b> 498:21 <b>commitment</b> 485:10, 507:3, 508:9 <b>committee</b> 443:15 <b>communicating</b> 491:22, 492:10 <b>communications</b> 300:14</p>	<p><b>communities</b> 349:2, 363:5 <b>community</b> 328:13, 338:15, 344:18, 346:4, 347:19, 347:25, 348:4, 348:12, 348:18, 348:19, 348:22, 351:6, 351:15, 355:5, 356:5, 356:7, 369:10, 369:17, 369:19, 370:8, 370:11, 370:12, 373:20, 379:15, 416:11, 417:1, 417:2, 417:7, 417:15, 420:3, 443:13, 447:19, 452:5, 490:5, 490:14, 490:19, 490:20, 491:18, 502:4, 502:25, 507:4 <b>community's</b> 420:5 <b>commute</b> 366:24, 376:3 <b>commuter</b> 360:16, 361:2, 361:5, 366:12, 367:5, 367:24, 367:25, 368:1, 374:23, 375:2, 398:24, 413:19, 425:16 <b>commuters</b> 354:23, 367:13, 371:9, 397:8, 399:1, 516:18 <b>commuting</b> 328:12, 328:15, 328:23, 366:21, 366:23, 380:18 <b>companies</b> 372:8, 406:23, 407:2 <b>company</b> 334:22, 335:17,</p>	<p>406:17 <b>compare</b> 326:19, 460:11, 460:19, 460:21, 461:10, 465:11 <b>compared</b> 311:8, 312:15, 325:19, 332:16, 461:4, 517:8 <b>comparing</b> 319:10, 325:25, 461:19, 480:15 <b>comparison</b> 316:4, 324:3, 380:13, 449:7, 449:13, 449:14, 462:4, 465:12 <b>comparisons</b> 494:20 <b>compatibility</b> 458:24 <b>compatible</b> 458:18, 458:21 <b>competing</b> 345:16, 345:18, 347:20 <b>competitive</b> 354:6, 354:21, 507:21 <b>competitors</b> 386:12 <b>complained</b> 400:23 <b>complaints</b> 399:7, 414:21 <b>complete</b> 296:22, 383:21 <b>completed</b> 289:25, 427:14, 515:9 <b>completely</b> 454:1, 474:5, 479:22 <b>completion</b> 447:16, 447:25 <b>complex</b> 435:2, 515:10, 519:17</p>	<p><b>complies</b> 461:23 <b>comply</b> 448:8, 458:5, 465:5, 467:12 <b>complying</b> 322:3 <b>component</b> 374:14, 383:20, 414:22, 506:16, 512:25 <b>comported</b> 384:4, 385:6 <b>composite</b> 288:38 <b>comprehensive</b> 502:20 <b>comptroller's</b> 358:3 <b>computation</b> 379:11 <b>compute</b> 351:21 <b>computed</b> 352:3 <b>computing</b> 351:19 <b>comsat</b> 351:3 <b>concept</b> 288:43, 324:11, 326:17, 328:4, 368:12, 458:10, 508:21, 510:24 <b>concepts</b> 323:13, 323:19, 326:3, 326:22, 327:1, 451:21, 451:22, 452:13, 464:19, 481:5, 481:10 <b>conceptual</b> 463:18, 485:11, 509:24 <b>concern</b> 435:24, 436:13 <b>concerned</b> 464:6, 506:17</p>
---	---	--	--

<p><b>conclude</b> 392:18, 425:6, 456:24, 466:5</p> <p><b>concluded</b> 331:25, 332:14, 332:17, 332:22, 480:21, 501:21, 506:7</p> <p><b>concludes</b> 519:9, 519:18</p> <p><b>conclusion</b> 312:3, 312:23, 343:4, 354:20, 436:9, 493:17</p> <p><b>conclusions</b> 338:3, 355:21, 387:2, 503:3</p> <p><b>concur</b> 429:15</p> <p><b>condition</b> 309:5, 313:5, 316:4, 430:11, 430:14, 430:18, 430:22, 460:23</p> <p><b>conditional</b> 288:4, 288:18, 288:21, 289:19, 289:21, 290:9, 290:42, 291:4, 291:12, 291:13, 297:22, 298:2, 298:4, 340:11, 343:8, 355:2, 382:21, 388:2, 430:6, 430:11, 430:17, 449:12, 458:3, 460:2, 460:6, 460:16, 460:20, 461:3, 461:9, 461:17, 462:8, 462:9, 462:12, 468:18, 468:21, 469:7, 469:10, 490:7, 507:14, 507:22, 510:11, 511:11, 511:13, 511:14, 511:15, 512:1,</p>	<p>512:11, 515:6</p> <p><b>conditions</b> 392:20, 393:5, 429:1, 429:8, 429:16, 430:5, 430:8, 431:1, 433:20, 433:23, 448:9, 459:23, 459:24, 463:21, 464:11, 464:22, 464:24, 464:25, 508:12, 510:2, 510:13, 511:25</p> <p><b>condos</b> 497:9</p> <p><b>confer</b> 438:25</p> <p><b>conference</b> 442:7</p> <p><b>confirm</b> 295:24, 310:2, 310:5, 310:23, 310:24, 333:22, 397:19, 432:14, 462:13</p> <p><b>confirmed</b> 362:11, 433:17</p> <p><b>confirming</b> 433:18</p> <p><b>confirms</b> 503:19</p> <p><b>conflict</b> 462:14, 462:16</p> <p><b>conflicts</b> 496:7</p> <p><b>conform</b> 431:24, 433:9, 433:12, 512:22</p> <p><b>confronting</b> 288:10</p> <p><b>confused</b> 359:18, 364:12, 400:10, 402:14, 488:12</p> <p><b>confusing</b> 412:15, 469:21, 477:6</p> <p><b>confusion</b> 359:16</p>	<p><b>congestion</b> 365:25, 376:13</p> <p><b>connection</b> 330:23, 417:6, 417:8, 511:14</p> <p><b>conservation</b> 288:25, 288:32, 430:16, 460:1, 460:9</p> <p><b>conservative</b> 321:25, 322:2, 329:3, 329:4, 330:14, 332:19, 332:21, 350:14, 412:24, 413:23</p> <p><b>conservatively</b> 411:16</p> <p><b>consider</b> 303:12, 304:20, 332:12, 366:18, 366:20, 367:12, 367:15, 374:19, 459:2, 464:16, 503:22, 509:20, 512:8</p> <p><b>considerably</b> 411:11</p> <p><b>consideration</b> 381:3, 389:16, 507:17, 508:7, 514:17</p> <p><b>considered</b> 310:20, 375:1, 375:15, 386:12, 504:6, 507:19</p> <p><b>considering</b> 340:14, 342:13, 388:7, 468:25, 470:11, 499:19, 513:9</p> <p><b>consistent</b> 464:1, 502:18, 510:9, 510:11, 510:23</p> <p><b>consistently</b> 478:2, 511:19, 514:16</p> <p><b>consists</b> 301:21, 301:22</p>	<p><b>consolidates</b> 349:13</p> <p><b>constitute</b> 490:18, 490:19</p> <p><b>constituted</b> 445:25</p> <p><b>constitutes</b> 448:2</p> <p><b>constitution</b> 450:20</p> <p><b>constructed</b> 349:3</p> <p><b>construction</b> 403:4, 417:4, 496:16</p> <p><b>consult</b> 426:14</p> <p><b>consultants</b> 452:12</p> <p><b>consulting</b> 406:22</p> <p><b>consumer</b> 344:5, 344:6, 346:10, 351:20, 352:2, 371:24, 374:17, 379:9, 383:15</p> <p><b>consumers</b> 344:19, 373:11, 383:17, 401:2</p> <p><b>contain</b> 456:8</p> <p><b>contained</b> 446:19</p> <p><b>contemplated</b> 482:7</p> <p><b>contended</b> 477:19</p> <p><b>contends</b> 327:8</p> <p><b>content</b> 296:11</p> <p><b>contention</b> 454:24</p> <p><b>contentious</b> 443:24</p> <p><b>context</b> 305:16, 316:25,</p>
---	--	---	--

Transcript of Hearing  
Conducted on March 6, 2025

74

<p>317:10, 317:24, 321:24, 326:7, 368:14, 513:25 <b>contextualize</b> 320:23 <b>contingent</b> 295:13, 490:9, 490:11 <b>continual</b> 409:18 <b>continuation</b> 291:8, 294:3, 297:24, 298:1 <b>continue</b> 294:8, 295:10, 351:1, 351:7, 485:4 <b>continued</b> 289:1, 290:6, 337:20, 444:6, 444:7, 495:21 <b>continues</b> 458:13 <b>contract</b> 295:13, 295:15, 416:12, 416:13, 416:15, 416:17, 455:7, 455:12, 455:14, 455:15 <b>contrary</b> 485:7, 503:11 <b>contrasted</b> 388:13 <b>contribute</b> 313:6 <b>contribution</b> 416:25 <b>contributions</b> 489:10 <b>controlling</b> 508:5, 513:12 <b>controversial</b> 389:15 <b>convened</b> 297:25, 301:8 <b>convenience</b> 343:16, 343:19, 343:22, 343:25,</p>	<p>344:8, 344:13, 344:17, 345:7, 345:16, 345:17, 346:11, 346:14, 347:21, 353:23, 354:1, 354:6, 355:25, 372:14, 372:23, 372:25, 373:7, 386:17, 394:12, 507:11, 514:5, 517:8 <b>convenient</b> 338:10, 338:16, 347:9, 348:16, 355:5, 355:14, 361:5, 375:8, 375:18, 376:16, 380:10, 380:15, 380:17, 382:23, 503:21, 504:17, 505:6, 505:18 <b>convening</b> 392:10 <b>conversation</b> 322:6, 322:7, 415:4 <b>conversations</b> 331:3 <b>copies</b> 305:19, 513:13 <b>copy</b> 306:23, 483:22, 483:23, 487:3, 489:23, 520:6 <b>core</b> 317:10, 407:13, 450:20, 450:25, 451:8, 453:16, 464:19, 477:16, 479:6, 479:12, 484:11, 496:3 <b>corner</b> 353:1, 353:2, 468:1, 506:4, 515:25 <b>corners</b> 454:1 <b>correct</b> 297:14, 298:25,</p>	<p>301:1, 303:7, 305:1, 305:4, 313:25, 314:4, 314:5, 314:24, 319:25, 320:8, 326:14, 330:6, 336:2, 355:19, 365:17, 371:3, 371:11, 377:23, 384:16, 388:1, 388:25, 389:25, 390:2, 391:24, 391:25, 402:5, 412:18, 419:7, 421:19, 432:18, 437:7, 438:6, 438:9, 441:6, 447:10, 452:19, 469:8, 469:11, 472:16, 476:3, 487:14, 492:14, 492:15, 493:4, 496:14 <b>corrections</b> 290:3 <b>corrective</b> 496:20, 496:22, 496:25 <b>correctly</b> 365:18, 418:7 <b>correlate</b> 411:8 <b>corresponding</b> 436:20 <b>corroborate</b> 466:10 <b>costco</b> 411:5, 411:6, 411:23, 412:2 <b>could</b> 292:2, 292:14, 293:8, 295:15, 297:5, 297:15, 299:1, 305:21, 309:11, 309:19, 323:8, 327:16, 327:18, 329:14, 331:15, 334:4,</p>	<p>335:6, 336:5, 339:2, 339:11, 340:24, 341:16, 341:18, 377:19, 380:21, 380:24, 383:8, 383:20, 385:24, 386:4, 389:11, 391:7, 393:18, 394:3, 397:12, 397:21, 406:12, 406:19, 408:20, 410:19, 412:6, 412:12, 413:13, 414:10, 414:25, 415:25, 428:18, 431:15, 432:2, 432:8, 437:15, 442:13, 446:20, 454:21, 455:10, 455:11, 456:8, 456:21, 457:4, 466:2, 466:4, 470:25, 472:7, 474:3, 482:16, 483:18, 485:19, 489:22, 492:4, 494:19, 495:10, 504:20, 505:2, 508:8 <b>couldn't</b> 297:19, 464:15, 510:21 <b>council</b> 444:3, 444:25, 493:8 <b>counsel</b> 294:16, 299:25, 301:9, 306:10, 313:12, 331:12, 334:8, 335:22, 337:20, 356:13, 359:14, 379:25, 383:25, 393:24, 401:20, 405:9, 406:10, 418:4, 426:23, 433:16, 474:10, 495:10, 521:11, 522:7</p>
---	--	---	--

<b>count</b> 317:17, 363:9, 398:11, 438:25 <b>counted</b> 420:14 <b>counting</b> 425:15 <b>country</b> 315:10, 317:6, 343:20, 420:24 <b>county</b> 284:2, 285:5, 285:8, 304:10, 305:17, 307:10, 319:2, 319:3, 319:9, 339:4, 340:4, 341:4, 341:22, 356:8, 356:9, 363:8, 363:9, 363:11, 363:13, 363:19, 365:20, 367:11, 369:11, 370:2, 380:22, 389:5, 394:22, 403:12, 415:11, 415:20, 415:21, 415:23, 416:7, 416:12, 422:4, 444:3, 444:4, 444:25, 449:24, 463:23, 464:3, 467:24, 469:14, 478:16, 492:17, 493:6, 497:15, 503:9, 503:17, 503:18, 506:7, 507:13, 508:8, 508:16, 510:4, 512:4, 512:6 <b>county's</b> 416:14, 419:1 <b>county-wide</b> 418:22 <b>couple</b> 295:19, 338:6, 340:3, 359:7, 359:17, 365:1,	379:24, 389:9, 428:21, 490:4 <b>course</b> 309:21, 310:11, 339:8, 352:5, 435:6, 437:5, 457:23, 464:13, 475:6, 478:9, 480:25, 481:3, 483:1, 497:16 <b>court</b> 286:13, 293:7, 299:19, 301:23, 302:5, 302:6, 302:15, 303:5, 406:1, 435:8, 455:18, 513:13, 513:22, 513:24, 514:7, 514:11, 514:15, 515:6, 515:7, 515:15, 518:15, 518:16, 521:1 <b>courts</b> 305:9, 514:24 <b>cover</b> 288:19, 288:26, 288:37, 289:21, 343:1, 429:25, 430:3, 473:21 <b>covered</b> 299:22, 299:23, 353:25, 401:6 <b>covering</b> 497:22 <b>covers</b> 365:6 <b>covid</b> 328:23, 328:25 <b>craft</b> 455:10 <b>craftstar</b> 450:17 <b>crash</b> 417:19 <b>crasnow</b> 465:14, 466:9, 467:11	<b>crasnow's</b> 467:1 <b>create</b> 308:13, 339:13, 398:8, 398:16, 471:16 <b>credits</b> 346:20 <b>crimm</b> 491:2 <b>criteria</b> 292:1, 298:17, 363:3, 511:15, 511:16, 511:24, 512:25 <b>criterion</b> 512:18 <b>critical</b> 367:8, 452:10, 452:17 <b>cross</b> 345:8, 385:14, 437:8, 457:25, 518:25 <b>cross-examination</b> 294:1, 313:12, 327:23, 356:13, 401:20, 418:4, 436:1, 442:18, 474:8, 474:10, 474:13, 474:16, 495:16 <b>cross-examine</b> 294:12, 393:12, 466:6, 494:4, 494:12, 494:19 <b>cross-examined</b> 495:9 <b>crosses</b> 452:22 <b>crossover</b> 345:21, 345:24 <b>crossroad</b> 452:17 <b>crosstalk</b> 293:6, 299:18, 489:5, 498:8 <b>crowd</b> 315:7, 317:5	<b>ctc</b> 284:7, 290:13, 291:6, 297:23, 444:25, 485:9 <b>ctcac</b> 452:7 <b>cu</b> 284:7, 291:5, 297:22, 430:7 <b>cua</b> 290:35 <b>cup</b> 389:18 <b>curb</b> 344:23, 354:18 <b>curious</b> 386:23 <b>current</b> 293:10, 308:15, 310:17, 317:17, 319:16, 319:17, 319:20, 319:23, 323:25, 324:2, 326:6, 326:24, 394:4, 399:20, 422:23, 498:17 <b>currently</b> 324:22, 353:22, 399:14 <b>curve</b> 351:5 <b>customer</b> 345:18, 364:18, 380:23, 401:10, 404:11, 404:16, 416:22, 416:23, 417:15 <b>customers</b> 345:21, 357:2, 361:14, 361:15, 361:17, 361:18, 365:19, 369:8, 372:22, 399:14, 404:12, 404:23, 405:1, 417:18, 417:20, 421:11, 426:2 <hr/> <b>D</b> <hr/> <b>d</b> 459:3
---	---	---	--

<b>dabble</b> 469:4 <b>daily</b> 373:25, 377:18 <b>damages</b> 455:20 <b>damascus</b> 339:7, 339:15, 339:16, 365:21 <b>dashed</b> 341:23 <b>data</b> 313:21, 317:7, 317:8, 317:13, 322:6, 322:9, 322:10, 322:21, 322:22, 322:24, 330:19, 330:20, 339:23, 339:24, 343:21, 345:5, 349:13, 349:14, 351:9, 357:5, 357:10, 357:11, 357:25, 358:1, 362:12, 372:4, 372:7, 376:25, 379:8, 402:3, 411:2, 414:15, 424:9, 424:10 <b>date</b> 438:21, 497:5, 520:13 <b>dated</b> 289:45, 290:21, 328:5 <b>dates</b> 498:11 <b>david</b> 287:4, 288:48, 294:20, 306:3, 306:8, 306:14, 334:19, 480:20 <b>day</b> 284:11, 320:3, 376:22, 411:6, 417:19, 439:18, 465:23, 493:14 <b>days</b> 295:19, 346:18,	351:4, 415:9, 434:11, 434:20, 435:3, 435:4, 436:24, 436:25, 437:2, 437:24, 439:1, 439:2, 439:10, 439:13, 439:14, 439:17, 439:21, 439:24, 440:1, 440:2, 440:5, 440:6, 440:8, 440:15, 440:18, 440:19, 440:22, 471:16, 471:20, 471:25, 473:5, 519:20, 519:21, 520:15 <b>dc</b> 361:4 <b>deadline</b> 361:23, 361:25 <b>deal</b> 305:20, 344:9, 345:8, 371:21, 444:2, 515:24 <b>dealer</b> 358:22 <b>dealing</b> 300:21, 441:24, 503:19 <b>dealt</b> 305:8, 305:10, 492:2 <b>debate</b> 450:18, 451:6, 466:24 <b>deborah</b> 289:32 <b>decades</b> 344:22, 377:5, 506:12 <b>decide</b> 303:10, 411:13, 499:13 <b>decided</b> 431:12, 513:12, 514:2 <b>deciding</b> 303:13	<b>decision</b> 301:23, 431:14, 473:16, 512:8, 513:11, 514:20, 516:4, 520:15 <b>decisions</b> 301:25, 302:5, 302:6, 303:1, 303:4, 303:15, 303:24, 418:24, 418:25, 443:5 <b>decks</b> 509:6 <b>declare</b> 352:17, 377:19 <b>declined</b> 404:24 <b>decrease</b> 312:24, 313:4, 328:23 <b>decreased</b> 318:8 <b>dedicated</b> 467:21 <b>deed</b> 508:12 <b>deemed</b> 445:25, 457:5 <b>defend</b> 503:9 <b>deficiencies</b> 469:19 <b>deficiency</b> 418:21 <b>deficient</b> 418:9 <b>define</b> 364:24, 504:2 <b>defined</b> 339:3, 356:19, 362:9, 364:1, 365:13, 369:1, 369:7, 370:20, 454:17 <b>definitely</b> 371:17 <b>definition</b> 367:10, 368:5,	465:13 <b>degrees</b> 336:9, 337:2 <b>delay</b> 486:6, 486:7, 486:9 <b>deli</b> 386:16, 394:11, 399:12, 404:1 <b>delivered</b> 484:23 <b>deliveries</b> 411:5 <b>demand</b> 337:7, 338:14, 338:19, 338:23, 338:24, 342:19, 346:2, 346:4, 346:6, 346:11, 348:21, 351:24, 352:10, 354:13, 355:1, 369:1, 371:7, 381:15, 381:17, 387:2, 387:14, 421:25, 422:1, 422:23, 423:1, 423:2, 423:8, 423:17, 423:18, 423:21, 423:22, 423:23, 424:19, 425:11 <b>demands</b> 516:14 <b>demonstrate</b> 311:6, 318:5, 338:9, 346:1, 384:21, 511:24, 513:7, 515:14, 515:20 <b>demonstrated</b> 312:21, 469:18 <b>demonstrates</b> 364:18 <b>demonstrating</b> 333:3 <b>denial</b> 491:17, 505:21 <b>dennis</b> 289:30
---	---	--	--

<p><b>densities</b> 308:12, 316:12</p> <p><b>density</b> 307:24, 308:25, 309:6, 310:19, 310:24, 314:14, 314:22, 316:14, 316:15, 325:18</p> <p><b>deny</b> 290:35, 290:42, 504:23</p> <p><b>department</b> 321:10, 345:13, 356:2, 358:3, 379:9, 505:24, 506:1</p> <p><b>depended</b> 474:4</p> <p><b>dependent</b> 383:14, 391:20</p> <p><b>depending</b> 319:7</p> <p><b>depends</b> 314:14, 437:9</p> <p><b>depicted</b> 409:9</p> <p><b>describe</b> 341:17, 371:23, 386:15, 398:4, 398:15, 406:19, 408:20, 416:21</p> <p><b>described</b> 308:6, 308:17, 311:12, 312:6, 330:3, 331:8, 366:23, 451:25, 496:19</p> <p><b>description</b> 369:10, 385:25</p> <p><b>descriptions</b> 478:20</p> <p><b>design</b> 323:13, 323:19, 324:10, 326:3, 326:22, 327:1, 328:4, 354:18, 451:21, 452:13, 453:14, 464:19,</p>	<p>475:19, 475:22, 475:23, 475:25, 478:11, 480:11, 480:12, 481:4, 481:10, 484:20, 485:1, 485:12, 485:23, 496:3, 508:21, 518:3</p> <p><b>designed</b> 356:6</p> <p><b>designs</b> 475:13, 518:5</p> <p><b>desire</b> 497:15</p> <p><b>desired</b> 315:24, 506:11</p> <p><b>despite</b> 437:10, 492:12</p> <p><b>destination</b> 290:14</p> <p><b>detail</b> 323:22, 501:11</p> <p><b>detailed</b> 452:23, 463:19, 468:10, 502:17</p> <p><b>details</b> 288:22, 288:23, 434:10, 445:23, 446:11, 451:11, 518:9</p> <p><b>detect</b> 448:15, 465:7</p> <p><b>determination</b> 368:4, 368:16, 368:23, 374:19, 436:15, 515:11, 516:5, 516:25</p> <p><b>determine</b> 302:3, 340:18, 356:22, 357:13, 363:21, 374:25</p> <p><b>determined</b> 325:18, 338:19, 378:18, 516:6</p> <p><b>determining</b> 367:9, 485:10</p> <p><b>develop</b> 508:9</p>	<p><b>developed</b> 315:7, 342:18</p> <p><b>developer</b> 446:3, 450:23, 457:7, 482:11, 485:11</p> <p><b>developers</b> 450:16</p> <p><b>developing</b> 309:6</p> <p><b>development</b> 291:16, 298:6, 310:18, 318:12, 319:23, 328:17, 334:16, 336:8, 336:10, 336:14, 336:16, 342:7, 351:3, 353:15, 353:23, 383:5, 395:3, 396:10, 401:14, 402:8, 407:15, 418:22, 418:23, 443:11, 458:13, 458:14, 458:24, 485:9</p> <p><b>development's</b> 309:4</p> <p><b>deviate</b> 511:3</p> <p><b>deviation</b> 379:20</p> <p><b>devote</b> 406:24</p> <p><b>dial</b> 415:8, 418:13</p> <p><b>dickerson</b> 339:5</p> <p><b>dictate</b> 309:3</p> <p><b>diesel</b> 387:10, 424:18</p> <p><b>differ</b> 369:13</p> <p><b>difference</b> 324:16, 362:15, 372:12, 388:16, 388:17, 388:20, 513:6</p>	<p><b>differences</b> 316:12</p> <p><b>different</b> 314:8, 316:14, 318:9, 319:4, 340:3, 343:4, 359:3, 359:4, 362:23, 365:3, 365:4, 365:11, 368:13, 368:22, 369:13, 372:14, 377:2, 378:2, 386:14, 386:18, 389:7, 411:14, 423:4, 424:18, 454:1, 469:13, 470:15, 494:24, 498:24, 506:8</p> <p><b>difficult</b> 293:6, 299:19, 441:24</p> <p><b>digital</b> 521:8, 522:3</p> <p><b>diligently</b> 415:21</p> <p><b>dining</b> 452:8, 475:8, 476:13</p> <p><b>dire</b> 335:22, 337:14</p> <p><b>direct</b> 306:10, 334:8, 337:20, 393:24, 396:6, 406:10, 432:13, 442:24, 453:12, 455:21</p> <p><b>direction</b> 366:11, 367:8, 373:19, 415:10, 417:25, 494:25</p> <p><b>directions</b> 338:13, 413:20</p> <p><b>directive</b> 415:20</p> <p><b>directly</b> 305:14, 330:17, 354:21, 394:24, 396:3, 409:16</p>
--	--	---	---

<p><b>disabled</b> 293:12 <b>disaggregated</b> 317:11 <b>disagree</b> 302:24, 333:15, 341:11, 382:5, 422:25, 481:3, 481:15 <b>disagreed</b> 384:18 <b>disagreeing</b> 341:20, 480:23 <b>disapprove</b> 462:12 <b>disapproves</b> 475:12 <b>discount</b> 346:14, 346:17, 346:22, 347:4, 347:7, 377:22, 377:25, 515:4, 515:17, 515:19, 515:21 <b>discounts</b> 346:21, 404:12 <b>discretion</b> 448:24, 481:25, 482:6 <b>discuss</b> 331:1 <b>discussed</b> 316:18, 343:13, 343:14, 348:21, 372:7, 372:13, 372:14, 389:4 <b>discussing</b> 373:11 <b>discussion</b> 297:7, 333:2, 347:13, 351:4, 464:14, 471:24 <b>dispense</b> 294:15, 428:18, 430:23, 434:9 <b>dispensers</b> 354:4 <b>disregarded</b> 303:23</p>	<p><b>distance</b> 367:2, 367:3, 376:2 <b>distinction</b> 369:4 <b>distribute</b> 483:16 <b>district</b> 417:5, 417:9, 458:12, 458:20, 458:22, 458:25 <b>dividing</b> 339:20 <b>divulge</b> 486:2 <b>document</b> 303:24, 350:21, 454:2, 454:5, 455:22, 457:10, 484:5, 484:7, 484:9, 485:21, 487:15, 488:13, 488:20, 508:3, 508:25, 510:22 <b>documented</b> 469:17 <b>documents</b> 302:11, 302:17, 303:14, 309:2, 465:19, 475:16, 512:10 <b>doing</b> 308:20, 312:22, 313:3, 338:11, 347:22, 367:17, 377:5, 377:10, 383:19, 384:6, 420:24, 486:21 <b>dollar</b> 471:6 <b>done</b> 321:2, 321:7, 338:18, 352:16, 357:7, 385:14, 396:9, 422:23, 423:16, 442:17, 455:20, 462:19, 488:19, 494:22,</p>	<p>495:3, 497:17, 509:21 <b>donuts</b> 389:13 <b>dot</b> 416:13, 416:16 <b>dots</b> 352:19 <b>double</b> 313:3, 424:25 <b>double-counted</b> 425:2 <b>doubt</b> 343:19 <b>down</b> 324:18, 331:16, 339:4, 351:8, 353:15, 353:16, 364:3, 365:10, 376:18, 376:19, 377:9, 387:15, 398:14, 398:19, 408:10, 409:5, 413:6, 413:7, 451:11, 463:10, 463:11, 474:25, 508:18 <b>download</b> 414:14 <b>downtown</b> 317:10, 394:14, 394:15 <b>dragged</b> 519:15 <b>drawing</b> 387:2 <b>drawings</b> 446:11, 451:14, 451:17 <b>drawn</b> 342:25, 469:6 <b>draws</b> 347:25 <b>drill</b> 294:11, 393:10 <b>drive</b> 351:12, 351:13, 365:25, 373:11,</p>	<p>375:13, 375:14, 443:9, 452:18, 453:7 <b>drive-by</b> 404:23, 405:1 <b>drive-through</b> 453:5 <b>drive-throughs</b> 389:4, 389:7, 389:9 <b>driven</b> 452:25 <b>driving</b> 344:19, 348:6, 348:13, 367:1, 375:19, 375:23, 457:9 <b>dropped</b> 379:19 <b>drove</b> 367:7 <b>dry</b> 357:19, 451:3, 476:16 <b>dual</b> 306:18 <b>duany</b> 452:12 <b>due</b> 424:13 <b>duly</b> 393:22, 406:8, 432:11, 442:22 <b>dunkin</b> 389:13 <b>during</b> 312:15, 328:16, 328:23, 330:10, 337:14, 359:25, 396:18, 415:6, 415:22, 415:25, 416:18, 416:19, 419:22, 497:15 <b>duty</b> 461:19 <b>dwelling</b> 325:6</p> <hr/> <p style="text-align: center;"><b>E</b></p> <hr/> <p><b>e) (5</b> 387:23, 387:25,</p>
---	---	--	---

