



Planet Depos®
We Make It *Happen™*

Transcript of Hearing

Date: January 23, 2025

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

Planet Depos

Phone: 888.433.3767 | **Email:** transcripts@planetdepos.com

www.planetdepos.com

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

Transcript of Hearing
Conducted on January 23, 2025

1 (1 to 4)

1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS 2 FOR MONTGOMERY COUNTY, MARYLAND 3 -----X 4 IN RE: : 5 CONDITIONAL USE APPLICATION OF CTC : Case No. 6 RETAIL, LLC AND WEIS MARKETS, INC. : CU 25-02 7 -----X 8 9 10 11 12 13 PUBLIC HEARING 14 BEFORE KHANDIKILE MVUNGA SOKONI, HEARING EXAMINER 15 Rockville, Maryland 16 Thursday, January 23, 2025 17 9:43 a.m. 18 19 20 21 22 23 Job No.: 568364 24 Pages: 1 - 73 25 Recorded By: Cody Handlir	1 A P P E A R A N C E S 2 ON BEHALF OF THE WEIS MARKETS & ELM STREET 3 DEVELOPMENT AND CTC RETAIL, LLC: 4 ROBERT R. HARRIS, ESQUIRE 5 LERCH, EARLY & BREWER, CHTD 6 7600 Wisconsin Avenue, Suite 700 7 Bethesda, Maryland 20814 8 301.986.1300 9 ON BEHALF OF APPELLANT SHANKER LIMITED, ARK 25, LLC, 10 AND ARIES: 11 LESLIE POWELL, ESQUIRE 12 POWELL, LLC 13 19 N. Court Street, Suite 201 14 Frederick Maryland, 21701 15 301.668.7575 16 ALSO PRESENT: 17 JACK O'HARA - Applicant 18 KATE KUBIT - Applicant 19 KEVIN A. FOSTER - Witness 20 EDWARD M. STEERE - Witnesses 21 ISHAN PATEL - Appellant 22 AJAY PATEL - Appellant 23 AMY PRESLEY - Appellant 24 BARRY FANTILE - Appellant 25 JOE BOZZONETTI - Video/Zoom Technician
1 Hearing, held at the location of: 2 3 4 MONTGOMERY COUNTY OFFICE OF ZONING AND 5 ADMINISTRATIVE HEARINGS 6 100 Maryland Avenue 7 Rockville, Maryland 20850 8 9 10 11 12 Pursuant to agreement, before Cody Handlir, 13 Court Reporter. 14 15 16 17 18 19 20 21 22 23 24 25	1 C O N T E N T S PAGE 2 Proceedings 5 3 4 5 E X H I B I T S 6 (None marked) 7 HEARING EXHIBIT PAGE 8 Exhibit 52 Affidavit of Posting of Signs 14 9 Exhibit 53 Planning Board Resolution 51 10 Dated 3/25/2024 11 Exhibit 54 Project Planning Amendment 52 12 Number 91994004E 13 14 15 16 17 18 19 20 21 22 23 24 25

Transcript of Hearing
Conducted on January 23, 2025

2 (5 to 8)

5	<p>1 PROCEEDINGS</p> <p>2 (Whereupon, the court reporter was duly</p> <p>3 sworn.)</p> <p>4 THE HEARING EXAMINER: So good morning,</p> <p>5 everyone. Thank you for being here. And we</p> <p>6 apologize for the late start and the tech issues.</p> <p>7 Just a reminder, we have a sign-in sheet at the --</p> <p>8 at the entrance. Please be sure to clearly mark</p> <p>9 you -- enter your name, your contact information.</p> <p>10 That's how we'll reach you with any notices after</p> <p>11 today. I'll go ahead and call the -- the hearing</p> <p>12 to order, although we have some preliminaries to</p> <p>13 deal with. So this is a hearing. It's a public</p> <p>14 hearing on a Conditional Use Application, Case</p> <p>15 Number CU-25-02. It's the application of CTC</p> <p>16 Retail, LLC and Weis Markets, Inc.</p> <p>17 I would like to check in with the court</p> <p>18 reporter. Are we -- are we good?</p> <p>19 COURT REPORTER: Uh-huh</p> <p>20 THE HEARING EXAMINER: Thank you.</p> <p>21 Checking with folks on Zoom, can you hear us? Can</p> <p>22 you see us in the hearing room? Thank you. Just a</p> <p>23 reminder to -- to Counsel and -- and your</p> <p>24 witnesses, we have the mics. We have -- this is a</p> <p>25 hybrid proceeding, so we have participants on Zoom.</p>	7	<p>1 with the criteria set out in the Zoning Ordinance.</p> <p>2 Before we get into the -- I guess, on some -- I've</p> <p>3 covered the tech issues about Zoom. The chat</p> <p>4 function is disabled. So that will not be</p> <p>5 available to anybody. If you need to speak and you</p> <p>6 are on Zoom, please just unmute yourself. I'll try</p> <p>7 and keep track of anyone raising their hand, but</p> <p>8 just please feel free to unmute yourself and speak.</p> <p>9 We do ask that we avoid any crosstalking.</p> <p>10 We do have a court reporter and there's a verbatim</p> <p>11 -- verbatim transcript being produced. There is --</p> <p>12 to the extent that there might be a Zoom recording,</p> <p>13 that is purely for the court reporter's -- any</p> <p>14 recording happening is purely for the court</p> <p>15 reporter's benefit. The official record of this</p> <p>16 proceeding is the transcript.</p> <p>17 We are on the record. I would like</p> <p>18 to just -- I would like to identify all parties</p> <p>19 present. Let's start with that, starting with the</p> <p>20 Applicant.</p> <p>21 MR. HARRIS: Good morning, Madam</p> <p>22 Examiner. First off, may I ask, do you prefer to</p> <p>23 be called Ms. Sokoni or Madam Examiner, or how do</p> <p>24 you prefer to be addressed?</p> <p>25 THE HEARING EXAMINER: I have no</p>
6	<p>1 When you need to speak, please just press the mic</p> <p>2 in front of you. Currently, it has a red light at</p> <p>3 the base. You press the -- the little button right</p> <p>4 in front. It'll turn green. And when you're not</p> <p>5 speaking, please kindly turn that off. To the</p> <p>6 people on Zoom, please keep yourselves on mute.</p> <p>7 However, when it's time for you to speak, we expect</p> <p>8 you to have both your mic turned on, so unmute</p> <p>9 yourself and be sure that your camera is on. To</p> <p>10 testify, we need to be able to see you.</p> <p>11 This is a public hearing in the above</p> <p>12 referenced application. It's an application for a</p> <p>13 conditional use for an automobile fitting station.</p> <p>14 And with regard to the conditional use application,</p> <p>15 the Applicant has the burden of proving that the</p> <p>16 application meets the general requirements and</p> <p>17 development standards of Section 59-6 of the Zoning</p> <p>18 Ordinance, as well as Section 59.3.5.13C, and any</p> <p>19 related use standards.</p> <p>20 My name is Khandikile Sokoni, and I</p> <p>21 have a plate over here if you need the spelling. I</p> <p>22 am the Hearing Examiner in this case, which means</p> <p>23 that I will hear -- I'll -- I'll listen to</p> <p>24 testimony, I will review the evidence and I will</p> <p>25 render an opinion on the application in accordance</p>	8	<p>1 preference. Ms. Sokoni is fine.</p> <p>2 MR. HARRIS: Okay. Okay. Ms. Sokoni.</p> <p>3 Okay. Good morning. I'm Bob Harris. I'm with</p> <p>4 Lerch, Early and Brewer, representing the Applicant.</p> <p>5 MS. KUBIT: Good morning. My name is</p> <p>6 Kate Kubit, and I'm with CTC Retail, and I am the</p> <p>7 Applicant.</p> <p>8 THE HEARING EXAMINER: I'm checking with</p> <p>9 the court reporter. Are we okay on -- did you need</p> <p>10 spellings for any names?</p> <p>11 COURT REPORTER: Uh-uh.</p> <p>12 THE HEARING EXAMINER: You're good.</p> <p>13 MS. POWELL: Good morning, Ms. Sokoni.</p> <p>14 Leslie Powell of Powell, LLC, and I am representing</p> <p>15 opponents, Shanker, Limited, Aries Investment</p> <p>16 Group, and -- good grief -- Ark 25. Had a moment</p> <p>17 there. And with me, our representatives, which is</p> <p>18 -- and they're both named Mr. Patel, so Ajay Patel</p> <p>19 and Ishan Patel. And I believe Ms. Presley is back</p> <p>20 there, but --</p> <p>21 THE HEARING EXAMINER: Do we have any</p> <p>22 other participants in the audience who would like</p> <p>23 to speak? Any -- anyone wishing to speak? Yes.</p> <p>24 MS. PRESLEY: Amy Presley, resident of</p> <p>25 the Town Center.</p>

Transcript of Hearing
Conducted on January 23, 2025

3 (9 to 12)

<p>9</p> <p>1 THE HEARING EXAMINER: I just want to 2 remind everybody when we do get to the hearing, the 3 Applicant has the burden of proving that they meet 4 the -- the requirements of the zoning ordinance. 5 So they get to present their case in chief. To the 6 extent that they have witnesses -- and I believe 7 they have at least five -- there'll be an 8 opportunity for cross-examination. And when it's 9 time for cross-examination, I just want to remind 10 everybody it's not people's opportunity to present 11 their own case. You simply are cross-examining on 12 what you have heard that witness testify about. 13 It's very limited to the testimony that you have 14 heard. But the -- once the Applicant is done with 15 their case in chief, then we will have an 16 opportunity for people to present any opposition. 17 And the same rules apply, if you have witnesses, 18 they can be cross-examined. Let's start with the 19 preliminary --</p> <p>20 MR. HARRIS: Excuse me. I'm sorry. Ms. 21 Sokoni, you had asked about other speakers. As you 22 noted, we have a number of speakers, but I also 23 want to clarify here, Ms. Kubit mentioned that she 24 is the Applicant, and she is a co-applicant; Weis 25 Markets is a co-applicant as well, and Mr. Jack</p>	<p>11</p> <p>1 And this notice issue is material. My clients are 2 directly affected. And, frankly, the scramble 3 which we, unfortunately, inflicted upon you, was a 4 result of not, you know, receiving timely notice. 5 And further, we are somewhat hindered 6 because, as you've heard from Mr. Harris, they will 7 be presenting expert witnesses. And with respect 8 to the question of need, my client has been 9 deprived of the opportunity to present expert 10 testimony regarding any necessity of an additional 11 gas station. Now, while Mr. Patel, Ajay Patel, has 12 personal experience having operated and owned three 13 different gas stations, to the extent that you're 14 -- I was going to say, Your Honor, but to the 15 extent you want to give more weight to expert 16 testimony rather than my client's personal 17 experience with respect to gas station's capacity 18 and ability to meet the needs of the community, 19 shall we say, we are at a disadvantage.</p> <p>20 THE HEARING EXAMINER: Are -- are your 21 clients confronting or abutting neighbors? Do they 22 -- do -- are -- are they -- are there --</p> <p>23 MS. POWELL: So they're -- they're 24 within the half mile radius where they should have 25 received the advance notice for this hearing, Your</p>
<p>10</p> <p>1 O'Hara is here to speak on their behalf, and I've 2 provided business cards to the court reporter for 3 everybody's name, including the expert witnesses 4 that we'll call.</p> <p>5 THE HEARING EXAMINER: Thank you very 6 much.</p> <p>7 MR. HARRIS: Okay.</p> <p>8 THE HEARING EXAMINER: I know we have 9 some preliminaries to deal with. There were 10 questions raised around notice. So before we 11 officially start with the public hearing itself, 12 I'd like to hear concerns around notice. Ms. 13 Powell, did you want to start?</p> <p>14 MS. POWELL: Certainly. My clients, who 15 own real estate and businesses in the Historic 16 District of Clarksburg, and they are located three 17 -- less than three tenths of a mile away from the 18 proposed use, did not receive any notice. And Ms. 19 Sokoni, if you look at the certificate of service, 20 you will see that they are not identified there. 21 The only reason that notice was -- or the only 22 reason we're here -- let's put it that way -- is 23 that one of my client representatives happened to 24 drive by the area and saw one sign, and then wanted 25 to figure out what was going on and clicked on it.</p>	<p>12</p> <p>1 Honor.</p> <p>2 THE HEARING EXAMINER: I'm getting to 3 that, but --</p> <p>4 MS. POWELL: I'm sorry.</p> <p>5 THE HEARING EXAMINER: -- very -- very 6 specifically, are they abutting or confronting? 7 They are -- they are not. Mr. Harris, do you -- do 8 we have an affidavit of posting?</p> <p>9 MR. HARRIS: I'm just going to offer 10 that -- if now it's the proper time, I can do that.</p> <p>11 THE HEARING EXAMINER: Yes.</p> <p>12 MR. HARRIS: I've got a couple exhibits 13 that I'll -- I'll be introducing, but I -- I'm 14 happy to provide the original of the affidavit here.</p> <p>15 THE HEARING EXAMINER: And is this the -- 16 this is the affidavit of posting certifying that 17 the signs -- you hereby certify that you -- I -- I 18 -- I'm reading. I hereby certify that I placed or 19 caused to be placed upon the property which is the 20 subject of the Conditional Use Application CU-25-02 21 the sign furnished by OZAH, that the sign was 22 posted within five days after acceptance for filing 23 within 10 feet of the property line in the most 24 conspicuous location, and that the sign has been 25 continuously maintained as of the date of the</p>

Transcript of Hearing
Conducted on January 23, 2025

4 (13 to 16)

<p>13</p> <p>1 hearing. How many signs -- how -- what -- how many 2 signs were placed? 3 MR. HARRIS: There is an exhibit in the 4 application that shows not only the number, but the 5 location of the signs. I don't know off of the top 6 of my head, but it was at least three, maybe four. 7 I -- I can check on that to be sure, but I don't 8 know. But did the -- the -- the location of the 9 signs was submitted to your office and -- and 10 approved, as -- as well as the mailing list. 11 THE HEARING EXAMINER: Okay. So just so 12 I'm clear, your objection is not on the basis of 13 being a confronting or adjoining property owner, 14 but it's on the basis of being within -- 15 MS. POWELL: Within the half mile radius. 16 THE HEARING EXAMINER: Okay. And -- and 17 -- and the basis for -- and -- and so, your -- your 18 position is that you're required to have actual 19 notice? 20 MS. POWELL: Yes, ma'am. And you would 21 notice that Ms. Presley, who is not part of the 22 group that I'm representing, did receive notice and 23 she is within four blocks. So she's also not 24 abutting, but it was a somewhat selective process. 25 THE HEARING EXAMINER: I -- I -- I would</p>	<p>15</p> <p>1 regard to notice, what are you asking? Did you 2 want to call expert witnesses? Do your clients 3 want to call expert witnesses? 4 MS. POWELL: My client would like to 5 call an expert witness, but we did not have 6 adequate time to make the arrangements. 7 THE HEARING EXAMINER: If we had a -- if 8 we adjourn -- once we -- if we started the hearing 9 and we postponed to a subsequent date, would you 10 then be calling expert witnesses? 11 MS. POWELL: Yes, ma'am. 12 THE HEARING EXAMINER: I -- I will 13 reserve ruling on -- on the issues raised around 14 notice. I did want to clearly hear if they were 15 joining or -- or -- or abutting. But in the 16 interest of efficiency, I might say, you know, what 17 time do you feel you lost? And by the way, this -- 18 this is an application that's been pending a while 19 and has been postponed more than once, so I would 20 imagine that the signs have been up for quite some 21 time. We are looking -- 22 MS. POWELL: Yeah. I'm not sure about 23 that. Your -- madam, because my clients were 24 completely unaware of the previous December 19th 25 hearing. They had absolutely no idea what was</p>
<p>14</p> <p>1 like to hear from the Applicant on the process for 2 -- I do know, at the outset, when -- when the 3 application is filed, there's a process that 4 there's some coordination with OZAH about 5 collecting signs. Thank you for the affidavit of 6 posting, and we will get this into the record and 7 mark it. 8 So I should have just mentioned to 9 everybody at the counsel's table, there is an 10 exhibit sheet. And for members of the public, 11 there -- we do have exhibit sheets, as well as 12 there's some documents at the -- at the entrance. 13 You're welcome to take copies, if you'd like. 14 The last exhibit we had was Exhibit 15 51, which was the flurry of emails in the last 16 couple of days. I will mark this affidavit of 17 posting -- if there are no objections to its 18 inclusion, that would be marked Exhibit 52. Does 19 anyone object for us to add the affidavit of 20 posting of the signs? 21 MS. POWELL: No. 22 THE HEARING EXAMINER: That is entered 23 into the record as Exhibit 52. 24 (Exhibit 52 was marked.) 25 THE HEARING EXAMINER: Ms. Powell, with</p>	<p>16</p> <p>1 happening. 2 THE HEARING EXAMINER: Yes, but I'm 3 talking about the -- the physical signs that are 4 posted around the perimeter of the property. 5 MS. POWELL: I -- I don't know how long 6 they have been posted, Madam. 7 THE HEARING EXAMINER: Okay. The -- the 8 we have an affidavit in the record saying -- and, 9 you know, people have an opportunity to -- to -- to 10 raise objections and argue to the contrary. I have 11 in the record an affidavit that indicates that 12 within five days of filing the application, signs 13 were posted, as required, along the perimeter of 14 the property. So, had you -- 15 MS. POWELL: I -- I can't dispute that. 16 They didn't see it. 17 THE HEARING EXAMINER: -- had -- had you 18 received -- I -- I -- I'm trying to get to what are 19 you asking if we were to set a second date. I just 20 -- I'm -- I'm trying to see how far -- 21 MS. POWELL: Sure. 22 THE HEARING EXAMINER: -- if we move this 23 out two weeks, or a week, or what -- what are you 24 asking? 25 MS. POWELL: Well, I -- I would request</p>

Transcript of Hearing
Conducted on January 23, 2025

5 (17 to 20)

<p>17</p> <p>1 40 days because, next week, I'm actually not here, 2 and so I won't be able to -- to do anything with 3 respect to this. And in order to retain the expert 4 and bring him up to speed, if you will, with the 5 testimony that's been given and the reports, 6 because obviously the expert isn't here to hear the 7 testimony, I think that a 40-day period is a 8 reasonable request. 9 THE HEARING EXAMINER: Are there any 10 objections? 11 MR. HARRIS: I -- I'm curious to know, 12 Madam Examiner, and -- and if I can ask Opposing 13 Counsel here, at what point in time did Mr. Patel 14 learn of this application? 15 MS. POWELL: I do not know. 16 MR. HARRIS: Can we ask him? 17 MS. POWELL: Certainly. 18 MR. HARRIS: Would -- would you ask him? 19 MR. PATEL: No. We found out last month. 20 MR. HARRIS: Last month? 21 MR. PATEL: Yeah, around Christmastime. 22 THE HEARING EXAMINER: If -- if -- if I 23 could -- if -- could you kindly call your client? 24 MS. POWELL: Sure. 25 THE HEARING EXAMINER: I would like to</p>	<p>19</p> <p>1 side of the -- that side of road. That's when we 2 found out. 3 MR. HARRIS: Okay. 4 MR. PATEL: And then we -- 5 MR. HARRIS: I understand. 6 THE HEARING EXAMINER: So the -- the 7 third week of December. If you had received action 8 notice, how many days -- how many days ahead of a 9 hearing are you entitled to notice when you do 10 receive action notice? 11 MS. POWELL: I believe it's 30 days. 12 THE HEARING EXAMINER: So in terms -- you 13 know, Mr. Patel, you're saying you did receive -- 14 you were aware as of the third week of December? 15 MS. POWELL: I don't know if that's the 16 third week. He said around Christmastime. 17 THE HEARING EXAMINER: I see. 18 MS. POWELL: So it would be in the 19 middle of the holidays. 20 MR. HARRIS: He -- he said the third 21 week of December, is what he said. 22 MS. POWELL: And that he did -- well, 23 excuse me -- and that he didn't know the exact 24 date. When he was standing back there, he said -- 25 well, actually, if I may ask Mr. Patel?</p>
<p>18</p> <p>1 administer an oath. 2 MS. POWELL: We can move him to the 3 table. 4 THE HEARING EXAMINER: Okay. 5 MS. POWELL: Oops. I need to turn the 6 screen on. 7 Whereupon, 8 AJAY PATEL, 9 being first duly sworn or affirmed to testify to 10 the truth, the whole truth, and nothing but the 11 truth, was examined and testified as follows: 12 THE HEARING EXAMINER: For the record, 13 could you please provide your name, kindly spell 14 your name, and then we -- we would like to hear 15 from you in terms of when you learned about this 16 application. 17 MR. PATEL: Yeah. Ajay Patel, A-J-A-Y. 18 Last name is Patel, P-A-T-E-L. Yes, sir. 19 MR. HARRIS: Excuse me. I'm sorry. 20 Thank you. I was just interested to know -- I was 21 interested in knowing at what point in time you 22 learned of the application. 23 MR. PATEL: Exact date, I don't know, 24 but it's either third week of December or 25 something. That's when the -- I was driving by the</p>	<p>20</p> <p>1 THE HEARING EXAMINER: Yes, please. 2 MS. POWELL: Okay. Was it the third 3 week of December or was it around the holidays, the 4 Christmas holidays? 5 MR. HARRIS: Objection. You're leading 6 the witness. 7 MS. POWELL: That is not a leading 8 question, Madam. 9 MR. HARRIS: Ask him if -- you can ask 10 him if he just said that he learned it the third 11 week of December. 12 MS. POWELL: No, that -- that's a 13 leading question. I'm entitled to ask Mr. Patel, 14 what did you say when you were sitting in the 15 galley? 16 MR. PATEL: Third week of December. 17 MS. POWELL: Okay. And what -- did you 18 say before -- what did you say before that? 19 MR. PATEL: It's around the holiday 20 times. 21 MS. POWELL: Thank you. 22 THE HEARING EXAMINER: Today is January 23 22nd. 24 MS. POWELL: Yes. 25 THE HEARING EXAMINER: So is it fair to</p>

Transcript of Hearing
Conducted on January 23, 2025

6 (21 to 24)

<p>21</p> <p>1 say around the -- can we place a -- a reason -- you 2 know, around the holidays, should we say -- here -- 3 here's what I propose. If we went to the end of 4 January, you would have 30 days notice. Can we 5 move this to say the first week of February, 6 February 7th? 7 MS. POWELL: I left my calendar back 8 there. 9 MR. HARRIS: Can -- can we hold that a 10 -- a moment, Madam Examiner, on -- I want to 11 clarify something for the record here. OZAH has 12 rules for notice. Rule 2.2 calls for posting, and 13 it calls for a mailing in 2.4. When we filed the 14 application, we submitted the mailing list that 15 conforms precisely with your requirements. In 16 fact, we submitted a mailing list that was broader, 17 but the -- the -- the Staff said, we did not need 18 to do that and that you were not going to send 19 those notices. 20 So we used the -- the regulation and 21 complied with it precisely. We complied with it 22 precisely with respect to the posting. We're 23 hearing now that the opposition had almost a 24 month's notice before today, actual notice. And of 25 course, they're here today. I don't -- I -- I</p>	<p>23</p> <p>1 when I spoke with her, I don't know if I received 2 notice. I'm in a situation where -- a home 3 situation has nothing to do with this. 4 But typically, when I receive notice, I 5 keep it; I know that. I was unaware until Mr. 6 Patel told me when I was at his store and his gas 7 station. I don't typically, nor do many others in 8 my neighborhood, drive past this site. It's a 9 barren site. There's one sign. I can confirm what 10 Mr. Harris had said. I believe there are three in 11 total that I know of now. One sign is posted where 12 the previous sign was. It's the same color, same 13 size that had alerted people to the fact that there 14 was a Planning Board hearing. There's nothing that 15 would indicate, hey, I better stop and look at 16 this, especially if you don't drive past that. 17 It's on Clarksburg Square Road, 18 which connects the entire Town Center, including 19 the Historic District. So only if someone is 20 driving through there or on the -- I guess that 21 would be -- the west going westbound on Stringtown 22 would they have a chance to see that. And 23 Stringtown Road, you're driving at a speed; you're 24 not going to just stop because you see a sign. 25 I have checked with Mr. Barry Fantile,</p>
<p>22</p> <p>1 think I heard Opposing Counsel say that Ms. 2 Presley, who's testifying here, had received notice 3 by mail. And -- and -- and so, what -- what I'm 4 seeing here is an effort to delay this process when 5 they -- we have met 100 percent of the requirements 6 for notice and there has been actual notice. They 7 had an opportunity to engage an expert for the last 8 three weeks minimum and did not do that. That's 9 not fair to the Applicant to delay the case for 10 them to do this. 11 THE HEARING EXAMINER: I do see a hand 12 raised by Ms. Presley in the back. Would you like 13 to come forward and -- 14 MS. PRESLEY: Yes, briefly. Thank you. 15 THE HEARING EXAMINER: There's a little 16 bit of musical chairs going on. Yes. 17 MS. PRESLEY: For the record again -- 18 THE HEARING EXAMINER: If you could 19 kindly press the green button. 20 MS. PRESLEY: For the record again, I am 21 Amy Presley and I am a resident at 23506 Sugar View 22 Drive. My home is 1,000 feet as the crow flies 23 from the site. It is roughly 2,600 feet driving 24 distance. I want to speak to what Ms. Powell said 25 about we received notice. I actually had told her</p>	<p>24</p> <p>1 who's in the audience. I checked with him off 2 record. Barry and Lynn Fantile are residents. 3 Mr. Fantile is also president of the CCA. Prior to 4 this hearing, he contacted as many people as he 5 could, got a hold of seven, whose names appear on 6 the list, that state that they received notice, and 7 they have confirmed that they did not receive 8 notice. So, as I said, I was notified, not in the 9 mail. What I said to Ms. Powell is, I cannot say 10 that something didn't come. I'm in a weird 11 situation. I have a mother. Someone could have 12 thrown something away. So I would not allege that 13 they didn't give me notice; I didn't see it. I 14 wasn't made aware until Mr. Patel told me what was 15 going on. And that's -- that's just what I wanted 16 to contribute. 17 THE HEARING EXAMINER: Thank you very 18 much. I -- I -- I do want to go back to something 19 that Mr. Harris mentioned. The Applicant did 20 provide a really extensive list of notice and -- 21 and that appears as Exhibit -- I believe it's in -- 22 could we pull up Exhibit 5? Could we go to Exhibit 23 5? So we have Exhibit 5. No, that's -- 24 MR. HARRIS: There was another Exhibit 25 5, I think.</p>

Transcript of Hearing
Conducted on January 23, 2025

7 (25 to 28)

<p>25</p> <p>1 MS. POWELL: (Crosstalk). 2 THE HEARING EXAMINER: Our case is 25-02, 3 CU-25-02. 4 MR. HARRIS: Oh. Yeah. 5 THE HEARING EXAMINER: We have another 6 case going on concurrently, Ms. Burn, but that's -- 7 that's on Teams. This one's 25-02. Okay, right 8 case. 9 MR. HARRIS: There. 10 THE HEARING EXAMINER: So you'll see 11 Exhibit 5 -- I just want to call to everyone's 12 attention, the 5C is the late edition, which was 13 only placed up on the website yesterday. What that 14 is, is the -- so if we go back to 5A, 5A is the 15 list, the very extensive list that the Applicant 16 had provided. And I believe OZAH -- you know, in 17 discussions with OZAH Staff, I'm -- I'm not 18 involved in that, but it was more extensive than 19 needed to be, and I think there was a discussion 20 and an agreement to -- to -- to -- to tailor that 21 to something much more manageable. 22 It was including, for instance, 23 every HOA tenant and resident and, you know -- 24 that's -- the HOA notices go to the, you know, the 25 president of the HOA, but -- but they had listed</p>	<p>27</p> <p>1 mailings, I typically work with our civil engineers 2 to make sure that the mailings happen., and 3 depending on what type of hearing you're having or 4 what type of public meeting you're having, it -- it 5 kind of dictates the type of notice that you give, 6 in my experience. And as I understand it, that 7 list that the -- the -- the exhaustive list had 8 been used in mailings for the -- for example, for 9 things like the site plan, when we have a site plan 10 amendment or if we have a community meeting in the 11 community, we invite the entire community. We've 12 had several community meetings over the last 13 13 years where we've invited everybody in the 14 community to those meetings, and other stakeholders 15 and things like that. 16 So I believe that as -- as I understand 17 it, the civil engineer presented that list to the 18 Hearing Examiner Staff, and she said, look, the law 19 says adjoining and confronting property owners only 20 -- and so -- and HOAs and parties of record within 21 a half a mile. And so, those are the parties that 22 we're going to notice because we're going to do it 23 by the law. And so, that is what was determined 24 for this particular hearing, how the notices were 25 going to be distributed.</p>
<p>26</p> <p>1 absolutely everybody, so that -- it did -- I think 2 it was a matter of efficiency. And that was scaled 3 down to 5C, which people may or may not have seen. 4 I requested that that be put up. Once the notice 5 issues arose yesterday, I raised the question with 6 Staff about what was the actual mailing, and that 7 5C is the list of -- of the actual mailing. So it 8 could be -- it could be -- I -- I would like to 9 hear from the Applicant specifically about how -- 10 how you came up with your list and how the mailings 11 happened, just what exactly happened. 12 If you could kindly raise your 13 right hand for me. Your name, please? 14 MS. KUBIT: My name is Kate Kubit. 15 THE HEARING EXAMINER: Do we need a 16 spelling for that? Okay. 17 Whereupon, 18 KATE KUBIT, 19 being first duly sworn or affirmed to testify to 20 the truth, the whole truth, and nothing but the 21 truth, was examined and testified as follows: 22 THE HEARING EXAMINER: So could you please 23 explain to us how -- how things happen with the 24 mailing? 25 MS. KUBIT: So I typically -- when we do</p>	<p>28</p> <p>1 MS. POWELL: If I would make an 2 objection because she's not speaking from personal 3 knowledge. This is her understanding of what 4 somebody else did. 5 MS. KUBIT: But I work -- was working 6 very closely with the civil -- not very, but 7 closely with the civil as they were doing this 8 process. 9 MS. POWELL: And I would also like to 10 point out that the HOA did not get notice. Mr. 11 Fantile, of the CCA, did not receive notice. 12 THE HEARING EXAMINER: Okay. And -- 13 MR. FANTILE: Excuse me. 14 THE HEARING EXAMINER: Yes? 15 MR. FANTILE: I -- I'm Barry Fantile 16 from CCA. Can I clarify what she just said? 17 THE HEARING EXAMINER: Yes. 18 MR. FANTILE: I don't know if CCA itself 19 got notice. I do see them on the list here, but 20 not on the list is the Clarksburg Town Center HOA, 21 unless it is under a different name that I would 22 expect. 23 THE HEARING EXAMINER: And -- and the 24 list you're referring to, is this 5C? 25 MR. FANTILE: 5C.</p>

Transcript of Hearing
Conducted on January 23, 2025

8 (29 to 32)

<p>29</p> <p>1 THE HEARING EXAMINER: Could you kindly 2 pull up 5C? It's tiny print. If you could expand 3 it as best you can. 4 MR. FANTILE: If -- if I missed it, I 5 apologize. 6 THE HEARING EXAMINER: And what is the 7 HOA you're saying was not included? 8 MR. FANTILE: I don't believe the 9 Clarksburg Town Center HOA was included. The 10 condos were included, but not the main HOA, 11 according to this list, unless I missed it. 12 THE HEARING EXAMINER: So on the list I'm 13 seeing there is a Clarksburg Civic Association. 14 MR. FANTILE: Yes. That specific -- 15 THE HEARING EXAMINER: There's a 16 Clarksburg Civic Association appears twice. We 17 have Clarksburg Condominium I, Clarksburg 18 Condominium IV, Clarksburg Ridge Homeowners 19 Association, Clarksburg Town Center Condominium, 20 Clarksburg Village. Are we -- it's very tiny 21 print. Are you able to kindly zoom it out as best 22 you can? 23 MR. FANTILE: All that you've read is 24 not the main HOA. 25 THE HEARING EXAMINER: Yes. And there</p>	<p>31</p> <p>1 entitled to is 30 days notice; is that correct? 2 MS. POWELL: Understood. Yes. 3 THE HEARING EXAMINER: So at the very 4 least, we should ensure that everybody has 30 days 5 notice? 6 MS. POWELL: That is correct. Yeah, 7 that would be my -- 8 THE HEARING EXAMINER: And from what we 9 have heard so far, there's speculation about 10 whether it's, you know, third week of December or 11 after the holidays. Let's just move the needle to 12 December 30th, the end of the month. Is it fair to 13 say we should have -- we -- we give people at least 14 until the end of -- I can keep the record open, but 15 if you say you would like to call expert witnesses, 16 I can extend it into the first or even second week 17 of February, just for purposes of convening a 18 hearing. And -- and you also do have the option to 19 submit. And if you want your expert witnesses to 20 come and testify, we can schedule a second date, 21 but I can also keep the record open to have your 22 expert submit any evidence they feel necessary. 23 MS. POWELL: That -- that would be fine, 24 assuming the other side does not have an objection. 25 I -- we can submit a written report.</p>
<p>30</p> <p>1 are -- there are -- one, two, three, four, five, 2 six, seven, eight, nine, ten, 11, 12, 13, 14, 15, 3 16, 17, 18, 19, 20. I'm seeing at least 20 4 listings of a Clarksburg, one variation or other, 5 and you're saying there's one -- the -- the -- the 6 main Clarksburg HOA is missing? 7 MR. FANTILE: Right. It's missing, 8 unless I'm misreading this list. The -- the 9 president of the HOA does not recall getting any 10 kind of mailing either, but he's not here. 11 THE HEARING EXAMINER: I -- I was going 12 to say that is hearsay. 13 MR. FANTILE: Yep. I apologize. 14 THE HEARING EXAMINER: Back to -- we have 15 a problem I'm trying to fix. And if you -- anyone 16 who's objecting to notice, if they have received 17 notice, they were entitled to 30 days notice. Is 18 that -- 19 MS. POWELL: I'm sorry. 20 THE HEARING EXAMINER: Whoever -- I'm not 21 ruling on whether someone was entitled to notice or 22 not. 23 MS. POWELL: Understood. 24 THE HEARING EXAMINER: If someone was 25 entitled to actual notice, what they would've been</p>	<p>32</p> <p>1 THE HEARING EXAMINER: As opposed to? 2 MS. POWELL: Yeah. Physically, if that 3 -- if this is an issue with respect to Opposing 4 Counsel, yes. 5 MR. HARRIS: Well -- 6 THE HEARING EXAMINER: Does Opposing 7 Counsel have any objections to -- to us doing a 8 written -- the -- their experts doing written 9 reports? I -- 10 MR. HARRIS: I'd like to take a step 11 backwards. I do have a problem with this whole 12 issue of notice. We complied with the rules 100 13 percent. Okay. We -- we submitted it to all of 14 the people that are required. You've got the list 15 here. Now, I'm hearing from Mr. Fantile that his 16 wife didn't get the -- or that he didn't get it, 17 but I see Lynn Fantile right on there. 18 MR. FANTILE: I didn't confirm that she 19 got it or did not get it. 20 MR. HARRIS: So what we're hearing is, I 21 don't know whether I got notice. That's pretty 22 weak. Okay. What I can say is, these are the 23 people to whom we sent the notice. Okay. We 24 fulfilled our obligation, number one. Number two, 25 the -- the signs have been there. If the -- if --</p>