388:1 <b>e-mail</b> 290:18, 290:25, 290:27, 290:29, 290:50, 301:14, 434:15, 472:3, 472:15, 492:23, 493:13 <b>each</b> 299:20, 308:8, 308:11, 310:14, 317:22, 326:16, 353:13, 374:12, 397:14, 414:11, 414:16, 414:18, 448:9, 465:5, 499:23 <b>earlier</b> 369:22, 372:18, 391:4, 408:24, 499:22, 500:25 <b>early</b> 286:5, 292:5, 300:5, 361:4, 443:11, 450:15, 466:22 <b>easier</b> 417:1, 435:15, 499:12, 501:8 <b>east</b> 396:20 <b>easy</b> 352:20 <b>economic</b> 334:16, 416:8, 419:23, 509:3 <b>economically</b> 417:10 <b>economics</b> 337:2 <b>economy</b> 350:17 <b>ed</b> 294:21, 334:2, 362:22, 504:5, 504:13 <b>edited</b> 359:7	<b>edition</b> 378:8 <b>edu</b> 317:22 <b>educational</b> 394:7, 406:20 <b>edward</b> 287:8, 288:49, 330:16, 334:12 <b>effect</b> 302:4, 493:13, 519:6 <b>effectively</b> 514:14 <b>effectiveness</b> 357:13 <b>effects</b> 512:9, 512:15 <b>efficiency</b> 346:9 <b>effort</b> 375:7, 492:12 <b>eight</b> 407:7, 413:16, 413:17, 413:19, 419:11, 419:14, 419:15, 498:21, 506:25 <b>either</b> 293:3, 309:6, 321:21, 343:7, 343:16, 365:21, 417:17, 428:15, 472:22, 480:3, 495:25, 516:6 <b>elastic</b> 346:6, 368:12 <b>electric</b> 387:4, 387:6, 387:10, 387:12 <b>electronic</b> 489:23, 520:6 <b>element</b> 446:18, 453:13, 468:5, 482:12 <b>elements</b> 448:9, 449:8, 449:9, 451:24,	452:1, 465:5, 468:6 <b>eliminate</b> 467:15, 473:14, 485:24 <b>eliminated</b> 478:2 <b>elimination</b> 466:22 <b>elm</b> 415:5, 415:19, 415:22, 415:23, 419:5, 508:10 <b>elrich</b> 492:18 <b>elrich's</b> 519:1 <b>else</b> 293:5, 344:13, 348:19, 351:16, 352:18, 375:11, 380:23, 436:23, 468:6, 494:11, 496:8, 496:9, 505:4, 520:2 <b>elsewhere</b> 360:25, 420:20, 504:22, 515:22 <b>emergency</b> 444:1 <b>emphasis</b> 515:3 <b>emphasize</b> 361:12 <b>employed</b> 521:11, 522:8 <b>employee</b> 360:20 <b>employees</b> 360:22, 360:23 <b>employment</b> 334:11 <b>enables</b> 514:13 <b>encouraged</b> 493:25 <b>end</b> 343:12, 434:7,	457:13, 457:21, 459:13, 480:21, 518:24 <b>ended</b> 498:12 <b>energy</b> 358:4 <b>enforce</b> 416:17 <b>engineer</b> 294:21, 306:15, 306:17 <b>engineering</b> 306:21, 307:1, 406:22 <b>engineers</b> 312:9, 313:24, 315:8, 315:9, 317:5, 329:8, 329:9 <b>enhancements</b> 447:19 <b>enough</b> 477:17, 507:24, 507:25 <b>ensure</b> 489:23 <b>enter</b> 445:1 <b>entered</b> 489:18, 489:19, 498:12, 518:12 <b>entering</b> 396:7 <b>entertainment</b> 452:9, 476:13 <b>entire</b> 353:14, 355:5, 368:4, 370:8, 383:4, 396:20, 424:3, 425:14, 445:24, 457:3, 462:17, 505:1 <b>entirely</b> 436:13 <b>entirety</b> 445:11, 477:13 <b>entitled</b> 494:8
--	---	--	---



<p><b>entrance</b> 394:16, 394:20, 395:1, 395:5, 396:1, 396:3, 396:5 <b>entrances</b> 394:23 <b>entry</b> 453:9, 468:11 <b>environment</b> 343:18, 344:5 <b>envisioned</b> 481:5, 502:3, 510:24 <b>equate</b> 451:19 <b>equating</b> 469:6 <b>eric</b> 289:31 <b>erik</b> 289:34 <b>errors</b> 425:20, 450:9 <b>especially</b> 318:4, 497:15 <b>esq</b> 290:10 <b>esquire</b> 286:4, 286:11 <b>esri</b> 349:13 <b>essence</b> 444:21, 445:15 <b>essentially</b> 332:11, 507:19 <b>establish</b> 326:1, 326:24 <b>established</b> 367:4, 452:14 <b>establishing</b> 517:15 <b>establishment</b> 420:10 <b>estate</b> 336:4, 336:6, 336:7, 336:8, 336:10, 336:14,</p>	<p>336:16 <b>estimate</b> 349:14, 390:11 <b>estimated</b> 312:11, 332:14, 332:18, 332:19 <b>etcetera</b> 446:11, 447:20, 447:21, 450:22, 461:23, 501:20 <b>evaluate</b> 324:1, 328:3, 473:15 <b>evaluated</b> 307:10, 308:12, 325:24, 326:7, 326:18, 326:19, 326:25 <b>evaluation</b> 307:11, 308:3, 330:24 <b>evaluations</b> 308:9, 310:15 <b>even</b> 302:4, 311:9, 317:11, 351:1, 357:5, 357:8, 357:20, 374:22, 377:22, 380:3, 384:24, 393:2, 397:16, 410:25, 415:22, 448:20, 452:4, 459:8, 460:11, 460:19, 462:4, 462:6, 469:23, 480:12, 480:19, 501:17, 502:10, 504:7, 512:16, 514:3, 515:20, 516:22, 519:5 <b>evening</b> 328:19, 375:22, 399:5, 399:6, 417:24 <b>eventually</b> 387:15, 505:2 <b>ever</b> 326:6, 330:16,</p>	<p>330:19, 352:17, 356:23, 396:14, 397:2, 399:7, 400:23, 414:21, 481:12, 489:9, 495:21 <b>every</b> 316:2, 344:9, 353:19, 354:14, 372:21, 374:13, 412:24, 417:19, 446:18, 460:21, 482:11 <b>everybody</b> 348:10, 355:10, 417:23, 442:1, 505:1, 512:3 <b>everybody's</b> 296:17 <b>everyone</b> 391:12, 404:14, 436:23, 471:12, 471:22 <b>everyone's</b> 486:19 <b>everything</b> 304:19, 330:13, 333:18, 474:24, 479:21, 490:13, 490:14, 491:19, 497:23, 497:24, 510:21, 517:25 <b>evidence</b> 291:24, 298:15, 302:13, 388:4, 455:4, 455:7, 468:23, 487:9, 487:12, 488:2, 503:11, 503:24, 515:16 <b>evident</b> 475:13 <b>exact</b> 476:20 <b>exactly</b> 436:21, 437:10, 475:3, 476:21, 492:6</p>	<p><b>examination</b> 306:10, 331:12, 334:8, 335:22, 337:20, 379:25, 385:17, 393:24, 405:9, 406:10, 426:23, 432:13 <b>examine</b> 324:19, 417:6 <b>examined</b> 306:9, 324:21, 393:23, 406:9, 432:12, 442:23 <b>examiner's</b> 434:23, 491:17 <b>example</b> 302:18, 314:12, 315:12, 317:4, 317:22, 318:12, 336:9, 339:16, 344:10, 346:25, 354:5, 369:19, 379:15, 389:5, 389:13, 399:20, 475:22, 497:7 <b>exceed</b> 338:24, 516:10 <b>exceeded</b> 443:21, 485:3 <b>exceeds</b> 517:2 <b>excellent</b> 437:23 <b>except</b> 294:15, 448:22, 461:2, 463:20, 510:1, 519:19, 519:23 <b>exception</b> 507:14 <b>exceptions</b> 512:12 <b>excerpts</b> 449:24 <b>exchange</b> 290:27, 290:29, 445:25, 485:1, 508:6, 508:9</p>
---	--	--	---

<p><b>exchanges</b> 290:18, 290:50, 301:15 <b>exclude</b> 368:2, 430:3 <b>excluded</b> 367:24, 367:25, 368:1 <b>excuse</b> 322:12, 381:25, 408:2, 411:18, 421:1, 453:17, 482:4, 486:10, 488:21, 509:9, 511:21, 517:3 <b>executed</b> 415:23 <b>executive</b> 359:22, 492:18, 492:25, 503:9 <b>exhibit</b> 289:12, 289:13, 301:8, 301:9, 301:13, 301:19, 306:23, 307:12, 307:19, 307:20, 307:22, 308:6, 308:17, 311:5, 311:12, 312:6, 313:10, 313:20, 315:20, 320:2, 323:3, 323:8, 323:15, 324:9, 327:5, 330:2, 330:21, 331:8, 331:15, 331:18, 332:16, 333:11, 334:19, 337:24, 338:6, 339:2, 340:5, 340:6, 340:25, 342:3, 348:21, 349:16, 350:7, 350:9, 352:13, 359:5, 359:6, 359:10, 381:4, 398:13, 408:16, 408:20, 412:17, 429:10,</p>	<p>429:13, 429:20, 429:23, 446:21, 446:23, 447:12, 451:18, 451:19, 453:24, 458:7, 459:20, 462:21, 466:25, 467:1, 468:8, 488:3, 488:4, 488:8, 489:19, 489:20, 500:1, 500:3, 500:17, 501:10, 503:3, 503:4, 503:16, 518:10 <b>exhibits</b> 289:1, 289:42, 290:6, 290:36, 290:38, 290:45, 293:16, 301:7, 301:24, 302:3, 302:16, 304:21, 305:25, 338:7, 447:3, 485:8, 501:10, 506:20, 518:9, 518:10, 520:5 <b>exist</b> 510:7 <b>existence</b> 383:16 <b>existing</b> 288:17, 318:11, 318:12, 380:24, 395:8, 460:19, 469:16 <b>exists</b> 340:12, 342:12, 388:5, 468:23, 513:7 <b>expand</b> 409:25 <b>expect</b> 315:15, 315:17, 351:5, 357:17, 369:7 <b>expectation</b> 356:24, 357:1 <b>expectations</b> 372:17</p>	<p><b>expediency</b> 346:11 <b>expedient</b> 338:10, 338:16, 347:9, 348:16, 355:4, 355:14, 361:6, 375:8, 375:18, 376:16, 380:10, 380:16, 380:18, 382:23, 503:20, 504:16, 505:6, 505:18, 507:20 <b>expenditure</b> 351:20, 352:2, 379:9 <b>experience</b> 321:5, 321:6, 321:7, 335:1, 377:10, 383:21, 397:6, 401:11, 411:3, 417:21, 426:25, 455:1, 455:21, 516:24 <b>expert</b> 306:25, 332:8, 334:25, 337:18, 345:20, 410:23, 480:19, 480:20, 499:22, 502:17, 503:7 <b>expert's</b> 422:19 <b>experts</b> 333:10, 372:3, 382:5 <b>explain</b> 314:1, 315:2, 336:5, 338:21, 409:14, 410:20, 414:11, 414:25, 425:19, 434:8, 436:7 <b>explained</b> 502:20, 502:21 <b>explains</b> 500:17 <b>explicit</b> 501:18, 502:13</p>	<p><b>explicitly</b> 465:10 <b>express</b> 464:12, 510:14 <b>expressed</b> 448:10 <b>expressly</b> 448:22, 462:25, 510:17 <b>extend</b> 437:3, 438:1 <b>extension</b> 484:17 <b>extensive</b> 500:10, 503:24 <b>extensively</b> 380:2, 382:17, 505:9 <b>extent</b> 303:21, 303:25, 380:8, 385:18, 386:13, 390:5, 404:22, 404:25 <b>external</b> 318:1, 318:7, 321:23 <b>extra</b> 348:15 <b>extremely</b> 442:1 <b>exxon</b> 347:3, 353:2, 353:14, 407:17, 409:2, 411:9, 411:25, 412:4</p> <hr/> <p style="text-align: center;"><b>F</b></p> <hr/> <p><b>f</b> 290:49 <b>f-e-a-t-h-e-r</b> 299:5 <b>face</b> 458:16, 471:4, 478:11 <b>facetious</b> 505:3 <b>facilities</b> 311:24, 354:2,</p>
---	---	---	--

<p>359:24, 372:18, 404:8, 409:19, 447:20 <b>facility</b> 394:18, 398:10, 400:24, 411:24, 414:13, 414:20, 414:22 <b>facing</b> 401:5, 453:6, 480:13 <b>fact</b> 367:13, 371:6, 384:4, 435:1, 435:6, 435:11, 435:12, 435:19, 437:11, 437:17, 438:1, 441:4, 443:13, 443:16, 450:10, 456:16, 457:1, 473:9, 473:12, 484:16, 492:16, 492:22, 501:15, 502:23, 508:5, 512:21, 513:22, 514:6, 515:24, 516:9, 516:15, 517:11, 518:19, 519:23, 520:1 <b>factor</b> 346:15, 348:2, 371:13, 371:22, 374:15, 514:24 <b>factors</b> 319:7, 344:19, 344:24, 373:17 <b>facts</b> 302:21, 303:24, 456:9, 505:22, 506:7, 506:8 <b>factual</b> 456:20, 457:24, 487:9 <b>faded</b> 316:6 <b>fail</b> 506:18</p>	<p><b>failed</b> 461:19, 467:12 <b>fails</b> 481:17 <b>failure</b> 448:13, 462:18 <b>fair</b> 328:10, 357:21, 359:5, 360:8, 364:11, 368:6, 374:18, 379:3, 445:25, 493:5 <b>fairly</b> 360:7, 405:18 <b>fairness</b> 519:13 <b>fall</b> 309:8, 335:18 <b>falls</b> 367:10 <b>familiar</b> 331:18, 331:20, 344:22, 385:20, 385:21, 387:21, 388:15, 388:17, 418:12, 418:20 <b>families</b> 318:13 <b>family</b> 402:1, 405:12, 406:15, 407:1 <b>fantels</b> 491:1 <b>far</b> 302:16, 339:6, 339:7, 348:13, 352:25, 369:9, 369:16, 370:20, 376:16, 380:17, 435:22, 462:5 <b>farm</b> 349:6, 480:2, 480:4, 480:17 <b>farmers</b> 477:25, 478:17, 478:20 <b>farms</b> 344:10, 407:16</p>	<p><b>farther</b> 380:3, 380:4, 421:21 <b>fat</b> 442:19 <b>favorite</b> 371:18 <b>fcf</b> 288:28, 288:29, 288:30, 288:31 <b>fcf-approval</b> 288:33, 288:34, 288:35 <b>fear</b> 490:20 <b>feather</b> 286:20, 289:38, 298:20, 298:25, 299:4 <b>features</b> 288:17, 339:13, 363:7, 399:8, 458:11 <b>february</b> 291:9, 294:3, 297:25 <b>fed</b> 417:18 <b>federal</b> 358:3 <b>feel</b> 297:20, 371:25, 444:15, 474:14, 475:14 <b>feelings</b> 485:16 <b>feet</b> 307:15, 307:16, 307:17, 307:25, 308:1, 308:2, 308:5, 308:6, 325:4, 443:9 <b>felt</b> 467:25 <b>few</b> 309:24, 313:16, 316:18, 335:21, 401:22, 402:20,</p>	<p>402:21, 468:19, 481:9, 489:17 <b>fewer</b> 312:13, 312:14, 430:12 <b>field</b> 453:10, 477:17 <b>figure</b> 474:3 <b>file</b> 350:1 <b>filed</b> 433:2 <b>files</b> 458:7 <b>filing</b> 431:11 <b>fill</b> 386:22, 425:16, 478:10 <b>filling</b> 291:12, 298:3, 329:25, 367:11, 368:17, 381:13, 382:12, 382:20, 384:14, 399:14, 411:11, 430:6, 430:7, 430:9, 430:22, 468:20, 468:21, 475:4, 475:5, 475:18, 475:21, 476:2, 477:23, 499:17, 499:18, 510:10, 511:15, 513:25, 514:18, 514:21, 514:22, 515:1, 517:6, 517:10 <b>fills</b> 413:25 <b>final</b> 288:25, 288:28, 288:29, 288:30, 288:31, 288:32, 288:33, 288:34, 288:35, 288:36, 288:38, 288:39, 288:40, 288:41,</p>
--	--	--	--

288:42, 290:16, 312:7, 429:8, 436:12, 436:15, 472:11, 487:25, 488:14, 488:15, 491:11, 495:20, 498:4 <b>finally</b> 506:12 <b>financial</b> 485:10, 521:13, 522:10 <b>find</b> 330:15, 333:3, 348:19, 375:7, 380:6, 435:11, 435:12, 451:15, 454:14, 455:11, 458:20, 465:25, 468:17, 468:22, 470:8, 471:21, 476:10, 476:12, 480:14, 480:25, 484:18 <b>finding</b> 440:17, 447:14, 447:24, 450:1, 458:21, 491:19, 499:18 <b>findings</b> 333:19, 434:25, 435:6, 435:11, 435:12, 435:19, 437:17, 438:1, 441:4, 446:17, 447:14, 448:7, 449:23, 473:9, 473:12, 500:5, 518:18, 519:22, 520:1 <b>finds</b> 388:3, 447:22, 447:25 <b>fine</b> 296:6, 296:11, 296:12, 391:4, 391:19, 402:3, 419:18, 429:4,	438:15, 483:25, 489:15, 501:3, 504:5 <b>fines</b> 444:9, 448:3, 485:3, 508:17 <b>finger</b> 335:9 <b>finish</b> 428:22, 438:19, 482:5 <b>finished</b> 378:4 <b>finishes</b> 293:10 <b>fire</b> 289:4, 289:22 <b>firm</b> 306:21, 321:7, 334:15 <b>first</b> 297:25, 300:21, 307:11, 317:25, 326:2, 333:17, 364:9, 388:22, 390:24, 393:22, 398:15, 406:8, 408:21, 410:2, 410:8, 412:12, 429:24, 432:11, 442:22, 450:1, 460:16, 461:8, 467:2, 469:22, 481:8, 494:1, 495:4, 497:19, 499:4, 500:9, 509:17, 512:18 <b>fit</b> 339:11, 361:5, 362:16, 475:23 <b>fits</b> 361:10 <b>five</b> 290:13, 354:20, 408:24, 410:11, 411:16, 413:9, 413:18, 415:24, 416:15, 419:10,	430:22, 437:1, 445:6, 448:22, 450:18, 462:24, 481:16, 484:12, 498:5, 498:6 <b>five-mile</b> 374:21, 398:6, 409:25, 413:8, 413:12 <b>flagrant</b> 518:7 <b>flanagan's</b> 470:23 <b>flexible</b> 456:2, 500:19, 514:8 <b>flies</b> 478:11 <b>flow</b> 376:17, 395:22, 457:19, 518:23 <b>flowing</b> 451:10 <b>focus</b> 336:13, 450:18, 451:6, 452:10, 500:5 <b>focusing</b> 318:2 <b>folks</b> 417:18, 427:25, 428:3, 450:15 <b>followed</b> 450:11 <b>following</b> 388:2, 395:25, 430:8 <b>follows</b> 306:9, 393:23, 406:9, 432:12, 442:23, 518:14 <b>followup</b> 383:23 <b>food</b> 342:23, 344:7, 344:21, 348:13, 372:20, 373:3, 373:8, 420:16,	421:11 <b>foods</b> 347:2, 371:19, 373:5, 376:12, 407:11, 408:12 <b>foregoing</b> 521:3, 521:4, 522:4 <b>foremost</b> 469:22 <b>foreseeable</b> 351:7 <b>forest</b> 288:25, 288:32, 430:16, 460:1, 460:9 <b>forget</b> 490:2 <b>form</b> 378:1 <b>formal</b> 431:18, 434:14, 498:11 <b>formally</b> 431:23, 433:9, 433:11, 488:19 <b>formula</b> 378:18 <b>forth</b> 292:1, 298:17, 314:23, 347:14, 357:14, 370:13, 379:14, 416:16, 428:22, 444:1, 444:24, 450:17, 452:14, 464:9, 485:7, 489:10, 495:23, 512:7 <b>forward</b> 443:25, 467:17, 492:13, 496:21 <b>foster</b> 288:46, 395:18, 480:19, 502:16 <b>found</b> 308:9, 308:18, 310:16, 311:11, 332:11, 376:15,
---	---	--	--

<p>443:20, 444:8, 493:9, 497:5, 497:10, 503:3, 506:12 <b>foundation</b> 345:1 <b>fountain</b> 513:17 <b>four</b> 335:12, 340:25, 360:14, 360:21, 386:21, 397:9, 415:14, 415:18, 418:8, 430:1, 430:3, 430:18, 430:21, 454:1, 506:4 <b>frankly</b> 304:4, 439:8, 465:20, 515:11, 515:21 <b>fraud</b> 512:5 <b>frederick</b> 286:14, 351:16, 356:8, 363:13 <b>frequently</b> 358:10 <b>friend</b> 489:7 <b>friendly</b> 476:25, 477:5, 479:8, 479:15, 479:24, 480:1, 480:3, 480:5, 480:23 <b>friends</b> 474:18 <b>front</b> 334:20, 401:7, 463:14, 483:20, 483:23, 487:12, 494:18, 509:8, 509:9 <b>fronted</b> 453:5 <b>fsd</b> 288:24</p>	<p><b>fuel</b> 343:24, 345:23, 348:13, 351:21, 353:5, 354:12, 356:23, 356:25, 359:24, 361:7, 373:1, 375:14, 387:9, 387:17, 409:4, 409:9, 424:18, 430:24 <b>fueling</b> 308:22, 311:9, 314:17, 314:20, 315:14, 315:23, 315:24, 316:2, 321:9, 331:22, 332:12, 411:6, 411:7 <b>full</b> 306:20, 345:15, 394:3 <b>fully</b> 351:5, 521:5 <b>function</b> 293:12 <b>funeral</b> 388:14, 389:10 <b>further</b> 312:22, 333:6, 343:13, 343:14, 356:10, 379:23, 383:6, 397:17, 408:10, 409:5, 418:2, 421:14, 426:17, 448:11, 448:13, 448:19, 459:11, 463:10, 463:12, 486:8, 491:16, 494:10, 518:17 <b>future</b> 351:3, 351:7, 458:24, 509:20</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>gaining</b> 373:18 <b>gallon</b> 398:11, 399:20,</p>	<p>413:20, 517:3 <b>gallonage</b> 351:19 <b>gallons</b> 338:20, 351:23, 352:5, 352:10, 354:9, 354:11, 354:25, 358:18, 381:16, 381:18, 411:7, 411:12, 411:16, 412:6, 412:22, 413:1, 413:3, 413:21, 414:6, 414:7, 423:6, 423:7, 423:22, 423:24, 423:25, 425:8, 425:22, 430:23, 516:11 <b>gaps</b> 469:18 <b>garages</b> 467:15, 467:18, 501:19 <b>garden</b> 320:6 <b>gasoline</b> 305:16, 314:1, 314:11, 315:13, 315:21, 317:1, 320:6, 321:8, 329:21, 329:25, 344:20, 345:3, 352:5, 356:16, 358:11, 358:15, 358:16, 358:22, 359:1, 366:5, 366:19, 367:15, 368:13, 368:19, 370:24, 371:1, 371:13, 372:5, 374:20, 375:2, 377:17, 378:16, 378:19, 378:22, 381:16, 382:12, 387:11, 387:18, 394:12, 396:14, 397:3, 397:7,</p>	<p>399:8, 399:13, 399:17, 399:21, 400:14, 400:24, 405:12, 407:12, 408:14, 414:22, 422:22, 427:2, 507:15, 511:15, 513:21, 514:22, 515:19 <b>gates</b> 379:4 <b>gateses</b> 379:14 <b>gather</b> 478:15 <b>gathering</b> 467:20, 478:1, 478:24 <b>gauge</b> 348:7, 418:13, 421:8 <b>gauges</b> 415:8 <b>gave</b> 339:9, 417:10, 467:15, 482:19, 502:17 <b>general</b> 291:15, 298:6, 317:2, 317:11, 317:21, 340:14, 385:25, 388:6, 394:5, 414:20, 452:18, 453:7, 468:24, 470:11, 476:18, 485:11, 499:19, 502:11, 513:8, 513:19, 514:18 <b>generally</b> 328:18, 366:16, 414:11, 435:25 <b>generate</b> 314:7, 315:5, 315:25 <b>generated</b> 310:23, 315:6, 332:25, 341:22</p>
--	--	---	--

<p><b>generates</b> 314:18, 321:19, 321:20</p> <p><b>generating</b> 310:18, 311:10</p> <p><b>generation</b> 312:11, 313:24, 315:19, 316:20, 316:24, 321:2, 324:22, 328:24, 330:12, 378:7</p> <p><b>gentleman</b> 492:2</p> <p><b>geographic</b> 339:12, 362:10</p> <p><b>geography</b> 339:23</p> <p><b>george's</b> 503:18</p> <p><b>germane</b> 318:4, 318:7, 323:17</p> <p><b>germantown</b> 365:10, 365:25, 380:3, 380:9, 410:1, 504:22</p> <p><b>getting</b> 296:18, 318:18, 383:19, 389:18, 400:10, 465:17, 476:15, 486:12, 515:24</p> <p><b>giant</b> 347:2, 376:12, 407:11, 407:21, 407:23, 408:12, 420:16, 421:11, 421:20, 509:9</p> <p><b>give</b> 341:18, 385:25, 403:17, 428:7, 435:20, 473:8, 508:16, 508:17, 514:16, 520:6</p> <p><b>given</b> 314:10, 501:25, 508:6, 508:9</p> <p><b>gives</b> 391:12, 481:24</p>	<p><b>giving</b> 293:24, 363:2, 436:18, 473:7</p> <p><b>glean</b> 411:1</p> <p><b>glitch</b> 296:23</p> <p><b>glw</b> 297:11, 352:16</p> <p><b>go</b> 296:14, 307:11, 312:21, 321:12, 321:14, 324:5, 331:17, 339:6, 339:7, 339:14, 339:15, 340:20, 340:24, 341:15, 341:18, 343:17, 347:5, 347:21, 348:8, 349:9, 350:13, 352:13, 352:14, 355:12, 357:23, 361:20, 366:1, 366:5, 371:24, 373:4, 374:9, 375:12, 376:11, 376:17, 380:9, 380:24, 384:11, 390:24, 397:14, 398:14, 408:16, 409:21, 410:6, 411:4, 413:6, 413:7, 414:11, 415:9, 417:5, 424:6, 426:4, 428:23, 438:25, 442:12, 444:19, 455:18, 456:9, 460:17, 463:4, 463:11, 467:25, 470:2, 475:1, 475:2, 480:8, 481:20, 484:17, 501:10, 504:21, 505:2, 510:16, 510:22, 511:5, 515:25</p> <p><b>goal</b> 502:11</p>	<p><b>goes</b> 339:3, 339:4, 417:23, 452:21, 460:7, 461:9, 477:20, 509:23, 514:12, 514:15</p> <p><b>going</b> 294:1, 295:9, 295:17, 306:24, 309:8, 318:14, 318:15, 321:15, 329:10, 332:2, 332:7, 334:24, 338:5, 339:15, 339:18, 344:25, 346:5, 347:6, 347:21, 348:4, 348:9, 349:8, 351:6, 352:4, 352:17, 355:12, 360:4, 361:15, 364:3, 366:5, 372:23, 376:20, 376:21, 381:23, 382:11, 390:14, 394:21, 397:8, 398:19, 403:4, 408:17, 410:5, 410:15, 415:2, 415:4, 415:11, 418:16, 418:18, 419:1, 419:2, 419:5, 423:17, 425:16, 429:22, 436:16, 438:4, 446:13, 448:18, 449:16, 453:20, 454:2, 455:3, 459:12, 472:2, 474:20, 475:1, 477:22, 477:24, 478:1, 478:10, 478:18, 478:24, 485:20, 485:23, 486:14, 491:4, 492:3, 492:17, 493:11, 494:2, 495:19, 496:21,</p>	<p>509:11, 516:20</p> <p><b>gone</b> 372:22, 468:11</p> <p><b>good</b> 292:4, 292:8, 296:15, 297:10, 300:4, 300:7, 313:14, 313:15, 342:5, 344:21, 348:10, 350:13, 359:20, 363:20, 372:20, 374:10, 391:24, 432:1, 437:13, 441:9, 441:15, 441:17, 441:19, 487:10</p> <p><b>goods</b> 383:19</p> <p><b>google</b> 398:7</p> <p><b>gosh</b> 450:16</p> <p><b>gotten</b> 296:5, 508:8</p> <p><b>governed</b> 293:22</p> <p><b>government</b> 303:16, 357:6, 358:21, 358:24</p> <p><b>governmental</b> 358:15</p> <p><b>grab</b> 325:8</p> <p><b>granted</b> 507:23</p> <p><b>granting</b> 514:20</p> <p><b>great</b> 323:22, 367:2, 442:19, 515:24</p> <p><b>greater</b> 356:7</p> <p><b>gregory</b> 289:33</p> <p><b>grocer</b> 320:16, 320:21, 320:25, 321:6, 321:10, 346:24,</p>
--	---	--	--