Transcript of Hearing
Conducted on January 23, 2025

9 (33 to 36)

<p>33</p> <p>1 if they didn't receive a notice and -- and because 2 they weren't on the list because they weren't 3 entitled to get it -- on notice list, the signs 4 were there. They could have, should have seen them. 5 Three, the Applicant has had 6 multiple outreach meetings with the HOA there that 7 have been well published. We've had 50 plus people 8 at these meetings. The -- the -- this is not a 9 secret effort. It's been going around for a long 10 time. The -- it -- it -- it just, you know -- you 11 know, I -- I have a problem extending anything. 12 We're here today. We complied with the rules. We 13 shouldn't be penalized. 14 And -- and one further thing, the 15 fact that Mr. Patel is bothered that he didn't get 16 notice, he -- he -- you know, he's -- he's not part 17 of the HOA. He's not an adjoining confronting 18 property owner. What he is, is a -- a competitor. 19 There is no requirement anywhere in the regulations 20 that you notify competitors of what you want to do. 21 He -- he had ample time to get an expert, if he 22 wanted to. 23 MS. POWELL: If I may speak, please? If 24 the HOA -- if the primary HOA is not listed there, 25 I think that's a material issue.</p>	<p>35</p> <p>1 is the notice of public hearing. The notice of 2 public hearing is dated December 3rd. So people 3 would be entitled to at least 30 days notice. The 4 notice went out December 3rd. Now, we did have an 5 amendment in there. So let's count from December 6 13, only because there was -- I believe there was a 7 motion to amend the application. So rather than -- 8 even though the notice was dated December 3rd, I'll 9 move that to December 13th, because we were dealing 10 with an amendment as well. 30 days from December 11 13 would've been January 13th. At this point, I 12 believe, if we're going to say at least your 13 clients, Ms. Powell, have said under oath that they 14 received this mid to late December -- 15 MS. POWELL: That's correct. 16 THE HEARING EXAMINER: Let's treat that 17 as end of December, just to be fair. End of 18 January seems fair. And so, I am happy to keep the 19 record open. I will still rule in my decision. I 20 will rule on the notice issues, but I would rather 21 not hold everything up until that ruling. You 22 don't -- I don't think anyone wants to wait, you 23 know, 35, 30 -- upward of 30 days for a decision 24 for us to then be back at the table. 25 MS. POWELL: Understood.</p>
<p>34</p> <p>1 MR. HARRIS: I don't know what a primary 2 HOA is. 3 MS. POWELL: Well, I'd be happy to call 4 -- 5 MR. HARRIS: There -- there are 50 -- 50 6 HOAs on here -- or 20. What is a primary HOA? 7 MS. POWELL: Well -- 8 THE HEARING EXAMINER: I'm going to raise 9 -- I'm going to address the objections of the 10 parties present. I -- I haven't heard from the 11 HOA. I -- I -- I, you know, I -- I believe a fair 12 way to proceed is now that you're saying you would 13 like to have expect testimony, I'm inclined to 14 accommodate that. And I -- I do -- I -- I 15 understand the -- it's an administrative 16 proceeding, and I'm trying to not stand on form. 17 The rules are there to protect the parties, and we 18 -- we are trying to -- we -- we -- we do want 19 participation. We do want to hear from everyone 20 who has a stake in this. We do have rules that 21 clearly delineate who is entitled to legal notice, 22 but I think in the interest of fairness and just, 23 you know, making sure that -- 24 Since the issue has been raised, I'm 25 looking here -- let's pull up Exhibit 35, which</p>	<p>36</p> <p>1 MR. HARRIS: Well, I -- I'd like to 2 address that because again, the rules provide for 3 the Applicant to receive the opposition's expert 4 materials -- 5 THE HEARING EXAMINER: Correct. 6 MR. HARRIS: -- before 20 days before 7 the hearing. 8 THE HEARING EXAMINER: Correct. 9 MR. HARRIS: Okay. That is to avoid 10 disadvantage where someone springs something on the 11 Applicant at midnight. 12 THE HEARING EXAMINER: Correct. 13 MR. HARRIS: Okay. So what I'm hearing 14 now is that we would be put at a disadvantage. 15 THE HEARING EXAMINER: And I'm -- I'm 16 trying to ensure that nobody's put at a 17 disadvantage. 18 MR. HARRIS: I understand, and I 19 appreciate that. 20 THE HEARING EXAMINER: So if we -- to the 21 extent that we accommodate the opposition by -- by 22 -- by, you know, keeping the record open so they 23 can submit something in writing, I would uphold the 24 Applicant equal opportunity. And you tell me what 25 -- what works for your clients in terms of a</p>

Transcript of Hearing
Conducted on January 23, 2025

10 (37 to 40)

<p>37</p> <p>1 response.</p> <p>2 MS. POWELL: This may be a moot issue</p> <p>3 because an expert can't be retained in a week. I'm</p> <p>4 just -- I'm just saying that. So you -- you have</p> <p>5 the benefit of that information, Madam.</p> <p>6 MR. HARRIS: It -- it could have been</p> <p>7 retained since mid-December.</p> <p>8 MS. POWELL: No.</p> <p>9 MR. HARRIS: No? Why not?</p> <p>10 MS. POWELL: I wasn't retained then.</p> <p>11 MR. HARRIS: Well, then not my fault if</p> <p>12 -- if --</p> <p>13 MS. POWELL: Excuse me, Your Honor --</p> <p>14 MR. HARRIS: If Mr. Patel wanted to</p> <p>15 oppose this and obtain an expert, he's had since,</p> <p>16 by his admission, at least mid-December. That's a</p> <p>17 month.</p> <p>18 MS. POWELL: And the Applicant has had</p> <p>19 how long to prepare their own?</p> <p>20 THE HEARING EXAMINER: So let's -- let's</p> <p>21 look at -- I -- I'm -- I -- I think, objectively,</p> <p>22 it helps to look at what legal notice they would've</p> <p>23 been entitled to. And I think -- I think that's a</p> <p>24 fair -- we could -- we could hear --</p> <p>25 MS. POWELL: I understand.</p>	<p>39</p> <p>1 they got notice.</p> <p>2 THE HEARING EXAMINER: Okay.</p> <p>3 MR. HARRIS: So there -- there's a lot</p> <p>4 of fiction going on here.</p> <p>5 THE HEARING EXAMINER: But who is saying</p> <p>6 that? That -- that sounds like hearsay to me.</p> <p>7 MR. HARRIS: We can put them on the</p> <p>8 screen, Your Honor.</p> <p>9 THE HEARING EXAMINER: Are they -- are</p> <p>10 they able to --</p> <p>11 MR. HARRIS: Are they monitoring this?</p> <p>12 MS. POWELL: Yeah, they are. I would</p> <p>13 just ask which HOA it was. And I would like to</p> <p>14 point out that this is not misinformation, and Mr.</p> <p>15 Fantile clearly testified that he did not know, but</p> <p>16 he did not believe that it was on the list. And</p> <p>17 so, casting aspersions --</p> <p>18 THE HEARING EXAMINER: Mr. Fantile?</p> <p>19 MS. POWELL: He was the gentleman back</p> <p>20 here.</p> <p>21 MR. FANTILE: Yes.</p> <p>22 MS. POWELL: So to cast aspersions on</p> <p>23 people participating in this hearing and indicating</p> <p>24 -- or in, you know, suggesting that they're lying</p> <p>25 is completely inappropriate.</p>
<p>38</p> <p>1 THE HEARING EXAMINER: -- what they're</p> <p>2 arguing about when people actually got it. You</p> <p>3 know, if -- if -- the law is there to protect you.</p> <p>4 It says you get 30 days to accommodate all these</p> <p>5 eventualities, holidays and so on. So I -- I -- I</p> <p>6 do think it's fair to say let's -- let's -- how's</p> <p>7 February 7th? Today is -- today is January 22nd.</p> <p>8 Let me just pull out the calendar here.</p> <p>9 MS. POWELL: That would -- that would be</p> <p>10 my --</p> <p>11 THE HEARING EXAMINER: Sorry, 23rd. I'm</p> <p>12 -- I'm losing a day. Sorry about that.</p> <p>13 COURT REPORTER: I put it on the screen,</p> <p>14 so (crosstalk).</p> <p>15 THE HEARING EXAMINER: Yes. Oh, thank</p> <p>16 you very much. That's very helpful.</p> <p>17 MR. HARRIS: I -- I -- I beg your</p> <p>18 pardon, Madam Examiner. One -- one more</p> <p>19 interjection. I've just learned through telephone</p> <p>20 connection -- yes or no?</p> <p>21 MR. O'HARA: They -- they -- she says</p> <p>22 that it would've gone to community service --</p> <p>23 community -- to their main office if they got</p> <p>24 notice.</p> <p>25 MR. HARRIS: The -- the HOA is saying</p>	<p>40</p> <p>1 MR. HARRIS: I -- I did not suggest</p> <p>2 they're lying. What they're saying is, I don't</p> <p>3 know if I got notice or not, but we've got the</p> <p>4 notice list and it says they got notice.</p> <p>5 MS. POWELL: Well, that was the</p> <p>6 question. And that was all he said and what the --</p> <p>7 the use of the word fiction, pretty close to</p> <p>8 accusing somebody of lying.</p> <p>9 THE HEARING EXAMINER: That's -- that's</p> <p>10 noted. I think, under these circumstances -- so</p> <p>11 first of all, if we -- if we concluded the hearing</p> <p>12 today and closed the hearing today, we could -- the</p> <p>13 record usually is kept open for 10 business days</p> <p>14 just to allow the transcript to be produced. So we</p> <p>15 usually -- we -- we usually have a 10 day --</p> <p>16 10-business-day buffer anyway regardless, in which</p> <p>17 case, if we concluded today, we would certainly be</p> <p>18 keeping the record open at least until February</p> <p>19 3rd. I'm happy to extend that to February 7th to</p> <p>20 allow the opposition to get in -- to allow your</p> <p>21 clients to get in an expert.</p> <p>22 MS. POWELL: Thank you, Madam Examiner.</p> <p>23 THE HEARING EXAMINER: And then, the</p> <p>24 Applicant would want an opportunity to review that</p> <p>25 and provide a response, if needed.</p>

Transcript of Hearing
Conducted on January 23, 2025

11 (41 to 44)

41	<p>1 MR. HARRIS: May I?</p> <p>2 THE HEARING EXAMINER: Your -- your</p> <p>3 objections are noted.</p> <p>4 MR. HARRIS: Yeah. Yes, I understand.</p> <p>5 THE HEARING EXAMINER: Your objections</p> <p>6 are noted.</p> <p>7 MR. HARRIS: I understand. Thank you.</p> <p>8 I'm inclined to just go home today. I have no</p> <p>9 interest in presenting our case for them to have a</p> <p>10 month to evaluate and not respond, and then also</p> <p>11 have a limited amount of time. If -- if -- if, you</p> <p>12 know if they want to get an expert, you know,</p> <p>13 against my objections, I understand you're going to</p> <p>14 extend the time. We've met the rules. You should</p> <p>15 not extend the time. What happens now when</p> <p>16 somebody, another gas station owner two miles away,</p> <p>17 says, wait a minute; I didn't get notice about</p> <p>18 this; I don't like this either? Oh, okay; well,</p> <p>19 let's extend it to May.</p> <p>20 THE HEARING EXAMINER: Now, I -- I -- I</p> <p>21 gave everybody opportunity for us to reserve today</p> <p>22 simply for motions. That was waived. So the --</p> <p>23 the -- the understanding today was that we're</p> <p>24 proceeding with the application. And are you</p> <p>25 saying you would like to fold for now and -- and</p>	43	<p>1 purchased this area for a dollar, because the prior</p> <p>2 developer had created significant and material</p> <p>3 problems, and there was a mediation that occurred</p> <p>4 among the Clarksburg Town Center Advisory Committee</p> <p>5 and several home builders. And this mediation</p> <p>6 resulted in a resolution, and this resolution is</p> <p>7 dated June 15, 2006. I have copies for everybody,</p> <p>8 if they would like, but it is part of your official</p> <p>9 documentation, and attached to this.</p> <p>10 And incorporated in this June 15, 2006</p> <p>11 resolution, there is a Staff Report, and it</p> <p>12 talks about the plan of compliance, and the plan of</p> <p>13 compliance is very specific as to what is required</p> <p>14 going forward because there were significant and</p> <p>15 material failures to observe the requirements of</p> <p>16 setbacks, what roadways, and other things. But</p> <p>17 this plan of compliance included the --</p> <p>18 THE HEARING EXAMINER: I'm -- I'm -- I'm</p> <p>19 sorry to interrupt. You're saying it's a</p> <p>20 preliminary issue.</p> <p>21 MS. POWELL: It -- this is, and I'm</p> <p>22 getting to it. This is just background. Because I</p> <p>23 don't know how much you're aware of what took place</p> <p>24 previously, but this plan of compliance required a</p> <p>25 mixed use core that includes a revised town plaza</p>
42	<p>1 just reconvene say at the date in February to -- to</p> <p>2 do -- to do everything, both, you know, your --</p> <p>3 your case in chief and -- and everything else?</p> <p>4 MR. HARRIS: May I ask for a five-minute</p> <p>5 recess? I don't want this to be my decision. I</p> <p>6 have two clients here who are desperately anxious</p> <p>7 to get a grocery store built for Clarksburg, and</p> <p>8 this is critical to that, but I don't want to be --</p> <p>9 be at a disadvantage in a hearing process where all</p> <p>10 the cards are not on the table at the same time.</p> <p>11 THE HEARING EXAMINER: Okay.</p> <p>12 MS. POWELL: I -- excuse me. I do have</p> <p>13 another preliminary matter to raise, but I just</p> <p>14 wanted to make Your Honor aware.</p> <p>15 THE HEARING EXAMINER: Are you able to</p> <p>16 raise that now so that when they have their recess</p> <p>17 --</p> <p>18 MS. POWELL: Sure.</p> <p>19 THE HEARING EXAMINER: -- you can all be</p> <p>20 mulling over the same information?</p> <p>21 MS. POWELL: Absolutely. So with</p> <p>22 respect to this matter, the gas station was never</p> <p>23 part of the plan. And the Clarksburg Town Center</p> <p>24 and the Clarksburg development has been the subject</p> <p>25 of a tremendous debate. And in 2006, Elm Street</p>	44	<p>1 and town green space, a grocery store, small shops,</p> <p>2 a library, a mix of live/work units, townhouses and</p> <p>3 multifamily units. The new town plaza and green</p> <p>4 space include a site for a library, seating area,</p> <p>5 street lighting, an open air market building for</p> <p>6 outdoor civic events that will serve as a central</p> <p>7 focus for the Town Center instead of extensive</p> <p>8 surface parking as proposed in the plan that had</p> <p>9 been submitted previously to the Department of</p> <p>10 Parks and Planning. The new mixed use core</p> <p>11 includes two parking garages lined by three-story</p> <p>12 retail spaces and residences to maintain a</p> <p>13 pedestrian scale and orientation. These features</p> <p>14 provide a significant improvement to the project.</p> <p>15 Now, this has been nibbled away at over</p> <p>16 time, but the resolution makes clear that, except</p> <p>17 as otherwise required by or relating to physical</p> <p>18 project conditions unforeseen by the Board or other</p> <p>19 legal requirements applicable to any Zoning Board</p> <p>20 action, the Planning Board intends to require only</p> <p>21 such modifications that are reasonably consistent</p> <p>22 with the compliance program. Now, subject to --</p> <p>23 only to such unforeseen project conditions,</p> <p>24 applicable law and regulation, the express terms of</p> <p>25 the resolution and the compliance program, the</p>

Transcript of Hearing
Conducted on January 23, 2025

12 (45 to 48)

<p>45</p> <p>1 Board reserves all lawful discretion to consider 2 and approve conditions or disapprove future 3 applications, according to the law and the merits 4 present at the time; however, this resolution is a 5 binding document. 6 So, respectfully, they skipped a step. 7 They needed to go back and move to amend this hard- 8 fought resolution over which people spent thousands 9 of dollars in legal fees, hours and hours of 10 mediation before Judge Howe, and basically say, we 11 want to change the plan to include a gas station. 12 And that's required under this resolution, and I 13 have courtesy copies, as I said before. 14 MR. HARRIS: Thank you. 15 MS. POWELL: If I may? 16 THE HEARING EXAMINER: So, question. 17 MS. POWELL: Yes, ma'am. 18 THE HEARING EXAMINER: This -- what you 19 just presented sounds to me like a motion to 20 dismiss the application? 21 MS. POWELL: It is. It is because they 22 missed a first step. I don't know if you want to 23 hold it in -- 24 THE HEARING EXAMINER: That's -- that's 25 not a preliminary issue. That's -- that's an --</p>	<p>47</p> <p>1 of the resolution, which. by the way was in 2006, 2 almost 20 years ago, says -- it -- it says that 3 nothing in the plan of compliance impairs the 4 discretion of the County to approve future 5 applications and changes to the plans. In fact, as 6 counsel admits, there have been multiple changes to 7 the plans over that period of time and none of 8 which were the result of amendments to the plan of 9 compliance because the plan of compliance was not a 10 binding document -- it -- as would be the U.S. 11 Constitution. It was it expressly indicated that 12 changes were likely to occur and that they could be 13 approved. 14 The -- finally, this issue of whether 15 this grocery store is consistent -- and the entire 16 shopping center that we're trying to get built is 17 consistent with the plan of compliance was raised 18 by Ms. Presley last February, at which time the 19 Planning Board undertook and approved a site plan 20 amendment to approve this shopping center exactly 21 as we're proposing to build it, and -- and -- and 22 without the library, without the parking garages, 23 without the other things that Counsel cited. 24 So there is clear evidence that this plan 25 of compliance, whatever it may be, it's not the</p>
<p>46</p> <p>1 MS. POWELL: Okay. Well then, I -- 2 THE HEARING EXAMINER: That's probably -- 3 MS. POWELL: I -- I take that. 4 THE HEARING EXAMINER: -- not a 5 preliminary issue. That's a substantive motion. 6 MS. POWELL: It is a substantive motion, 7 but because it would be presumably ruled on before 8 the hearing, Madam Examiner, that's why I was 9 treating it as an initial motion. 10 THE HEARING EXAMINER: Not to speak for 11 the Applicant. What's your response? 12 MR. HARRIS: Yes. Let -- let me clarify 13 some things. She read from a resolution and 14 various things in the plan of compliance. I did 15 not hear the word gas pumps in there anywhere. 16 Okay. It does not say no gas pumps. What it does 17 say is a grocery store. That is what we're trying 18 to do. These gas pumps are a critical element to 19 bring in the -- the -- the grocery store to the 20 Town Center, to fulfill a desire that's been there 21 since 1994 -- 22 MS. POWELL: Objection. 23 MR. HARRIS: -- when they -- when they 24 approved the master plan so number one. Number 25 two, as -- as Counsel mentioned, Section V, Page 6</p>	<p>48</p> <p>1 U.S. Constitution. It's not even a law. And -- 2 and -- and -- and -- and the -- the Planning Board 3 -- and -- and -- and that decision back in 4 February, no one challenged that, and it had -- it 5 -- and it has stayed. The -- and the Planning 6 Board concluded during that process, that the 7 amendment to the site plan was not -- not 8 inconsistent with that. I mean, in -- in -- in the 9 Staff Report at that time, this issue was dealt 10 with. 11 THE HEARING EXAMINER: Question. When 12 this -- in the current configuration, this -- this 13 application appear -- came before Planning Board? 14 MR. HARRIS: Yes. I'm -- I'm sorry. 15 THE HEARING EXAMINER: This time around? 16 MR. HARRIS: This time around. 17 THE HEARING EXAMINER: This -- this -- 18 this current app, CU-25-02. 19 MR. HARRIS: Right. Yes. Okay. 20 THE HEARING EXAMINER: Did that -- did 21 that go before the Planning Board? 22 MR. HARRIS: Yes. Let -- let me clarify. 23 There -- there were a couple of things that have 24 been steps in order to get this shopping center 25 finally built. One was a series of Park and</p>

Transcript of Hearing
Conducted on January 23, 2025

13 (49 to 52)

<p>49</p> <p>1 Planning Commission amendments to the project plan, 2 to the preliminary plan of subdivision, and to the 3 site plan for the property. That all happened. 4 There were a number of them prior to this, but last 5 February, we presented to the -- to the Planning 6 Board a plan for this shopping center exactly the 7 way we plan to -- to do it today, and they approved 8 it, finding that the plan of compliance did not 9 matter. Okay. And I -- I'll come back to that, 10 but to try to answer your question further. 11 That -- but they said you need to come 12 back for a conditional use approval for the gas 13 pumps that you've proposed. So we showed on that 14 plan that was approved at that time, a location 15 for the gas pumps. It was identified as future 16 development in the -- in the corner of the parking 17 lot. They approved that plan with that area 18 designated for future development, acknowledging or 19 recognizing that we were going to have to come 20 before the Hearing Examiner for conditional use 21 approval. 22 THE HEARING EXAMINER: Do you have an 23 exhibit in the record for that? 24 MR. HARRIS: Yeah, I noticed that that 25 -- that is not in the record. I do have paper</p>	<p>51</p> <p>1 had added Exhibit 52, which was the Affidavit of 2 Posting, and now I'm marking Exhibit 3 -- 53 -- 3 sorry -- the -- the Planning Board resolution dated 4 March 25, 2024 -- dated March 25, 2024, with the 5 accompanying Project Plan Amendment Number 6 91994004E. 7 (Exhibit 53 was marked.) 8 MR. HARRIS: And then, Madam Examiner, 9 if I can continue. In Exhibit 54 at Page 62, there 10 is an express discussion about this Plan of 11 Compliance. 12 THE HEARING EXAMINER: Hang on a second. 13 You're referring to Exhibit 54? 14 MR. HARRIS: 54, I think. The -- the 15 colored one with the blue on the cover for -- 16 THE HEARING EXAMINER: Yes. 17 MR. HARRIS: That's the one. Yes. 18 THE HEARING EXAMINER: Project Plan? 19 MR. HARRIS: Yes, ma'am. 20 THE HEARING EXAMINER: Okay. This -- 21 this collection has been entered in the record as 22 Exhibit 53. 23 MR. HARRIS: Oh. Oh, 53. I'm sorry. 24 Oh, I thought the resolution was 53. 25 THE HEARING EXAMINER: The resolution is</p>
<p>50</p> <p>1 copies today that I would like to introduce, 2 because this is an important thing. May I provide 3 those now? 4 THE HEARING EXAMINER: Any objection? 5 MS. POWELL: I haven't had a chance to 6 review them. And I think it's also beside the 7 point, but a certainly major ruling. 8 THE HEARING EXAMINER: I -- I -- I think 9 -- I think it's relevant to have them. And -- and 10 we still have the unresolved issue of when we are 11 having the hearing, I -- I'm inclined to get those 12 into the record because -- 13 MS. POWELL: Certainly. 14 THE HEARING EXAMINER: -- that's 15 information that's been presented that I would like 16 to see. 17 MS. POWELL: And -- and I would like to 18 just -- even though these are part of your official 19 record, I would just like to provide them. Thank 20 you. 21 THE HEARING EXAMINER: Sure. Let's just 22 make sure I have a record of what we are getting 23 into the record. Okay. Thank you very much. That 24 will be marked collectively as exhibit -- you 25 should all at your tables have an exhibit sheet. I</p>	<p>52</p> <p>1 53. Okay. I had -- I had put them in 2 collectively, but let's mark the project planner as 3 Exhibit -- 4 MR. HARRIS: I think that would be 5 better -- 6 THE HEARING EXAMINER: Yes. 7 MR. HARRIS: -- because they are 8 different. Yes. 9 THE HEARING EXAMINER: Okay. So the 10 resolution is 53. So the -- and Exhibit 54 will be 11 the Project Plan Amendment Number 91994004E, with 12 preliminary amendment and site plan. 13 (Exhibit 54 was marked.) 14 THE HEARING EXAMINER: Yes. Okay. 15 MR. HARRIS: Okay. And then, may I 16 continue then, ma'am? 17 THE HEARING EXAMINER: Just if you give 18 me one moment -- 19 MR. HARRIS: Oh, yes. Take your time. 20 THE HEARING EXAMINER: -- to find -- I 21 don't want to lose -- 22 MR. HARRIS: I'm -- I'm throwing a lot 23 at you. 24 THE HEARING EXAMINER: I don't want to 25 lose track of my exhibits here and get myself in</p>

Transcript of Hearing
Conducted on January 23, 2025

14 (53 to 56)

<p>53</p> <p>1 trouble. So, let's see. So my understanding is 2 when the Planning Board looked at this -- what 3 you're explaining is when the Planning Board looked 4 at this in March of 2024, they approved these 5 amendments, but said for the -- you were -- you 6 were explaining that they said for the gas station, 7 you have to come back for conditional use? 8 MR. HARRIS: Yes, correct. And, 9 technically, the resolution is dated March, but the 10 hearing was in February of 2024. And in 11 preparation for that, Staff had told us that we 12 would have to come back, but that they would take 13 forward the site plan for the -- the shopping 14 center with this area designated for future 15 development for the gas pumps, and that we'd have 16 to come get the conditional use. And in that 17 process, Ms. Presley objected to -- on the very 18 basis that Opposing Counsel is now raising, saying 19 this plan of compliance did not allow that, and 20 that we were violating the plan of compliance. 21 At Page 62 of the Staff Report, the 22 Staff said that Planning Board authority was 23 expressly reserved to consider, approve, approve 24 subject conditions, will disprove any future 25 application based upon the law and merits presented</p>	<p>55</p> <p>1 truth. 2 THE HEARING EXAMINER: Thank you. 3 Whereupon, 4 AMY PRESLEY, 5 being first duly sworn or affirmed to testify to 6 the truth, the whole truth, and nothing but the 7 truth, was examined and testified as follows: 8 MS. PRESLEY: I first want to point out 9 that Mr. Harris attended the compliance program. 10 THE HEARING EXAMINER: One second. Is 11 the sound going good? 12 COURT REPORTER: The sound -- now we're 13 good. 14 THE HEARING EXAMINER: Okay. 15 COURT REPORTER: We're good. 16 THE HEARING EXAMINER: Let's see the 17 people on Zoom. 18 COURT REPORTER: Well, they're still 19 here. Just I don't know what's going on with this 20 -- 21 THE HEARING EXAMINER: Let's have that 22 screen showing. I'd just like to check in with 23 people on Zoom. It looks like we lost you for -- 24 COURT REPORTER: No, they -- they've 25 been here the whole time. It's the communication</p>
<p>54</p> <p>1 at the time, as such, improving the site plan 2 applications and subsequent amendments 3 (indiscernible) resolved where such amendments are 4 in substantial conformance with the compliance 5 program. That issue has been asked. Raised, 6 addressed and disposed of. 7 THE HEARING EXAMINER: I know Ms. Presley 8 has had her hand raised for a while, so happy to 9 hear from you. Please come. 10 MS. POWELL: Specifically on this issue, 11 because I -- I think that's misrepresentative of what 12 actually occurred on that date. 13 THE HEARING EXAMINER: So I would give 14 you an opportunity to speak, but I also think, Ms. 15 Presley, I still would like to hear your response 16 to -- to -- to what was raised there. 17 MS. PRESLEY: I -- I know -- 18 THE HEARING EXAMINER: Lots -- lot's 19 going on here. Did I have -- did -- did you take 20 the oath already? 21 MS. PRESLEY: Yeah, I -- I'll take that 22 now. 23 HEARING EXAMINER: Okay. 24 MS. PRESLEY: I do hereby swear to tell 25 the truth, the whole truth, and nothing but the</p>	<p>56</p> <p>1 between the computer signal sending the same thing 2 on this screen, the back screen. 3 THE HEARING EXAMINER: Okay. Could I 4 just have a confirmation from anyone on Zoom that 5 you didn't miss a thing? It sounds like you've 6 been there the whole time, but can someone on Zoom 7 kindly unmute and confirm that you've had no 8 interruption in -- in -- in the proceeding? 9 Okay. Well, there's only -- 10 there's one person on Zoom because the others are 11 OZAH Staff. Pam Weis. Is Pam Wise still on Zoom? 12 Okay. We are trusting that on Zoom you had no 13 interruption. If there has been an interruption, 14 please make a sound and let us know. Although the 15 tricky thing is, if they have an interruption, we -- 16 COURT REPORTER: I mean, honestly, I'm 17 not entirely sure at which point -- this is just 18 making the sound come out of here. 19 MR. HARRIS: I believe they're trying to 20 talk, and for some reason it's not coming through. 21 COURT REPORTER: Well, it's going 22 through -- it's coming through the sound for -- to 23 -- here is where the signal is going through. I'm 24 just not sure why it's not working for us here in 25 the room. That is a in-the-room network.</p>

Transcript of Hearing
Conducted on January 23, 2025

15 (57 to 60)

<p>57</p> <p>1 THE HEARING EXAMINER: This might be a 2 good time for us to take that recess so we can -- I 3 -- I'm concerned. I don't want to assume that they 4 can hear us and that they -- in the meantime, let's 5 try and connect with someone on Zoom for the 6 further date. 7 COURT REPORTER: I'm just going to 8 (crosstalk) interruption. 9 THE HEARING EXAMINER: Let's -- let's 10 take a -- let's -- let's take a five-minute recess, 11 a little over five minutes. Let's -- let's 12 reconvene here at 10:50. 13 MR. HARRIS: Thank you. 14 (Off the record) 15 THE HEARING EXAMINER: So we are 16 reconvening after a five-minute recess. Just 17 checking in, the people on Zoom, my understanding 18 is that even though we lost sight of you in the 19 room, you were able to hear us the whole time and 20 see us the whole time. May I hear a yay or not? 21 COURT REPORTER: Yes. There is no loss. 22 THE HEARING EXAMINER: Okay. We have 23 confirmation. Thank you. All right. So I -- I 24 really -- I -- I really want to get us on -- back 25 on track here. We were dealing with preliminaries.</p>	<p>59</p> <p>1 much as I care about this case, I'm not going to be 2 thinking about it, I hope. I -- I'm on vacation. 3 So I -- I guess it would be the week of the 16th. 4 THE HEARING EXAMINER: Okay. And then 5 the Monday is Presidents' Day. I don't have my 6 computer. Are you able to pull up on our on -- our 7 hearing page? I just want to see just to make sure 8 we don't have any conflicting hearings. 9 COURT REPORTER: It has to be 10 (crosstalk). The next one you guys have on here is 11 the 6th next week. 12 THE HEARING EXAMINER: January 6th. 13 COURT REPORTER: Yeah, the 6th. The 14 11th, the 13th, the 14th, 25th, 27th, and the 1st. 15 THE HEARING EXAMINER: Okay. So the week 16 of the 17th -- I mean, ruling out the 17th because 17 that's a -- a -- a federal holiday, 18th, 19th? 18 MR. HARRIS: I -- I think it would have 19 to be 19th. Mr. O'Hara here and his wife, I think, 20 is unavailable the 18th. 21 MR. O'HARA: That is correct. 22 THE HEARING EXAMINER: We -- we cannot do 23 a Wednesday because of Board of Appeals use as the 24 hearing room. 25 MR. HARRIS: Thursday, the --</p>
<p>58</p> <p>1 We've had the recess. I guess before we proceed 2 any further, are we inclined to -- are you still -- 3 are you seeking to delay -- if they're getting 4 their extension to bring in an -- an expert, are 5 you seeking to delay the start of the hearing or 6 not? 7 MR. HARRIS: Yes, ma'am. As -- as 8 disappointed it is -- as it is to put a hiatus in 9 this, I think it is the most appropriate way so 10 that the hearing is not imbalanced, and -- and you 11 know, disparate. So it -- it -- so I -- I think 12 you suggested a February 7th date for them to 13 engage an expert and submit a report, and -- and -- 14 and -- and whatever the date was, you know, we'll 15 live with that. What I would like to do then is to 16 schedule the hearing as soon after that as possible. 17 THE HEARING EXAMINER: Once -- if -- if 18 we -- if -- if Ms. Powell's clients get up to 19 February 7 to engage -- to -- to -- to provide an 20 expert report, are you then asking for an 21 opportunity to -- you know, is there -- how much 22 time are we looking to do this after that? 23 MR. HARRIS: Yeah, I -- I would normally 24 say February 10, but unfortunately I'm going to be 25 on vacation the week of the 9th. And so as -- as</p>	<p>60</p> <p>1 THE HEARING EXAMINER: So we can do the 2 -- how about we target Thursday, the 20th? 3 MR. HARRIS: Yes, I think. 4 THE HEARING EXAMINER: Okay. So that's 5 out of the way. I think we -- we -- we -- the 6 current schedule will be the substantive hearing 7 does not take off today. The -- the opposition, 8 Mr. Patel and Mr. Patel, you get an opportunity to 9 engage an expert and submit an expert report no 10 later than February 7th. Then if we are convening 11 the hearing February -- now, yes, we -- we can do 12 that because I don't have to send out new notices 13 because we are all here. 14 So the record will show that the -- 15 that the hearing -- in fact, what I would do is, 16 you recall we -- we started with preliminaries. I 17 just want the record to reflect that the hearing 18 was opened and has been -- will be adjourned to 19 February 20, 2025 at 9:30 a.m., same location right 20 here at 100 Maryland Avenue in the hearing room. 21 The same location as was on the original notice 22 dated December 3rd. 23 We will get back to the preliminaries in 24 a moment, but that's the current schedule, is 25 February 7th is submission of expert testimony.</p>