347:20, 501:17, 506:13 <b>groceries</b> 346:22, 365:21 <b>grocers</b> 321:8, 421:21 <b>grocery</b> 321:13, 321:16, 321:18, 323:1, 332:24, 339:16, 340:22, 341:23, 342:11, 343:6, 344:1, 344:16, 345:13, 345:14, 345:22, 346:13, 346:18, 347:2, 347:24, 355:6, 356:1, 362:25, 364:22, 364:25, 365:4, 365:7, 365:8, 365:19, 407:9, 408:3, 408:4, 408:13, 419:24, 420:1, 420:7, 420:8, 420:10, 420:11, 420:23, 421:7, 421:14, 426:4, 432:22, 449:21, 451:2, 451:3, 476:4, 477:2, 480:8, 480:13, 480:21, 490:16, 492:6, 502:2, 502:6, 504:16, 505:10, 506:13, 507:10, 516:8 <b>grocery-operated</b> 359:24 <b>gross</b> 379:7, 448:12 <b>ground</b> 465:1 <b>group</b> 292:10, 300:9, 304:11, 330:18, 365:7, 443:13, 450:21, 457:3	<b>groups</b> 362:11, 362:19, 362:21, 363:4 <b>growing</b> 344:9 <b>growth</b> 348:25, 349:1, 351:1, 351:5 <b>guaran</b> 484:13 <b>guess</b> 313:22, 314:15, 332:10, 429:25, 462:23, 465:11, 493:13, 518:1 <b>guidance</b> 317:12 <b>guide</b> 407:2, 485:9 <b>guidelines</b> 309:2, 310:20, 311:20, 319:5, 319:13, 319:17, 319:19, 321:4, 322:4, 322:11 <b>guiding</b> 309:2, 458:25 <b>guy</b> 493:6 <b>guys</b> 455:14	<b>handlir</b> 285:19, 521:2, 521:18 <b>hands</b> 443:12, 464:15 <b>handwritten</b> 488:24 <b>handy</b> 362:14 <b>hang</b> 451:15, 476:14 <b>happen</b> 418:16, 418:18, 432:25, 436:2, 507:6, 511:5 <b>happened</b> 402:13, 418:22, 433:1, 444:6, 493:24 <b>happening</b> 375:16, 454:18, 496:17, 498:23 <b>happens</b> 417:14 <b>happy</b> 391:5, 483:17 <b>hard</b> 470:9, 485:16, 506:11 <b>hard-fought</b> 485:1 <b>hardly</b> 416:15 <b>hardship</b> 419:23 <b>harmonious</b> 459:4 <b>hassle</b> 376:11 <b>haste</b> 434:17 <b>he'll</b> 454:22 <b>head</b> 323:10, 377:7 <b>heading</b> 366:14, 367:13, 369:1, 399:2,	413:15, 447:12, 517:1 <b>heads</b> 393:1 <b>hear</b> 293:13, 296:19, 297:4, 297:12, 297:15, 297:19, 298:14, 360:18, 393:5, 397:19, 397:20, 418:6, 497:25 <b>heard</b> 300:23, 360:13, 360:17, 360:19, 366:10, 398:25, 414:19, 414:21, 414:23, 443:18, 443:19, 486:18, 490:12, 490:13, 497:2, 497:24, 500:9, 500:25, 501:13, 508:1, 513:1 <b>hearings</b> 284:1, 285:6, 444:7, 487:24 <b>hearsay</b> 465:18, 465:24, 466:1, 471:18, 493:3, 519:2 <b>heart</b> 514:12 <b>heated</b> 451:5 <b>heather</b> 289:34 <b>heavily</b> 516:5 <b>height</b> 497:10 <b>heights</b> 443:21, 496:17 <b>held</b> 285:1, 450:19, 514:16 <b>hello</b> 432:5
	<b>H</b>		
	<b>h</b> 290:45 <b>half</b> 429:2, 500:6, 500:21, 500:22, 506:1 <b>hamstringing</b> 482:14 <b>hand</b> 293:4, 309:20, 334:5, 393:19, 406:4, 432:8, 442:14, 496:6 <b>handle</b> 411:7		

<p><b>help</b> 295:23, 383:17, 406:16, 407:2 <b>helped</b> 455:10 <b>helpful</b> 305:22, 421:4, 421:6, 433:7 <b>helping</b> 416:12 <b>here</b> 297:19, 299:24, 300:16, 304:3, 304:10, 305:6, 306:6, 312:8, 313:3, 316:20, 323:9, 325:2, 326:17, 328:14, 328:15, 336:6, 339:3, 340:4, 341:17, 346:8, 347:23, 348:8, 350:13, 351:10, 352:18, 353:18, 354:23, 355:10, 355:20, 359:23, 361:1, 363:6, 364:23, 371:4, 372:18, 374:3, 374:6, 379:7, 379:14, 382:7, 384:11, 386:6, 389:3, 389:9, 390:21, 410:8, 410:13, 412:22, 419:24, 424:6, 425:20, 432:1, 437:11, 442:1, 443:10, 450:5, 453:18, 459:16, 460:5, 460:23, 461:3, 461:21, 465:18, 470:18, 473:1, 474:25, 490:1, 490:12, 494:8, 500:9, 502:15, 504:8, 504:24, 506:22,</p>	<p>507:10, 507:24, 511:6, 513:17, 515:4, 515:16, 518:24 <b>hereby</b> 448:7, 521:3, 522:2 <b>herson</b> 289:35 <b>hi</b> 432:6 <b>hide</b> 466:23 <b>high</b> 373:2, 400:4, 400:6, 400:9, 400:11, 400:14, 400:21, 411:4 <b>higher</b> 350:17, 372:9, 378:20, 400:6, 400:8, 400:11, 400:18, 425:12, 425:13 <b>highlighted</b> 447:16 <b>highly</b> 305:7 <b>highly-competiti- ve</b> 357:10 <b>highly-secretive</b> 357:10 <b>highway</b> 345:17, 348:1, 349:5, 353:11, 353:16, 354:24, 376:8, 376:10, 376:17, 376:19 <b>hill</b> 304:12, 469:9 <b>hinged</b> 368:5, 513:22 <b>hire</b> 470:14 <b>historic</b> 394:15, 401:4, 401:9, 417:5,</p>	<p>417:8, 458:12, 458:20, 458:25 <b>history</b> 307:6, 313:10, 338:11, 345:25, 448:6, 498:11 <b>hm-hm</b> 314:6, 314:21, 372:16, 404:2, 408:9, 422:21 <b>hoa</b> 288:11, 289:36 <b>hold</b> 293:9, 359:13, 459:13 <b>home</b> 355:4, 367:23, 375:22, 376:16, 376:21, 397:8 <b>homeowner's</b> 370:13, 506:25 <b>homes</b> 370:8, 388:14, 389:10, 401:15, 450:17, 497:6 <b>honestly</b> 335:8 <b>hope</b> 391:18 <b>hoped</b> 492:4 <b>hopefully</b> 416:2 <b>hopkins</b> 336:1, 336:8, 336:18 <b>horse</b> 460:16 <b>hotels</b> 336:10, 388:15 <b>hour</b> 312:14, 312:15, 316:9, 316:10, 330:7, 330:10, 361:8, 391:11, 392:5, 429:2, 484:11, 484:12 <b>hours</b> 323:1, 329:24,</p>	<p>359:25, 360:10, 430:18, 431:8, 431:9, 431:12, 431:14, 432:14, 432:21, 433:6, 433:10, 433:12 <b>house</b> 417:12, 419:1 <b>household</b> 350:16, 351:12, 352:4, 422:20 <b>households</b> 348:25, 350:16, 351:22, 422:15, 422:17, 422:18 <b>housing</b> 318:12, 334:17 <b>how's</b> 478:9 <b>howe</b> 446:6 <b>however</b> 293:22, 380:13, 431:18, 505:17 <b>huge</b> 444:2 <b>human</b> 365:25, 376:4, 377:1 <b>hundred</b> 437:21 <b>hundreds</b> 337:8 <b>hyattstown</b> 353:4, 366:7, 409:5 <b>hybrid</b> 292:13, 292:22, 387:11</p> <hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>ice</b> 399:11, 404:3 <b>id</b> 398:10 <b>idea</b> 358:13, 360:24, 421:12</p>
--	--	--	---



<b>ideal</b> 502:12 <b>identical</b> 340:15, 342:14, 355:16, 359:6, 388:7, 469:1, 470:12, 499:20, 503:23, 503:25, 504:7, 504:11, 504:18, 507:17, 513:10, 515:12, 517:7 <b>identified</b> 341:5, 341:25, 343:11, 362:5, 362:11, 362:20, 362:21, 372:12, 409:7, 433:12 <b>identify</b> 292:2, 292:21, 299:25, 372:10, 377:15, 510:21 <b>illustrate</b> 379:11 <b>image</b> 395:8 <b>immaterial</b> 358:8 <b>immediate</b> 371:8, 420:15, 504:10, 516:17 <b>impact</b> 308:11, 312:25, 313:7, 330:15, 331:22, 332:14, 387:14, 416:9 <b>impacted</b> 387:3 <b>impacts</b> 308:13, 309:4, 321:23, 325:19, 333:20 <b>impair</b> 448:24 <b>implementation</b> 450:8 <b>implicit</b> 500:23	<b>implicitly</b> 384:19 <b>imply</b> 503:15 <b>importance</b> 373:18, 373:19, 446:18, 451:23 <b>important</b> 296:21, 344:18, 345:11, 345:25, 347:12, 347:15, 348:1, 348:2, 348:3, 348:17, 351:10, 353:18, 366:20, 371:17, 371:23, 373:15, 373:17, 374:15, 374:17, 382:9, 443:1, 446:14, 459:1, 467:17, 471:9, 506:15, 511:18, 513:2, 514:17, 514:24, 520:9 <b>importantly</b> 448:5 <b>imposed</b> 358:14, 512:1 <b>imposing</b> 448:3 <b>impossible</b> 325:25 <b>improved</b> 313:5 <b>improvement</b> 376:22 <b>inaccessible</b> 478:7 <b>inadequacy</b> 469:18, 474:1 <b>inadequate</b> 469:17, 470:17 <b>inappropriate</b> 302:25 <b>inc</b> 284:7, 289:17, 291:7, 297:24 <b>incentive</b> 347:4	<b>include</b> 311:17, 311:25, 445:18, 458:16, 469:23, 505:14, 505:16 <b>included</b> 320:7, 368:3, 434:16, 446:13, 451:12, 464:21, 466:10, 470:3, 480:12, 481:8, 482:12, 497:6, 498:10, 509:12, 514:6 <b>includes</b> 365:5, 371:1, 413:9, 419:12, 445:20, 458:11, 469:25 <b>including</b> 305:8, 443:20, 450:16, 463:22, 473:6, 502:15, 510:3, 519:9 <b>inclusion</b> 301:12, 308:21, 434:12, 488:11 <b>inclusive</b> 470:15, 518:3 <b>income</b> 378:18, 378:20, 378:22, 379:4, 403:20 <b>inconsistent</b> 459:6, 482:1, 500:11, 500:12 <b>incorporate</b> 485:22 <b>incorporated</b> 326:4, 327:1, 451:21, 452:1, 484:21, 508:22, 509:1, 518:6 <b>incorporation</b> 482:10, 484:20 <b>increase</b> 378:19, 386:25 <b>increased</b> 308:4, 317:19,	318:8 <b>increasing</b> 379:2 <b>incredible</b> 465:18 <b>independent</b> 321:18, 332:1, 347:1, 376:25, 384:6, 426:10, 426:11 <b>independently</b> 506:23 <b>indicate</b> 336:19, 508:4 <b>indicated</b> 335:25, 343:1, 434:16 <b>indicates</b> 381:15, 384:15, 516:15 <b>indicating</b> 431:23 <b>indication</b> 385:8, 516:13 <b>indicator</b> 387:17 <b>indirectly</b> 500:12 <b>individual</b> 390:15, 409:23, 449:19, 455:17, 465:19, 507:1 <b>individuals</b> 375:5, 517:14 <b>indulgence</b> 297:18 <b>industrial</b> 417:16 <b>industry</b> 372:3 <b>inferior</b> 506:17 <b>influenced</b> 427:1 <b>informal</b> 293:20, 293:21 <b>information</b> 295:22, 302:2,
--	---	---	--

<p>320:16, 320:24, 329:16, 329:18, 330:23, 357:8, 360:1, 436:3, 473:22 <b>inherent</b> 512:9, 512:14 <b>initial</b> 335:14, 432:17, 432:19, 450:7, 481:13 <b>initially</b> 360:5, 450:21, 493:25 <b>initials</b> 488:17, 488:18 <b>inside</b> 344:15, 372:23, 450:1 <b>insignificant</b> 457:5 <b>insofar</b> 331:7 <b>installing</b> 403:13 <b>instance</b> 496:16, 505:23, 509:17 <b>instead</b> 378:8, 497:8 <b>institute</b> 312:9, 313:23, 315:8, 329:7 <b>instructs</b> 448:11, 448:14 <b>insufficient</b> 302:2 <b>integrated</b> 370:12 <b>intended</b> 294:20, 391:4, 465:10, 478:12, 479:5, 484:25, 509:10 <b>intends</b> 377:17, 463:24, 510:8 <b>intent</b> 466:11, 484:10,</p>	<p>514:14 <b>interaction</b> 405:3 <b>interchange</b> 353:16 <b>interconnected</b> 382:14 <b>interest</b> 428:18, 447:23, 505:7, 505:19, 506:19, 521:13, 522:9 <b>interested</b> 483:14 <b>interesting</b> 511:2, 515:2, 516:3 <b>interject</b> 459:15 <b>interlineation</b> 488:13 <b>internal-capture</b> 321:12 <b>interpolate</b> 357:12, 357:13 <b>interpretation</b> 454:5, 454:15, 454:25, 465:19, 487:15, 487:16, 487:20 <b>interpreted</b> 502:14 <b>interrupt</b> 325:21, 340:7, 457:19, 518:23 <b>interrupted</b> 403:8 <b>interrupting</b> 293:5, 395:22, 444:12 <b>intertwined</b> 505:11 <b>interview</b> 470:23 <b>introduce</b> 292:15, 393:15, 405:23, 486:11 <b>introduced</b> 488:7</p>	<p><b>introduction</b> 291:20 <b>inundated</b> 348:5 <b>inversion</b> 461:2 <b>invest</b> 415:25 <b>investment</b> 292:10, 300:9, 415:12, 418:25 <b>invoke</b> 434:23 <b>involve</b> 463:19, 509:24 <b>involved</b> 329:21, 346:15, 443:12 <b>ipad</b> 292:19, 292:20 <b>irrelevant</b> 454:7, 480:14 <b>irrespective</b> 504:1 <b>ish</b> 400:16 <b>ishan</b> 287:12, 294:25, 300:10, 393:15, 393:21, 394:5, 406:15, 413:11, 414:19, 419:20, 419:21 <b>issue</b> 305:9, 338:8, 342:17, 357:17, 357:18, 361:9, 382:12, 382:19, 382:22, 389:5, 389:7, 389:24, 396:18, 496:5, 503:12, 503:14, 505:14 <b>issued</b> 290:47 <b>issues</b> 389:15, 402:9, 411:20, 420:2,</p>	<p>461:22, 519:17 <b>it'll</b> 390:12 <b>italian</b> 399:11, 404:3 <b>ite</b> 312:8, 313:23, 315:21, 317:1, 319:6, 319:18, 319:21, 321:5, 328:22, 328:24, 329:6 <b>item-by-item</b> 449:7 <b>items</b> 519:23 <b>itself</b> 293:20, 318:3, 350:21, 355:22, 450:5, 451:25, 453:23, 454:6, 461:3, 461:13, 467:24, 468:20, 475:20, 475:25, 482:8, 484:20, 488:23, 508:25, 509:19, 510:12</p> <hr/> <p><b>J</b></p> <hr/> <p><b>jack</b> 295:20, 301:3 <b>january</b> 290:24, 491:21, 491:25 <b>jeopardize</b> 459:10 <b>jim</b> 491:2 <b>job</b> 284:23, 326:18, 435:15, 501:7 <b>joe's</b> 420:9 <b>johns</b> 336:1 <b>join</b> 441:21 <b>joining</b> 441:16</p>
---	--	---	--

<b>judge</b> 446:6, 454:23 <b>judicial</b> 303:16 <b>july</b> 443:19 <b>june</b> 289:43, 289:45, 447:9, 451:22, 498:15 <b>jurisdiction</b> 461:16 <b>jurisdictions</b> 336:25, 512:11 <b>justification</b> 289:11, 467:16 <b>justifications</b> 515:5 <b>justified</b> 370:25	<b>kind</b> 308:20, 309:2, 315:11, 317:25, 329:10, 330:14, 330:18, 336:6, 343:9, 348:9, 400:19, 401:5, 403:7, 414:16, 492:25, 500:7 <b>kindly</b> 292:14, 327:18, 334:5, 393:18, 406:3, 429:22, 432:8, 442:13, 489:22, 520:6 <b>kinds</b> 389:14 <b>king</b> 480:2, 480:4, 480:17 <b>knew</b> 464:19, 464:25, 484:10, 491:4, 508:11 <b>knock</b> 508:18 <b>knowing</b> 314:16, 415:10, 434:18 <b>knowledge</b> 445:10, 466:13, 521:10, 522:6 <b>known</b> 320:25 <b>knows</b> 449:25 <b>krandi</b> 289:31 <b>kreatchman</b> 304:12, 469:9 <b>kubit</b> 286:21, 287:18, 295:12, 295:25, 296:15, 296:16, 300:23, 432:1, 432:5, 432:10, 440:19, 440:21, 495:23	<b>kubit's</b> 296:7, 455:12	387:20, 399:22, 410:25, 417:12, 442:9, 470:21, 475:10, 481:9, 488:3, 488:4, 491:5, 491:12, 492:16, 495:22 <b>late</b> 328:19, 462:8 <b>later</b> 305:20, 327:22, 439:17, 464:7 <b>latr</b> 312:10 <b>lauralay's</b> 292:19 <b>law</b> 290:48, 302:23, 302:24, 304:19, 304:23, 304:25, 305:3, 305:6, 369:11, 388:20, 449:3, 463:22, 464:2, 464:12, 469:3, 491:20, 503:18, 508:24, 509:13, 509:22, 510:3, 510:14, 513:12 <b>lawful</b> 448:2, 464:16, 510:17 <b>laws</b> 510:6 <b>lay</b> 329:6 <b>layperson's</b> 388:18 <b>lc</b> 284:7, 291:6, 297:23 <b>lead</b> 312:23 <b>leader</b> 443:14 <b>least</b> 320:18, 325:9, 329:3, 415:14,
<b>K</b>		<b>L</b>	
<b>kate</b> 286:21, 287:18, 296:15, 432:1, 432:10 <b>keep</b> 293:2, 293:7, 364:3, 390:6, 394:2, 511:9 <b>keeps</b> 409:17 <b>keith</b> 289:18, 290:39 <b>kentlands</b> 479:8, 479:10, 479:15, 480:17 <b>kept</b> 497:14 <b>kerr</b> 446:6 <b>kevin</b> 288:46, 395:18, 480:19, 502:16 <b>khandikile</b> 284:10, 291:22, 298:10 <b>kimley-horn</b> 306:19		<b>labeled</b> 445:17 <b>labor</b> 379:10 <b>lack</b> 345:1, 514:21 <b>lady</b> 442:20 <b>laid</b> 451:8 <b>lake</b> 339:6 <b>land</b> 312:18, 314:10, 315:20, 316:3, 317:6, 317:8, 317:13, 319:4, 403:17, 467:21 <b>landscape</b> 288:23, 290:38 <b>landscaping</b> 457:5, 457:8 <b>language</b> 454:16, 475:13, 476:10, 484:16, 484:19, 509:18, 514:1 <b>large</b> 354:1, 365:9, 466:24 <b>larger</b> 343:1, 387:11, 467:25 <b>largest</b> 343:20 <b>last</b> 291:21, 294:14, 295:3, 295:10, 295:18, 299:4, 300:15, 301:8, 309:24, 324:23, 324:24, 325:12, 326:15, 335:7, 341:10, 352:9,	

<p>415:17, 452:6, 469:5, 491:21, 502:3 <b>leave</b> 296:11, 300:24, 340:19, 347:7, 348:18, 367:22, 434:10, 436:16, 454:23, 473:1 <b>leaving</b> 435:22, 435:24 <b>leeway</b> 456:5 <b>left</b> 295:10, 306:7, 352:24, 386:7, 473:5, 493:12 <b>legal</b> 293:11, 301:22, 302:22, 303:3, 303:22, 304:1, 327:5, 456:15, 457:10, 464:15, 482:15, 500:17, 503:16, 505:13, 522:14 <b>legally</b> 303:18, 363:8, 464:9 <b>legally-imposed</b> 511:16 <b>length</b> 508:1 <b>lengthy</b> 499:13 <b>lens</b> 511:20 <b>lerch</b> 286:5, 292:5, 300:5, 450:14 <b>leslie</b> 286:11, 290:10, 290:19, 290:32, 290:33, 290:37, 290:46, 292:8, 300:7 <b>less</b> 309:6, 310:18,</p>	<p>310:25, 311:10, 317:23, 321:22, 322:1, 325:18, 344:23, 378:23, 379:7, 386:17, 430:23, 516:1 <b>let's</b> 299:18, 334:22, 339:14, 364:9, 368:1, 391:9, 393:8, 410:2, 418:7, 424:6, 437:1, 439:18, 440:10, 463:7, 463:11, 477:25, 491:1, 501:9, 503:6, 507:5 <b>letter</b> 288:15, 288:43, 290:23, 290:33, 381:10, 433:13, 481:8 <b>letters</b> 289:29 <b>level</b> 308:25, 411:4, 411:5 <b>levels</b> 311:25, 317:17 <b>levied</b> 446:2 <b>libraries</b> 466:18 <b>library</b> 467:21, 467:25, 501:19 <b>license</b> 336:22, 482:19 <b>licensed</b> 304:10 <b>licensure</b> 336:23 <b>liebermann</b> 289:37 <b>life</b> 474:4 <b>lighting</b> 289:14</p>	<p><b>likely</b> 321:10, 322:1, 332:18, 332:20, 342:22, 354:17, 364:18 <b>likes</b> 512:3 <b>likewise</b> 302:1, 347:2, 353:16 <b>limit</b> 358:21 <b>limitations</b> 358:14, 399:16 <b>limited</b> 292:10, 300:9, 358:18, 430:8, 430:12, 430:19, 436:17, 473:5, 482:8, 518:15, 518:18, 519:25 <b>limiting</b> 465:2, 482:16 <b>line</b> 339:4, 339:20, 341:25, 363:8, 363:11, 363:19, 417:5, 417:14, 438:19, 444:24, 470:4, 470:5, 491:11, 493:7, 507:4 <b>link</b> 470:22, 470:25, 471:11, 471:17, 472:21, 473:23, 474:4 <b>liquor</b> 386:19 <b>list</b> 288:9, 288:12, 409:25, 443:17, 497:3 <b>listen</b> 291:23, 341:15, 341:19, 416:17 <b>listening</b> 297:12</p>	<p><b>listing</b> 389:9 <b>listserv</b> 491:23 <b>literal</b> 475:22 <b>litigation</b> 465:23 <b>little</b> 307:5, 316:6, 317:16, 320:5, 339:4, 339:5, 364:12, 370:16, 398:13, 402:14, 407:7, 411:19, 412:14, 437:15, 463:11, 463:12, 463:13, 479:20, 514:3 <b>live</b> 351:10, 379:15, 407:4, 407:5, 420:13 <b>live-work</b> 468:7, 501:20 <b>living</b> 508:19 <b>llc</b> 286:12 <b>load</b> 412:25 <b>local</b> 309:1, 311:19, 312:10, 318:19, 318:23, 318:25, 368:3, 404:17 <b>located</b> 353:8, 371:1, 371:9, 374:20, 385:22, 394:13, 407:14, 516:17 <b>location</b> 289:12, 290:41, 347:14, 383:22, 394:25, 502:21 <b>logic</b> 376:14, 413:18 <b>long</b> 310:22, 390:13,</p>
---	---	---	---

Transcript of Hearing  
Conducted on March 6, 2025

92

<p>394:17, 420:4, 486:6, 490:22, 491:11, 506:10, 507:5, 510:22 <b>longer</b> 478:14, 519:16 <b>longfellow</b> 286:22, 288:47, 297:10, 297:11, 297:16 <b>look</b> 314:25, 316:7, 318:7, 320:1, 323:18, 323:24, 324:9, 324:11, 324:15, 325:14, 325:15, 328:11, 339:2, 342:2, 348:7, 348:8, 352:7, 357:24, 358:5, 359:21, 370:23, 372:11, 373:9, 374:5, 376:9, 395:11, 397:11, 399:23, 408:23, 409:13, 410:6, 410:10, 414:9, 422:25, 423:3, 439:6, 444:5, 464:10, 475:14, 485:20, 497:19, 505:22, 512:24, 516:20, 517:5, 517:12 <b>looked</b> 323:13, 324:21, 352:12, 358:1, 358:9, 372:4, 387:5, 425:19, 453:4, 482:23, 515:15 <b>looking</b> 311:23, 317:25, 321:7, 344:5, 344:7, 344:17, 346:4, 346:9, 348:5, 350:20, 350:21, 352:11,</p>	<p>363:10, 369:22, 389:6, 398:2, 412:13, 420:4, 420:5, 420:7, 420:9, 429:6, 437:19, 449:23, 458:4, 462:7, 468:8, 472:14, 483:21 <b>looks</b> 424:13, 425:1, 442:5, 444:13 <b>loose</b> 502:12 <b>loosely</b> 369:7 <b>losing</b> 326:3 <b>lost</b> 350:20, 416:18, 444:15, 511:21 <b>lot</b> 302:15, 317:7, 346:5, 347:13, 354:5, 356:2, 375:13, 376:11, 376:13, 386:20, 477:2, 477:25, 478:16, 478:23, 478:25, 488:13, 502:6, 505:25, 513:1, 513:21, 515:3, 516:1 <b>lots</b> 389:17, 480:13 <b>love</b> 486:2 <b>low</b> 373:1 <b>lower</b> 412:21 <b>lower-left</b> 353:2 <b>lower-right</b> 353:1 <b>loyalty</b> 515:14 <b>lucky</b> 305:15, 505:15,</p>	<p>513:11, 514:1, 515:6, 515:14, 517:7, 517:11 <b>lunch</b> 391:5, 391:10, 493:1 <b>luncheon</b> 392:9 <b>lynne</b> 491:2</p> <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>ma'am</b> 295:12, 297:16, 385:12, 385:23, 390:6, 412:20, 430:25, 459:21 <b>madam</b> 301:17, 302:21, 303:6, 305:12, 306:22, 313:9, 326:2, 399:19, 405:24, 408:21, 409:14, 410:20, 414:12, 416:21, 427:8, 453:15, 474:22, 499:6, 507:8 <b>made</b> 289:40, 300:17, 303:24, 337:11, 359:10, 361:1, 417:1, 424:14, 435:18, 446:7, 451:7, 456:15, 458:21, 462:3, 472:17, 481:11, 481:12, 498:18, 500:22, 508:15, 515:12 <b>mailing</b> 288:12 <b>main</b> 353:8, 353:9, 353:12 <b>maintain</b> 477:1, 480:2 <b>maintaining</b> 305:5, 478:23,</p>	<p>479:1, 479:3, 479:7, 479:9 <b>maintains</b> 504:14 <b>major</b> 354:6, 405:3, 468:3 <b>majority</b> 361:13, 366:13 <b>make</b> 298:13, 299:2, 299:14, 299:17, 303:1, 309:8, 310:21, 311:1, 313:2, 313:17, 322:2, 325:9, 359:23, 362:3, 363:20, 377:1, 378:5, 380:8, 380:15, 382:18, 395:25, 404:17, 411:18, 411:20, 418:25, 434:14, 435:15, 436:11, 436:15, 441:8, 444:13, 456:23, 472:11, 473:15, 476:5, 477:2, 492:25, 493:15, 495:15, 501:1, 502:9, 502:19, 507:6 <b>makes</b> 370:14, 378:21, 378:23, 435:14, 470:2, 478:7, 501:7, 507:21 <b>making</b> 321:1, 441:21, 494:9, 494:20 <b>mall</b> 451:2, 453:3 <b>manage</b> 406:17 <b>managed</b> 474:17 <b>management</b> 407:3</p>
---	--	---	---