Transcript of Hearing
Conducted on January 23, 2025

16 (61 to 64)

<p>61</p> <p>1 What's your turnaround on any response? I know you 2 said you'd be on vacation. We are reconvening 3 February 20th, but any reply to that -- any reply 4 to that expert testimony would be submitted when? 5 That's -- it would be good to have that. I know 6 your indication -- 7 MR. HARRIS: We -- we -- we -- we can do 8 that by the 20th. 9 THE HEARING EXAMINER: Any chance we 10 could have that -- the hearing is going to be on 11 the 20th. 12 MR. HARRIS: Right. 13 THE HEARING EXAMINER: Can we have any 14 reply by say the 18th? 15 MR. HARRIS: I believe so. Yes, ma'am. 16 I -- you know, again, I want to keep this moving. 17 This is all a bit uncomfortable, but I can work 18 with that. 19 THE HEARING EXAMINER: Okay. Just I -- I 20 -- what I'm aiming at is to -- to have an 21 opportunity to look at this reply ahead of the 22 hearing. 23 MR. HARRIS: Fair enough. 24 THE HEARING EXAMINER: Okay. Okay. 25 That's going to be our updated schedule. The --</p>	<p>63</p> <p>1 MS. PRESLEY: Okay. So these did not 2 occur under this current developer's watch. They 3 inherited the property. What I want to correct, or 4 two things really, Mr. Harris did read in part from 5 the Planning Board's resolution, but the resolution 6 is a legal document. They described it as such 7 within the resolution. I'm not going to read that 8 for you because you have it on record. 9 This is the Planning Board Resolution 10 Compliance Program. It's not pertinent to any one 11 site plan. It sets forth the standing of the 12 compliance program. It's legal implication and the 13 Board further at this point -- and -- and, mind 14 you, the Board has changed some five times since 15 then, including a big disruption in '23. They 16 instruct the Board in their finding 4.4, they state 17 that the Board hereby orders the respondents to 18 comply strictly with each of the elements, terms 19 and conditions, not of the site plans, but of the 20 compliance program and be expressed otherwise under 21 this resolution. 22 The Board further instructs the planning 23 Staff, and this is where the Staff has failed in 24 this regard, to undertake all reasonable measures 25 to detect and report to the Board, the respondent's</p>
<p>62</p> <p>1 you were -- you were going to -- so we did have a 2 preliminary issue raised. I do -- with this 3 postponement, I think any of these preliminaries 4 should be briefed and raised, and -- and addressed. 5 MS. PRESLEY: Agree. 6 THE HEARING EXAMINER: So when we come 7 back for hearing, we have everything on the same -- 8 MS. PRESLEY: I just have like three 9 factual corrections. And -- and these are based in 10 -- in many regards. I was a commissioner for eight 11 years on the Planning Board. I was a participant 12 at the initial compliance program hearing. I was 13 the head of the Clarksburg Town Center Advisory 14 Committee, which unearthed all the violations that 15 resulted in this. Mr. Harris participated in that 16 along, with Judge Kerr Howe. 17 That aside, I want to correct two things. 18 I think Ms. Powell inadvertently said that Elm 19 Street was owning the project. They did not own 20 the project at that time. Mr. Flanagan purchased 21 it from Newland Communities "for a dollar", 22 understanding all of these issues. I believe it 23 was sometime, you can correct me, I think it was 24 sometime in 2010. 25 MR. HARRIS: Okay.</p>	<p>64</p> <p>1 compliance and non-compliance as applicable as the 2 case may be. There are several other spaces that 3 in my exhibit, I have underlined that are pertinent 4 to this, but from 2006 present, regardless of 5 whether it's been nearly 20 years or how many years 6 it's been, there has never been an alteration to 7 this resolution as noting that this compliance 8 program is sufficient to remediate legal 9 violations, fees and fines that would have 10 otherwise been incurred. 11 This is a contract with the public 12 and it's upheld and should be upheld by the Board 13 in its authority. The Staff is a ministerial 14 position. And my point is that irrespective of 15 what they approved, and I did contest it for this 16 particular plan, the Staff never compared that. 17 They simply said we have the authority and the 18 Board has the authority. That's not what we're 19 here to argue. But the fact that a gas station was 20 penciled in means nothing. 21 In fact, for the next hearing, I would 22 like to request that we have the presence of Robert 23 Kronenburg and Patrick Butler, both of whom I spoke 24 with and -- and was told, and therefore, I don't 25 want it to be hearsay, that they were not at all</p>


Transcript of Hearing
Conducted on January 23, 2025

17 (65 to 68)

<p>65</p> <p>1 approving the gas station. So it is -- it's 2 incorrect to present that as if the Staff expected 3 it. They knew that the Applicant would be 4 providing an application and was trying to get it. 5 And that's all I wanted to make sure was on the 6 record. 7 THE HEARING EXAMINER: You said for the 8 next hearing, you are requesting the presence of -- 9 of could you give me the names again? 10 MS. PRESLEY: Yes. Robert Kronenburg, 11 who also participated throughout with this 12 compliance program, and Patrick Butler, whom I 13 believe, and the Applicant can correct -- can 14 correct me if I'm wrong, I think he headed this 15 review that went before the Board prior to this. 16 MR. HARRIS: He -- he's the chief of 17 that region. Yes. 18 MS. PRESLEY: So that -- that -- those 19 were the corrections on that point. The other I -- 20 I need clarification because I -- I'm confused now 21 as to who should receive notice and not from this 22 regard. The Town Center is one plot of land, and 23 we all are part of the Clarksburg Town Center Home 24 Association. 25 THE HEARING EXAMINER: I -- I -- yes. I</p>	<p>67</p> <p>1 there -- there may be four abutting, three abutting. 2 In the case future, I would 3 recommend that maybe that get looked at because you 4 have an entire town that's considered to be part 5 and parcel. Pardon the pun. 6 THE HEARING EXAMINER: I should just -- 7 thank you for the input. The -- the -- that -- 8 MS. PRESLEY: Doesn't change the legal 9 (crosstalk). 10 THE HEARING EXAMINER: It's beyond the 11 scope of -- 12 MS. PRESLEY: That's fine. 13 THE HEARING EXAMINER: -- what the Hearing 14 Examiner can do. We certainly can convey -- you 15 know, when we hear things like that, we can convey 16 that to the legislators. And that's a -- that's 17 something that has come up. 18 MS. PRESLEY: I understand. 19 THE HEARING EXAMINER: Certainly, council 20 members would be the ones to engage on -- on -- on 21 changing the law. We are kind of bound by -- you 22 know, that's what's prescribed in the Zoning Code 23 right now. 24 MS. PRESLEY: Yes. Thank you. 25 THE HEARING EXAMINER: With these issues</p>
<p>66</p> <p>1 just want to be clear. So the -- this is a 2 Conditional Use Application. I know there's lots 3 of things going on, the plan -- there are so many 4 -- a myriad of other things going on. 5 MS. PRESLEY: Sure. 6 THE HEARING EXAMINER: In this particular 7 regard, this is a Conditional Use Application. 8 MS. PRESLEY: Yeah. 9 THE HEARING EXAMINER: So what governs 10 notice is the location, the property location, 11 who's adjoining and confronting, and who's within a 12 certain proximity. 13 MS. PRESLEY: Okay. That's fine. 14 THE HEARING EXAMINER: So I know it can 15 be confusing where there's so many other things 16 related to this whole -- the larger project. 17 MS. PRESLEY: It's -- in -- in my case, 18 it's not confusing. It seems that maybe that's 19 something that the -- OZAH should take up in the 20 future, reviewing what -- what really constitutes 21 abutting when you have a community, when the 22 community -- it's inside the community, which would 23 be different than let's say if you're in a -- in a 24 -- a rural area or a suburban area, or a dense area 25 where literally there are individual parcels and</p>	<p>68</p> <p>1 that have been raised, and I mentioned earlier if 2 -- effectively, this sounds like a motion to, you 3 know -- 4 MS. POWELL: Yes. 5 THE HEARING EXAMINER: I -- I -- I -- I 6 -- I'm asking that when we -- not only are you -- 7 should you provide a February 7th expert opinion or 8 expert submission, but if you could kindly brief 9 these, you know, I -- I think I -- it would be nice 10 to have something in -- which is why we have the 11 prehearing statements. 12 MS. POWELL: Right. I understand. 13 THE HEARING EXAMINER: So we can -- so we 14 have the legal arguments outlined and everyone 15 comes, no one's caught off guard, and we all come 16 prepared. So could you kindly also -- 17 MS. POWELL: Certainly. 18 THE HEARING EXAMINER: -- brief these 19 issues so that the other side has an opportunity to 20 -- I mean, I -- I -- I've heard the response, but 21 you see, I will not have the record ready. The 22 transcript will not be ready by the time we 23 reconvene. So if you could kindly also effectively 24 provide that. 25 MR. HARRIS: That -- that's an excellent</p>

Transcript of Hearing
Conducted on January 23, 2025

18 (69 to 72)

<p>69</p> <p>1 suggestion. And -- and I'm fine with that. I 2 would like to make that earlier than February 7th, 3 that it's not something that they have to go out 4 and hire an expert. They've got all their facts on 5 this Plan of Compliance at hand. I would say that 6 they should submit that by next Monday and we'll 7 reply by the end of next week. 8 MS. POWELL: If I may be heard. We are 9 honoring Mr. Harris's vacation. I would like to 10 honor mine, which is set for January -- well, 11 actually the 25th. And I'm out until next week, 12 the following week. 13 THE HEARING EXAMINER: So you -- you are 14 asking that -- you're asking -- 15 MS. POWELL: I -- I think that the 16 February 7th date is a reasonable date for our 17 submission given my prearranged and prepaid 18 vacation plans, and that Mr. Harris's opposition 19 can be provided on the day that he submits his 20 reply. 21 MR. HARRIS: How -- how about February 22 3rd? That still is after your vacation. 23 THE HEARING EXAMINER: I -- I -- I think 24 that -- 25 MS. POWELL: Wow.</p>	<p>71</p> <p>1 written submissions. 2 MS. POWELL: Madam Examiner, you don't 3 need me because I -- there's -- there won't be any 4 testimony today, is that correct? 5 THE HEARING EXAMINER: No. The hearing 6 today is not -- 7 MR. HARRIS: Right. 8 THE HEARING EXAMINER: -- will -- will 9 not take off. 10 MS. POWELL: Thank you. 11 MR. HARRIS: You're welcome. 12 THE HEARING EXAMINER: Unless there's 13 anything further, I would like to -- any -- 14 anything further? Anyone in the audience need to 15 say anything? On Zoom, anyone had anything to add 16 on Zoom? No. Okay. In that case, the -- the 17 hearing is adjourned to February 20th at 9:30 a.m. 18 (Off the record at 11:09 a.m.) 19 20 21 22 23 24 25</p>
<p>70</p> <p>1 THE HEARING EXAMINER: Sorry, just in the 2 interest of -- I think let's -- that's a -- that's 3 a reasonable request. I think let's -- the 7th is 4 fine. 5 MS. POWELL: Thank you. 6 MR. HARRIS: Okay. So they -- they -- 7 they brief on the Plan of Compliance? 8 THE HEARING EXAMINER: They brief on the 9 7th, which is the -- so we'll get a single 10 submission, and it's the expert testimony and any 11 brief on this preliminary issue comes in on the 12 7th. And your opportunity to respond is no later 13 than the 18th. 14 MS. POWELL: Thank you. 15 THE HEARING EXAMINER: And then we 16 convene for hearing on the 20th. 17 MS. POWELL: So having said that, would 18 you like to hear the rest of argument or do you 19 want us to just brief it? 20 THE HEARING EXAMINER: At this point, I 21 think let's brief it. 22 MS. POWELL: Sure. 23 THE HEARING EXAMINER: Let's brief it 24 because we will then -- it'll be more efficient to 25 then convene on the 20th, having received all the</p>	<p>72</p> <p>1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC 2 I, Cody Handlir, the officer before 3 whom the foregoing proceedings were taken, do hereby 4 certify that any witness(es) 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 _____ 17 CODY HANDLIR, NOTARY PUBLIC 18 FOR THE STATE OF MARYLAND 19 February 3, 2025 20 21 22 23 24 25</p>

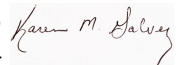
Transcript of Hearing
Conducted on January 23, 2025

19 (73 to 76)

73

CERTIFICATE OF TRANSCRIBER

I, Karen M. Galvez, do hereby certify
that this transcript was prepared from the digital
audio recording of the foregoing proceeding; that
said proceedings were reduced to typewriting under
my supervision; that said transcript is a true and
accurate record of the proceedings to the best of
my knowledge, skills, and ability; and that I am
neither counsel for, related to, nor employed by
any of the parties to the case and have no
interest, financial or otherwise, in its outcome.



KAREN M. GALVEZ
PLANET DEPOS, LLC
February 3, 2025

PLANET DEPOS

888.433.3767 | WWW.PLANETDEPOS.COM

A			
a-j-a-y 18:17	action 19:7, 19:10, 44:20	14:5, 14:16, 14:19, 16:8, 16:11, 51:1	70:25
ability 11:18, 72:10, 73:8	actual 13:18, 21:24, 22:6, 26:6, 26:7, 30:25	affirmed 18:9, 26:19, 55:5	allege 24:12
able 6:10, 17:2, 29:21, 39:10, 42:15, 57:19, 59:6	actually 17:1, 19:25, 22:25, 38:2, 54:12, 69:11	after 5:10, 12:22, 31:11, 57:16, 58:16, 58:22, 69:22	allow 40:14, 40:20, 53:19
about 7:3, 9:12, 9:21, 14:4, 15:22, 16:3, 18:15, 22:25, 26:6, 26:9, 31:9, 38:2, 38:12, 41:17, 43:12, 51:10, 59:1, 59:2, 60:2, 69:21	add 14:19, 71:15	again 22:17, 22:20, 36:2, 61:16, 65:9	almost 21:23, 47:2
above 6:11	added 51:1	against 41:13	along 16:13, 62:16
absolutely 15:25, 26:1, 42:21	additional 11:10	ago 47:2	already 54:20
abutting 11:21, 12:6, 13:24, 15:15, 66:21, 67:1	address 34:9, 36:2	agree 62:5	also 3:16, 9:22, 13:23, 24:3, 28:9, 31:18, 31:21, 41:10, 50:6, 54:14, 65:11, 68:16, 68:23
acceptance 12:22	addressed 7:24, 54:6, 62:4	agreement 2:12, 25:20	alteration 64:6
accommodate 34:14, 36:21, 38:4	adequate 15:6	ahead 5:11, 19:8, 61:21	although 5:12, 56:14
accompanying 51:5	adjoining 13:13, 27:19, 33:17, 66:11	aiming 61:20	amend 35:7, 45:7
accordance 6:25	adjourn 15:8	air 44:5	amendment 4:11, 27:10, 35:5, 35:10, 47:20, 48:7, 51:5, 52:11, 52:12
according 29:11, 45:3	adjourned 60:18, 71:17	ajay 3:22, 8:18, 11:11, 18:8, 18:17	amendments 47:8, 49:1, 53:5, 54:2, 54:3
accurate 72:9, 73:7	administer 18:1	alerted 23:13	among 43:4
accusing 40:8	administrative 1:1, 2:5, 34:15	all 7:18, 29:23, 32:13, 38:4, 40:6, 40:11, 42:9, 42:19, 45:1, 49:3, 50:25, 57:23, 60:13, 61:17, 62:14, 62:22, 63:24, 64:25, 65:5, 65:23, 68:15, 69:4,	amount 41:11
acknowledging 49:18	admission 37:16		ample 33:21
	admits 47:6		amy 3:23, 8:24, 22:21, 55:4
	advance 11:25		another 24:24, 25:5, 41:16, 42:13
	advisory 43:4, 62:13		answer 49:10
	affected 11:2		
	affidavit 4:8, 12:8, 12:14, 12:16,		

<p>anxious 42:6 any 5:10, 6:18, 7:9, 7:13, 8:10, 8:21, 8:23, 9:16, 10:18, 11:10, 17:9, 30:9, 31:22, 32:7, 44:19, 50:4, 53:24, 58:2, 59:8, 61:1, 61:3, 61:9, 61:13, 62:3, 63:10, 70:10, 71:3, 71:13, 72:4, 72:12, 73:10 anybody 7:5 anyone 7:7, 8:23, 14:19, 30:15, 35:22, 56:4, 71:14, 71:15 anything 17:2, 33:11, 71:13, 71:14, 71:15 anyway 40:16 anywhere 33:19, 46:15 apologize 5:6, 29:5, 30:13 app 48:18 appeals 59:23 appear 24:5, 48:13 appears 24:21, 29:16 appellant 3:9, 3:21, 3:22, 3:23, 3:24 applicable 44:19, 44:24,</p>	<p>64:1 applicant 3:17, 3:18, 6:15, 7:20, 8:4, 8:7, 9:3, 9:14, 9:24, 14:1, 22:9, 24:19, 25:15, 26:9, 33:5, 36:3, 36:11, 36:24, 37:18, 40:24, 46:11, 65:3, 65:13 application 1:5, 5:14, 5:15, 6:12, 6:14, 6:16, 6:25, 12:20, 13:4, 14:3, 15:18, 16:12, 17:14, 18:16, 18:22, 21:14, 35:7, 41:24, 45:20, 48:13, 53:25, 65:4, 66:2, 66:7 applications 45:3, 47:5, 54:2 apply 9:17 appreciate 36:19 appropriate 58:9 approval 49:12, 49:21 approve 45:2, 47:4, 47:20, 53:23 approved 13:10, 46:24, 47:13, 47:19, 49:7, 49:14, 49:17, 53:4, 64:15 approving 65:1</p>	<p>area 10:24, 43:1, 44:4, 49:17, 53:14, 66:24 argue 16:10, 64:19 arguing 38:2 argument 70:18 arguments 68:14 aries 3:10, 8:15 ark 3:9, 8:16 arose 26:5 around 10:10, 10:12, 15:13, 16:4, 17:21, 19:16, 20:3, 20:19, 21:1, 21:2, 33:9, 48:15, 48:16 arrangements 15:6 aside 62:17 asked 9:21, 54:5 asking 15:1, 16:19, 16:24, 58:20, 68:6, 69:14 aspersions 39:17, 39:22 association 29:13, 29:16, 29:19, 65:24 assume 57:3 assuming 31:24 attached 43:9 attended 55:9</p>	<p>attention 25:12 audience 8:22, 24:1, 71:14 audio 72:8, 73:4 authority 53:22, 64:13, 64:17, 64:18 automobile 6:13 available 7:5 avenue 2:6, 3:6, 60:20 avoid 7:9, 36:9 aware 19:14, 24:14, 42:14, 43:23 away 10:17, 24:12, 41:16, 44:15</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>back 8:19, 19:24, 21:7, 22:12, 24:18, 25:14, 30:14, 35:24, 39:19, 45:7, 48:3, 49:9, 49:12, 53:7, 53:12, 56:2, 57:24, 60:23, 62:7 background 43:22 backwards 32:11 barren 23:9 barry 3:24, 23:25, 24:2, 28:15 base 6:3</p>
---	--	---	--

based 53:25, 62:9 basically 45:10 basis 13:12, 13:14, 13:17, 53:18 because 11:6, 15:23, 17:1, 17:6, 23:24, 27:22, 28:2, 33:1, 33:2, 35:6, 35:9, 36:2, 37:3, 43:1, 43:14, 43:22, 45:21, 46:7, 47:9, 50:2, 50:12, 52:7, 54:11, 56:10, 59:16, 59:23, 60:12, 60:13, 63:8, 65:20, 67:3, 70:24, 71:3 been 11:8, 12:24, 15:18, 15:19, 15:20, 16:6, 17:5, 22:6, 27:8, 30:25, 32:25, 33:7, 33:9, 34:24, 35:11, 37:6, 37:23, 42:24, 44:9, 44:15, 46:20, 47:6, 48:24, 50:15, 51:21, 54:5, 55:25, 56:6, 56:13, 60:18, 64:5, 64:6, 64:10, 68:1 before 1:14, 2:12, 7:2, 10:10, 20:18, 21:24, 36:6, 45:10,	45:13, 46:7, 48:13, 48:21, 49:20, 58:1, 65:15, 72:2 beg 38:17 behalf 3:2, 3:9, 10:1 being 5:5, 7:11, 13:13, 13:14, 18:9, 26:19, 55:5 believe 8:19, 9:6, 19:11, 23:10, 24:21, 25:16, 27:16, 29:8, 34:11, 35:6, 35:12, 39:16, 56:19, 61:15, 62:22, 65:13 benefit 7:15, 37:5 beside 50:6 best 29:3, 29:21, 72:9, 73:7 bethesda 3:7 better 23:15, 52:5 between 56:1 beyond 67:10 big 63:15 binding 45:5, 47:10 bit 22:16, 61:17 blocks 13:23 blue 51:15 board 4:9, 23:14,	44:18, 44:19, 44:20, 45:1, 47:19, 48:2, 48:6, 48:13, 48:21, 49:6, 51:3, 53:2, 53:3, 53:22, 59:23, 62:11, 63:9, 63:13, 63:14, 63:16, 63:17, 63:22, 63:25, 64:12, 64:18, 65:15 board's 63:5 bob 8:3 both 6:8, 8:18, 42:2, 64:23 bothered 33:15 bound 67:21 bozzonetti 3:25 brewer 3:5, 8:4 brief 68:8, 68:18, 70:7, 70:8, 70:11, 70:19, 70:21, 70:23 briefed 62:4 briefly 22:14 bring 17:4, 46:19, 58:4 broader 21:16 buffer 40:16 build 47:21 builders 43:5	building 44:5 built 42:7, 47:16, 48:25 burden 6:15, 9:3 burn 25:6 business 10:2, 40:13 business-day 40:16 businesses 10:15 butler 64:23, 65:12 button 6:3, 22:19 <hr/> C <hr/> calendar 21:7, 38:8 call 5:11, 10:4, 15:2, 15:3, 15:5, 17:23, 25:11, 31:15, 34:3 called 7:23 calling 15:10 calls 21:12, 21:13 came 26:10, 48:13 camera 6:9 can't 16:15, 37:3 cannot 24:9, 59:22 capacity 11:17 cards 10:2, 42:10 care 59:1
--	--	--	--

case 1:5, 5:14, 6:22, 9:5, 9:11, 9:15, 22:9, 25:2, 25:6, 25:8, 40:17, 41:9, 42:3, 59:1, 64:2, 66:17, 67:2, 71:16, 72:12, 73:10 cast 39:22 casting 39:17 caught 68:15 caused 12:19 cca 24:3, 28:11, 28:16, 28:18 center 8:25, 23:18, 28:20, 29:9, 29:19, 42:23, 43:4, 44:7, 46:20, 47:16, 47:20, 48:24, 49:6, 53:14, 62:13, 65:22, 65:23 central 44:6 certain 66:12 certainly 10:14, 17:17, 40:17, 50:7, 50:13, 67:14, 67:19, 68:17 certificate 10:19, 72:1, 73:1 certify 12:17, 12:18, 72:4, 73:2 certifying 12:16	chairs 22:16 challenged 48:4 chance 23:22, 50:5, 61:9 change 45:11, 67:8 changed 63:14 changes 47:5, 47:6, 47:12 changing 67:21 chat 7:3 check 5:17, 13:7, 55:22 checked 23:25, 24:1 checking 5:21, 8:8, 57:17 chief 9:5, 9:15, 42:3, 65:16 christmas 20:4 christmastime 17:21, 19:16 chtd 3:5 circumstances 40:10 cited 47:23 civic 29:13, 29:16, 44:6 civil 27:1, 27:17, 28:6, 28:7 clarification 65:20 clarify 9:23, 21:11,	28:16, 46:12, 48:22 clarksburg 10:16, 23:17, 28:20, 29:9, 29:13, 29:16, 29:17, 29:18, 29:19, 29:20, 30:4, 30:6, 42:7, 42:23, 42:24, 43:4, 62:13, 65:23 clear 13:12, 44:16, 47:24, 66:1 clearly 5:8, 15:14, 34:21, 39:15 clicked 10:25 client 10:23, 11:8, 15:4, 17:23 client's 11:16 clients 10:14, 11:1, 11:21, 15:2, 15:23, 35:13, 36:25, 40:21, 42:6, 58:18 close 40:7 closed 40:12 closely 28:6, 28:7 co-applicant 9:24, 9:25 code 67:22 cody 1:25, 2:12, 72:2, 72:17 collecting 14:5 collection 51:21	collectively 50:24, 52:2 color 23:12 colored 51:15 come 22:13, 24:10, 31:20, 49:9, 49:11, 49:19, 53:7, 53:12, 53:16, 54:9, 56:18, 62:6, 67:17, 68:15 comes 68:15, 70:11 coming 56:20, 56:22 commission 49:1 commissioner 62:10 committee 43:4, 62:14 communication 55:25 communities 62:21 community 11:18, 27:10, 27:11, 27:12, 27:14, 38:22, 38:23, 66:21, 66:22 compared 64:16 competitor 33:18 competitors 33:20 completely 15:24, 39:25 compliance 43:12, 43:13, 43:17, 43:24, 44:22, 44:25, 46:14, 47:3, 47:9, 47:17,
---	---	--	---

<p>47:25, 49:8, 51:11, 53:19, 53:20, 54:4, 55:9, 62:12, 63:10, 63:12, 63:20, 64:1, 64:7, 65:12, 69:5, 70:7 complied 21:21, 32:12, 33:12 comply 63:18 computer 56:1, 59:6 concerned 57:3 concerns 10:12 concluded 40:11, 40:17, 48:6 concurrently 25:6 conditional 1:5, 5:14, 6:13, 6:14, 12:20, 49:12, 49:20, 53:7, 53:16, 66:2, 66:7 conditions 44:18, 44:23, 45:2, 53:24, 63:19 condominium 29:17, 29:18, 29:19 condos 29:10 configuration 48:12 confirm 23:9, 32:18, 56:7 confirmation 56:4, 57:23 confirmed 24:7</p>	<p>conflicting 59:8 conformance 54:4 conforms 21:15 confronting 11:21, 12:6, 13:13, 27:19, 33:17, 66:11 confused 65:20 confusing 66:15, 66:18 connect 57:5 connection 38:20 connects 23:18 consider 45:1, 53:23 considered 67:4 consistent 44:21, 47:15, 47:17 conspicuous 12:24 constitutes 66:20 constitution 47:11, 48:1 contact 5:9 contacted 24:4 contest 64:15 continue 51:9, 52:16 continuously 12:25 contract 64:11 contrary 16:10 contribute 24:16</p>	<p>convene 70:16, 70:25 convening 31:17, 60:10 convey 67:14, 67:15 coordination 14:4 copies 14:13, 43:7, 45:13, 50:1 core 43:25, 44:10 corner 49:16 correct 31:1, 31:6, 35:15, 36:5, 36:8, 36:12, 53:8, 59:21, 62:17, 62:23, 63:3, 65:13, 65:14, 71:4 corrections 62:9, 65:19 could 17:23, 18:13, 22:18, 24:5, 24:11, 24:22, 26:8, 26:12, 26:22, 29:1, 29:2, 33:4, 37:6, 37:24, 40:12, 47:12, 56:3, 61:10, 65:9, 68:8, 68:16, 68:23 council 67:19 counsel 5:23, 17:13, 22:1, 32:4, 32:7, 46:25, 47:6, 47:23, 53:18, 72:11, 73:9 counsel's 14:9</p>	<p>count 35:5 county 1:2, 2:4, 47:4 couple 12:12, 14:16, 48:23 course 21:25 court 2:13, 3:13, 5:2, 5:17, 5:19, 7:10, 7:13, 7:14, 8:9, 8:11, 10:2, 38:13, 55:12, 55:15, 55:18, 55:24, 56:16, 56:21, 57:7, 57:21, 59:9, 59:13, 72:1 courtesy 45:13 cover 51:15 covered 7:3 created 43:2 criteria 7:1 critical 42:8, 46:18 cross-examination 9:8, 9:9 cross-examined 9:18 cross-examining 9:11 crosstalk 25:1, 38:14, 57:8, 59:10, 67:9 crosstalking 7:9 crow 22:22 ctc 1:5, 3:3, 5:15,</p>
---	--	---	--

8:6 cu 1:6 cu- 5:15, 12:20, 25:3, 48:18 curious 17:11 current 48:12, 48:18, 60:6, 60:24, 63:2 currently 6:2	december 15:24, 18:24, 19:7, 19:14, 19:21, 20:3, 20:11, 20:16, 31:10, 31:12, 35:2, 35:4, 35:5, 35:8, 35:9, 35:10, 35:14, 35:17, 60:22 decision 35:19, 35:23, 42:5, 48:3 delay 22:4, 22:9, 58:3, 58:5 delineate 34:21 dense 66:24 department 44:9 depending 27:3 depos 73:16 deprived 11:9 described 63:6 designated 49:18, 53:14 desire 46:20 desperately 42:6 detect 63:25 determined 27:23 developer 43:2 developer's 63:2 development 3:3, 6:17, 42:24, 49:16,	49:18, 53:15 dictates 27:5 different 11:13, 28:21, 52:8, 66:23 digital 72:8, 73:3 directly 11:2 disabled 7:4 disadvantage 11:19, 36:10, 36:14, 36:17, 42:9 disappointed 58:8 disapprove 45:2 discretion 45:1, 47:4 discussion 25:19, 51:10 discussions 25:17 dismiss 45:20 disparate 58:11 disposed 54:6 disprove 53:24 dispute 16:15 disruption 63:15 distance 22:24 distributed 27:25 district 10:16, 23:19 document 45:5, 47:10, 63:6 documentation 43:9	documents 14:12 doing 28:7, 32:7, 32:8 dollar 43:1, 62:21 dollars 45:9 done 9:14 down 26:3 drive 10:24, 22:22, 23:8, 23:16 driving 18:25, 22:23, 23:20, 23:23 duly 5:2, 18:9, 26:19, 55:5 during 48:6
D			E
date 12:25, 15:9, 16:19, 18:23, 19:24, 31:20, 42:1, 54:12, 57:6, 58:12, 58:14, 69:16 dated 4:10, 35:2, 35:8, 43:7, 51:3, 51:4, 53:9, 60:22 day 17:7, 38:12, 40:15, 59:5, 69:19 days 12:22, 14:16, 16:12, 17:1, 19:8, 19:11, 21:4, 30:17, 31:1, 31:4, 35:3, 35:10, 35:23, 36:6, 38:4, 40:13 deal 5:13, 10:9 dealing 35:9, 57:25 dealt 48:9 debate 42:25			each 63:18 earlier 68:1, 69:2 early 3:5, 8:4 edition 25:12 edward 3:20 effectively 68:2, 68:23 efficiency 15:16, 26:2 efficient 70:24 effort 22:4, 33:9 eight 30:2, 62:10 either 18:24, 30:10,

<p>41:18 element 46:18 elements 63:18 elm 3:2, 42:25, 62:18 else 28:4, 42:3 emails 14:15 employed 72:11, 73:9 end 21:3, 31:12, 31:14, 35:17, 69:7 engage 22:7, 58:13, 58:19, 60:9, 67:20 engineer 27:17 engineers 27:1 enough 61:23 ensure 31:4, 36:16 enter 5:9 entered 14:22, 51:21 entire 23:18, 27:11, 47:15, 67:4 entirely 56:17 entitled 19:9, 20:13, 30:17, 30:21, 30:25, 31:1, 33:3, 34:21, 35:3, 37:23 entrance 5:8, 14:12 equal 36:24</p>	<p>especially 23:16 esquire 3:4, 3:11 estate 10:15 evaluate 41:10 even 31:16, 35:8, 48:1, 50:18, 57:18 events 44:6 eventualities 38:5 every 25:23 everybody 9:2, 9:10, 14:9, 26:1, 27:13, 31:4, 41:21, 43:7 everybody's 10:3 everyone 5:5, 34:19, 68:14 everyone's 25:11 everything 35:21, 42:2, 42:3, 62:7 evidence 6:24, 31:22, 47:24 exact 18:23, 19:23 exactly 26:11, 47:20, 49:6 examined 18:11, 26:21, 55:7 example 27:8 excellent 68:25</p>	<p>except 44:16 excuse 9:20, 18:19, 19:23, 28:13, 37:13, 42:12 exhaustive 27:7 exhibit 4:7, 4:8, 4:9, 4:11, 13:3, 14:10, 14:11, 14:14, 14:18, 14:23, 14:24, 24:21, 24:22, 24:23, 24:24, 25:11, 34:25, 49:23, 50:24, 50:25, 51:1, 51:2, 51:7, 51:9, 51:13, 51:22, 52:3, 52:10, 52:13, 64:3 exhibits 12:12, 52:25 expand 29:2 expect 6:7, 28:22, 34:13 expected 65:2 experience 11:12, 11:17, 27:6 expert 10:3, 11:7, 11:9, 11:15, 15:2, 15:3, 15:5, 15:10, 17:3, 17:6, 22:7, 31:15, 31:19, 31:22, 33:21, 36:3, 37:3, 37:15, 40:21, 41:12, 58:4, 58:13,</p>	<p>58:20, 60:9, 60:25, 61:4, 68:7, 68:8, 69:4, 70:10 experts 32:8 explain 26:23 explaining 53:3, 53:6 express 44:24, 51:10 expressed 63:20 expressly 47:11, 53:23 extend 31:16, 40:19, 41:14, 41:15, 41:19 extending 33:11 extension 58:4 extensive 24:20, 25:15, 25:18, 44:7 extent 7:12, 9:6, 11:13, 11:15, 36:21</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>fact 21:16, 23:13, 33:15, 47:5, 60:15, 64:19, 64:21 facts 69:4 factual 62:9 failed 63:23 failures 43:15 fair 20:25, 22:9,</p>
--	---	---	---