<b>manager</b> 394:6 <b>mandated</b> 326:7, 327:2 <b>mandatory</b> 512:22 <b>manmade</b> 363:7 <b>mann</b> 289:34 <b>manner</b> 459:5 <b>manual</b> 313:24, 314:3, 314:9, 315:6, 316:24, 319:19, 319:21, 321:5, 328:24, 378:8 <b>manuals</b> 329:11 <b>many</b> 294:16, 314:16, 315:15, 315:16, 332:22, 335:10, 335:16, 360:23, 366:8, 366:22, 367:7, 377:7, 377:8, 379:14, 389:6, 389:12, 389:24, 413:14, 415:17, 417:7, 428:1, 439:1, 439:2, 449:6, 454:16, 454:22, 470:2, 474:18, 478:16, 506:2 <b>map</b> 288:8, 290:40, 339:2, 340:25, 341:21, 352:13, 352:16, 352:18, 352:19, 352:20, 353:7, 362:14, 395:8, 408:18, 408:24, 413:11, 417:12 <b>maps</b> 398:7	<b>marc</b> 492:18, 493:11 <b>march</b> 284:13, 291:7, 439:18, 440:11, 518:14, 522:15 <b>margins</b> 372:25, 373:2 <b>mark</b> 289:37 <b>marked</b> 430:2 <b>markers</b> 341:18 <b>market</b> 297:23, 301:3, 334:15, 334:16, 343:15, 343:19, 343:20, 352:24, 354:3, 360:16, 360:20, 361:2, 361:5, 361:9, 362:5, 363:20, 363:21, 364:22, 365:9, 367:24, 367:25, 368:1, 368:18, 368:19, 369:15, 372:2, 373:5, 374:25, 381:17, 383:1, 383:3, 387:4, 387:6, 387:12, 394:6, 406:16, 409:1, 477:25, 478:20, 516:5, 516:8 <b>marketing</b> 373:6, 515:23 <b>markets</b> 284:7, 289:17, 291:6, 329:15, 362:11, 362:20, 371:9, 408:3, 433:5, 478:17, 515:13, 516:17 <b>mary's</b> 394:10 <b>maryland</b> 284:2, 284:12,	285:7, 285:10, 285:20, 286:7, 286:14, 335:20, 337:1, 338:11, 503:18, 521:19 <b>massaged</b> 362:16 <b>massive</b> 353:13 <b>master</b> 418:17, 443:4, 449:21, 458:5, 458:6, 458:8, 458:17, 469:24, 478:5, 480:16, 495:24, 512:23 <b>master's</b> 336:1, 336:7 <b>mastrosimone</b> 284:25, 522:2, 522:13 <b>matches</b> 339:25 <b>material</b> 315:9 <b>matter</b> 295:11, 301:7, 448:21, 493:7, 518:19 <b>matters</b> 298:13, 354:19, 469:10, 508:13 <b>maximum</b> 330:15, 332:19 <b>maybe</b> 300:1, 308:15, 331:8, 380:3, 384:24, 386:2, 391:12, 401:24, 402:23, 428:18, 439:11, 439:13, 468:7 <b>mba</b> 394:8 <b>md</b> 409:17, 414:14 <b>mde</b> 357:25, 358:2,	398:10 <b>mean</b> 303:15, 316:20, 316:21, 325:21, 336:5, 361:17, 364:25, 370:19, 376:1, 378:17, 379:3, 380:21, 381:25, 391:22, 391:23, 400:11, 415:1, 416:4, 416:24, 422:2, 428:9, 451:3, 455:12, 468:15, 472:2, 489:14, 491:3, 492:8, 509:14, 514:10, 515:22, 516:7, 516:18 <b>meaning</b> 508:2 <b>means</b> 298:12, 355:10, 409:15, 500:19, 512:13, 514:10 <b>meant</b> 419:10 <b>meantime</b> 428:17, 434:5 <b>measure</b> 379:7 <b>measures</b> 448:15, 465:7 <b>mediate</b> 457:6 <b>mediation</b> 445:1, 457:4 <b>mediations</b> 487:25 <b>meet</b> 353:21, 390:7, 430:9, 500:15, 516:14, 516:21 <b>meeting</b> 511:25 <b>meets</b> 291:15, 298:5, 346:10
---	--	--	--

Transcript of Hearing  
Conducted on March 6, 2025

94

<b>member</b> 330:18	516:16, 517:15	363:17, 378:4, 392:25, 410:16, 429:12, 441:12, 451:16, 484:3, 505:16	<b>momentarily</b> 338:21
<b>members</b> 301:10, 428:13, 493:9, 494:21	<b>metrics</b> 346:2	<b>minutes</b> 309:24, 316:18, 351:14, 373:12, 434:4, 438:24	<b>monetary</b> 448:4
<b>membership</b> 343:18, 344:1, 505:24, 506:1	<b>metropolitan</b> 505:1	<b>misconstrued</b> 500:18	<b>money</b> 403:13, 416:19, 516:1
<b>memo</b> 304:19, 304:23, 304:25, 325:10, 325:11, 388:19, 453:23, 474:23, 501:10, 503:16	<b>mic</b> 499:10	<b>misrepresentation</b> 493:23	<b>monitoring</b> 446:6
<b>memorandum</b> 290:48, 302:23, 305:3, 305:14, 313:20, 327:6, 469:3, 500:17, 503:16, 505:14, 509:11, 509:18	<b>michael</b> 289:35	<b>missed</b> 299:24, 461:10	<b>montgomery</b> 284:2, 285:5, 305:17, 319:2, 319:3, 356:8, 365:20, 367:11, 389:5, 422:4, 449:24, 463:23, 464:3, 469:14, 503:17, 507:13, 508:7, 510:4, 512:4
<b>memory</b> 415:2	<b>mics</b> 428:1	<b>missing</b> 468:6	<b>month</b> 361:24, 436:5
<b>mention</b> 300:2, 362:12, 464:24	<b>middle</b> 316:7	<b>mistakes</b> 424:14	<b>months</b> 433:3, 444:4, 445:6, 450:18, 484:12, 486:8, 486:11
<b>mentioned</b> 294:2, 299:3, 311:4, 372:18, 392:15, 396:1, 404:5, 420:12, 420:14, 421:13, 453:24	<b>midnight</b> 360:11, 484:12	<b>misunderstood</b> 440:9	<b>moot</b> 472:15
<b>mentions</b> 482:24, 497:20	<b>might</b> 299:24, 334:21, 359:7, 420:9, 477:6, 493:25, 503:7, 514:3	<b>mm-hm</b> 472:24	<b>more</b> 314:12, 317:7, 317:11, 317:12, 317:13, 317:17, 331:10, 337:13, 342:7, 344:7, 349:1, 350:15, 351:2, 351:13, 354:17, 362:17, 366:24, 369:9, 369:17, 370:20, 373:6, 375:18, 375:19, 376:11, 376:13, 376:16, 378:19, 379:7, 380:17, 386:16, 399:13, 401:8, 405:22, 413:16, 413:17, 426:13,
<b>mere</b> 454:15	<b>mile</b> 290:13, 290:40, 398:21, 506:1	<b>mncppc</b> 288:5	
<b>merely</b> 451:13	<b>miles</b> 365:1, 407:7	<b>model</b> 316:20, 348:3	
<b>merit</b> 305:2	<b>million</b> 338:20, 351:23, 352:10, 354:9, 354:11, 354:13, 354:25, 358:18, 381:16, 381:18, 411:7, 411:12, 411:16, 412:6, 412:9, 412:22, 413:3, 414:6, 423:6, 423:7, 423:8, 425:9, 425:10, 430:23, 485:3, 516:11, 517:2, 517:3	<b>modification</b> 362:13, 432:25	
<b>merits</b> 509:22	<b>mind</b> 374:8, 426:10, 427:20, 502:6	<b>modifications</b> 312:18, 323:25, 463:19, 463:25, 508:15, 509:25, 510:8	
<b>message</b> 492:22, 493:12	<b>minor</b> 290:4, 337:4	<b>modified</b> 339:11, 362:8, 429:16, 430:20, 431:3, 431:4, 433:23	
<b>messed</b> 350:10	<b>minute</b> 296:1, 340:7, 359:13, 363:16,	<b>mom</b> 520:22	
<b>met</b> 371:7, 499:16,		<b>mom's</b> 441:25	
		<b>moment</b> 306:5, 309:14, 335:9, 446:16, 446:25, 447:2, 448:19, 477:12	

438:18, 439:8, 443:24, 456:4, 463:19, 468:19, 473:18, 489:17, 490:4, 497:13, 500:19 <b>morning</b> 292:4, 292:8, 296:15, 297:10, 300:4, 300:7, 313:14, 313:15, 328:16, 330:10, 366:10, 375:22, 399:4, 399:5, 417:21, 442:10, 516:19 <b>mornings</b> 454:16 <b>most</b> 308:15, 318:24, 319:20, 323:17, 330:11, 342:22, 343:15, 349:2, 351:17, 365:19, 366:25, 371:12, 373:7, 396:18, 448:5, 449:11, 466:21, 482:18, 494:22, 500:4 <b>mostly</b> 366:24, 401:12, 407:1 <b>motels</b> 388:15 <b>motion</b> 289:18, 290:35, 290:42, 290:44, 301:13, 435:4, 456:11 <b>motivating</b> 371:13 <b>mount</b> 394:10 <b>move</b> 300:20, 372:24, 396:12, 404:24, 419:1, 419:2, 457:16, 462:1	<b>moved</b> 401:2, 466:21 <b>movie</b> 479:21 <b>moving</b> 351:8, 390:7, 403:5 <b>mpd</b> 354:3 <b>much</b> 292:12, 296:21, 297:9, 299:7, 300:13, 331:7, 341:6, 346:20, 347:21, 351:19, 351:20, 369:17, 390:4, 390:11, 397:25, 402:9, 419:4, 422:3, 423:23, 433:25, 435:18, 442:2, 444:22, 456:4, 467:23, 500:19, 504:1, 517:19, 520:8, 520:20 <b>multi-product</b> 354:4 <b>multifamily</b> 320:6 <b>multiple</b> 307:10, 410:24, 418:11, 443:20, 481:6, 485:2, 502:14 <b>multiplicity</b> 389:2, 389:16 <b>multiply</b> 413:1 <b>municipality</b> 509:16 <b>must</b> 292:18, 430:9, 430:14, 430:22, 450:2, 450:4, 450:11, 458:3, 458:5, 459:3, 459:25, 462:15, 520:14	<b>muted</b> 293:2, 299:17, 517:21 <b>mutually-agreed--</b> <b>upon</b> 498:1 <b>mvunga</b> 284:10 <b>myself</b> 296:8, 517:22 <hr/> <b>N</b> <hr/> <b>nacs</b> 343:22, 372:10 <b>nail</b> 377:9, 474:25 <b>name</b> 291:22, 296:15, 298:10, 299:2, 299:4, 299:11, 300:2, 306:12, 306:14, 329:19, 334:10, 334:12, 394:3, 394:5, 406:2, 442:4, 491:2 <b>names</b> 299:2, 363:12 <b>narrow</b> 443:25, 496:18 <b>narrowing</b> 497:12 <b>national</b> 336:24, 343:21, 345:6 <b>natural</b> 339:20, 363:6 <b>nature</b> 293:19, 328:12, 366:1, 376:4, 377:1, 453:4, 461:8, 463:18, 469:20, 478:17, 486:1, 505:8, 509:24 <b>near</b> 353:11, 355:4, 371:9, 376:15,	409:2, 409:3, 412:3, 412:4, 516:18 <b>nearby</b> 399:24, 425:15 <b>nearest</b> 408:6 <b>necessarily</b> 303:17, 318:4, 374:12, 513:22 <b>necessary</b> 416:11, 437:4, 438:11, 449:23, 481:1, 494:1, 494:24, 497:5, 510:23, 515:8 <b>necessity</b> 338:10, 346:8, 509:3, 514:10 <b>need</b> 292:17, 293:17, 295:25, 296:16, 299:9, 301:1, 305:9, 305:16, 312:21, 318:5, 321:20, 322:10, 322:22, 323:5, 330:24, 338:9, 340:12, 342:12, 342:20, 343:4, 343:7, 352:12, 355:11, 355:14, 355:17, 355:21, 357:16, 367:4, 367:10, 368:4, 368:8, 368:16, 374:19, 388:5, 389:19, 390:11, 392:22, 394:2, 416:1, 421:1, 423:6, 426:14, 428:6, 429:1, 435:23, 436:25, 438:20, 439:3, 439:6, 444:16, 468:23, 470:10, 472:15, 481:23, 484:17, 485:20,
--	--	---	---



<p>487:3, 487:11, 489:13, 497:25, 499:9, 499:18, 500:16, 500:18, 503:14, 503:20, 504:25, 505:14, 505:21, 506:8, 511:9, 512:25, 513:7, 514:9, 514:12, 514:22, 515:11, 515:14, 516:16, 517:2, 517:4, 517:16 <b>needed</b> 381:13, 384:14, 391:14, 391:23, 431:12, 454:21 <b>needs</b> 289:23, 289:28, 294:22, 334:25, 338:8, 338:12, 340:21, 355:3, 355:10, 381:11, 381:14, 384:13, 384:14, 384:16, 422:4, 434:14, 504:13 <b>negative</b> 312:25, 313:3, 313:7 <b>negatively</b> 476:6 <b>neighborhood</b> 340:1, 340:2, 340:3, 340:5, 340:8, 340:14, 340:16, 340:17, 340:20, 340:23, 340:25, 341:2, 341:5, 341:8, 341:12, 342:1, 342:2, 342:8, 342:9, 342:13, 342:15, 342:16, 342:25, 343:7, 343:10, 343:12, 355:8, 355:9, 355:17, 355:22,</p>	<p>367:6, 368:3, 368:8, 368:11, 368:12, 368:14, 368:20, 368:22, 368:24, 369:5, 369:9, 369:12, 369:15, 369:16, 370:3, 370:5, 370:11, 370:15, 370:19, 370:20, 370:25, 375:6, 375:9, 375:10, 375:19, 377:2, 386:1, 388:6, 388:8, 389:3, 394:21, 401:12, 401:16, 401:17, 407:13, 416:24, 423:3, 423:12, 459:5, 468:25, 469:24, 470:1, 470:11, 491:22, 499:19, 499:21, 503:1, 503:5, 503:22, 503:24, 504:1, 504:2, 504:4, 504:6, 504:9, 504:19, 505:20, 507:18, 512:15, 513:4, 513:5, 513:9, 513:10, 513:20, 514:8, 514:19, 516:14, 517:14 <b>neither</b> 304:3, 450:6, 455:7, 470:16, 521:11, 522:7 <b>net</b> 311:13 <b>network</b> 313:1, 318:1 <b>never</b> 325:24, 326:11, 326:17, 326:24, 374:8, 450:8, 470:4, 470:5, 484:8, 484:14,</p>	<p>484:25, 494:2, 494:16, 495:1, 496:1 <b>new</b> 319:22, 320:4, 320:9, 341:7, 353:21, 354:6, 370:8, 402:12, 403:13, 433:12, 485:1 <b>newer</b> 316:23, 318:10 <b>newland</b> 415:5, 419:4, 443:12, 445:2, 450:24 <b>newlands</b> 403:12 <b>newspapers</b> 444:2 <b>next</b> 348:20, 351:8, 352:3, 365:18, 370:9, 386:19, 408:11, 421:15, 427:21, 447:24, 464:10, 509:25 <b>niche</b> 343:15, 345:12 <b>nicole</b> 284:25, 522:2, 522:13 <b>night</b> 367:23, 399:22 <b>nights</b> 454:22 <b>nine</b> 339:25, 342:21, 348:24, 362:10, 362:16, 362:19, 362:21, 363:4, 419:11 <b>nobody</b> 471:14, 472:21 <b>noncompliance</b> 448:17, 465:8 <b>none</b> 392:3, 408:15,</p>	<p>428:6, 428:13, 428:16, 446:7 <b>nonmotorized</b> 311:21 <b>nonvehicular</b> 312:1 <b>noon</b> 391:5, 391:10 <b>nope</b> 356:17, 358:12, 451:18 <b>normal</b> 511:12 <b>normally</b> 428:22 <b>north</b> 286:13, 328:20, 339:15, 353:3, 363:18, 366:4, 366:7, 366:24, 370:16, 397:10, 399:5, 399:6, 417:17 <b>northern</b> 365:20 <b>notably</b> 305:13 <b>notary</b> 285:19, 521:1, 521:19 <b>notation</b> 452:24 <b>note</b> 293:12, 301:21, 303:8, 446:14, 453:18, 519:6 <b>noted</b> 303:12, 385:11, 456:1, 495:6, 514:7, 514:24 <b>notes</b> 359:11, 438:5 <b>nothing</b> 310:3, 370:17, 375:10, 426:16, 448:23, 476:2, 482:24, 496:8, 501:25, 505:22,</p>
---	---	--	---

<p>520:1 <b>notice</b> 288:9, 289:24, 303:16, 303:19, 401:1 <b>noticed</b> 397:6 <b>notion</b> 453:8 <b>notwithstanding</b> 485:6 <b>november</b> 467:4, 467:9, 467:10 <b>nowhere</b> 475:9, 475:10, 475:11, 475:15, 476:1, 476:14, 508:3 <b>nri</b> 288:24 <b>nucleus</b> 356:6 <b>number</b> 291:5, 297:22, 310:23, 311:14, 315:14, 315:16, 317:19, 320:20, 321:25, 322:1, 332:18, 332:19, 335:6, 344:9, 344:19, 345:24, 349:17, 350:2, 350:4, 350:5, 350:8, 350:12, 350:16, 370:23, 379:8, 379:12, 387:14, 388:23, 389:1, 402:4, 412:21, 413:2, 422:6, 423:1, 423:2, 425:11, 425:13, 425:22, 430:7, 444:4, 446:21, 467:2, 467:7, 500:14 <b>numbering</b> 349:19, 349:25,</p>	<p>350:11 <b>numbers</b> 318:16, 324:12, 325:2, 346:6, 346:8, 348:20, 348:23, 349:10, 351:1, 352:6, 372:8, 386:23, 409:16, 410:12, 410:21, 424:22 <b>numerous</b> 443:17, 513:23, 515:17</p> <hr/> <p><b>O</b></p> <hr/> <p><b>o'hara</b> 295:20, 301:3 <b>oath</b> 293:24, 310:2, 334:4, 337:16, 393:11, 415:2, 432:7, 442:13, 506:14 <b>oaths</b> 298:14 <b>object</b> 332:2, 344:25, 381:23, 382:11, 494:8 <b>objected</b> 295:16 <b>objecting</b> 293:10, 301:18, 304:23, 304:24, 305:2, 494:5 <b>objection</b> 293:11, 295:21, 296:6, 301:16, 301:21, 303:12, 303:21, 307:2, 325:23, 326:10, 368:7, 384:8, 384:9, 440:13, 453:18, 456:1, 465:17, 484:4, 493:22, 494:9 <b>objections</b> 300:22, 301:11,</p>	<p>301:22, 304:15, 488:10, 500:21 <b>objectives</b> 476:25 <b>obligation</b> 435:8 <b>observation</b> 360:2 <b>observing</b> 298:24 <b>obtained</b> 424:9 <b>obvious</b> 475:21 <b>obviously</b> 352:9, 378:23, 391:23, 416:25 <b>occasion</b> 396:24 <b>occasionally</b> 318:25 <b>occasions</b> 361:12 <b>occupation</b> 306:13 <b>occur</b> 332:20 <b>occurred</b> 308:23, 327:9, 445:14, 449:11, 464:23, 497:23 <b>offense</b> 470:13 <b>offer</b> 334:24, 358:16, 358:22, 377:17, 399:17, 400:15, 404:11, 421:5, 473:1 <b>offered</b> 302:20, 302:21, 302:24, 303:22, 304:1, 344:8, 346:17, 346:25, 359:1, 427:2, 488:2 <b>offering</b> 300:11, 345:15,</p>	<p>356:3, 427:23 <b>offerings</b> 344:14 <b>offers</b> 515:19 <b>offhand</b> 376:2 <b>office</b> 284:1, 285:5, 285:8, 297:6, 307:17, 358:3, 417:17, 493:11 <b>officer</b> 521:2 <b>official</b> 299:13, 302:11 <b>oh</b> 306:6, 309:18, 321:14, 342:5, 349:10, 440:23, 498:20 <b>old</b> 319:12, 415:7, 416:3, 418:12, 418:13 <b>older</b> 344:21, 354:2, 402:9 <b>omitted</b> 305:13 <b>once</b> 317:9, 376:5, 442:17, 462:8, 470:5, 492:8, 492:10, 492:11, 492:12, 496:15, 520:13 <b>one</b> 294:20, 295:11, 296:1, 300:22, 305:8, 306:5, 308:8, 309:13, 310:14, 316:25, 317:3, 318:15, 318:24, 321:22, 323:16, 330:18, 332:11, 338:13, 340:22, 342:4,</p>
---	--	--	--

<p>344:8, 344:19, 349:4, 349:6, 349:24, 350:1, 350:10, 353:13, 353:17, 353:19, 356:5, 358:22, 359:22, 362:1, 362:15, 366:6, 375:11, 377:9, 383:21, 383:23, 388:9, 389:10, 389:19, 390:25, 391:5, 394:1, 395:3, 395:11, 396:16, 406:17, 408:6, 409:8, 409:9, 411:9, 414:11, 416:3, 416:8, 420:25, 426:12, 430:4, 430:8, 446:25, 447:2, 451:3, 459:24, 466:21, 466:25, 467:8, 467:15, 468:18, 470:7, 470:20, 478:20, 478:21, 481:12, 485:24, 488:23, 489:6, 491:25, 492:1, 492:2, 492:16, 493:8, 493:17, 496:6, 497:9, 500:7, 500:14, 503:6, 504:25, 507:24, 515:12, 518:22 <b>one's</b> 477:22, 477:24, 478:18, 506:18 <b>one-and-a-half</b> 412:25 <b>one-stop</b> 344:17, 355:4, 383:17, 515:4, 515:9 <b>one-way</b> 354:5, 375:13</p>	<p><b>onerous</b> 317:18 <b>ones</b> 323:16, 497:1, 497:5 <b>online</b> 296:18, 298:18, 299:9, 494:13 <b>only</b> 293:13, 299:13, 319:22, 330:20, 345:18, 349:2, 353:21, 366:6, 388:2, 396:24, 412:25, 425:15, 442:6, 444:2, 446:7, 447:15, 449:3, 455:15, 463:25, 464:9, 464:11, 464:22, 468:19, 468:22, 471:25, 473:1, 475:12, 475:19, 480:15, 482:8, 483:23, 487:19, 492:8, 504:25, 510:8, 510:13, 511:12, 518:1, 518:13 <b>open</b> 289:5, 360:15, 409:19, 434:11, 434:20, 435:23, 435:25, 436:16, 471:25, 473:5, 518:14, 519:4, 519:25 <b>opened</b> 335:17 <b>opening</b> 294:14 <b>operate</b> 320:17, 329:25, 345:15, 359:24, 360:4 <b>operating</b> 359:25, 405:13 <b>operation</b> 323:1, 382:9,</p>	<p>402:4, 402:16, 402:18, 403:9, 404:8, 405:16, 418:6, 418:7, 430:18, 432:15, 433:7, 504:7, 504:12, 505:11 <b>operational</b> 402:10, 409:18, 414:17, 469:19 <b>operations</b> 288:7, 306:16, 320:25, 329:21, 403:21, 432:21, 500:25, 504:18 <b>operator</b> 293:17, 504:13 <b>opine</b> 332:8 <b>opinion</b> 291:25, 298:16, 355:2, 382:8, 385:10, 421:10, 454:7, 454:9, 456:16, 516:3 <b>opponent</b> 437:11, 474:14 <b>opponents</b> 294:24, 300:8 <b>opportunities</b> 389:17 <b>opportunity</b> 294:12, 322:8, 333:13, 391:13, 435:20, 436:18, 436:20, 456:22, 457:13, 457:24, 466:4, 471:13, 472:22, 473:8, 495:15, 501:5 <b>oppose</b> 491:6, 491:23, 492:13 <b>opposed</b> 371:14, 377:2 <b>opposes</b> 490:24 <b>opposing</b> 419:24</p>	<p><b>opposite</b> 327:6, 474:17, 508:6 <b>opposition</b> 286:10, 290:9, 290:37, 294:10, 294:12, 295:5, 295:16, 313:12, 335:23, 356:13, 383:25, 390:9, 390:20, 392:6, 392:12, 393:9, 393:24, 405:9, 406:10, 426:23, 428:5, 428:10, 428:12, 428:15, 428:23, 435:10, 442:11, 442:24, 446:10, 453:13, 492:7, 495:18, 500:4, 500:18, 500:23, 502:2, 518:7 <b>option</b> 392:14, 392:17, 393:12, 442:18 <b>orally</b> 436:8 <b>order</b> 290:46, 291:4, 294:4, 294:17, 297:21, 368:24, 435:8, 444:3, 449:5, 465:4, 497:16 <b>orders</b> 448:8 <b>ordinance</b> 291:18, 291:19, 292:1, 298:7, 298:9, 298:17, 463:24, 464:3, 485:17, 498:17, 498:19, 499:14, 510:5, 513:3, 514:1, 514:6, 514:13, 514:14 <b>orientation</b> 477:15, 478:3,</p>
---	--	---	--

Transcript of Hearing  
Conducted on March 6, 2025

99

479:4 <b>oriented</b> 347:18, 353:18, 353:19, 451:14, 477:10 <b>original</b> 445:16, 478:19, 481:19 <b>originally</b> 324:17, 453:10, 477:18 <b>originally-approved</b> 312:16 <b>others</b> 387:12, 387:19, 413:10, 421:21, 453:2 <b>otherwise</b> 293:1, 331:9, 438:4, 446:2, 448:10, 463:20, 508:8, 510:1, 521:13, 522:10 <b>out</b> 291:19, 298:7, 298:9, 321:13, 325:2, 331:6, 347:15, 351:14, 351:22, 352:14, 353:3, 353:7, 356:2, 356:23, 356:25, 358:7, 366:22, 366:25, 371:4, 373:12, 375:14, 375:19, 375:23, 376:17, 378:17, 383:19, 385:24, 387:24, 389:18, 393:1, 396:15, 396:18, 396:25, 401:14, 402:4, 416:12, 417:2, 420:17, 424:18, 424:21, 449:4, 450:1, 451:9, 454:12, 461:20, 464:2,	465:24, 465:25, 474:3, 491:5, 493:11, 493:21, 512:16, 514:14, 519:15 <b>outcome</b> 521:13, 522:10 <b>outlet</b> 412:4 <b>outlets</b> 409:2 <b>outline</b> 341:23, 342:6 <b>outlined</b> 351:9, 435:19 <b>output</b> 410:19, 414:3, 414:5 <b>outset</b> 456:11, 512:13 <b>outside</b> 321:3, 371:8, 387:4, 388:12, 407:18, 407:24, 409:8, 425:17, 456:16, 510:16, 516:16 <b>over</b> 295:9, 298:12, 299:20, 299:24, 300:19, 307:8, 315:9, 316:13, 318:3, 335:20, 352:8, 365:10, 372:1, 372:19, 372:22, 376:12, 387:1, 389:15, 392:12, 393:9, 405:18, 420:24, 421:1, 435:3, 436:4, 439:25, 445:6, 450:17, 457:4, 461:16, 466:21, 466:24, 467:19, 479:23, 501:21, 502:14, 508:18, 510:18, 510:19	<b>overall</b> 288:27, 290:31, 310:19, 311:10, 332:14, 333:1, 395:13, 424:5, 480:6, 502:24 <b>overcome</b> 375:17 <b>overhang</b> 418:16 <b>overlay</b> 418:19 <b>overrule</b> 382:3 <b>overwhelmed</b> 357:2 <b>overwhelming</b> 361:13, 371:22 <b>own</b> 312:3, 319:3, 321:7, 334:22, 335:17, 339:16, 347:3, 355:8, 363:11, 369:2, 384:23, 386:10, 406:16, 470:23, 471:5, 473:15, 479:18, 482:9, 516:15 <b>owner</b> 288:14 <b>owners</b> 356:16, 356:18, 357:3, 357:7, 411:1 <b>owning</b> 410:24 <b>owns</b> 406:17 <b>ozah</b> 288:2, 288:12, 289:2, 290:7, 291:5, 293:23, 324:4, 335:11, 335:12, 359:22, 408:17, 447:3, 447:4, 508:24, 518:11	<b>P</b> <b>package</b> 403:18 <b>pad</b> 306:7 <b>page</b> 287:3, 287:25, 290:52, 307:12, 307:21, 307:22, 308:7, 312:7, 320:2, 320:15, 324:8, 324:12, 324:14, 331:16, 333:2, 339:2, 340:5, 340:25, 342:3, 348:21, 349:9, 349:10, 349:16, 349:17, 349:18, 349:19, 349:25, 350:3, 350:4, 350:9, 350:10, 350:12, 350:22, 352:3, 359:22, 364:4, 372:13, 373:9, 381:7, 384:12, 386:2, 397:14, 398:13, 398:20, 408:21, 412:12, 412:13, 413:7, 414:14, 429:24, 429:25, 430:1, 430:2, 430:3, 447:12, 447:13, 448:21, 458:5, 458:7, 458:17, 462:22, 462:23, 463:9, 476:22, 483:13, 485:5, 497:19 <b>pages</b> 284:24, 308:17, 311:13, 331:21, 338:6, 414:9, 414:10 <b>paging</b> 349:24
---	---	---	---