31:12, 34:11, 35:17, 35:18, 37:24, 38:6, 61:23 fairness 34:22 fantile 3:24, 23:25, 24:2, 24:3, 28:11, 28:13, 28:15, 28:18, 28:25, 29:4, 29:8, 29:14, 29:23, 30:7, 30:13, 32:15, 32:17, 32:18, 39:15, 39:18, 39:21 far 16:20, 31:9 fault 37:11 features 44:13 february 21:5, 21:6, 31:17, 38:7, 40:18, 40:19, 42:1, 47:18, 48:4, 49:5, 53:10, 58:12, 58:19, 58:24, 60:10, 60:11, 60:19, 60:25, 61:3, 68:7, 69:2, 69:16, 69:21, 71:17, 72:19, 73:17 federal 59:17 feel 7:8, 15:17, 31:22 fees 45:9, 64:9 feet 12:23, 22:22, 22:23	fiction 39:4, 40:7 figure 10:25 filed 14:3, 21:13 filing 12:22, 16:12 finally 47:14, 48:25 financial 72:13, 73:11 find 52:20 finding 49:8, 63:16 fine 8:1, 31:23, 66:13, 67:12, 69:1, 70:4 finer 64:9 first 7:22, 18:9, 21:5, 26:19, 31:16, 40:11, 45:22, 55:5, 55:8 fitting 6:13 five 9:7, 12:22, 16:12, 30:1, 57:11, 63:14 five-minute 42:4, 57:10, 57:16 fix 30:15 flanagan 62:20 flies 22:22 flurry 14:15 focus 44:7 fold 41:25	folks 5:21 following 69:12 follows 18:11, 26:21, 55:7 foregoing 72:3, 72:4, 73:4 form 34:16 forth 63:11 forward 22:13, 43:14, 53:13 foster 3:19 fought 45:8 found 17:19, 19:2 four 13:6, 13:23, 30:1, 67:1 frankly 11:2 frederick 3:14 free 7:8 front 6:2, 6:4 fulfill 46:20 fulfilled 32:24 fully 72:5 function 7:4 furnished 12:21 further 11:5, 33:14, 49:10, 57:6, 58:2, 63:13,	63:22, 71:13, 71:14 future 45:2, 47:4, 49:15, 49:18, 53:14, 53:24, 66:20, 67:2 <hr/> G <hr/> galley 20:15 galvez 73:2, 73:15 garages 44:11, 47:22 gas 11:11, 11:13, 11:17, 23:6, 41:16, 42:22, 45:11, 46:15, 46:16, 46:18, 49:12, 49:15, 53:6, 53:15, 64:19, 65:1 gave 41:21 general 6:16 gentleman 39:19 getting 12:2, 30:9, 43:22, 50:22, 58:3 give 11:15, 24:13, 27:5, 31:13, 52:17, 54:13, 65:9 given 17:5, 69:17 go 5:11, 24:18, 24:22, 25:14, 25:24, 41:8, 45:7, 48:21, 69:3 going 10:25, 11:14,
--	---	---	--

12:9, 21:18, 22:16, 23:21, 23:24, 24:15, 25:6, 27:22, 27:25, 30:11, 33:9, 34:8, 34:9, 35:12, 39:4, 41:13, 43:14, 49:19, 54:19, 55:11, 55:19, 56:21, 56:23, 57:7, 58:24, 59:1, 61:10, 61:25, 62:1, 63:7, 66:3, 66:4 gone 38:22 good 5:4, 5:18, 7:21, 8:3, 8:5, 8:12, 8:13, 8:16, 55:11, 55:13, 55:15, 57:2, 61:5 governs 66:9 green 6:4, 22:19, 44:1, 44:3 grief 8:16 grocery 42:7, 44:1, 46:17, 46:19, 47:15 group 8:16, 13:22 guard 68:15 guess 7:2, 23:20, 58:1, 59:3 guys 59:10 <hr/> H <hr/> half 11:24, 13:15,	27:21 hand 7:7, 22:11, 26:13, 54:8, 69:5 handlir 1:25, 2:12, 72:2, 72:17 hang 51:12 happen 26:23, 27:2 happened 10:23, 26:11, 49:3 happening 7:14, 16:1 happens 41:15 happy 12:14, 34:3, 35:18, 40:19, 54:8 hard 45:7 harris 3:4, 7:21, 8:2, 8:3, 9:20, 10:7, 11:6, 12:7, 12:9, 12:12, 13:3, 17:11, 17:16, 17:18, 17:20, 18:19, 19:3, 19:5, 19:20, 20:5, 20:9, 21:9, 23:10, 24:19, 24:24, 25:4, 25:9, 32:5, 32:10, 32:20, 34:1, 34:5, 36:1, 36:6, 36:9, 36:13, 36:18, 37:6, 37:9, 37:11, 37:14, 38:17, 38:25, 39:3, 39:7, 39:11,	40:1, 41:1, 41:4, 41:7, 42:4, 45:14, 46:12, 46:23, 48:14, 48:16, 48:19, 48:22, 49:24, 51:8, 51:14, 51:17, 51:19, 51:23, 52:4, 52:7, 52:15, 52:19, 52:22, 53:8, 55:9, 56:19, 57:13, 58:7, 58:23, 59:18, 59:25, 60:3, 61:7, 61:12, 61:15, 61:23, 62:15, 62:25, 63:4, 65:16, 68:25, 69:21, 70:6, 71:7, 71:11 harris's 69:9, 69:18 head 13:6, 62:13 headed 65:14 hear 5:21, 6:23, 10:12, 14:1, 15:14, 17:6, 18:14, 26:9, 34:19, 37:24, 46:15, 54:9, 54:15, 57:4, 57:19, 57:20, 67:15, 70:18 heard 9:12, 9:14, 11:6, 22:1, 31:9, 34:10, 68:20, 69:8 hearings 1:1, 2:5, 59:8 hearsay 30:12, 39:6,	64:25 held 2:1 helpful 38:16 helps 37:22 here 5:5, 6:21, 9:23, 10:1, 10:22, 12:14, 17:1, 17:6, 17:13, 21:2, 21:11, 21:25, 22:2, 22:4, 28:19, 30:10, 32:15, 33:12, 34:6, 34:25, 38:8, 39:4, 39:20, 42:6, 52:25, 54:19, 55:19, 55:25, 56:18, 56:23, 56:24, 57:12, 57:25, 59:10, 59:19, 60:13, 60:20, 64:19 here's 21:3 hereby 12:17, 12:18, 54:24, 63:17, 72:3, 73:2 hey 23:15 hiatus 58:8 hindered 11:5 hire 69:4 historic 10:15, 23:19 hoa 25:23, 25:24, 25:25, 28:10, 28:20, 29:7, 29:9, 29:10,
--	---	---	---

29:24, 30:6, 30:9, 33:6, 33:17, 33:24, 34:2, 34:6, 34:11, 38:25, 39:13 hoas 27:20, 34:6 hold 21:9, 24:5, 35:21, 45:23 holiday 20:19, 59:17 holidays 19:19, 20:3, 20:4, 21:2, 31:11, 38:5 home 22:22, 23:2, 41:8, 43:5, 65:23 homeowners 29:18 honestly 56:16 honor 11:14, 12:1, 37:13, 39:8, 42:14, 69:10 honoring 69:9 hope 59:2 hours 45:9 how's 38:6 howe 45:10, 62:16 however 6:7, 45:4 hybrid 5:25	identify 7:18 ifthe 32:25 imagine 15:20 imbalanced 58:10 impairs 47:3 implication 63:12 important 50:2 improvement 44:14 improving 54:1 in-the-room 56:25 inadvertently 62:18 inappropriate 39:25 inc 1:6, 5:16 inclined 34:13, 41:8, 50:11, 58:2 include 44:4, 45:11 included 29:7, 29:9, 29:10, 43:17 includes 43:25, 44:11 including 10:3, 23:18, 25:22, 63:15 inclusion 14:18 inconsistent 48:8 incorporated 43:10 incorrect 65:2 incurred 64:10	indicate 23:15 indicated 47:11 indicates 16:11 indicating 39:23 indication 61:6 individual 66:25 inflicted 11:3 information 5:9, 37:5, 42:20, 50:15 inherited 63:3 initial 46:9, 62:12 input 67:7 inside 66:22 instance 25:22 instead 44:7 instruct 63:16 instructs 63:22 intends 44:20 interest 15:16, 34:22, 41:9, 70:2, 72:13, 73:11 interested 18:20, 18:21 interjection 38:19 interrupt 43:19 interruption 56:8, 56:13, 56:15, 57:8	introduce 50:1 introducing 12:13 investment 8:15 invite 27:11 invited 27:13 involved 25:18 irrespective 64:14 ishan 3:21, 8:19 issue 11:1, 32:3, 32:12, 33:25, 34:24, 37:2, 43:20, 45:25, 46:5, 47:14, 48:9, 50:10, 54:5, 54:10, 62:2, 70:11 issues 5:6, 7:3, 15:13, 26:5, 35:20, 62:22, 67:25, 68:19 it'll 6:4, 70:24 itself 10:11, 28:18 iv 29:18
I			J
idea 15:25 identified 10:20, 49:15			jack 3:17, 9:25 january 1:16, 20:22, 21:4, 35:11, 35:18, 38:7, 59:12, 69:10 job 1:23 joe 3:25

joining 15:15 judge 45:10, 62:16 june 43:7, 43:10	23:1, 23:5, 23:11, 25:16, 25:23, 25:24, 28:18, 31:10, 32:21, 33:10, 33:11, 33:16, 34:1, 34:11, 34:23, 35:23, 36:22, 38:3, 39:15, 39:24, 40:3, 41:12, 42:2, 43:23, 45:22, 54:7, 54:17, 55:19, 56:14, 58:11, 58:14, 58:21, 61:1, 61:5, 61:16, 66:2, 66:14, 67:15, 67:22, 68:3, 68:9 knowing 18:21 knowledge 28:3, 72:10, 73:8 kronenburg 64:23, 65:10 kubit 3:18, 8:5, 8:6, 9:23, 26:14, 26:18, 26:25, 28:5	later 60:10, 70:12 law 27:18, 27:23, 38:3, 44:24, 45:3, 48:1, 53:25, 67:21 lawful 45:1 leading 20:5, 20:7, 20:13 learn 17:14 learned 18:15, 18:22, 20:10, 38:19 least 9:7, 13:6, 30:3, 31:4, 31:13, 35:3, 35:12, 37:16, 40:18 left 21:7 legal 34:21, 37:22, 44:19, 45:9, 63:6, 63:12, 64:8, 67:8, 68:14 legislators 67:16 lerch 3:5, 8:4 leslie 3:11, 8:14 less 10:17 let's 7:19, 9:18, 10:22, 31:11, 34:25, 35:5, 35:16, 37:20, 38:6, 41:19, 50:21, 52:2, 53:1, 55:16, 55:21, 57:4,	57:9, 57:10, 57:11, 66:23, 70:2, 70:3, 70:21, 70:23 library 44:2, 44:4, 47:22 light 6:2 lighting 44:5 likely 47:12 limited 3:9, 8:15, 9:13, 41:11 line 12:23 lined 44:11 list 13:10, 21:14, 21:16, 24:6, 24:20, 25:15, 26:7, 26:10, 27:7, 27:17, 28:19, 28:20, 28:24, 29:11, 29:12, 30:8, 32:14, 33:2, 33:3, 39:16, 40:4 listed 25:25, 33:24 listen 6:23 listings 30:4 literally 66:25 little 6:3, 22:15, 57:11 live 44:2, 58:15 llc 1:6, 3:3, 3:9, 3:12, 5:16,
join 15:15 judge 45:10, 62:16 june 43:7, 43:10	K	later 60:10, 70:12 law 27:18, 27:23, 38:3, 44:24, 45:3, 48:1, 53:25, 67:21 lawful 45:1 leading 20:5, 20:7, 20:13 learn 17:14 learned 18:15, 18:22, 20:10, 38:19 least 9:7, 13:6, 30:3, 31:4, 31:13, 35:3, 35:12, 37:16, 40:18 left 21:7 legal 34:21, 37:22, 44:19, 45:9, 63:6, 63:12, 64:8, 67:8, 68:14 legislators 67:16 lerch 3:5, 8:4 leslie 3:11, 8:14 less 10:17 let's 7:19, 9:18, 10:22, 31:11, 34:25, 35:5, 35:16, 37:20, 38:6, 41:19, 50:21, 52:2, 53:1, 55:16, 55:21, 57:4,	57:9, 57:10, 57:11, 66:23, 70:2, 70:3, 70:21, 70:23 library 44:2, 44:4, 47:22 light 6:2 lighting 44:5 likely 47:12 limited 3:9, 8:15, 9:13, 41:11 line 12:23 lined 44:11 list 13:10, 21:14, 21:16, 24:6, 24:20, 25:15, 26:7, 26:10, 27:7, 27:17, 28:19, 28:20, 28:24, 29:11, 29:12, 30:8, 32:14, 33:2, 33:3, 39:16, 40:4 listed 25:25, 33:24 listen 6:23 listings 30:4 literally 66:25 little 6:3, 22:15, 57:11 live 44:2, 58:15 llc 1:6, 3:3, 3:9, 3:12, 5:16,
join 15:15 judge 45:10, 62:16 june 43:7, 43:10	L	later 60:10, 70:12 law 27:18, 27:23, 38:3, 44:24, 45:3, 48:1, 53:25, 67:21 lawful 45:1 leading 20:5, 20:7, 20:13 learn 17:14 learned 18:15, 18:22, 20:10, 38:19 least 9:7, 13:6, 30:3, 31:4, 31:13, 35:3, 35:12, 37:16, 40:18 left 21:7 legal 34:21, 37:22, 44:19, 45:9, 63:6, 63:12, 64:8, 67:8, 68:14 legislators 67:16 lerch 3:5, 8:4 leslie 3:11, 8:14 less 10:17 let's 7:19, 9:18, 10:22, 31:11, 34:25, 35:5, 35:16, 37:20, 38:6, 41:19, 50:21, 52:2, 53:1, 55:16, 55:21, 57:4,	57:9, 57:10, 57:11, 66:23, 70:2, 70:3, 70:21, 70:23 library 44:2, 44:4, 47:22 light 6:2 lighting 44:5 likely 47:12 limited 3:9, 8:15, 9:13, 41:11 line 12:23 lined 44:11 list 13:10, 21:14, 21:16, 24:6, 24:20, 25:15, 26:7, 26:10, 27:7, 27:17, 28:19, 28:20, 28:24, 29:11, 29:12, 30:8, 32:14, 33:2, 33:3, 39:16, 40:4 listed 25:25, 33:24 listen 6:23 listings 30:4 literally 66:25 little 6:3, 22:15, 57:11 live 44:2, 58:15 llc 1:6, 3:3, 3:9, 3:12, 5:16,