<p><b>paid</b> 403:12 <b>pale</b> 477:21 <b>paper</b> 462:2 <b>papers</b> 301:13, 337:6, 337:10 <b>paragraph</b> 447:14, 448:22, 463:8, 485:19 <b>paragraphs</b> 465:4, 484:19, 485:22 <b>parameters</b> 363:22 <b>pardon</b> 373:23, 439:22, 440:20 <b>parenthesis</b> 463:22 <b>park</b> 370:17, 381:20, 493:18 <b>parking</b> 354:5, 356:2, 375:13, 381:25, 386:20, 416:14, 453:10, 466:23, 477:2, 477:18, 477:25, 478:16, 478:23, 478:25, 480:12, 501:19, 502:6, 505:25, 509:6 <b>parkway</b> 349:6 <b>part</b> 321:10, 327:2, 332:3, 336:17, 347:23, 348:16, 351:17, 355:17, 358:4, 370:18, 374:7, 376:22, 392:11, 396:9, 402:8, 402:11, 403:4, 403:16,</p>	<p>403:18, 404:20, 410:2, 410:8, 410:23, 415:7, 415:13, 416:7, 416:10, 416:25, 418:15, 418:23, 435:8, 438:7, 448:13, 456:19, 469:25, 478:19, 484:25, 496:13, 504:3, 509:3, 509:4, 510:20, 510:25 <b>participant</b> 467:23 <b>participate</b> 292:17, 292:21, 292:25, 492:4 <b>participated</b> 455:16, 498:20, 498:23 <b>participation</b> 292:23, 491:12 <b>particular</b> 298:7, 308:21, 328:13, 338:25, 340:10, 341:21, 342:8, 342:9, 342:17, 344:5, 344:24, 345:12, 358:16, 358:17, 358:22, 363:2, 367:5, 368:15, 368:18, 369:18, 377:6, 379:15, 381:7, 465:14, 515:5, 515:18, 516:12 <b>parties</b> 290:26, 290:30, 290:51, 292:2, 292:9, 385:20, 406:14, 434:25, 435:1, 441:3, 473:1, 473:7, 489:4, 518:19, 521:12, 522:9 <b>parts</b> 365:20, 447:15,</p>	<p>489:8 <b>party</b> 289:40, 454:10, 456:24, 486:22, 487:22, 496:12 <b>pass-by</b> 353:19, 353:20, 354:23 <b>passersby</b> 356:5 <b>passes</b> 462:3 <b>passing</b> 377:3 <b>past</b> 323:14, 324:3, 335:1, 335:18, 348:25, 357:8, 494:22 <b>patel</b> 287:12, 287:15, 290:34, 292:9, 294:25, 300:10, 300:11, 377:25, 385:20, 386:6, 393:15, 393:18, 393:21, 394:3, 394:5, 401:22, 405:25, 406:3, 406:7, 406:13, 426:25, 500:24, 504:3 <b>patels</b> 449:17, 469:23, 470:16, 472:19 <b>path</b> 375:20, 375:23, 376:5, 376:6, 395:3, 417:22 <b>pathway</b> 374:23, 375:2 <b>patience</b> 499:7, 520:9, 520:17 <b>patrick's</b> 439:18 <b>pattern</b> 328:15, 366:20,</p>	<p>366:21, 458:14 <b>patterns</b> 324:19, 324:21, 328:11, 328:12, 331:1, 398:24 <b>pause</b> 306:5, 309:13 <b>pavement</b> 451:12 <b>pay</b> 351:21, 416:9 <b>paying</b> 509:7 <b>pays</b> 404:14 <b>pdf</b> 350:4, 350:12, 350:23, 430:1, 430:3, 462:23, 463:10 <b>peak</b> 312:14, 312:15, 316:9, 316:10, 330:7, 330:8, 330:9, 397:5 <b>peak-hour</b> 332:25 <b>pedestrian</b> 308:19, 311:18, 451:13, 477:5, 477:8, 477:10, 477:11, 477:12, 477:15, 478:3, 478:10, 478:13, 479:4, 479:8, 479:15, 479:24, 480:3, 480:5, 480:6, 480:22, 502:8, 502:21, 502:22 <b>pedestrian-frien- dly</b> 502:4, 502:10, 503:5 <b>pedestrian-orien- ted</b> 450:25 <b>pedestrians</b> 477:22, 478:8,</p>
--	---	---	--

<p>478:13, 478:15, 478:24 <b>peer-reviewed</b> 337:10 <b>penalties</b> 444:9, 446:1, 448:4 <b>pending</b> 465:14 <b>pennies</b> 373:12 <b>people</b> 293:4, 293:24, 296:18, 297:19, 299:8, 299:20, 299:23, 329:6, 339:17, 340:4, 340:19, 343:15, 344:13, 345:2, 347:4, 348:1, 348:12, 351:9, 351:15, 351:21, 361:7, 365:15, 366:4, 366:23, 367:7, 371:5, 371:17, 373:1, 375:3, 376:3, 376:9, 377:1, 379:2, 380:5, 390:14, 392:13, 397:7, 397:18, 401:11, 404:18, 417:7, 422:18, 423:11, 426:13, 436:2, 440:8, 466:5, 470:2, 491:2, 491:3, 491:8, 491:23, 492:13, 504:20, 508:19, 509:7, 515:23, 516:19 <b>percent</b> 320:18, 322:14, 343:24, 343:25, 345:23, 349:1, 354:12, 372:22, 378:18, 378:22, 379:3, 379:4,</p>	<p>386:25, 437:21 <b>percentage</b> 345:21, 372:21 <b>perception</b> 453:25 <b>perfect</b> 352:15, 435:14, 458:1 <b>perfectly</b> 391:3 <b>performing</b> 373:7 <b>perhaps</b> 379:2, 487:10 <b>period</b> 387:1, 402:15, 402:17, 402:19, 405:19, 414:24, 419:9, 419:10, 419:22, 439:16, 445:6, 450:17 <b>periodically</b> 318:20 <b>periods</b> 359:8 <b>periphery</b> 407:19 <b>permanent</b> 312:12 <b>permit</b> 336:20, 514:25 <b>permits</b> 469:11 <b>permitted</b> 461:13 <b>permitting</b> 415:24, 419:9 <b>person</b> 295:3, 300:16, 329:21, 374:14, 442:10, 453:1, 475:20 <b>personal</b> 474:16, 516:24 <b>personally</b> 361:9 <b>perspective</b> 411:15, 438:17</p>	<p><b>perspectives</b> 338:13 <b>pertinent</b> 302:11, 445:24, 468:17, 479:11 <b>petrol</b> 476:2 <b>phone</b> 507:3 <b>phonetic</b> 292:20 <b>physical</b> 449:9, 463:21, 464:23, 464:24, 483:22, 483:23, 510:2 <b>physically</b> 468:7 <b>pick</b> 364:12, 485:16, 485:19 <b>picked</b> 364:10, 364:13 <b>picture</b> 353:3 <b>piece</b> 491:11 <b>pike</b> 409:4, 506:2, 506:5 <b>pipeline</b> 396:18 <b>pizza</b> 476:15 <b>place</b> 347:25, 380:6, 405:18, 445:5, 453:5, 476:15, 478:14, 478:21, 508:14 <b>placed</b> 452:10 <b>places</b> 344:1, 351:18, 371:10, 476:12, 516:18 <b>plain</b> 303:2</p>	<p><b>planned</b> 310:19, 369:19, 370:12, 447:20, 467:19 <b>planner</b> 306:18, 336:24, 480:19 <b>planning</b> 289:8, 289:9, 289:10, 289:45, 290:21, 290:23, 295:4, 300:24, 308:9, 310:15, 311:1, 311:11, 331:25, 332:4, 332:9, 333:3, 333:10, 333:11, 334:15, 336:22, 381:21, 381:25, 382:1, 382:4, 384:3, 384:4, 392:16, 392:21, 393:2, 393:3, 429:6, 429:8, 429:14, 429:17, 430:20, 431:3, 431:5, 431:13, 431:21, 433:4, 433:13, 433:21, 433:23, 435:18, 443:17, 444:8, 445:1, 445:18, 445:21, 446:23, 447:9, 448:14, 459:1, 459:18, 459:19, 460:7, 461:16, 462:21, 462:24, 463:6, 463:16, 463:24, 480:18, 481:13, 481:16, 481:24, 482:6, 485:4, 493:18, 494:17, 495:2, 499:25, 500:1, 501:20, 501:24, 502:14, 502:16, 503:2, 503:8, 506:22,</p>
--	---	---	---

<p>510:7 <b>plans</b> 288:18, 288:25, 288:36, 289:14, 290:1, 290:3, 346:17, 347:4, 457:16, 459:9, 461:24, 463:19, 467:3, 467:8, 481:25, 509:21 <b>plat</b> 288:44 <b>plater-zyberk</b> 452:12 <b>players</b> 450:14 <b>please</b> 292:2, 292:21, 293:1, 293:9, 293:12, 299:14, 306:3, 306:13, 324:5, 331:16, 331:17, 334:4, 334:11, 363:25, 381:4, 397:13, 397:19, 398:4, 405:23, 406:12, 406:19, 408:20, 410:19, 414:25, 426:12, 429:12, 432:3, 446:20, 456:9, 469:11, 482:5, 492:20, 513:14 <b>plenty</b> 429:2, 516:21 <b>plunked</b> 475:21 <b>plus</b> 413:18, 439:1 <b>point</b> 302:12, 305:15, 307:23, 308:5, 308:21, 321:1, 339:10, 340:21, 347:15, 352:7, 353:6, 353:18, 364:21, 374:24,</p>	<p>378:16, 379:1, 385:9, 385:24, 386:4, 391:25, 437:23, 449:4, 453:9, 455:15, 457:4, 457:8, 462:10, 464:7, 467:13, 467:20, 468:11, 470:19, 476:19, 481:7, 483:4, 485:3, 487:19, 496:2, 515:20, 518:2 <b>pointed</b> 358:7, 366:22, 366:25 <b>pointing</b> 351:14, 386:7 <b>points</b> 328:16, 328:20, 346:22, 351:16, 361:8, 361:20, 361:24, 365:6, 366:24, 374:20, 375:4, 458:9, 468:19, 472:17 <b>polestar</b> 330:23, 334:13, 334:14, 335:18 <b>polices</b> 358:25 <b>popular</b> 389:13 <b>population</b> 340:13, 342:13, 348:25, 353:13, 356:8, 386:25, 388:6, 422:10, 423:10, 424:4, 425:14, 468:24, 470:10, 513:8, 513:19 <b>populations</b> 423:5 <b>posed</b> 384:2 <b>position</b> 334:11, 394:4,</p>	<p>433:8, 436:7, 449:16, 481:23, 493:19, 494:3, 494:18, 503:9 <b>positions</b> 308:22, 311:9, 314:17, 314:20, 315:14, 315:23, 315:24, 316:2, 386:21, 430:13 <b>possible</b> 322:2, 330:14, 366:6, 385:1, 436:13, 463:12, 471:2 <b>possibly</b> 331:8 <b>post</b> 334:23, 401:8, 448:6, 457:1, 457:2, 471:16, 471:20, 492:5 <b>posted</b> 492:1 <b>posting</b> 289:15, 290:5, 290:20, 489:24 <b>potential</b> 320:16, 320:21, 410:19, 425:7 <b>potentially</b> 320:12, 477:24 <b>potomac</b> 339:7 <b>pounding</b> 511:9 <b>powell's</b> 290:37, 290:46 <b>precedent</b> 301:24, 302:1, 303:22 <b>precise</b> 369:9, 370:7, 370:20 <b>preference</b> 296:4, 426:3, 426:6, 426:8 <b>prehearing</b> 289:27</p>	<p><b>preliminaries</b> 300:21 <b>preliminary</b> 290:16, 295:11, 301:7, 312:16, 320:3, 320:7, 325:3, 325:11, 326:11, 326:13, 430:15, 459:25, 460:8 <b>premature</b> 460:13 <b>prepared</b> 403:19, 522:3 <b>preponderance</b> 388:4, 468:23 <b>presence</b> 380:20, 487:24, 514:17 <b>present</b> 286:18, 292:3, 292:18, 294:6, 295:3, 295:5, 299:11, 299:13, 300:15, 340:14, 342:14, 388:7, 435:5, 435:7, 443:16, 462:15, 462:17, 468:25, 470:11, 484:10, 503:22, 513:9 <b>presentation</b> 294:17, 434:14 <b>presentations</b> 337:12, 462:16 <b>presented</b> 304:2, 335:20, 454:13, 454:24, 464:17, 496:4 <b>presently</b> 470:18 <b>preside</b> 298:12 <b>president</b> 469:15, 515:13 <b>presley</b> 287:21, 287:22, 287:28, 289:39,</p>
--	---	---	---

<p>289:41, 289:42, 290:17, 290:19, 290:28, 295:2, 300:14, 390:21, 427:13, 427:20, 428:7, 428:17, 429:3, 434:5, 434:13, 436:12, 441:16, 441:17, 441:20, 442:3, 442:5, 442:19, 442:21, 442:25, 444:11, 453:20, 456:2, 463:3, 466:2, 471:15, 474:24, 487:17, 495:19, 500:10, 503:6, 517:19, 517:21, 517:25, 518:21, 518:22, 519:11, 519:14, 520:3, 520:24 <b>presley's</b> 390:7, 436:6, 453:24, 487:16, 503:12 <b>press</b> 445:3 <b>presume</b> 427:14 <b>pretty</b> 341:6, 371:14, 399:9, 418:20, 419:4, 504:1, 509:2, 517:12 <b>prevailing</b> 319:17 <b>prevent</b> 454:17 <b>preventative</b> 497:2 <b>prevented</b> 296:7 <b>previous</b> 309:9, 310:15, 318:21, 332:13, 332:16, 345:20, 347:13, 450:2,</p>	<p>450:4, 512:19 <b>previously</b> 297:14, 308:25, 309:7, 311:8, 311:14, 313:5, 316:8, 319:11, 337:17, 355:15, 398:25, 408:19, 507:9, 514:24 <b>previously-appro- ved</b> 310:25 <b>price</b> 352:6, 352:8, 371:14, 371:17, 373:15, 374:14, 377:16, 400:11, 404:13, 427:1 <b>priced</b> 374:13 <b>prices</b> 373:19, 374:8, 374:11, 515:22 <b>pricing</b> 399:20, 411:14 <b>primary</b> 365:11, 365:12, 369:14, 487:21 <b>prince</b> 503:18, 512:2, 512:8 <b>principal</b> 334:13, 335:15 <b>principle</b> 383:10, 458:25 <b>principles</b> 512:5 <b>prior</b> 319:2, 443:1, 445:8, 461:20, 465:3, 514:6 <b>private</b> 406:22 <b>privately</b> 492:2 <b>probable</b> 320:18 <b>probably</b> 354:16, 494:23</p>	<p><b>problem</b> 389:11, 426:15, 447:7, 472:21 <b>procedure</b> 293:23, 298:13 <b>proceed</b> 305:25, 306:7, 310:9, 345:10, 391:6, 397:17, 441:19, 442:17, 457:20, 466:4 <b>proceeded</b> 450:9 <b>proceeding</b> 292:13, 292:23, 293:19, 293:20, 293:22, 302:16, 455:19, 456:4, 522:4 <b>proceedings</b> 294:4, 442:11, 445:5, 521:3, 521:5, 521:8, 522:6 <b>process</b> 315:18, 390:14, 431:11, 433:2, 433:5, 437:14, 443:11, 455:22, 456:20, 459:1, 471:10, 520:9, 520:12 <b>produce</b> 354:9 <b>produced</b> 395:18, 475:17 <b>producing</b> 354:14 <b>production</b> 372:12, 434:11 <b>productivity</b> 506:16 <b>products</b> 371:18, 424:25 <b>profession</b> 336:23, 502:17 <b>professional</b> 306:15, 306:16,</p>	<p>306:17, 306:19, 329:9, 381:21, 502:15 <b>professionalism</b> 520:11 <b>professionally</b> 361:10, 371:21 <b>professionals</b> 364:14 <b>profile</b> 404:16 <b>profit</b> 372:25, 373:2 <b>profits</b> 403:22 <b>program</b> 289:43, 290:3, 326:5, 326:6, 326:24, 327:2, 346:19, 346:25, 361:22, 420:17, 421:6, 443:5, 445:8, 445:15, 445:19, 445:24, 446:9, 446:19, 447:1, 447:17, 447:18, 448:2, 448:10, 449:8, 449:15, 449:20, 450:5, 450:6, 451:10, 451:17, 451:20, 452:24, 454:12, 457:3, 457:11, 459:8, 461:6, 461:11, 461:14, 462:3, 462:19, 464:18, 467:3, 467:13, 467:20, 468:9, 477:10, 477:13, 477:19, 478:4, 479:5, 479:11, 480:12, 480:16, 481:14, 481:21, 481:22, 493:9, 494:21, 496:4, 509:4, 510:10, 510:12, 510:15,</p>
---	---	---	--



<p>510:18, 510:20, 515:4, 515:14, 515:19, 518:2 <b>programs</b> 515:17 <b>prohibit</b> 479:4, 483:8 <b>prohibited</b> 445:11, 486:16, 486:19, 486:21, 498:22 <b>prohibition</b> 501:14 <b>prohibits</b> 477:21, 483:5, 502:1 <b>project</b> 290:22, 290:41, 326:23, 385:19, 385:22, 415:23, 462:17, 463:21, 464:11, 464:22, 510:2, 510:13 <b>projected</b> 320:20, 423:18 <b>projections</b> 349:12, 350:13, 386:24 <b>projects</b> 444:4 <b>proof</b> 469:16 <b>property</b> 307:8, 335:15, 335:16, 335:19, 394:6, 396:4, 399:11, 406:18, 417:13, 419:3, 508:11 <b>property's</b> 343:11 <b>proposal</b> 338:25 <b>proposed</b> 312:12, 312:18, 316:4, 316:11, 316:13, 316:14, 316:15, 319:16,</p>	<p>324:17, 324:23, 326:20, 332:15, 340:13, 362:7, 375:7, 382:10, 388:5, 392:20, 434:25, 435:6, 435:7, 437:17, 443:10, 445:19, 468:2, 473:9, 473:12, 496:7, 505:21, 513:7, 518:18, 519:22 <b>proposes</b> 458:14 <b>proposing</b> 504:8 <b>proposition</b> 440:17 <b>proprietary</b> 425:24, 425:25 <b>proprietors</b> 357:4 <b>propriety</b> 506:24 <b>prospective</b> 380:24 <b>prove</b> 346:7, 346:8, 484:2 <b>proven</b> 372:1 <b>provide</b> 322:5, 330:19, 330:20, 330:22, 397:6, 469:16, 470:25, 473:12, 482:11, 485:9, 497:4 <b>provided</b> 295:24, 320:16, 320:24, 323:6, 323:21, 381:11, 382:4, 384:13, 446:12, 448:22, 452:1, 473:21, 499:22, 500:16, 503:24, 504:12, 509:5</p>	<p><b>provides</b> 447:18, 502:25 <b>providing</b> 367:18, 446:18 <b>proving</b> 291:15, 294:5, 298:5 <b>provision</b> 453:14, 499:14 <b>provisions</b> 451:6 <b>proximate</b> 408:3, 408:5 <b>proximity</b> 365:1, 506:6 <b>public</b> 285:19, 289:24, 291:10, 292:16, 297:25, 301:10, 311:24, 337:9, 347:10, 380:11, 382:24, 382:25, 383:3, 390:15, 390:16, 422:3, 428:14, 431:19, 445:3, 446:7, 446:8, 447:22, 503:21, 504:17, 505:6, 505:19, 514:5, 521:1, 521:19 <b>publicly</b> 357:5 <b>publicly-availab- le</b> 357:25, 358:1 <b>published</b> 337:6, 337:8, 518:11 <b>pull</b> 323:9, 324:4, 334:22, 364:1, 367:20, 371:25, 372:23, 397:12, 417:11, 429:11, 429:22, 446:15 <b>pulling</b> 293:18</p>	<p><b>pulte</b> 450:16 <b>pump</b> 320:18, 322:15, 404:13, 416:3 <b>pumps</b> 295:14, 308:22, 320:6, 320:17, 353:25, 382:9, 383:1, 383:3, 386:10, 386:21, 395:4, 401:5, 402:4, 402:9, 402:12, 403:14, 404:25, 405:13, 405:16, 414:25, 415:8, 418:8, 418:9, 418:12, 418:15, 430:12, 477:1, 478:6, 480:22, 502:1, 502:6, 502:22, 504:15, 505:10, 505:25, 506:14 <b>purchase</b> 346:20, 364:19, 365:22, 426:3, 504:22 <b>purchased</b> 405:12 <b>purchaser</b> 371:13 <b>purchases</b> 368:13, 373:13, 427:1 <b>purchasing</b> 344:6, 374:15 <b>purpose</b> 321:17, 436:17, 473:6, 476:11, 518:15, 518:18, 519:25 <b>purposes</b> 336:11, 341:15, 342:1, 382:19, 485:10 <b>pursuant</b> 291:25, 298:16</p>
---	---	---	--

<p><b>purview</b> 387:5 <b>pushed</b> 491:9 <b>put</b> 311:1, 335:8, 394:22, 444:3, 452:14, 455:3, 455:6, 455:7, 477:18, 483:17, 483:18, 488:18, 491:6, 505:24 <b>putting</b> 376:15, 379:14, 453:8, 453:12, 460:13, 468:15, 478:6, 479:1, 479:3</p>	<p>479:19, 482:5, 491:16, 492:20, 494:16, 500:4, 518:22 <b>questions</b> 293:25, 313:16, 327:24, 331:10, 333:6, 335:21, 337:13, 346:5, 356:10, 379:23, 383:6, 385:19, 401:19, 401:22, 405:6, 405:22, 418:3, 426:19, 427:9, 428:21, 456:21, 457:17, 457:20, 459:13, 474:21, 490:4, 494:10, 495:21 <b>queuing</b> 397:2 <b>quick</b> 300:2, 458:9 <b>quickly</b> 372:11 <b>quite</b> 366:6, 511:9 <b>quote</b> 325:2, 368:19, 470:10, 483:8, 499:19, 515:9 <b>quoted</b> 482:11</p>	<p><b>rampart</b> 363:8 <b>ramparts</b> 363:6 <b>ramsburg</b> 304:12, 469:9 <b>ran</b> 356:23 <b>rapid</b> 348:24, 351:5 <b>rate</b> 316:25, 317:3 <b>rates</b> 315:12, 315:13, 319:1, 319:4, 319:6 <b>rather</b> 301:20, 347:25, 348:18, 356:7, 501:23 <b>ratio</b> 314:25, 400:19 <b>reach</b> 315:1 <b>reached</b> 444:10 <b>reaching</b> 311:15, 514:19 <b>reactions</b> 393:6 <b>read</b> 312:7, 332:10, 341:16, 377:7, 381:9, 384:24, 385:3, 469:5, 501:22 <b>reading</b> 387:24, 447:15, 462:22 <b>reads</b> 387:23 <b>ready</b> 348:14, 390:8, 437:18, 437:24, 441:19 <b>real</b> 300:1, 336:4, 336:5, 336:7,</p>	<p>336:8, 336:10, 336:14, 336:16, 339:12, 339:24, 372:11 <b>realistic</b> 342:7 <b>reality</b> 505:3 <b>realized</b> 309:14 <b>really</b> 296:21, 389:19, 426:5, 426:7, 428:24, 445:5, 446:1, 451:7, 470:19, 500:5, 504:9, 510:22, 511:10, 513:2, 513:16, 515:2, 516:3, 520:10 <b>reason</b> 360:14, 416:2, 459:6, 464:5, 500:6, 517:11 <b>reasonable</b> 438:16, 439:15, 448:15, 465:6, 504:4 <b>reasonably</b> 347:9, 380:10, 380:15, 380:17, 382:23, 463:25, 503:20, 504:16, 505:6, 505:18, 510:9, 510:11 <b>reassess</b> 311:4 <b>rebut</b> 483:19 <b>recalculate</b> 319:12 <b>recall</b> 331:3, 465:13 <b>recap</b> 310:13 <b>receive</b> 482:21 <b>received</b> 290:23</p>
<b>Q</b>			
<p><b>qualified</b> 337:18, 521:7 <b>qualify</b> 294:5 <b>quality</b> 288:36, 288:38, 288:39, 288:40, 288:41, 288:42, 290:16 <b>quantifiable</b> 469:16 <b>quantify</b> 405:2 <b>question</b> 322:13, 322:18, 322:23, 323:20, 326:5, 327:13, 327:16, 327:17, 337:9, 358:20, 364:16, 375:6, 377:12, 379:16, 379:17, 383:24, 384:2, 385:5, 387:20, 390:13, 415:3, 423:15, 431:7, 462:20, 463:3, 465:9, 472:11, 479:13,</p>	<b>R</b>		
	<p><b>radius</b> 290:13, 352:17, 374:21, 374:25, 398:6, 398:8, 398:18, 398:21, 398:22, 410:1, 413:8, 413:12 <b>raise</b> 293:3, 309:20, 334:5, 393:18, 406:3, 432:8, 442:13 <b>raising</b> 293:11</p>		

<p><b>recent</b> 318:24, 449:11, 481:15, 482:18, 494:22 <b>recently</b> 396:16 <b>recess</b> 392:9, 429:4, 438:24, 441:12, 441:14 <b>recited</b> 313:10 <b>recognize</b> 321:20, 509:23 <b>recognized</b> 451:24, 452:7 <b>recognizes</b> 463:17, 512:9 <b>recommendation</b> 429:7, 431:21, 431:24, 449:13 <b>recommendations</b> 430:5, 459:19, 461:25, 476:5, 512:23 <b>recommended</b> 393:4, 429:16, 449:15 <b>recommending</b> 393:3, 459:23 <b>recommends</b> 430:5 <b>reconcile</b> 512:14 <b>reconvene</b> 392:5, 441:12 <b>record</b> 288:44, 289:40, 292:5, 292:17, 293:14, 295:22, 296:16, 297:7, 299:10, 299:13, 300:13, 303:11, 306:13, 332:3, 334:11, 381:9, 388:4, 410:6, 431:16, 431:22, 434:10, 434:13,</p>	<p>434:20, 434:25, 435:22, 435:25, 436:8, 436:16, 438:8, 442:4, 443:1, 444:23, 453:23, 457:2, 465:16, 471:9, 471:25, 472:8, 473:4, 473:21, 483:17, 483:18, 486:3, 486:13, 487:7, 488:11, 491:7, 493:8, 494:15, 498:9, 499:7, 499:11, 508:13, 509:12, 515:16, 518:12, 518:13, 519:4, 519:18, 519:23, 519:24, 520:13, 520:14, 521:9, 522:5 <b>recorded</b> 302:6, 302:12, 302:17, 521:6 <b>recording</b> 521:8, 522:4 <b>recordings</b> 471:11 <b>records</b> 395:8, 451:20 <b>recovered</b> 313:22 <b>recross-examinat-</b> <b>ion</b> 383:25 <b>red</b> 341:23, 342:6, 352:19 <b>redact</b> 489:8 <b>redacted</b> 455:9, 455:11 <b>redirect</b> 331:12, 379:25, 385:14, 393:13, 405:9, 426:21, 426:23, 495:10,</p>	<p>495:13, 495:18, 496:9 <b>reduce</b> 332:24, 348:14, 348:15, 383:17, 383:18, 423:10, 448:23 <b>reduced</b> 307:24, 311:7, 521:6 <b>reduces</b> 365:24 <b>reducing</b> 320:20 <b>reduction</b> 311:13, 316:17, 332:15, 333:21, 401:1 <b>reductions</b> 316:17 <b>redundant</b> 492:24 <b>reevaluated</b> 308:1 <b>reevaluating</b> 307:23 <b>reevaluation</b> 307:18, 307:21 <b>refer</b> 338:5, 437:20, 446:21, 451:2, 451:15, 466:8, 483:23 <b>reference</b> 329:11, 447:6, 449:5, 451:16, 452:2, 472:18, 514:4 <b>referenced</b> 319:18, 337:23, 355:13, 381:5, 482:23 <b>references</b> 319:20 <b>referencing</b> 324:22, 446:21 <b>referred</b> 333:11, 395:19,</p>	<p>445:7, 452:11, 475:14, 485:17, 508:25 <b>referring</b> 340:8, 341:17, 406:13, 408:18, 447:8, 458:4, 477:8, 477:13, 477:14 <b>refilled</b> 358:8, 358:11 <b>refined</b> 369:17 <b>reflect</b> 430:16, 460:1 <b>reflected</b> 320:5, 324:10, 408:21, 410:12 <b>reflects</b> 316:12, 431:14 <b>refuse</b> 416:17 <b>refusing</b> 514:20, 514:25 <b>regard</b> 291:13, 298:3, 304:21, 333:10, 333:14, 354:7, 514:20 <b>regarding</b> 290:46, 291:10, 450:12, 485:12 <b>regardless</b> 428:11 <b>regards</b> 389:4 <b>region</b> 396:18 <b>regional</b> 370:17, 467:25 <b>register</b> 297:2 <b>registered</b> 387:9 <b>regroup</b> 391:13, 429:4 <b>regular</b> 399:21, 400:2,</p>
---	--	---	---

400:3, 400:7, 439:9, 440:18, 517:8 <b>regular's</b> 400:20 <b>regulations</b> 358:21, 464:12, 510:6, 510:14 <b>rehash</b> 446:13 <b>reiterate</b> 296:1, 458:8, 518:1 <b>reiterated</b> 301:3 <b>reiterating</b> 459:7 <b>rejected</b> 443:19, 515:7 <b>relate</b> 301:24 <b>related</b> 521:11, 522:8 <b>relates</b> 326:25, 361:13 <b>relating</b> 313:21, 463:20, 510:1 <b>relationship</b> 346:13, 346:24, 381:1, 407:25 <b>relative</b> 385:19, 385:22, 468:20, 514:8 <b>relayed</b> 329:16 <b>relevant</b> 302:10, 302:18, 305:7, 308:15, 332:7, 382:6, 454:14 <b>reliable</b> 317:7 <b>relied</b> 303:2, 514:25 <b>relocate</b> 395:3 <b>relocation</b> 405:15	<b>rely</b> 302:8, 303:1, 378:7, 435:9 <b>relying</b> 313:23, 378:11, 438:5 <b>remain</b> 518:14 <b>remaining</b> 519:12 <b>remains</b> 519:24 <b>remedial</b> 497:23 <b>remediate</b> 493:10 <b>remember</b> 323:7, 335:7, 454:22, 456:10, 498:21, 513:2 <b>remind</b> 490:1 <b>removed</b> 462:5, 467:18, 497:25 <b>renamed</b> 452:18 <b>render</b> 291:24, 298:16, 520:15 <b>rental</b> 468:15 <b>repeated</b> 295:20 <b>repeatedly</b> 501:21 <b>repetition</b> 297:19 <b>repetitive</b> 456:10 <b>rephrase</b> 327:16 <b>rephrased</b> 518:25 <b>reply</b> 290:42, 290:44, 441:4, 454:3 <b>report</b> 289:25, 289:43,	290:1, 323:6, 330:2, 330:5, 333:13, 335:14, 337:24, 338:2, 341:11, 343:13, 343:14, 344:4, 345:22, 348:21, 361:11, 361:12, 362:6, 369:2, 369:22, 371:7, 371:20, 371:23, 372:11, 372:13, 373:10, 374:1, 374:7, 381:6, 384:5, 384:6, 387:8, 414:13, 429:19, 429:23, 430:4, 445:21, 448:15, 451:22, 452:2, 459:19, 465:7, 467:4, 467:9, 467:10, 477:10, 482:10, 516:7, 516:15 <b>report's</b> 330:4 <b>reported</b> 304:6, 304:8, 304:9, 304:12, 304:13, 304:16, 305:13, 449:6 <b>reporter</b> 293:7, 299:19, 406:2, 518:16, 521:1, 522:14 <b>reports</b> 337:8, 359:3, 359:5, 372:10, 373:10 <b>represent</b> 344:24 <b>representative</b> 452:7 <b>representatives</b> 300:10 <b>represented</b> 369:24 <b>representing</b> 292:6, 300:3,	300:5, 494:6 <b>represents</b> 339:21 <b>request</b> 289:16, 289:40, 290:32, 290:37, 290:47, 302:7, 392:1, 434:9, 434:21, 437:15, 438:1, 449:12, 465:6 <b>requested</b> 315:9, 489:11 <b>require</b> 440:8, 463:24, 485:25, 503:15, 510:8 <b>required</b> 312:18, 312:20, 449:3, 453:13, 455:13, 459:9, 460:21, 463:20, 464:5, 464:9, 481:20, 487:13, 499:24, 510:1, 511:4, 516:12 <b>requirement</b> 336:25, 342:11, 343:9, 346:7, 355:14, 452:2, 469:13, 514:12 <b>requirements</b> 291:16, 291:17, 298:6, 312:11, 430:10, 450:8, 461:5, 463:23, 471:8, 491:19, 499:17, 499:23, 510:4, 510:17, 510:20 <b>requires</b> 483:9, 517:6 <b>research</b> 344:3, 371:21, 471:17 <b>reserved</b> 346:2, 462:25 <b>reserves</b> 448:20, 449:2,
---	---	---	---

<p>463:5 <b>reshuffle</b> 402:11 <b>residence</b> 314:13 <b>resident</b> 443:8, 490:24 <b>residential</b> 314:16, 315:16, 325:6, 341:7, 365:9, 375:12 <b>residents</b> 354:22, 507:1 <b>resolution</b> 289:8, 289:9, 289:10, 289:45, 290:21, 445:22, 446:15, 446:17, 446:24, 447:9, 448:1, 448:11, 448:23, 449:1, 450:7, 451:25, 452:3, 462:15, 462:22, 464:13, 464:17, 481:13, 481:18, 481:20, 481:21, 482:9, 497:20, 508:25, 509:2, 509:19, 509:22, 510:15, 510:19 <b>resolutions</b> 465:12 <b>resolve</b> 445:3 <b>resources</b> 357:12 <b>respect</b> 317:15, 319:22, 320:14, 328:11, 328:13, 333:4, 348:11, 391:21, 424:13, 476:6, 508:2, 511:10, 512:25 <b>respectful</b> 437:12 <b>respectfully</b> 302:24, 305:12,</p>	<p>326:21, 466:7 <b>respects</b> 519:19 <b>respond</b> 304:18, 436:20, 487:7, 487:11 <b>respondent's</b> 448:16 <b>respondents</b> 448:8, 465:4 <b>response</b> 302:9, 437:3, 450:23, 492:2 <b>responses</b> 364:8, 492:5 <b>responsibility</b> 462:13 <b>rest</b> 341:13, 370:9, 417:13 <b>restate</b> 465:17 <b>restaurant</b> 399:12 <b>rested</b> 516:5 <b>restricted</b> 517:9 <b>restrictively</b> 501:22 <b>result</b> 312:13, 312:25, 313:4, 325:17, 389:1, 446:8, 480:21, 503:4, 505:20 <b>resultant</b> 316:5, 445:19 <b>resulted</b> 445:6 <b>resulting</b> 308:24 <b>results</b> 316:15, 316:17, 317:7 <b>resume</b> 306:24, 334:20, 334:25, 337:16,</p>	<p>347:10 <b>resumes</b> 288:45 <b>resupplied</b> 357:15 <b>retail</b> 284:7, 291:6, 297:23, 307:9, 307:16, 325:5, 383:21, 450:20, 450:25, 451:8, 452:4, 452:8, 453:6, 453:16, 461:7, 464:18, 468:10, 468:15, 475:8, 476:6, 476:20, 477:16, 479:6, 479:12, 479:20, 483:10, 484:10, 496:3, 501:16, 502:24, 506:11, 507:5, 508:10, 508:15, 508:20 <b>retain</b> 467:14 <b>retained</b> 288:2, 289:2, 290:7 <b>return</b> 328:21 <b>reveal</b> 445:13 <b>revealed</b> 489:9 <b>reverse</b> 460:14 <b>reversed</b> 300:22 <b>reversing</b> 296:8 <b>revert</b> 512:20 <b>review</b> 291:24, 298:15, 307:7, 309:2, 311:20, 312:10, 318:20, 318:24,</p>	<p>318:25, 331:21, 332:1, 333:13, 342:1, 410:22, 446:5, 461:4, 461:21, 463:18, 464:16, 466:8, 472:22, 484:18, 487:10 <b>reviewed</b> 323:21, 327:21, 333:17, 471:14, 506:23, 511:19 <b>reviewing</b> 387:22 <b>reviews</b> 481:10 <b>revised</b> 289:19, 289:20, 289:21, 289:22, 290:1, 431:13, 431:14, 467:7 <b>revision</b> 482:20 <b>revisions</b> 481:15 <b>rewards</b> 346:17, 404:12, 420:17, 421:5 <b>rewrite</b> 498:24 <b>rezoning</b> 469:10 <b>ridge</b> 365:8, 376:13 <b>right</b> 306:6, 307:3, 309:20, 310:12, 314:14, 314:20, 316:23, 316:25, 320:5, 322:25, 324:13, 325:14, 330:5, 334:5, 342:5, 343:2, 349:9, 349:11, 349:24, 352:23, 353:15, 360:12, 362:6, 363:12, 365:7, 365:15,</p>
---	--	---	--

<p>369:16, 373:6, 376:7, 376:15, 378:20, 378:24, 381:8, 386:6, 392:23, 392:25, 393:18, 394:14, 394:15, 396:22, 399:10, 406:4, 411:5, 413:13, 416:24, 417:12, 417:14, 418:11, 418:23, 418:24, 420:11, 421:16, 422:22, 423:2, 423:12, 424:22, 432:2, 432:8, 437:21, 438:22, 442:14, 446:22, 449:2, 455:18, 458:4, 459:23, 460:3, 464:16, 467:14, 472:15, 476:17, 479:14, 491:8, 492:8, 495:3, 496:20, 508:17, 513:20 <b>rightly</b> 519:16 <b>rights</b> 482:15 <b>river</b> 339:8 <b>road</b> 306:18, 347:16, 347:17, 348:15, 353:9, 353:10, 365:8, 367:20, 376:13, 394:16, 394:20, 394:23, 396:5, 396:7, 401:3, 401:14, 402:11, 403:13, 403:17, 405:15, 409:1, 415:5, 415:12, 417:3, 417:11, 452:15, 452:16, 452:21, 452:22, 452:23,</p>	<p>453:2 <b>roads</b> 353:8, 353:12, 367:7 <b>roadways</b> 321:23 <b>robbie</b> 454:22, 487:23 <b>robert</b> 286:4, 290:19, 290:43, 290:48 <b>rockville</b> 284:12, 285:10, 506:2, 506:5 <b>role</b> 291:23, 443:7 <b>roles</b> 337:1 <b>room</b> 285:9, 299:8, 299:12, 299:25, 428:14 <b>rooted</b> 464:5 <b>rose</b> 465:13, 466:9, 467:1 <b>rouff</b> 286:19 <b>roughly</b> 349:1, 350:14, 457:7, 497:3 <b>route</b> 347:18, 353:24, 356:4, 363:12, 365:8, 368:1, 375:20, 375:24, 376:14, 376:23, 386:9 <b>royal</b> 344:10, 407:16 <b>rule</b> 434:24 <b>ruled</b> 296:6, 465:23 <b>rules</b> 293:22, 293:23, 302:13, 465:25</p>	<p><b>ruling</b> 300:22, 472:11 <b>rulings</b> 298:13 <b>run</b> 321:15, 357:18, 396:15, 396:25 <b>running</b> 356:25, 493:6 <b>rural</b> 316:21, 365:19, 370:16 <b>rush</b> 361:8</p> <hr/> <p><b>S</b></p> <hr/> <p><b>s-o-k-o-n-i</b> 291:22, 298:10 <b>sacrificing</b> 417:9 <b>safety</b> 306:18 <b>said</b> 292:22, 293:7, 295:17, 295:19, 296:2, 310:13, 342:19, 342:21, 348:24, 354:18, 368:9, 377:14, 377:21, 384:19, 397:23, 401:24, 404:3, 404:16, 404:23, 419:9, 420:16, 421:24, 424:8, 485:16, 491:25, 492:3, 492:17, 493:1, 493:25, 494:1, 494:2, 497:22, 500:21, 508:16, 511:7, 511:8, 514:11, 515:7, 516:4, 516:7, 518:4, 519:2, 521:8, 522:5 <b>saint</b> 452:19, 452:20 <b>sale</b> 399:17</p>	<p><b>sales</b> 345:23, 357:14, 372:4, 372:5, 372:7, 404:12 <b>samba</b> 287:4, 288:48, 294:20, 306:3, 306:8, 306:12, 306:14, 307:5, 309:10, 313:14, 326:6, 327:17, 331:14, 331:18, 333:7, 366:11, 399:1, 480:20 <b>samba's</b> 306:24 <b>same</b> 291:21, 315:15, 316:2, 321:21, 349:2, 356:4, 359:25, 361:18, 368:19, 372:13, 373:10, 380:19, 386:1, 393:9, 398:17, 398:19, 400:19, 413:7, 413:18, 413:22, 419:4, 426:4, 432:21, 435:21, 440:21, 476:21, 479:17, 480:4, 482:19, 493:17, 506:4 <b>sample</b> 317:4 <b>sandwiches</b> 344:12 <b>satisfaction</b> 446:1 <b>satisfied</b> 296:4 <b>satisfies</b> 512:19 <b>satisfy</b> 450:2 <b>saturation</b> 389:2, 389:16 <b>save</b> 327:22, 373:12</p>
--	--	--	---

<p><b>saw</b> 402:3</p> <p><b>say</b> 293:9, 297:20, 308:8, 308:20, 312:19, 320:15, 321:18, 328:7, 328:14, 339:14, 341:12, 342:24, 343:6, 348:7, 348:8, 349:8, 357:21, 359:5, 360:8, 362:9, 364:11, 364:17, 368:2, 368:6, 369:12, 371:6, 373:11, 373:16, 374:11, 374:18, 374:21, 376:9, 377:13, 377:14, 379:3, 386:13, 399:20, 401:16, 401:23, 402:25, 403:24, 418:7, 423:6, 436:24, 437:1, 439:9, 450:13, 453:22, 454:2, 457:11, 468:8, 474:14, 475:24, 476:15, 477:25, 483:3, 487:20, 495:24, 500:6, 504:5, 505:17, 509:23, 512:20, 514:15, 514:19, 518:3, 518:5</p> <p><b>saying</b> 313:19, 378:15, 379:6, 402:15, 412:6, 412:7, 435:10, 447:21, 449:20, 462:2, 478:6, 478:11, 478:14, 484:7, 487:8, 489:7, 495:2, 504:3, 506:21, 519:3</p>	<p><b>says</b> 319:20, 320:15, 321:24, 322:20, 327:6, 343:9, 350:22, 381:10, 384:11, 384:20, 430:4, 442:5, 458:10, 458:18, 462:24, 464:10, 475:11, 475:15, 478:20, 484:1, 485:6, 503:22, 508:4, 508:6, 510:18, 513:3</p> <p><b>scale</b> 458:13, 458:19, 477:8, 477:11, 478:3, 478:13, 479:4, 480:6</p> <p><b>schedule</b> 390:8, 439:5</p> <p><b>schedule's</b> 439:5</p> <p><b>scheduled</b> 295:6, 428:8, 428:16, 429:3, 466:3</p> <p><b>school</b> 336:17</p> <p><b>schultz</b> 512:2, 512:8</p> <p><b>screen</b> 293:16, 293:18, 316:8, 324:13, 328:6, 349:22, 386:8, 398:3</p> <p><b>screenshot</b> 471:3</p> <p><b>script</b> 511:22</p> <p><b>scroll</b> 349:10, 463:10</p> <p><b>sea</b> 509:8</p> <p><b>search</b> 323:8, 450:22</p> <p><b>secluded</b> 453:11</p>	<p><b>second</b> 294:21, 307:21, 310:14, 334:1, 388:11, 398:12, 417:3, 426:12, 429:25, 447:14, 453:17, 500:8, 500:15, 503:14</p> <p><b>secondly</b> 458:17</p> <p><b>secretive</b> 357:4</p> <p><b>section</b> 291:17, 333:2, 340:10, 340:16, 387:21, 387:22, 387:25, 430:4, 430:10, 449:25, 459:3, 462:23, 499:15, 499:16</p> <p><b>sections</b> 298:8</p> <p><b>see</b> 292:18, 301:1, 315:20, 316:5, 327:10, 333:17, 334:22, 340:12, 341:5, 344:10, 352:21, 353:6, 361:8, 361:19, 373:6, 375:9, 386:5, 398:3, 414:15, 429:7, 435:9, 436:8, 440:9, 440:10, 444:16, 463:7, 463:11, 464:1, 465:1, 465:2, 465:12, 466:25, 470:15, 470:16, 472:9, 476:10, 477:17, 482:23, 483:21, 484:1, 486:14, 491:1, 503:6</p> <p><b>seeing</b> 453:2</p> <p><b>seek</b> 455:11</p>	<p><b>seeking</b> 294:6</p> <p><b>seem</b> 333:22</p> <p><b>seems</b> 485:12</p> <p><b>seen</b> 376:9, 490:5, 502:13</p> <p><b>selecting</b> 345:2, 362:24</p> <p><b>selection</b> 339:10, 363:3</p> <p><b>selectors</b> 363:22, 363:24</p> <p><b>self-adequate</b> 318:6</p> <p><b>sell</b> 425:23</p> <p><b>seller</b> 358:16</p> <p><b>selling</b> 403:2, 419:15</p> <p><b>send</b> 423:13</p> <p><b>sending</b> 461:20</p> <p><b>seneca</b> 339:6</p> <p><b>sense</b> 311:24, 404:17, 435:15, 470:3, 493:15</p> <p><b>sent</b> 434:15, 450:21, 457:4, 457:6, 472:2, 492:22, 493:13</p> <p><b>sentence</b> 464:10, 509:25</p> <p><b>separate</b> 314:3, 388:13, 455:19</p> <p><b>separated</b> 335:17</p> <p><b>separating</b> 424:18</p> <p><b>series</b> 301:14, 488:24</p>
---	--	--	--

<p><b>serve</b> 340:13, 342:12, 354:22, 354:23, 356:6, 368:17, 368:18, 370:24, 375:5, 388:5, 399:13, 468:24, 470:10, 513:8</p> <p><b>served</b> 447:23</p> <p><b>service</b> 306:20, 314:2, 315:13, 315:21, 317:1, 343:17, 383:21, 396:14, 469:18, 513:19, 514:5</p> <p><b>services</b> 363:5, 365:16, 370:13, 380:19, 383:19, 469:17, 470:18, 503:1, 513:4</p> <p><b>serving</b> 356:6, 365:4, 365:9, 371:5</p> <p><b>set</b> 291:19, 292:1, 298:7, 298:9, 298:17, 314:9, 314:23, 318:15, 334:21, 347:23, 357:10, 451:22, 485:7</p> <p><b>setbacks</b> 497:11</p> <p><b>sets</b> 512:6</p> <p><b>settings</b> 316:25</p> <p><b>settlement</b> 290:52, 327:3, 445:9, 445:20, 445:23, 446:5, 450:13, 450:19, 451:11, 452:5, 452:25, 454:10, 454:11, 455:2,</p>	<p>455:3, 455:8, 455:10, 455:17, 455:22, 456:25, 457:9, 459:9, 464:6, 471:8, 476:9, 477:9, 482:22, 483:15, 484:21, 484:22, 485:6, 485:8, 485:25, 486:13, 486:17, 487:25, 488:1, 496:5, 496:12, 496:20, 497:18, 498:2, 498:4, 498:11, 500:13, 520:7</p> <p><b>setup</b> 356:1</p> <p><b>seven</b> 330:9, 354:25, 360:10, 381:18, 462:23, 463:9, 499:15</p> <p><b>several</b> 336:8, 361:12, 414:9, 433:3, 446:17</p> <p><b>sewer</b> 417:5, 417:6, 417:8</p> <p><b>shall</b> 430:19, 518:13</p> <p><b>shankar</b> 292:9, 300:8</p> <p><b>share</b> 293:16, 381:20, 403:20, 411:2, 471:3, 471:4</p> <p><b>shared</b> 445:11</p> <p><b>shed</b> 452:11, 453:1</p> <p><b>sheet</b> 288:19, 288:20, 288:22, 288:26, 288:33, 288:34, 288:35, 288:37, 289:21, 299:12,</p>	<p>301:9</p> <p><b>sheetz</b> 344:12, 407:16</p> <p><b>shell</b> 353:1, 399:24, 400:8, 400:9, 400:17, 407:17, 407:23, 407:25, 409:3, 411:9, 411:25, 412:3, 420:19</p> <p><b>shift</b> 360:6, 360:7</p> <p><b>shifted</b> 395:5, 396:6</p> <p><b>shifting</b> 371:16, 371:18</p> <p><b>shiny</b> 371:14</p> <p><b>shop</b> 347:5, 364:18, 451:4</p> <p><b>shopping</b> 320:19, 322:15, 344:18, 353:12, 355:4, 383:11, 383:13, 383:16, 383:17, 515:4, 515:9</p> <p><b>shortage</b> 396:17</p> <p><b>should</b> 299:3, 301:9, 302:19, 303:23, 319:6, 349:18, 350:16, 351:1, 355:3, 364:3, 382:20, 395:20, 411:21, 412:8, 437:23, 438:1, 438:11, 451:13, 461:21, 462:7, 468:10, 475:14, 485:3, 497:8, 497:9, 499:12, 507:18, 507:23, 513:16</p> <p><b>shouldn't</b> 504:3</p>	<p><b>show</b> 305:7, 358:10, 395:20, 398:9, 403:21, 470:14, 475:3, 475:16, 485:21, 499:8, 499:12, 501:12</p> <p><b>showing</b> 349:21</p> <p><b>shown</b> 307:12, 315:19, 340:2, 352:19, 364:23, 408:19</p> <p><b>shows</b> 381:13, 381:17, 384:13, 398:23, 442:4, 444:17, 470:17, 475:19</p> <p><b>sick</b> 491:3</p> <p><b>side</b> 345:17, 347:17, 349:5, 361:6, 363:10, 376:18, 393:11, 395:5, 408:12, 411:22, 442:18, 451:3, 452:13</p> <p><b>side-street</b> 497:11</p> <p><b>sides</b> 435:20, 474:17</p> <p><b>sideways</b> 324:6, 398:13</p> <p><b>sign</b> 289:12, 348:8, 376:8, 401:7</p> <p><b>sign-up</b> 299:12</p> <p><b>signatory</b> 455:17</p> <p><b>signature-lapgj</b> 522:11</p> <p><b>signature-sc3</b> 521:16</p> <p><b>signatures</b> 488:16, 489:3</p> <p><b>signed</b> 455:23, 486:1</p>
---	--	---	---



<p><b>significant</b> 360:7, 376:21, 387:16, 404:20, 404:21, 405:19, 419:23, 425:21, 466:22 <b>significantly</b> 372:9, 387:11, 417:10, 425:12 <b>signs</b> 289:15 <b>silver</b> 319:8 <b>similar</b> 294:11, 321:1, 321:8, 332:17, 332:22, 340:15, 342:14, 346:23, 355:16, 355:24, 356:1, 373:20, 388:8, 389:2, 411:8, 411:10, 412:2, 458:14, 469:1, 470:12, 499:20, 503:23, 503:25, 504:8, 504:11, 504:18, 507:18, 513:10, 514:2 <b>similarly</b> 499:24 <b>simple</b> 338:17 <b>simply</b> 295:23, 298:23, 322:6, 323:24, 328:7, 384:5, 384:15, 399:10, 405:2 <b>simultaneously</b> 441:4 <b>since</b> 308:24, 319:1, 319:5, 327:9, 353:10, 394:19, 433:18, 443:10, 450:9, 452:18, 481:6, 482:17,</p>	<p>490:12, 491:21, 491:25, 492:10, 495:12 <b>singing</b> 442:20 <b>single</b> 318:13 <b>single-family</b> 314:13 <b>sir</b> 379:16 <b>sister</b> 406:16 <b>sit</b> 411:21 <b>site</b> 288:21, 288:22, 288:38, 289:4, 290:3, 290:16, 290:31, 309:6, 311:8, 317:20, 318:1, 318:2, 319:16, 324:23, 324:24, 339:10, 341:7, 341:23, 342:8, 346:10, 347:15, 347:18, 348:10, 351:4, 352:23, 352:24, 353:20, 358:17, 363:2, 363:22, 363:23, 374:12, 374:21, 380:13, 380:16, 395:13, 430:15, 443:10, 443:23, 450:3, 450:24, 459:25, 460:8, 460:17, 460:23, 460:24, 460:25, 467:7, 468:2, 481:11, 481:14, 482:20, 497:7, 506:16 <b>sites</b> 317:12, 321:1, 409:17 <b>situation</b> 330:13, 392:3,</p>	<p>414:20, 420:13, 436:6, 437:12, 441:5, 474:15 <b>six</b> 314:19, 315:23, 315:24, 388:14, 388:23, 389:1, 397:9, 411:7, 420:14, 430:12, 430:19, 432:22, 432:23, 447:13, 448:21, 458:6, 458:7, 481:16 <b>sizable</b> 416:18 <b>size</b> 411:10 <b>sizes</b> 317:4 <b>sizing</b> 412:3 <b>skills</b> 521:10, 522:7 <b>sledding</b> 509:16 <b>sliding</b> 327:11 <b>slight</b> 362:15 <b>slightly</b> 339:11, 362:8 <b>slipping</b> 369:16 <b>small</b> 340:22, 355:24, 370:7, 375:11, 386:17, 387:13, 401:7, 404:18 <b>smaller</b> 308:24, 317:4, 317:8, 341:2, 354:3 <b>smallest</b> 339:23 <b>snowden</b> 349:6 <b>soft</b> 394:2</p>	<p><b>sokoni's</b> 491:16 <b>sold</b> 343:24, 515:21 <b>soliciting</b> 491:23 <b>some</b> 297:18, 297:20, 299:18, 300:21, 301:11, 317:6, 317:16, 321:14, 321:15, 321:20, 336:9, 336:25, 341:18, 347:1, 351:9, 357:18, 357:22, 369:14, 372:8, 373:17, 376:18, 378:1, 385:15, 385:25, 386:23, 396:17, 402:3, 403:17, 413:10, 417:17, 420:10, 424:9, 424:14, 424:24, 425:2, 425:20, 428:7, 428:19, 433:6, 434:9, 445:9, 445:12, 450:13, 450:15, 456:21, 457:20, 461:22, 470:24, 474:21, 479:15, 479:16, 487:23, 488:24, 498:10, 503:15, 508:1, 518:9 <b>somebody</b> 360:3, 378:21, 378:23 <b>somehow</b> 350:10, 502:9 <b>someone</b> 292:20, 293:5, 297:4, 297:5, 297:6, 297:9, 397:18, 397:21 <b>someone's</b> 378:20, 473:15</p>
--	--	---	---

<p><b>someplace</b> 505:4 <b>something</b> 292:19, 293:9, 293:14, 344:12, 352:18, 357:16, 369:19, 372:24, 377:19, 386:18, 386:25, 392:21, 405:11, 420:3, 434:19, 453:4, 455:11, 471:19, 482:2, 485:18, 497:8, 497:9, 512:3, 512:14, 514:11 <b>sometimes</b> 426:14 <b>somewhat</b> 293:20 <b>somewhere</b> 348:19, 351:16, 380:21, 468:5 <b>son</b> 419:19 <b>soon</b> 295:17 <b>sooner</b> 439:11 <b>sorry</b> 307:19, 310:7, 324:6, 324:12, 325:20, 329:7, 340:6, 349:15, 359:16, 370:4, 373:4, 383:7, 395:7, 400:10, 402:10, 415:16, 419:19, 421:14, 426:13, 426:18, 428:21, 430:1, 440:2, 444:20, 446:22, 447:5, 451:15, 468:15, 474:14, 477:12, 488:3, 498:9, 518:23 <b>sort</b> 339:21, 352:7,</p>	<p>500:13, 512:2, 520:10 <b>sound</b> 397:17 <b>sounded</b> 404:22, 492:9 <b>sounds</b> 441:9, 519:4 <b>source</b> 377:15, 415:7, 416:4 <b>sourced</b> 315:7, 317:5 <b>sourcing</b> 415:13, 418:15 <b>south</b> 328:16, 339:6, 351:17, 361:8, 365:6, 365:7, 366:5, 366:14, 366:24, 367:13, 371:2, 374:21, 375:4, 380:3, 380:4, 399:2, 408:7, 413:15, 417:22, 417:23, 421:15, 421:21, 516:20, 517:1 <b>southern</b> 343:12 <b>space</b> 289:5, 366:1, 370:21, 477:24, 478:12 <b>spagnolo</b> 442:6 <b>spanned</b> 435:3 <b>speak</b> 292:25, 293:3, 293:15, 297:5, 299:15, 313:10, 364:1, 403:15, 428:9, 428:11, 446:17, 455:9, 455:21 <b>speaker</b> 293:10, 337:12,</p>	<p>397:20 <b>speakers</b> 434:3 <b>speaking</b> 293:5, 299:16, 442:10, 498:22 <b>speaks</b> 453:23, 454:5, 461:7, 473:16, 475:25 <b>special</b> 301:23, 507:13, 511:25, 512:12 <b>specializes</b> 344:11, 344:12 <b>specialty</b> 336:9 <b>specific</b> 314:10, 324:8, 330:8, 368:5, 446:11, 446:16, 450:8, 451:14, 452:8, 452:24, 461:7, 461:19, 470:24, 475:7, 475:20, 476:5, 477:8, 481:11, 484:16, 484:19, 485:18, 489:10, 496:1, 496:6, 512:7, 512:24, 518:3, 519:23 <b>specifically</b> 316:1, 337:3, 337:5, 340:16, 346:1, 383:16, 428:10, 449:19, 450:20, 456:11, 463:5, 464:4, 464:8, 464:18, 466:3, 467:11, 468:9, 469:25, 471:6, 475:12, 477:7, 477:14, 479:2, 479:11, 481:7, 482:8, 482:16, 483:9, 484:11, 484:23,</p>	<p>485:22, 494:18, 496:3, 505:17, 508:22, 509:1 <b>specification</b> 501:16 <b>specifics</b> 403:16, 452:4, 476:19 <b>specified</b> 431:9, 519:19 <b>speculate</b> 329:23 <b>speculation</b> 454:6, 454:8 <b>spelled</b> 299:5, 454:12 <b>spelling</b> 406:2 <b>spend</b> 378:21, 379:4, 416:5 <b>spine</b> 452:16, 452:23 <b>split</b> 307:15 <b>splitting</b> 317:9 <b>spoke</b> 329:14 <b>spoken</b> 310:2 <b>spot</b> 416:14, 478:24, 511:21 <b>spring</b> 319:8 <b>springloch</b> 304:11 <b>square</b> 307:15, 307:16, 307:17, 307:25, 308:1, 308:5, 308:6, 325:4, 394:16, 394:23, 396:5, 396:7, 401:13, 403:17, 452:16, 452:22, 475:23</p>
--	--	--	--

<p><b>squares</b> 458:15, 475:24 <b>st</b> 394:10, 439:18 <b>staff</b> 289:25, 289:43, 290:1, 292:19, 308:9, 308:18, 310:15, 311:2, 311:10, 311:11, 330:1, 330:2, 330:4, 331:25, 332:4, 332:9, 333:3, 333:12, 333:13, 340:4, 341:4, 341:11, 341:22, 343:1, 369:22, 381:6, 381:21, 382:1, 382:4, 384:3, 384:5, 385:6, 385:9, 392:21, 393:2, 429:7, 429:16, 429:19, 429:23, 430:4, 430:5, 435:18, 445:21, 446:4, 448:14, 449:5, 449:6, 451:22, 452:2, 459:19, 460:11, 462:6, 462:14, 465:6, 467:4, 467:9, 467:11, 477:10, 480:18, 481:17, 482:10, 493:19, 495:2, 499:25, 502:16, 503:2, 503:8, 506:22 <b>staff's</b> 448:13 <b>stage</b> 442:12 <b>stand</b> 305:25, 327:15, 431:20, 433:18 <b>standard</b> 318:10, 368:9,</p>	<p>375:15, 375:16, 379:20, 387:23, 388:10, 388:13, 388:20, 388:21, 389:20, 389:22, 500:16, 500:19, 502:13, 503:20, 511:18 <b>standards</b> 291:16, 291:19, 298:6, 298:9, 319:24, 353:22, 388:16, 462:8, 499:15, 499:23 <b>standing</b> 477:22 <b>standpoint</b> 325:25, 326:18, 390:1 <b>stands</b> 304:19 <b>start</b> 317:9, 391:11, 392:6, 410:2, 430:20, 474:12, 508:18 <b>started</b> 291:9, 294:7, 307:25, 402:2, 433:1, 444:8 <b>starting</b> 339:10, 347:8, 374:24 <b>state</b> 285:20, 306:12, 311:15, 334:10, 343:22, 365:18, 394:3, 406:12, 424:9, 424:10, 442:4, 445:13, 450:12, 462:14, 464:4, 465:3, 471:5, 482:18, 494:14, 521:19 <b>stated</b> 345:5, 382:7, 461:21, 462:15, 466:11, 467:16,</p>	<p>468:4, 470:24, 478:2, 482:3, 484:9, 492:6, 492:9, 492:19, 494:16, 494:23, 507:9, 518:1 <b>statement</b> 288:6, 288:13, 289:11, 289:20, 289:27, 289:36, 312:4, 312:5, 312:20, 313:9, 320:22, 321:2, 321:24, 322:14, 322:19, 359:23, 362:18, 364:20, 365:23, 366:15, 366:17, 376:24, 378:10, 436:19, 437:2, 451:13, 517:24, 519:1 <b>statements</b> 294:14, 320:14, 345:2, 392:14, 403:20, 428:24, 434:7, 449:9, 487:23, 499:3, 501:5, 501:6 <b>states</b> 340:11, 345:23, 448:20, 448:23, 448:25, 458:12, 458:23, 463:1, 464:8, 467:11, 471:7, 478:4, 478:5 <b>stating</b> 450:5, 456:24, 462:2, 492:23, 493:14 <b>station's</b> 449:12 <b>stations</b> 290:40, 305:16, 314:2, 342:10, 344:22, 345:15, 346:18, 346:23, 347:1, 349:3,</p>	<p>352:20, 353:5, 353:8, 353:11, 354:2, 354:8, 354:17, 354:21, 355:1, 356:19, 358:6, 358:11, 366:8, 367:16, 370:24, 371:1, 371:4, 371:8, 372:6, 374:20, 375:2, 376:6, 377:22, 377:24, 378:1, 380:3, 380:5, 381:2, 387:18, 388:9, 388:21, 388:24, 389:21, 389:23, 398:9, 399:24, 407:14, 408:14, 408:24, 409:6, 410:22, 410:24, 411:6, 411:8, 411:10, 411:11, 411:12, 411:17, 413:2, 413:8, 413:14, 413:17, 413:19, 414:18, 415:8, 416:3, 420:14, 420:20, 421:13, 421:22, 423:7, 423:19, 425:15, 425:17, 469:19, 470:6, 479:23, 482:24, 495:25, 499:17, 501:15, 503:19, 504:21, 506:4, 506:5, 513:21, 513:23, 514:18, 514:23, 515:17, 516:10, 516:21, 517:8, 517:13 <b>stay</b> 403:1, 419:21 <b>staying</b> 376:14, 413:6 <b>stays</b> 304:23</p>
--	--	--	---

<b>steele</b> 287:8 <b>steere</b> 288:49, 294:21, 330:16, 334:2, 334:10, 334:12, 334:24, 335:2, 335:25, 337:23, 356:15, 362:22, 395:17, 399:1, 504:5, 504:13, 515:12 <b>steere's</b> 334:20, 409:7, 413:9, 425:11, 516:2, 516:15, 516:25 <b>stenographic</b> 522:14 <b>step</b> 312:22, 340:7, 346:12 <b>steve</b> 286:20, 289:38, 298:20, 299:4 <b>stick</b> 391:9 <b>still</b> 311:9, 329:2, 354:24, 361:20, 371:23, 380:6, 387:13, 412:16, 415:2, 428:6, 443:12, 448:21, 454:11, 456:25, 458:2, 468:5, 472:14, 477:11, 497:3, 507:2, 514:10, 517:1, 517:12, 517:19 <b>stop</b> 379:2, 391:23, 426:9 <b>stop-work</b> 444:3, 497:16 <b>stopped</b> 365:15, 417:12, 481:9, 494:20	<b>stops</b> 383:18 <b>storage</b> 398:10 <b>store</b> 321:13, 321:16, 321:19, 323:1, 323:2, 339:16, 340:22, 341:24, 343:19, 344:8, 344:16, 345:14, 345:16, 345:17, 345:19, 345:22, 347:5, 347:24, 353:23, 354:1, 355:6, 355:25, 356:2, 356:4, 360:15, 362:25, 364:19, 372:23, 373:2, 377:17, 383:14, 383:15, 386:17, 386:19, 394:12, 399:12, 399:21, 401:23, 403:25, 404:25, 405:4, 407:10, 419:25, 420:1, 420:8, 420:11, 420:23, 421:7, 426:4, 432:22, 449:21, 452:18, 453:7, 476:4, 477:2, 478:25, 480:8, 480:13, 480:22, 492:7, 502:2, 502:7, 504:3, 504:16, 505:10, 505:24, 506:1, 507:10, 507:11, 515:18, 516:8 <b>store's</b> 347:21 <b>stores</b> 305:15, 332:24, 342:11, 343:16, 343:22, 343:25, 344:1, 344:13, 345:7, 346:18, 354:6, 364:22, 364:25, 365:4, 365:7, 365:8, 372:15, 372:25, 373:7, 403:1, 408:3, 408:4, 408:13, 420:9, 421:14, 479:25, 502:7, 505:15, 513:11, 514:1, 515:6, 515:15, 517:7, 517:9, 517:11 <b>straight</b> 378:17, 387:24 <b>strategy</b> 407:1 <b>straw</b> 491:12 <b>stream</b> 339:5, 339:13, 363:7 <b>street</b> 286:13, 397:2, 408:11, 409:5, 415:5, 415:19, 415:22, 415:24, 419:6, 502:8, 508:11 <b>street-facing</b> 468:10, 479:20 <b>streets</b> 376:18, 443:25, 496:18, 497:12 <b>stretched</b> 435:3 <b>stricken</b> 302:7 <b>strict</b> 302:14 <b>stricter</b> 514:4 <b>strictly</b> 448:8, 465:5 <b>strike</b> 303:11, 304:24 <b>stringtown</b> 347:16, 347:17, 353:10, 452:21, 453:2, 453:6, 468:1 <b>strip</b> 451:2, 453:3 <b>strongly</b> 459:7 <b>strove</b> 484:11 <b>structure</b> 319:1 <b>structures</b> 466:23 <b>struggled</b> 403:3 <b>studied</b> 323:15, 366:17, 387:7, 387:8 <b>studies</b> 334:16, 334:17, 358:10 <b>study</b> 312:17, 312:22, 318:6, 336:12, 367:8, 374:4, 374:25, 377:6, 381:13, 384:13, 384:19, 387:6, 421:25, 422:1 <b>study's</b> 312:19 <b>stuff</b> 321:15, 365:6, 491:9 <b>stuffs</b> 373:3 <b>style</b> 320:6 <b>sub-anchor</b> 383:12 <b>subdivision</b> 326:12, 326:13, 369:17 <b>subject</b> 307:7, 343:11, 430:7, 436:1, 440:13, 447:25, 450:3, 464:11,
---	---

464:21, 510:13, 510:17 <b>subjective</b> 374:12 <b>submission</b> 290:1, 445:16, 445:18, 461:4, 467:6, 467:7, 472:1, 519:22 <b>submissions</b> 361:1 <b>submit</b> 422:24, 434:25, 441:3, 455:11, 471:15, 471:21, 472:14, 472:15, 485:25 <b>submitted</b> 289:18, 289:42, 290:5, 290:10, 290:17, 290:38, 290:43, 290:48, 301:18, 305:3, 306:23, 337:24, 349:24, 464:20, 469:2, 470:21, 471:20, 487:9, 498:14, 503:15, 506:21 <b>submitting</b> 436:2, 437:16, 455:14, 486:20, 489:14 <b>subpoena</b> 290:32, 290:37, 290:46 <b>subsection</b> 388:14 <b>subsequent</b> 509:14 <b>substantial</b> 447:19 <b>substantially</b> 404:24 <b>substantiate</b> 443:3 <b>substantive</b> 436:3	<b>suburb</b> 361:4 <b>suburban</b> 316:21, 317:2, 317:10 <b>suffer</b> 418:24 <b>suffering</b> 417:4 <b>sufficient</b> 345:9, 391:16, 423:18, 493:10 <b>sugarview</b> 443:8 <b>suggest</b> 304:3, 361:16, 512:12 <b>suggested</b> 319:5, 390:24, 499:13, 503:7 <b>suggesting</b> 366:3, 366:4, 368:23, 375:17, 379:18, 460:11, 462:11 <b>suggestion</b> 432:1 <b>suite</b> 286:6, 286:13 <b>summarize</b> 327:16, 423:12 <b>summarized</b> 315:12 <b>summary</b> 359:23, 414:10, 414:14, 429:25, 435:10, 496:11 <b>sunday</b> 440:1, 440:2, 440:3 <b>sunoco</b> 352:25, 353:9, 409:1, 470:6 <b>super</b> 359:21 <b>supermarket</b> 343:18, 360:1, 361:15, 361:17,	361:18, 361:21, 382:10, 382:13, 509:10 <b>supplement</b> 288:16 <b>supply</b> 337:7, 338:14, 338:22, 346:2, 346:3, 346:6, 352:12, 369:1, 371:7, 516:16 <b>support</b> 289:29, 302:22, 304:1, 320:22, 404:19, 428:11, 428:15, 472:23, 490:5, 490:18, 490:20, 491:18, 493:19, 494:3, 495:2, 499:25, 504:14, 506:21, 506:24, 519:1 <b>supported</b> 423:7, 423:9, 490:15 <b>supports</b> 500:2 <b>supposed</b> 309:3, 436:1, 468:16 <b>supreme</b> 513:12 <b>sure</b> 299:2, 299:14, 299:17, 306:14, 313:2, 313:17, 313:18, 315:4, 322:3, 325:9, 333:1, 351:17, 357:3, 359:9, 359:15, 361:3, 362:4, 362:15, 373:22, 373:24, 374:17, 377:25, 378:3, 378:5, 378:6, 385:16, 386:15, 390:22, 393:7, 395:23,	395:25, 405:5, 406:15, 411:19, 411:20, 415:1, 418:20, 420:21, 421:1, 422:5, 424:7, 425:21, 436:14, 437:20, 439:6, 444:13, 446:10, 459:14, 459:17, 472:6, 489:7, 490:8, 495:15, 516:6 <b>surprised</b> 465:25 <b>surrounding</b> 407:14, 459:5, 470:6 <b>surroundings</b> 504:10 <b>survey</b> 343:23, 352:2, 379:9, 420:8 <b>surveys</b> 345:6, 351:20, 372:2, 377:8 <b>swear</b> 309:17, 393:16, 405:24 <b>swihart</b> 289:30 <b>swm</b> 288:43 <b>sworn</b> 309:22, 334:6, 393:20, 393:22, 406:5, 406:8, 432:9, 432:11, 442:15, 442:22, 521:5 <b>synthesized</b> 315:11 <b>system</b> 308:10, 308:14, 310:16, 502:8, 502:21, 502:22 <hr/> <b>T</b> <hr/> <b>table</b> 301:9, 301:10,
---	---	---	--

315:19, 316:8, 351:8, 351:10, 408:23, 424:6, 424:11, 424:12, 511:10 <b>tabulations</b> 288:32 <b>tactic</b> 486:7 <b>take</b> 303:16, 303:19, 340:7, 346:12, 391:4, 410:11, 419:2, 431:20, 441:11, 444:22, 460:7, 466:1, 470:13, 473:22, 474:15, 497:18 <b>taken</b> 381:2, 392:9, 438:17, 441:14, 508:14, 509:6, 521:3 <b>takes</b> 441:1 <b>talk</b> 313:21, 330:16, 339:1, 347:9, 348:20, 356:15, 356:18, 357:21, 359:9, 363:23, 421:1, 513:18 <b>talked</b> 346:12, 355:15, 366:11, 368:7, 411:23, 419:8, 476:24, 493:18, 513:24 <b>talking</b> 299:20, 308:16, 325:20, 355:23, 360:19, 368:21, 376:4, 384:12, 389:1, 401:17, 408:19, 410:7, 412:14, 420:12, 420:25, 445:22, 467:9, 486:10,	511:8 <b>talks</b> 476:12 <b>tank</b> 290:15, 350:18, 358:5, 358:7, 398:10, 409:22, 410:11, 411:11, 412:19, 413:25, 414:16, 425:1, 477:23, 478:10, 516:23 <b>tanker</b> 412:25 <b>tankers</b> 357:16 <b>tanks</b> 357:18, 358:8, 358:10, 403:5, 409:18, 410:11, 424:24, 424:25, 425:2 <b>tasked</b> 368:15 <b>team</b> 329:17, 420:19 <b>technical</b> 297:7, 474:1 <b>technician</b> 286:19 <b>techniques</b> 329:11, 332:21 <b>technological</b> 296:23 <b>tee</b> 484:13 <b>teeter</b> 408:6, 409:3, 412:3, 421:15, 470:7 <b>teeter's</b> 421:18 <b>telecommunication</b> 406:21 <b>tell</b> 296:17, 307:5, 315:14, 320:21, 329:5, 329:14,	360:3, 377:10, 387:7, 394:11, 399:19, 415:11, 421:9, 422:8 <b>telling</b> 371:20, 461:25 <b>tenant</b> 320:17, 320:21, 323:1 <b>tenant's</b> 321:6 <b>tender</b> 306:24 <b>term</b> 477:9, 502:5, 514:8 <b>terminology</b> 476:18 <b>terms</b> 312:3, 338:17, 355:21, 366:18, 388:18, 415:11, 416:8, 440:17, 445:12, 447:17, 448:1, 448:9, 449:1, 450:25, 455:10, 464:12, 475:7, 485:9, 486:17, 505:8, 509:21, 510:15 <b>terrible</b> 363:12 <b>terribly</b> 390:13 <b>test</b> 311:21, 322:9, 322:10, 322:14, 322:21, 322:22, 322:24, 355:17, 387:17, 400:4, 400:6, 400:9, 400:12, 400:14, 400:21, 504:24, 505:4, 505:17, 507:22, 509:4, 517:10 <b>testified</b> 295:12, 301:2,	306:9, 335:3, 335:7, 335:11, 337:17, 382:16, 393:23, 406:9, 432:12, 442:23, 472:12, 474:25, 484:8, 505:9, 506:14 <b>testifies</b> 436:12 <b>testify</b> 295:5, 296:12, 296:16, 297:2, 298:19, 300:15, 300:17, 301:2, 332:4, 368:16, 414:19, 428:4, 428:14, 434:5, 436:15, 444:16, 445:9, 455:16, 456:9, 456:22, 466:4, 472:6, 472:13, 472:22, 490:20, 492:18, 492:21, 493:2 <b>testifying</b> 298:21, 298:23, 300:24, 309:24, 405:7, 455:13, 484:4, 484:5, 484:6 <b>testimonies</b> 337:1 <b>testimony</b> 289:39, 291:24, 293:24, 293:25, 295:17, 295:18, 295:20, 295:24, 296:5, 296:7, 298:14, 300:11, 301:4, 302:15, 317:16, 327:24, 337:16, 347:11, 366:10, 390:16, 398:25, 422:19, 427:23, 435:5, 435:25, 442:24, 443:2, 456:20,
--	--	---	--

Transcript of Hearing  
Conducted on March 6, 2025

118

<p>457:14, 457:19, 457:24, 465:24, 470:23, 472:19, 473:18, 477:7, 481:9, 493:7, 495:18, 499:21, 499:22, 500:16, 502:17, 503:8, 503:12, 504:12, 504:20, 506:20, 515:2, 515:8, 516:2, 516:19 <b>tests</b> 311:25, 511:13, 513:24 <b>text</b> 398:9 <b>texts</b> 296:18, 329:11 <b>th</b> 378:8, 378:9, 440:2, 440:3, 440:11, 440:14 <b>thank</b> 292:7, 292:11, 294:23, 294:24, 295:1, 296:20, 297:8, 297:17, 299:6, 300:12, 301:4, 301:6, 307:3, 310:6, 310:7, 322:25, 328:8, 331:11, 333:7, 333:24, 333:25, 334:7, 334:23, 337:19, 338:1, 347:8, 356:12, 364:5, 374:10, 381:8, 385:12, 390:3, 391:25, 393:14, 397:24, 401:22, 405:6, 405:8, 406:6, 426:17, 426:22, 427:6, 427:7, 427:12, 431:5, 432:3, 433:14, 433:15,</p>	<p>433:24, 434:1, 435:17, 441:10, 441:13, 441:22, 442:2, 444:21, 474:20, 487:4, 489:21, 489:25, 495:7, 496:10, 496:11, 499:6, 501:8, 507:3, 507:6, 507:8, 517:17, 517:18, 518:8, 520:3, 520:8, 520:17, 520:20, 520:24 <b>thanked</b> 492:3 <b>theater</b> 479:21 <b>themselves</b> 299:25, 313:11, 482:14, 518:6 <b>theory</b> 379:13, 380:16 <b>thereafter</b> 355:7, 521:6 <b>thereby</b> 320:20 <b>therefore</b> 367:4, 389:19, 461:12, 469:13 <b>thing</b> 293:14, 315:15, 333:17, 345:25, 372:21, 394:1, 398:19, 402:8, 416:8, 417:3, 420:25, 454:17, 455:15, 470:20, 479:17, 480:4, 488:23, 489:6, 489:11, 491:5, 492:1, 497:9, 511:2 <b>things</b> 297:20, 310:24, 325:10, 328:12, 334:18, 335:18, 336:11, 339:17,</p>	<p>339:18, 340:19, 346:23, 366:2, 377:8, 388:9, 389:14, 393:9, 411:8, 415:7, 416:1, 416:9, 423:2, 439:7, 443:21, 443:22, 452:14, 459:1, 464:2, 466:13, 466:18, 466:20, 466:22, 468:6, 468:7, 468:14, 468:16, 469:19, 470:24, 475:8, 476:16, 478:17, 482:6, 486:6, 493:2, 495:12, 496:19, 497:12, 497:17, 498:22, 500:6, 501:23, 512:7 <b>think</b> 299:22, 299:23, 301:14, 302:19, 304:18, 313:8, 313:9, 323:16, 326:8, 327:15, 330:17, 332:7, 335:12, 345:9, 359:4, 361:10, 370:6, 378:4, 379:3, 381:5, 382:6, 386:24, 390:5, 390:9, 390:25, 391:1, 395:11, 399:22, 399:25, 401:24, 402:3, 402:12, 403:11, 403:12, 404:3, 404:6, 404:16, 405:5, 409:8, 409:9, 409:10, 415:13, 419:9, 420:12, 420:14, 420:16, 421:24, 424:8, 424:24, 425:4,</p>	<p>426:6, 428:1, 429:5, 429:9, 430:2, 432:7, 436:7, 436:25, 437:4, 437:5, 438:3, 438:11, 439:3, 439:8, 439:15, 440:12, 441:7, 442:25, 447:4, 448:12, 452:20, 454:5, 471:8, 474:3, 474:22, 475:9, 476:18, 477:6, 478:21, 480:6, 481:8, 487:14, 488:5, 489:12, 492:24, 494:12, 497:4, 500:22, 504:5, 505:11, 515:23, 519:13 <b>thinking</b> 340:4, 427:20 <b>third</b> 351:13, 398:20 <b>thought</b> 306:6, 349:23, 453:3, 492:23, 493:5, 498:10 <b>thoughts</b> 428:25, 441:25, 442:1 <b>thousand</b> 498:4 <b>threats</b> 490:13 <b>three</b> 284:11, 316:22, 320:15, 321:22, 355:13, 394:23, 405:21, 412:6, 415:14, 415:18, 418:8, 430:1, 430:2, 430:12, 430:14, 447:24, 448:7, 458:9, 467:2, 485:5 <b>three-mile</b> 398:18</p>
--	---	---	---

<p><b>through</b> 290:49, 321:5, 323:6, 329:17, 330:20, 332:20, 335:14, 338:1, 352:4, 357:6, 375:12, 376:11, 394:16, 396:7, 397:14, 402:12, 403:18, 413:14, 414:11, 417:4, 418:24, 430:19, 431:11, 433:2, 433:5, 452:6, 452:21, 465:20, 471:1, 483:25, 501:11, 503:8, 511:19, 512:1, 518:14, 518:17, 519:21, 519:25, 520:11 <b>throwing</b> 393:1 <b>thursday</b> 284:13 <b>tie</b> 377:6, 464:15 <b>ties</b> 407:23 <b>tim</b> 286:22, 288:47, 297:11 <b>time</b> 291:21, 292:25, 293:3, 294:14, 295:3, 295:10, 300:15, 316:13, 318:3, 319:14, 329:3, 334:3, 348:14, 352:7, 361:18, 361:22, 367:2, 367:3, 376:3, 382:3, 387:1, 390:11, 391:21, 396:16, 396:19, 402:16, 402:17, 402:19, 402:25, 405:17,</p>	<p>405:19, 406:24, 414:24, 415:6, 415:22, 415:25, 416:5, 416:14, 418:21, 419:9, 419:13, 419:22, 420:4, 426:4, 427:11, 428:7, 428:18, 430:21, 434:6, 434:18, 437:3, 438:10, 438:16, 438:18, 439:10, 439:16, 441:19, 444:22, 445:2, 446:4, 453:7, 465:13, 466:21, 467:19, 470:21, 485:20, 492:1, 492:16, 493:18, 495:4, 495:20, 503:6, 508:14, 510:7, 510:22, 514:1, 520:8 <b>timeframe</b> 349:2, 437:18 <b>timeline</b> 361:23 <b>times</b> 299:18, 307:10, 335:11, 397:5, 416:18, 474:18, 481:6, 502:14 <b>tiny</b> 479:20 <b>tired</b> 491:3 <b>today</b> 291:7, 291:8, 294:8, 294:15, 294:20, 298:1, 298:19, 308:16, 342:16, 343:7, 365:5, 367:18, 371:5, 372:24, 373:22, 373:24, 375:17, 387:15, 390:6, 432:7,</p>	<p>436:8, 445:7, 456:25, 472:6, 473:2, 492:21, 499:22, 500:9, 500:12, 500:25, 501:13, 506:22, 518:11, 519:9, 519:18 <b>today's</b> 291:7, 294:2, 297:24, 344:6, 392:11 <b>together</b> 348:13, 412:5 <b>told</b> 321:4, 329:24, 391:3, 462:6, 490:15 <b>took</b> 322:16, 342:20, 405:18, 415:24, 445:5 <b>tool</b> 398:8, 434:22, 515:23 <b>toolbox</b> 434:23 <b>top</b> 323:10, 377:6, 408:23, 463:8 <b>topic</b> 336:6 <b>total</b> 316:9, 316:11, 354:11, 409:13, 409:22, 410:12, 410:18, 413:7, 413:20, 414:3, 414:5, 419:13, 424:17 <b>totally</b> 300:24, 506:21 <b>tough</b> 509:16 <b>towards</b> 346:20, 365:10, 480:8 <b>town</b> 290:11, 290:22,</p>	<p>307:14, 324:10, 331:6, 339:19, 341:13, 342:6, 355:23, 363:10, 363:13, 365:2, 370:10, 370:18, 381:14, 383:4, 383:13, 395:15, 398:7, 407:10, 407:18, 407:20, 408:5, 417:2, 420:5, 443:8, 443:14, 451:8, 452:15, 458:11, 458:13, 458:15, 458:18, 477:14, 478:15, 479:12, 479:18, 490:24, 502:9, 504:9 <b>townhouses</b> 497:8 <b>towns</b> 318:13 <b>track</b> 293:7, 307:13, 313:2, 409:17, 410:7 <b>tracking</b> 307:22, 313:17, 362:4, 364:7 <b>trade</b> 338:20, 338:21, 338:23, 339:1, 339:3, 339:8, 339:14, 340:1, 340:18, 341:2, 342:18, 342:21, 348:22, 348:23, 349:3, 351:6, 353:6, 354:15, 356:20, 362:3, 362:4, 362:7, 364:23, 364:24, 365:3, 365:4, 365:5, 365:11, 365:12, 365:16, 367:6, 368:5, 368:10, 368:21,</p>
---	--	--	--



<p>368:25, 369:5, 369:6, 369:12, 369:13, 369:25, 371:5, 371:8, 374:22, 375:4, 375:14, 377:8, 377:23, 409:7, 410:5, 410:10, 413:4, 413:9, 425:8, 425:10, 516:12, 516:17 <b>trader</b> 420:9 <b>traditional</b> 343:16, 458:15 <b>traffic</b> 288:13, 294:21, 306:15, 306:16, 306:25, 307:7, 308:11, 311:5, 312:4, 312:5, 312:17, 312:19, 312:22, 312:25, 313:9, 317:17, 318:5, 318:8, 318:11, 323:17, 324:2, 324:16, 324:19, 324:21, 325:15, 325:18, 325:21, 325:24, 326:18, 328:4, 328:11, 329:9, 330:11, 331:5, 333:15, 348:5, 353:19, 353:20, 354:24, 366:12, 366:13, 366:20, 368:2, 376:13, 376:17, 378:7, 389:11, 413:19, 417:19 <b>transcribe</b> 299:20 <b>transcribed</b> 284:25 <b>transcriber</b> 522:1 <b>transcript</b> 341:16, 341:19,</p>	<p>350:20, 434:12, 435:24, 436:10, 436:18, 437:20, 437:23, 438:14, 439:2, 439:13, 439:17, 440:7, 440:12, 472:1, 473:6, 518:15, 518:16, 519:20, 520:1, 522:3, 522:5 <b>transcript's</b> 437:18 <b>transcriptionist</b> 521:7, 522:14 <b>transgress</b> 444:1 <b>transgressed</b> 482:17 <b>transit</b> 331:1 <b>transitions</b> 308:19 <b>transmittal</b> 290:23, 429:14 <b>transportation</b> 306:17, 306:25, 307:7, 308:10, 308:13, 309:1, 309:4, 309:5, 309:9, 310:16, 310:22, 311:3, 311:15, 311:19, 311:20, 312:9, 312:10, 313:24, 315:8, 318:20, 318:23, 329:8, 331:22, 333:5, 333:22, 355:10, 480:20 <b>transpose</b> 344:4 <b>travel</b> 311:22, 320:19, 322:15, 339:18, 361:7, 365:20, 375:3, 376:3, 383:18, 417:22</p>	<p><b>trend</b> 371:16, 371:18, 379:11 <b>trending</b> 353:22 <b>trends</b> 373:18 <b>trial</b> 439:5 <b>tried</b> 296:5, 444:5, 496:2 <b>trip</b> 312:10, 313:24, 315:12, 315:13, 315:19, 316:19, 316:24, 318:1, 318:11, 321:2, 321:18, 321:21, 321:22, 324:22, 328:24, 330:12, 348:14, 348:15, 376:22, 377:2 <b>trip-analysis</b> 330:13 <b>trip-generation</b> 319:3 <b>trips</b> 309:7, 310:23, 311:10, 311:14, 312:13, 312:14, 312:24, 313:4, 314:8, 314:12, 314:18, 315:5, 315:15, 315:16, 315:25, 316:1, 316:9, 316:11, 316:15, 316:16, 317:19, 319:12, 320:20, 321:11, 321:12, 321:17, 321:19, 321:20, 321:21, 322:1, 329:3, 329:4, 332:15, 332:18, 332:20, 332:22, 332:25, 333:21, 348:15, 362:25,</p>	<p>365:24 <b>trouble</b> 411:19 <b>trucks</b> 357:15 <b>true</b> 371:12, 373:14, 374:24, 490:17, 491:14, 491:21, 521:9, 522:5 <b>trust</b> 488:20 <b>truth</b> 310:3, 310:4 <b>try</b> 293:4, 332:10, 338:4, 357:20, 445:2, 455:19, 457:16 <b>trying</b> 326:1, 326:23, 327:4, 327:25, 373:3, 373:5, 375:17, 379:7, 421:3, 452:6, 474:16, 476:11, 518:24 <b>turn</b> 292:14, 294:9, 295:9, 299:15, 299:24, 300:19, 381:4, 392:12, 393:8, 398:12, 428:20, 499:2, 501:9 <b>turning</b> 390:20, 427:24, 428:3 <b>two</b> 294:19, 295:6, 296:23, 300:10, 300:17, 310:24, 311:25, 315:19, 320:2, 320:4, 320:24, 321:22, 338:13, 349:3, 349:4, 351:11, 353:21, 353:23,</p>
--	---	---	--

354:3, 354:15, 359:3, 359:4, 386:10, 386:21, 388:16, 391:1, 392:7, 392:11, 401:6, 408:18, 411:5, 411:9, 411:12, 411:25, 412:8, 418:11, 422:19, 423:2, 424:25, 428:8, 428:17, 430:11, 434:4, 435:3, 439:9, 439:10, 439:19, 440:1, 441:12, 454:15, 466:23, 467:7, 468:3, 471:3, 486:8, 486:10, 496:6, 498:4, 500:5, 500:6, 500:21 <b>two-thirds</b> 351:12 <b>tying</b> 454:9 <b>type</b> 314:10, 316:3, 343:18, 383:12, 386:17, 387:9, 451:12, 482:19 <b>types</b> 319:4, 320:4, 334:17, 346:23, 369:13, 372:14, 389:8, 452:4, 452:8, 483:9, 497:6 <b>typewriting</b> 521:7 <b>typical</b> 511:11 <b>typically</b> 317:3, 323:21, 359:24, 399:2, 399:25, 400:6, 400:18, 410:22, 411:4, 416:23,	434:10, 437:19, 453:3, 488:18 <hr/> <b>U</b> <b>uh-huh</b> 472:4, 491:1 <b>ultimately</b> 444:6, 462:12 <b>ultra</b> 509:13 <b>unable</b> 295:3, 518:25 <b>unanimously</b> 500:2 <b>uncovered</b> 497:14 <b>under</b> 291:16, 293:24, 309:8, 310:2, 314:3, 318:21, 326:11, 326:12, 327:21, 335:14, 335:19, 337:16, 351:4, 354:4, 369:1, 415:2, 434:23, 443:12, 446:5, 448:10, 448:21, 449:25, 452:3, 455:13, 458:2, 458:5, 461:14, 467:2, 486:17, 491:20, 498:18, 506:14 <b>underlying</b> 432:15, 459:8, 461:24, 480:11 <b>underpinning</b> 457:10 <b>understand</b> 302:13, 303:20, 303:23, 314:2, 316:22, 378:25, 379:6, 462:10, 465:8, 468:21, 469:6, 470:9, 474:1, 474:5, 485:19, 487:8, 490:14, 498:16	<b>understanding</b> 295:7, 315:1, 322:12, 333:9, 420:22, 432:20, 460:5, 461:1, 467:22, 467:24, 469:8, 469:14, 496:14, 519:3 <b>understood</b> 411:20, 424:20, 442:9, 469:12, 471:7, 483:15 <b>undertake</b> 448:14, 465:6 <b>undertook</b> 384:22 <b>undesign</b> 461:12 <b>undeveloped</b> 341:6 <b>undo</b> 461:11 <b>unforeseen</b> 463:21, 464:11, 464:22, 464:23, 464:25, 510:2, 510:13 <b>unfortunate</b> 392:2 <b>unfortunately</b> 472:20 <b>unidentified</b> 397:20 <b>uniform</b> 374:13 <b>union</b> 363:18 <b>unique</b> 505:12 <b>units</b> 314:16, 315:16, 325:6, 350:15, 351:2, 468:7, 468:15, 501:20 <b>unless</b> 293:10, 293:11, 330:17, 357:17, 486:20	<b>unmet</b> 338:23, 338:24, 354:25, 381:17 <b>unproductive</b> 477:3 <b>unquote</b> 368:20 <b>unrebutted</b> 516:19 <b>unreported</b> 301:22, 303:1, 303:8, 304:7 <b>until</b> 293:2, 293:9, 301:20, 405:15, 454:15, 472:12, 484:1, 484:12, 508:14 <b>unwalkable</b> 477:3, 502:10, 502:20 <b>update</b> 308:16 <b>updated</b> 289:28, 318:20 <b>upheld</b> 469:15 <b>upholding</b> 465:3 <b>upkeep</b> 399:9 <b>upper</b> 422:3 <b>upside</b> 398:14 <b>urban</b> 316:21, 317:3, 317:9 <b>urbana</b> 363:14, 363:15, 363:18, 366:8, 407:5, 407:9, 409:4, 420:13, 420:15 <b>urging</b> 509:15 <b>usage</b> 378:17, 378:19
--	--	---	---

<p><b>use</b> 288:4, 288:18, 288:21, 289:19, 289:21, 290:9, 290:42, 291:4, 291:12, 291:13, 291:18, 297:22, 298:2, 298:4, 298:8, 312:18, 314:10, 315:20, 316:3, 317:3, 317:12, 317:13, 318:16, 319:1, 319:6, 329:12, 338:16, 339:22, 340:11, 340:13, 343:8, 346:21, 350:1, 352:16, 355:2, 361:6, 361:21, 361:23, 362:2, 369:8, 381:13, 382:21, 384:14, 386:14, 387:10, 388:5, 398:22, 401:13, 421:8, 423:11, 430:6, 430:8, 430:11, 430:17, 449:12, 458:3, 458:4, 460:2, 460:6, 460:16, 460:20, 460:23, 461:3, 461:9, 461:12, 461:13, 462:8, 462:9, 462:13, 468:18, 468:21, 469:7, 469:10, 475:12, 476:7, 485:18, 490:7, 496:1, 496:7, 503:25, 504:15, 505:8, 507:14, 507:23, 510:10, 510:11, 511:11, 511:13, 511:14, 511:15, 512:1, 513:8, 515:6, 516:22</p>	<p><b>useful</b> 338:10, 338:16, 347:10, 355:8, 355:15, 375:8, 375:19, 380:10, 380:18, 382:23, 382:25, 383:2, 486:15, 503:21, 504:17 <b>users</b> 320:19, 322:15 <b>uses</b> 317:6, 317:8, 319:4, 320:4, 320:9, 339:24, 340:15, 341:24, 342:15, 355:7, 355:16, 355:24, 369:14, 374:25, 383:12, 383:14, 388:2, 388:8, 389:2, 389:8, 461:17, 469:1, 470:12, 475:3, 475:7, 475:17, 496:6, 499:20, 501:16, 503:23, 504:11, 505:19, 507:18, 512:10, 512:11, 513:10 <b>using</b> 319:18, 319:20, 321:5, 339:9, 352:18, 354:24, 379:8, 425:13, 477:24, 478:16, 479:18, 486:7, 516:24 <b>usual</b> 519:16 <b>usually</b> 333:9, 397:8, 397:9, 434:20 <b>utility</b> 289:7</p> <hr/> <p style="text-align: center;"><b>v</b></p> <hr/> <p><b>valbridge</b> 330:22, 335:15,</p>	<p>335:16, 335:19, 410:3, 410:10 <b>valley</b> 339:5 <b>valleys</b> 339:13, 363:7 <b>valuable</b> 508:7 <b>variable</b> 314:17 <b>variation</b> 500:7 <b>variations</b> 340:3 <b>varies</b> 514:9 <b>various</b> 301:25, 303:25, 502:5 <b>vary</b> 352:6 <b>vastly</b> 506:8, 516:10, 517:1 <b>vehicle</b> 308:19, 312:24, 313:4, 315:19 <b>vehicles</b> 351:11, 387:9, 444:1 <b>vehicular</b> 311:18, 311:21, 312:1 <b>venture</b> 304:13 <b>verifiable</b> 470:9 <b>versa</b> 354:22 <b>version</b> 319:20, 349:20, 488:14, 488:15, 498:17 <b>versions</b> 502:5 <b>versus</b> 314:16, 390:16, 512:2, 512:8</p>	<p><b>via</b> 286:20, 286:22 <b>vice</b> 354:22, 515:13 <b>vicinity</b> 389:12, 408:25, 514:23 <b>video</b> 444:14, 444:15, 444:17 <b>view</b> 452:11, 453:1, 468:17 <b>views</b> 392:20 <b>village</b> 349:7, 353:17, 353:24, 408:8 <b>violation</b> 501:12, 509:13 <b>violations</b> 443:18, 443:20, 443:24, 444:7, 446:3, 450:22, 485:2, 493:10, 496:16, 496:25, 497:4, 497:10, 497:14, 509:14 <b>vires</b> 509:13 <b>virtually</b> 346:17 <b>visibility</b> 347:22, 348:9 <b>visible</b> 356:4 <b>voice</b> 326:4, 394:2, 471:5 <b>voicemail</b> 493:12 <b>voir</b> 335:22, 337:14 <b>volume</b> 331:5, 338:14, 357:15, 366:12, 372:5, 372:7, 387:8</p>
---	---	---	---

Transcript of Hearing  
Conducted on March 6, 2025

123

<b>volumes</b> 357:5	444:12, 444:22, 446:15, 447:3, 449:4, 450:12, 451:16, 453:18, 455:20, 456:22, 457:11, 457:16, 457:18, 458:8, 465:16, 474:14, 486:7, 486:9, 487:20, 489:8, 492:6, 495:15, 516:22	387:16, 403:11, 433:1, 433:4, 462:5, 465:10, 471:21, 482:19, 490:21, 492:9, 493:21, 495:9, 507:12, 508:10, 518:5	474:17, 500:9, 502:13, 505:9, 506:21, 507:9, 509:17, 511:8, 519:13
<b>W</b>			
<b>wait</b> 301:20, 363:16, 484:3			
<b>waited</b> 470:4, 470:5			<b>website</b> 409:17, 414:14, 518:11
<b>waiting</b> 438:24, 472:11, 490:21, 507:5		<b>ways</b> 311:22, 320:24	<b>week</b> 424:1, 424:2
<b>waiver</b> 509:15	<b>wanted</b> 304:17, 322:2, 350:25, 353:6, 394:22, 395:2, 405:11, 429:3, 434:16, 457:7, 467:24, 469:5, 486:11, 493:4, 494:3, 494:18, 494:23, 495:17, 505:24, 506:3, 511:3	<b>we'll</b> 293:13, 294:8, 392:6, 392:7, 397:14, 434:3, 434:4, 434:6, 437:8, 438:24, 447:8, 473:17, 508:16, 508:17, 508:19	<b>weeks</b> 361:24, 439:9, 439:10, 439:19, 440:1
<b>walk</b> 338:1, 413:13		<b>we're</b> 301:4, 301:12, 308:16, 308:20, 309:3, 311:2, 318:2, 318:6, 319:10, 321:1, 321:4, 321:24, 322:3, 329:10, 334:24, 344:22, 350:21, 352:10, 358:17, 363:10, 367:18, 389:6, 390:8, 390:20, 392:10, 394:14, 400:6, 401:7, 408:17, 410:15, 412:13, 412:14, 412:16, 437:20, 438:4, 442:11, 458:2, 465:17, 476:21, 485:19, 488:6, 492:7, 518:10, 518:23, 519:8, 519:9	<b>wegmans</b> 408:10, 421:20
<b>walkability</b> 477:15, 502:11, 502:25			<b>weigh</b> 471:13
<b>walkable</b> 476:25, 479:22, 480:23, 502:4, 503:5			<b>weight</b> 303:10, 303:13, 304:20
<b>walmart</b> 408:11	<b>wants</b> 422:4, 431:20, 513:13		<b>weis</b> 284:7, 289:16, 291:6, 295:13, 295:21, 297:23, 301:3, 329:15, 329:22, 339:9, 342:19, 343:14, 345:22, 346:19, 346:25, 347:22, 348:3, 353:20, 354:22, 360:3, 360:23, 362:5, 362:11, 362:20, 363:1, 363:22, 363:24, 364:10, 364:11, 364:13, 364:16, 364:19, 365:18, 377:17, 381:16, 382:10, 382:13, 383:1, 383:3, 383:14, 383:15, 419:24, 420:1, 420:7, 420:10, 430:6, 433:5, 478:25, 504:8, 504:13, 507:20, 507:21,
<b>want</b> 295:23, 296:17, 297:2, 299:9, 301:20, 307:13, 308:20, 313:16, 319:7, 335:13, 362:3, 371:24, 372:19, 372:20, 375:3, 376:4, 376:5, 378:4, 382:5, 390:6, 391:21, 392:3, 392:13, 392:18, 392:19, 393:1, 395:24, 396:1, 411:1, 411:8, 411:18, 411:20, 422:7, 422:24, 423:10, 428:24, 429:7, 429:19, 431:22, 434:8, 437:11, 438:18, 442:3, 443:2,	<b>washington</b> 361:4		
	<b>water</b> 288:36, 288:39, 288:40, 288:41, 288:42, 290:16, 513:17		
	<b>wawa</b> 344:11		
	<b>way</b> 291:20, 293:13, 315:4, 321:13, 321:21, 327:7, 345:14, 349:10, 350:13, 356:4, 367:14, 367:21, 370:7, 371:2, 373:12, 375:21, 375:22, 377:3, 380:9, 381:24, 384:22, 387:3,	<b>we've</b> 300:16, 321:2, 321:25, 323:21, 390:25, 401:17, 436:4, 465:20,	

Transcript of Hearing  
Conducted on March 6, 2025

124

<p>509:10, 515:13, 516:6, 516:7 <b>welcome</b> 473:12, 520:19 <b>welcoming</b> 371:25 <b>well-aware</b> 498:24 <b>well-lit</b> 344:20 <b>well-visible</b> 347:16 <b>went</b> 338:2, 360:10, 360:14, 395:4, 416:6, 416:15, 467:17, 494:24, 495:23, 511:21 <b>weren't</b> 378:12, 483:15, 509:7 <b>wet</b> 372:19 <b>what'd</b> 360:18 <b>whatever</b> 318:13, 340:21, 370:14, 418:10, 423:11, 465:21 <b>whatsoever</b> 384:23 <b>whereupon</b> 291:2 <b>wherever</b> 319:8, 355:12 <b>whether</b> 295:23, 295:25, 297:2, 302:3, 302:12, 312:24, 318:7, 326:6, 332:8, 338:9, 338:15, 346:10, 351:16, 356:22, 367:9, 375:3, 375:7, 376:20, 382:8, 382:20, 382:22, 384:3, 385:5, 387:10,</p>	<p>389:6, 419:1, 421:10, 434:18, 495:21, 504:21, 505:4, 505:5, 507:22, 515:18, 517:6 <b>whichever</b> 324:14 <b>whole</b> 310:3, 415:4, 418:19, 418:21, 423:4, 442:10, 451:22, 496:13, 497:15 <b>wholly</b> 453:9 <b>wife</b> 362:2 <b>willing</b> 506:13 <b>willitis</b> 289:33 <b>win</b> 492:4 <b>wine</b> 399:12, 404:6, 451:4 <b>wisconsin</b> 286:6 <b>wish</b> 296:12, 299:15, 432:2, 434:23 <b>wishes</b> 292:16, 292:24, 296:12, 298:19, 300:15, 428:4, 428:9, 428:10, 520:21 <b>wishing</b> 292:20, 428:14, 494:12 <b>withheld</b> 357:9 <b>within</b> 290:40, 312:5, 319:19, 330:1, 348:17, 356:5, 362:10, 365:1,</p>	<p>367:10, 369:8, 374:21, 374:22, 377:2, 377:22, 407:20, 413:4, 437:2, 437:24, 452:23, 471:15, 471:20, 506:1, 508:20, 520:15 <b>without</b> 296:23, 314:15, 348:13, 363:2, 376:10, 384:6, 389:18, 403:2, 462:2, 490:16, 506:14, 506:17 <b>witnesses</b> 287:3, 294:13, 294:16, 294:20, 298:15, 390:6, 393:10, 521:4 <b>won</b> 496:5 <b>word</b> 322:16, 340:9, 369:15, 418:10, 475:3, 475:17, 476:1 <b>worded</b> 482:13 <b>wording</b> 482:9 <b>words</b> 317:19, 355:13, 361:14, 387:16, 471:5, 497:3 <b>work</b> 306:19, 328:10, 351:14, 351:15, 351:18, 355:12, 357:11, 367:14, 367:21, 371:2, 371:10, 375:21, 376:20, 377:3, 380:14, 390:17, 394:4, 405:16, 415:20, 424:8, 433:1, 441:8, 516:18</p>	<p><b>worked</b> 394:17, 415:21, 416:7, 431:10, 506:10 <b>workers</b> 351:12 <b>working</b> 375:9, 402:2, 433:4, 452:12 <b>works</b> 379:18 <b>worth</b> 457:7 <b>wouldn't</b> 296:22, 329:23, 366:19, 367:12, 377:19, 387:13, 387:14, 454:23, 509:8 <b>write</b> 369:11 <b>writing</b> 306:7 <b>written</b> 322:5, 333:19, 343:8, 374:2, 432:19, 434:14, 434:17, 465:10, 507:13, 520:15 <b>wrong</b> 349:11, 349:19, 452:20, 469:8, 469:11, 484:7, 496:15 <b>wrote</b> 322:19, 374:1</p> <hr/> <p><b>Y</b></p> <hr/> <p><b>yeah</b> 295:8, 297:3, 313:2, 324:5, 324:9, 325:20, 334:23, 349:21, 349:23, 359:7, 359:19, 364:5, 373:16, 385:2, 386:3, 386:4, 391:14, 394:14,</p>
--	--	---	--

Transcript of Hearing  
Conducted on March 6, 2025

125

395:14, 396:21, 396:23, 398:21, 402:1, 403:3, 403:6, 407:11, 408:1, 409:12, 409:24, 410:1, 410:14, 414:1, 417:23, 418:1, 419:21, 420:12, 420:21, 421:17, 423:15, 423:22, 427:22, 438:19, 438:20, 442:8, 463:4, 463:11, 476:21, 481:3, 481:7, 488:17, 489:1, 490:9, 491:1, 491:13, 498:25, 519:14 <b>year</b> 325:7, 338:20, 344:9, 351:21, 351:23, 351:25, 352:1, 352:5, 352:8, 352:9, 354:10, 358:19, 372:2, 372:21, 378:21, 378:24, 410:19, 422:4, 425:7, 425:23 <b>years</b> 307:8, 335:16, 349:1, 377:10, 394:19, 401:24, 402:5, 402:20, 402:21, 405:21, 406:21, 410:25, 415:14, 415:17, 415:18, 415:24, 418:6, 418:9, 419:10, 419:11, 419:14, 419:15, 449:6, 482:18, 498:21, 501:21, 502:15, 506:3 <b>yellow</b> 341:17, 341:25, 369:23, 369:24,	370:1 <b>yep</b> 487:4, 490:8 <b>yesterday</b> 434:15, 472:3, 493:14 <b>yourself</b> 292:15, 292:21, 405:23 <b>yourselves</b> 293:2 <b>youtube</b> 471:1, 471:2, 471:11, 471:17, 472:21, 473:23, 474:4 <b>z</b> <b>zero</b> 491:18 <b>zoning</b> 284:1, 285:5, 288:8, 291:18, 291:19, 292:1, 292:18, 298:7, 298:9, 298:17, 302:14, 381:3, 387:22, 387:24, 390:1, 463:23, 464:3, 469:10, 469:12, 469:15, 485:17, 498:17, 498:18, 498:23, 499:14, 510:4, 514:13, 514:16 <b>zoom</b> 286:20, 286:22, 292:14, 292:23, 292:24, 293:3, 293:13, 293:17, 297:4, 297:5, 297:9, 298:18, 299:14, 299:23, 352:14, 397:18, 397:22, 427:25, 428:3, 428:4, 428:9, 441:16, 441:22	<b>\$</b> <b>\$100,000</b> 457:7 <b>\$13.2</b> 517:2 <b>\$20,000</b> 416:5 <b>\$200,000</b> 378:21 <b>\$300,000</b> 378:23 <b>\$8</b> 485:3 <b>.</b> <b>.1</b> 387:23, 387:25, 458:2, 459:3, 499:15, 499:17 <b>.13</b> 430:10, 499:16 <b>.3</b> 291:17, 298:8 <b>.5</b> 430:10 <b>0</b> <b>00</b> 390:25, 391:3, 391:17, 454:22, 454:23 <b>000</b> 412:22, 414:6 <b>02</b> 284:7, 289:10, 291:5, 297:22, 430:7 <b>07</b> 289:9 <b>08</b> 289:8 <b>1</b> <b>1</b> 454:22 <b>1,000</b> 443:9	<b>1,016</b> 316:15 <b>1,069</b> 316:10 <b>1,200</b> 325:5, 350:14, 350:15, 351:2 <b>1,400</b> 406:23 <b>1,738</b> 351:23 <b>1,782</b> 316:16 <b>1.3</b> 358:18 <b>1.4</b> 354:9 <b>1.44</b> 516:25 <b>1.5</b> 398:21 <b>10</b> 288:24, 290:24, 321:19, 321:20, 321:21, 349:18, 350:22, 373:12, 378:8, 411:15, 412:6, 412:9, 412:21, 412:22, 413:3, 423:6, 423:8, 425:9, 425:10, 434:11, 434:20, 436:24, 436:25, 437:2, 437:24, 438:23, 439:1, 439:12, 439:17, 440:2, 440:8, 440:14, 440:19, 440:21, 441:12, 471:16, 471:20, 471:25, 473:5, 499:16, 519:19, 519:21 <b>10,150</b> 425:7 <b>10,150,000</b> 412:22 <b>100</b> 285:7
--	---	---	--

Transcript of Hearing  
Conducted on March 6, 2025

126

<p><b>100,000</b> 307:17 <b>11</b> 288:25, 289:8, 289:25, 360:11, 378:9, 432:23 <b>11995042</b> 312:13, 312:17, 325:4 <b>12</b> 288:36, 289:8, 289:24, 289:25, 325:5, 392:5, 411:6, 411:7, 411:12, 415:4, 430:19 <b>12,000</b> 413:1, 422:15, 422:16, 422:18 <b>13</b> 288:43, 423:6, 517:2 <b>13.2</b> 338:19, 351:23, 352:10, 354:13, 381:15, 516:11, 517:3 <b>14</b> 288:44, 439:13, 440:18, 519:21 <b>15</b> 288:45, 289:9, 289:45, 306:23, 334:19, 339:2, 348:25, 416:13, 438:23, 447:9, 498:15 <b>150</b> 307:14, 412:22 <b>150,000</b> 307:16 <b>16</b> 311:13, 331:16, 331:21, 348:21, 364:4, 440:2, 440:3, 491:21 <b>17</b> 311:13, 331:22,</p>	<p>410:25, 439:19 <b>18</b> 323:15, 349:21, 350:6, 350:9, 350:12, 350:23, 497:4, 522:15 <b>180,000</b> 423:22, 423:24, 423:25 <b>19</b> 286:13, 394:19, 401:24 <b>194,000</b> 308:5, 325:4 <b>194,720</b> 308:1 <b>1975</b> 402:5 <b>1995</b> 307:11, 307:13, 308:24, 317:18, 317:23, 318:15, 326:13 <b>1a</b> 445:17, 446:9 <b>1b</b> 451:18, 451:20, 468:9 <b>1c</b> 446:23, 451:18, 452:3</p> <hr/> <p style="text-align: center;"><b>2</b></p> <hr/> <p><b>2</b> 390:25, 391:3, 391:17, 454:23 <b>2,000</b> 352:5 <b>2,402</b> 316:11 <b>2-</b> 290:25 <b>2-5</b> 290:29, 290:31, 290:32 <b>2-7</b> 290:33 <b>2.89</b> 399:22</p>	<p><b>20</b> 291:9, 294:3, 297:25, 343:25, 381:7, 401:24, 406:21, 416:13, 434:4, 440:11, 440:14, 506:5, 518:14 <b>200</b> 285:9 <b>2002</b> 443:10, 490:12 <b>2004</b> 402:1 <b>2005</b> 401:23, 402:2, 443:16 <b>2006</b> 289:43, 289:45, 325:16, 325:19, 326:8, 327:3, 328:5, 447:9, 451:23, 481:6, 498:13, 498:15 <b>2007</b> 467:9 <b>2008</b> 312:16, 467:5, 467:10 <b>2009</b> 307:18, 307:23, 326:14 <b>201</b> 286:13 <b>2011</b> 415:3 <b>2014</b> 498:19 <b>2015</b> 308:3, 326:14, 402:24 <b>2017</b> 319:2, 319:5, 378:8 <b>2018</b> 402:5, 402:13, 402:23, 402:24 <b>2021</b> 396:16</p>	<p><b>2023</b> 318:23, 325:12, 325:17, 326:15 <b>2024</b> 289:24, 289:25, 308:16, 325:1, 326:15 <b>2025</b> 284:13, 290:5, 290:24, 290:25, 290:29, 290:31, 290:32, 290:33, 318:25, 430:7, 522:15 <b>2029</b> 349:12, 349:14, 350:13, 350:17 <b>203,000</b> 410:14 <b>2030</b> 423:18 <b>206,000</b> 308:5 <b>20814</b> 286:7 <b>20850</b> 285:10 <b>21701</b> 286:14 <b>22</b> 290:5, 372:13, 373:9 <b>23</b> 289:9, 290:25 <b>23506</b> 443:8 <b>24</b> 289:10, 290:21, 414:6 <b>24,850,000</b> 414:6 <b>25</b> 284:7, 290:21, 290:50, 291:5, 292:9, 297:22, 300:8 <b>250</b> 318:13</p>
--	---	---	---

Transcript of Hearing  
Conducted on March 6, 2025

127

<p><b>250,000</b> 307:15, 307:25 <b>25584</b> 288:44 <b>26</b> 458:17 <b>270</b> 347:18, 353:24, 363:13, 368:1, 371:3, 375:20, 375:24, 376:14, 376:23, 398:23, 417:19 <b>284</b> 284:24 <b>29</b> 289:10</p> <hr/> <p><b>3</b></p> <hr/> <p><b>3</b> 289:24, 520:25 <b>3-</b> 290:21 <b>3-5</b> 290:50 <b>3.09</b> 399:25, 400:20 <b>3.3</b> 378:18, 378:21, 379:2, 379:4 <b>3.5</b> 499:16 <b>3.59</b> 400:16 <b>3.6</b> 430:23 <b>3.60</b> 400:15 <b>3.69</b> 400:22 <b>3.83</b> 352:8 <b>30</b> 357:22, 467:9, 520:15 <b>30,000</b> 424:3, 424:5 <b>301</b> 286:8, 286:15</p>	<p><b>306</b> 287:5 <b>313</b> 287:6 <b>32</b> 284:14 <b>331</b> 287:5 <b>334</b> 287:9 <b>335</b> 287:10 <b>34</b> 359:5, 359:10, 359:22 <b>35,000</b> 422:13, 422:14, 422:18, 423:5, 423:11 <b>350</b> 318:13 <b>355</b> 356:4, 365:8, 371:2, 375:21, 375:25, 376:12, 386:9, 394:15, 394:24, 396:4, 396:6, 397:10, 398:23, 401:2, 401:5, 404:24, 417:2, 417:15, 417:20, 468:1 <b>356</b> 287:10 <b>36</b> 311:12, 331:16, 331:19, 340:6, 340:25, 381:4, 429:20, 429:23, 459:21, 459:22, 500:1 <b>38</b> 337:25, 338:1, 338:6, 339:3, 348:22, 350:8, 350:9, 359:6 <b>380</b> 287:9</p>	<p><b>384</b> 287:10 <b>3845</b> 286:8 <b>385</b> 287:11 <b>39</b> 520:25 <b>394</b> 287:13</p> <hr/> <p><b>4</b></p> <hr/> <p><b>4.2</b> 447:14 <b>4.29</b> 434:24 <b>40</b> 320:18, 322:14, 357:22 <b>401</b> 287:14 <b>405</b> 287:13 <b>406</b> 287:16 <b>418</b> 287:17 <b>426</b> 287:16 <b>432</b> 287:19 <b>442</b> 287:22 <b>45</b> 351:13, 447:4, 447:12, 462:21, 508:24 <b>474</b> 287:23 <b>489</b> 290:52 <b>49</b> 290:9, 324:4, 324:9, 340:6, 342:3, 386:2, 397:12, 397:13, 398:2, 398:20, 408:17, 408:20,</p>	<p>408:22, 412:17 <b>495</b> 287:22 <b>497,000</b> 413:21 <b>499</b> 287:26</p> <hr/> <p><b>5</b></p> <hr/> <p><b>5.1</b> 345:23 <b>50</b> 290:16, 372:22, 392:5, 400:6, 400:11 <b>507</b> 287:27 <b>51</b> 290:18, 307:12, 307:21 <b>517</b> 287:28 <b>52</b> 290:20, 307:22 <b>522</b> 284:24 <b>53</b> 290:21, 308:7, 312:13 <b>54</b> 290:22, 307:12, 307:19, 307:20, 307:22, 308:6, 308:17, 340:5, 342:3, 386:2, 501:10, 503:3 <b>55</b> 290:23, 429:10, 429:11, 429:13, 500:3, 503:4 <b>56</b> 290:25 <b>57</b> 290:27 <b>574265</b> 284:23 <b>58</b> 290:29</p>
--	---	---	--



Transcript of Hearing  
Conducted on March 6, 2025

128

<p><b>59</b> 290:31, 298:8, 395:11, 395:13 <b>59.3</b> 430:10 <b>59.7</b> 291:17, 298:8 <b>596</b> 291:17</p> <hr/> <p><b>6</b></p> <hr/> <p><b>6</b> 289:8, 298:8 <b>60</b> 290:32, 313:10, 354:12 <b>61</b> 288:44, 290:33 <b>62</b> 290:37, 315:25 <b>620</b> 312:14 <b>63</b> 290:38, 352:13, 395:19 <b>64</b> 290:42, 327:5, 453:24 <b>65</b> 290:46, 301:8, 308:18, 488:4 <b>66</b> 290:48, 301:19, 488:3, 500:17, 503:3, 503:16 <b>668</b> 286:15 <b>67</b> 290:50, 301:13, 488:5, 488:6 <b>68</b> 290:52, 488:8, 489:19, 489:20, 518:10 <b>6th</b> 440:3</p> <hr/> <p><b>7</b></p> <hr/> <p><b>7,584</b> 351:22</p>	<p><b>7-eleven</b> 347:3, 353:1, 353:2, 353:14, 353:16, 376:7, 386:18, 407:16, 409:2, 409:3, 426:9, 470:8 <b>7-elevens</b> 349:4, 353:24, 354:15, 356:19 <b>7.2</b> 354:11 <b>7.3</b> 387:23, 387:25, 458:2, 459:3, 499:15, 499:17 <b>700</b> 286:6 <b>71</b> 308:18 <b>73.1</b> 449:25 <b>7575</b> 286:15 <b>7600</b> 286:6</p> <hr/> <p><b>8</b></p> <hr/> <p><b>80</b> 343:23, 349:1, 386:25 <b>83</b> 316:1 <b>841</b> 286:8 <b>85</b> 308:18 <b>850</b> 414:6</p> <hr/> <p><b>9</b></p> <hr/> <p><b>9</b> 284:14 <b>92</b> 521:16 <b>944</b> 315:21, 317:1 <b>96,000</b> 307:24</p>	<p>,</p> <hr/> <p>'attilio 289:32</p>	
---	--	---	--