8:14, 73:16 located 10:16 location 2:1, 12:24, 13:5, 13:8, 49:14, 60:19, 60:21, 66:10 long 16:5, 33:9, 37:19 look 10:19, 23:15, 27:18, 37:21, 37:22, 61:21 looked 53:2, 53:3, 67:3 looking 15:21, 34:25, 58:22 looks 55:23 lose 52:21, 52:25 losing 38:12 loss 57:21 lost 15:17, 55:23, 57:18 lot 39:3, 49:17, 52:22 lot's 54:18 lots 54:18, 66:2 lying 39:24, 40:2, 40:8 lynn 24:2, 32:17	45:17, 51:19, 52:16, 58:7, 61:15 madam 7:21, 7:23, 15:23, 16:6, 17:12, 20:8, 21:10, 37:5, 38:18, 40:22, 46:8, 51:8, 71:2 made 24:14 mail 22:3, 24:9 mailing 13:10, 21:13, 21:14, 21:16, 26:6, 26:7, 26:24, 30:10 mailings 26:10, 27:1, 27:2, 27:8 main 29:10, 29:24, 30:6, 38:23 maintain 44:12 maintained 12:25 major 50:7 make 15:6, 27:2, 28:1, 42:14, 50:22, 56:14, 59:7, 65:5, 69:2 makes 44:16 making 34:23, 56:18 manageable 25:21 many 13:1, 19:8, 23:7, 24:4, 62:10, 64:5, 66:3, 66:15 march 51:4, 53:4,	53:9 mark 5:8, 14:7, 14:16, 52:2 marked 4:6, 14:18, 14:24, 50:24, 51:7, 52:13 market 44:5 markets 1:6, 3:2, 5:16, 9:25 marking 51:2 maryland 1:2, 1:15, 2:6, 2:7, 3:7, 3:14, 60:20, 72:18 master 46:24 material 11:1, 33:25, 43:2, 43:15 materials 36:4 matter 26:2, 42:13, 42:22, 49:9 maybe 13:6, 66:18, 67:3 mean 48:8, 56:16, 59:16, 68:20 means 6:22, 64:20 meantime 57:4 measures 63:24 mediation 43:3, 43:5, 45:10 meet 9:3, 11:18 meeting 27:4, 27:10	meetings 27:12, 27:14, 33:6, 33:8 meets 6:16 members 14:10, 67:20 mentioned 9:23, 14:8, 24:19, 46:25, 68:1 merits 45:3, 53:25 met 22:5, 41:14 mic 6:1, 6:8 mics 5:24 mid 35:14 mid-december 37:7, 37:16 middle 19:19 midnight 36:11 might 7:12, 15:16, 57:1 mile 10:17, 11:24, 13:15, 27:21 miles 41:16 mind 63:13 mine 69:10 minimum 22:8 ministerial 64:13 minute 41:17 minutes 57:11 misinformation 39:14
M			
ma'am 13:20, 15:11,			

misreading 30:8	46:9, 68:2	necessity 11:10	normally 58:23
misrepresentative 54:11	motions 41:22	need 6:1, 6:10,	notary 72:1, 72:17
miss 56:5	move 16:22, 18:2,	6:21, 7:5, 8:9,	noted 9:22, 40:10,
missed 29:4, 29:11,	21:5, 31:11,	11:8, 18:5,	41:3, 41:6
45:22	35:9, 45:7	21:17, 26:15,	nothing 18:10, 23:3,
missing 30:6, 30:7	moving 61:16	49:11, 65:20,	23:14, 26:20,
mix 44:2	much 10:6, 24:18,	71:3, 71:14	47:3, 54:25,
mixed 43:25, 44:10	25:21, 38:16,	needed 25:19, 40:25,	55:6, 64:20
modifications 44:21	43:23, 50:23,	45:7	notice 10:10, 10:12,
moment 8:16, 21:10,	58:21, 59:1	needle 31:11	10:18, 10:21,
52:18, 60:24	mulling 42:20	needs 11:18	11:1, 11:4,
monday 59:5, 69:6	multifamily 44:3	neighborhood 23:8	11:25, 13:19,
monitoring 39:11	multiple 33:6, 47:6	neighbors 11:21	13:21, 13:22,
montgomery 1:2, 2:4	musical 22:16	neither 72:11, 73:9	15:1, 15:14,
month 17:19, 17:20,	mute 6:6	network 56:25	19:8, 19:9,
31:12, 37:17,	mvunga 1:14	never 42:22, 64:6,	19:10, 21:4,
41:10	myriad 66:4	64:16	21:12, 21:24,
month's 21:24	myself 52:25	new 44:3, 44:10,	22:2, 22:6,
moot 37:2		60:12	22:25, 23:2,
more 11:15, 15:19,		newland 62:21	23:4, 24:6,
25:18, 25:21,		next 17:1, 59:10,	24:8, 24:13,
38:18, 70:24		59:11, 64:21,	24:20, 26:4,
morning 5:4, 7:21, 8:3,		65:8, 69:6,	27:5, 27:22,
8:5, 8:13		69:7, 69:11	28:10, 28:11,
most 12:23, 58:9		nibbled 44:15	28:19, 30:16,
mother 24:11		nice 68:9	30:17, 30:21,
motion 35:7, 45:19,		nine 30:2	30:25, 31:1,
46:5, 46:6,		nobody's 36:16	31:5, 32:12,
		non-compliance 64:1	32:21, 32:23,
		none 4:6, 47:7	33:1, 33:3,
			33:16, 34:21,
			35:1, 35:3,
			35:4, 35:8,
			35:20, 37:22,
			38:24, 39:1,
			40:3, 40:4,
			41:17, 60:21,
			65:21, 66:10
			noticed 49:24
			notices 5:10, 21:19,
			25:24, 27:24,

60:12 notified 24:8 notify 33:20 noting 64:7 number 4:12, 5:15, 9:22, 13:4, 32:24, 46:24, 49:4, 51:5, 52:11	occurred 43:3, 54:12 offer 12:9 office 1:1, 2:4, 13:9, 38:23 officer 72:2 official 7:15, 43:8, 50:18 officially 10:11 oh 25:4, 38:15, 41:18, 51:23, 51:24, 52:19 okay 8:2, 8:3, 8:9, 10:7, 13:11, 13:16, 16:7, 18:4, 19:3, 20:2, 20:17, 25:7, 26:16, 28:12, 32:13, 32:22, 32:23, 36:9, 36:13, 39:2, 41:18, 42:11, 46:1, 46:16, 48:19, 49:9, 50:23, 51:20, 52:1, 52:9, 52:14, 52:15, 54:23, 55:14, 56:3, 56:9, 56:12, 57:22, 59:4, 59:15, 60:4, 61:19, 61:24, 62:25, 63:1, 66:13, 70:6, 71:16 once 9:14, 15:8, 15:19, 26:4, 58:17 one 10:23, 10:24,	23:9, 23:11, 30:1, 30:4, 30:5, 32:24, 33:14, 38:18, 46:24, 48:4, 48:25, 51:15, 51:17, 52:18, 55:10, 56:10, 59:10, 63:10, 65:22 one's 25:7, 68:15 ones 67:20 only 10:21, 13:4, 23:19, 25:13, 27:19, 35:6, 44:20, 44:23, 56:9, 68:6 oops 18:5 open 31:14, 31:21, 35:19, 36:22, 40:13, 40:18, 44:5 opened 60:18 operated 11:12 opinion 6:25, 68:7 opponents 8:15 opportunity 9:8, 9:10, 9:16, 11:9, 16:9, 22:7, 36:24, 40:24, 41:21, 54:14, 58:21, 60:8, 61:21, 68:19, 70:12 oppose 37:15 opposed 32:1	opposing 17:12, 22:1, 32:3, 32:6, 53:18 opposition 9:16, 21:23, 36:21, 40:20, 60:7, 69:18 opposition's 36:3 option 31:18 order 5:12, 17:3, 48:24 orders 63:17 ordinance 6:18, 7:1, 9:4 orientation 44:13 original 12:14, 60:21 osting 14:20 other 8:22, 9:21, 27:14, 30:4, 31:24, 43:16, 44:18, 47:23, 64:2, 65:19, 66:4, 66:15, 68:19 others 23:7, 56:10 otherwise 44:17, 63:20, 64:10, 72:13, 73:11 out 7:1, 10:25, 16:23, 17:19, 19:2, 28:10, 29:21, 35:4, 38:8, 39:14, 55:8, 56:18, 59:16, 60:5, 60:12, 69:3,
O			
o'hara 3:17, 10:1, 38:21, 59:19, 59:21 oath 18:1, 35:13, 54:20 object 14:19 objected 53:17 objecting 30:16 objection 13:12, 20:5, 28:2, 31:24, 46:22, 50:4 objections 14:17, 16:10, 17:10, 32:7, 34:9, 41:3, 41:5, 41:13 objectively 37:21 obligation 32:24 observe 43:15 obtain 37:15 obviously 17:6 occur 47:12, 63:2			

69:11 outcome 72:13, 73:11 outdoor 44:6 outlined 68:14 outreach 33:6 outset 14:2 over 6:21, 27:12, 42:20, 44:15, 45:8, 47:7, 57:11 own 9:11, 10:15, 37:19, 62:19 owned 11:12 owner 13:13, 33:18, 41:16 owners 27:19 owning 62:19 ozah 12:21, 14:4, 21:11, 25:16, 25:17, 56:11, 66:19	parcels 66:25 pardon 38:18, 67:5 park 48:25 parking 44:8, 44:11, 47:22, 49:16 parks 44:10 part 13:21, 33:16, 42:23, 43:8, 50:18, 63:4, 65:23, 67:4 participant 62:11 participants 5:25, 8:22 participated 62:15, 65:11 participating 39:23 participation 34:19 particular 27:24, 64:16, 66:6 parties 7:18, 27:20, 27:21, 34:10, 34:17, 72:12, 73:10 past 23:8, 23:16 patel 3:21, 3:22, 8:18, 8:19, 11:11, 17:13, 17:19, 17:21, 18:8, 18:17, 18:18, 18:23, 19:4, 19:13, 19:25, 20:13, 20:16, 20:19, 23:6, 24:14, 33:15, 37:14,	60:8 patrick 64:23, 65:12 pedestrian 44:13 penalized 33:13 penciled 64:20 pending 15:18 people 6:6, 9:16, 16:9, 23:13, 24:4, 26:3, 31:13, 32:14, 32:23, 33:7, 35:2, 38:2, 39:23, 45:8, 55:17, 55:23, 57:17 people's 9:10 percent 22:5, 32:13 perimeter 16:4, 16:13 period 17:7, 47:7 person 56:10 personal 11:12, 11:16, 28:2 pertinent 63:10, 64:3 physical 16:3, 44:17 physically 32:2 place 21:1, 43:23 placed 12:18, 12:19, 13:2, 25:13 plan 27:9, 42:23, 43:12, 43:17,	43:24, 44:8, 45:11, 46:14, 46:24, 47:3, 47:8, 47:9, 47:17, 47:19, 47:24, 48:7, 49:1, 49:2, 49:3, 49:6, 49:7, 49:8, 49:14, 49:17, 51:5, 51:10, 51:18, 52:11, 52:12, 53:13, 53:19, 53:20, 54:1, 63:11, 64:16, 66:3, 69:5, 70:7 planet 73:16 planner 52:2 planning 4:9, 4:11, 23:14, 44:10, 44:20, 47:19, 48:2, 48:5, 48:13, 48:21, 49:1, 49:5, 51:3, 53:2, 53:3, 53:22, 62:11, 63:5, 63:9, 63:22 plans 47:5, 47:7, 63:19, 69:18 plate 6:21 plaza 43:25, 44:3 please 5:8, 6:1, 6:5, 6:6, 7:6, 7:8, 18:13, 20:1, 26:13, 26:22, 33:23, 54:9, 56:14 plot 65:22
P			
p-a-t-e-l 18:18 page 4:1, 4:7, 46:25, 51:9, 53:21, 59:7 pages 1:24 pam 56:11 paper 49:25 parcel 67:5			

<p>plus 33:7</p> <p>point 17:13, 18:21, 28:10, 35:11, 39:14, 50:7, 55:8, 56:17, 63:13, 64:14, 65:19, 70:20</p> <p>position 13:18, 64:14</p> <p>possible 58:16</p> <p>posted 12:22, 16:4, 16:6, 16:13, 23:11</p> <p>posting 4:8, 12:8, 12:16, 14:6, 14:17, 21:12, 21:22, 51:2</p> <p>postponed 15:9, 15:19</p> <p>postponement 62:3</p> <p>powell 3:11, 3:12, 8:13, 8:14, 10:13, 10:14, 11:23, 12:4, 13:15, 13:20, 14:21, 14:25, 15:4, 15:11, 15:22, 16:5, 16:15, 16:21, 16:25, 17:15, 17:17, 17:24, 18:2, 18:5, 19:11, 19:15, 19:18, 19:22, 20:2, 20:7, 20:12, 20:17, 20:21, 20:24, 21:7, 22:24, 24:9, 25:1, 28:1, 28:9, 30:19, 30:23,</p>	<p>31:2, 31:6, 31:23, 32:2, 33:23, 34:3, 34:7, 35:13, 35:15, 35:25, 37:2, 37:8, 37:10, 37:13, 37:18, 37:25, 38:9, 39:12, 39:19, 39:22, 40:5, 40:22, 42:12, 42:18, 42:21, 43:21, 45:15, 45:17, 45:21, 46:1, 46:3, 46:6, 46:22, 50:5, 50:13, 50:17, 54:10, 62:18, 68:4, 68:12, 68:17, 69:8, 69:15, 69:25, 70:5, 70:14, 70:17, 70:22, 71:2, 71:10</p> <p>powell's 58:18</p> <p>prearranged 69:17</p> <p>precisely 21:15, 21:21, 21:22</p> <p>prefer 7:22, 7:24</p> <p>preference 8:1</p> <p>prehearing 68:11</p> <p>preliminaries 5:12, 10:9, 57:25, 60:16, 60:23, 62:3</p> <p>preliminary 9:19, 42:13, 43:20, 45:25, 46:5, 49:2, 52:12, 62:2, 70:11</p>	<p>prepaid 69:17</p> <p>preparation 53:11</p> <p>prepare 37:19</p> <p>prepared 68:16, 73:3</p> <p>prescribed 67:22</p> <p>presence 64:22, 65:8</p> <p>present 3:16, 7:19, 9:5, 9:10, 9:16, 11:9, 34:10, 45:4, 64:4, 65:2</p> <p>presented 27:17, 45:19, 49:5, 50:15, 53:25</p> <p>presenting 11:7, 41:9</p> <p>president 24:3, 25:25, 30:9</p> <p>presidents 59:5</p> <p>presley 3:23, 8:19, 8:24, 13:21, 22:2, 22:12, 22:14, 22:17, 22:20, 22:21, 47:18, 53:17, 54:7, 54:15, 54:17, 54:21, 54:24, 55:4, 55:8, 62:5, 62:8, 63:1, 65:10, 65:18, 66:5, 66:8, 66:13, 66:17, 67:8, 67:12, 67:18, 67:24</p> <p>press 6:1, 6:3, 22:19</p> <p>presumably 46:7</p>	<p>pretty 32:21, 40:7</p> <p>previous 15:24, 23:12</p> <p>previously 43:24, 44:9</p> <p>primary 33:24, 34:1, 34:6</p> <p>print 29:2, 29:21</p> <p>prior 24:3, 43:1, 49:4, 65:15</p> <p>probably 46:2</p> <p>problem 30:15, 32:11, 33:11</p> <p>problems 43:3</p> <p>proceed 34:12, 58:1</p> <p>proceeding 5:25, 7:16, 34:16, 41:24, 56:8, 73:4</p> <p>proceedings 4:2, 72:3, 72:5, 72:8, 73:5, 73:7</p> <p>process 13:24, 14:1, 14:3, 22:4, 28:8, 42:9, 48:6, 53:17</p> <p>produced 7:11, 40:14</p> <p>program 44:22, 44:25, 54:5, 55:9, 62:12, 63:10, 63:12, 63:20, 64:8, 65:12</p> <p>project 4:11, 44:14, 44:18, 44:23, 49:1, 51:5,</p>
---	---	--	--

<p>51:18, 52:2, 52:11, 62:19, 62:20, 66:16 proper 12:10 property 12:19, 12:23, 13:13, 16:4, 16:14, 27:19, 33:18, 49:3, 63:3, 66:10 propose 21:3 proposed 10:18, 44:8, 49:13 proposing 47:21 protect 34:17, 38:3 provide 12:14, 18:13, 24:20, 36:2, 40:25, 44:14, 50:2, 50:19, 58:19, 68:7, 68:24 provided 10:2, 25:16, 69:19 providing 65:4 proving 6:15, 9:3 proximity 66:12 public 1:13, 5:13, 6:11, 10:11, 14:10, 27:4, 35:1, 35:2, 64:11, 72:1, 72:17 published 33:7 pull 24:22, 29:2, 34:25, 38:8,</p>	<p>59:6 pumps 46:15, 46:16, 46:18, 49:13, 49:15, 53:15 pun 67:5 purchased 43:1, 62:20 purely 7:13, 7:14 purposes 31:17 pursuant 2:12 put 10:22, 26:4, 36:14, 36:16, 38:13, 39:7, 52:1, 58:8 <hr/>Q <hr/>qualified 72:7 question 11:8, 20:8, 20:13, 26:5, 40:6, 45:16, 48:11, 49:10 questions 10:10 quite 15:20 <hr/>R <hr/>radius 11:24, 13:15 raise 16:10, 26:12, 34:8, 42:13, 42:16 raised 10:10, 15:13, 22:12, 26:5, 34:24, 47:17, 54:5, 54:8, 54:16, 62:2, 62:4, 68:1</p>	<p>raising 7:7, 53:18 rather 11:16, 35:7, 35:20 rd 38:11 reach 5:10 read 29:23, 46:13, 63:4, 63:7 reading 12:18 ready 68:21, 68:22 real 10:15 really 24:20, 57:24, 63:4, 66:20 reason 10:21, 10:22, 21:1, 56:20 reasonable 17:8, 63:24, 69:16, 70:3 reasonably 44:21 recall 30:9, 60:16 receive 10:18, 13:22, 19:10, 19:13, 23:4, 24:7, 28:11, 33:1, 36:3, 65:21 received 11:25, 16:18, 19:7, 22:2, 22:25, 23:1, 24:6, 30:16, 35:14, 70:25 receiving 11:4 recess 42:5, 42:16, 57:2, 57:10,</p>	<p>57:16, 58:1 recognizing 49:19 recommend 67:3 reconvene 42:1, 57:12, 68:23 reconvening 57:16, 61:2 record 7:15, 7:17, 14:6, 14:23, 16:8, 16:11, 18:12, 21:11, 22:17, 22:20, 24:2, 27:20, 31:14, 31:21, 35:19, 36:22, 40:13, 40:18, 49:23, 49:25, 50:12, 50:19, 50:22, 50:23, 51:21, 57:14, 60:14, 60:17, 63:8, 65:6, 68:21, 71:18, 72:9, 73:7 recorded 1:25, 72:6 recording 7:12, 7:14, 72:8, 73:4 red 6:2 reduced 72:6, 73:5 referenced 6:12 referring 28:24, 51:13 reflect 60:17 regard 6:14, 15:1, 63:24, 65:22, 66:7 regarding 11:10</p>
---	---	---	--

<p>regardless 40:16, 64:4</p> <p>regards 62:10</p> <p>region 65:17</p> <p>regulation 21:20, 44:24</p> <p>regulations 33:19</p> <p>related 6:19, 66:16, 72:11, 73:9</p> <p>relating 44:17</p> <p>relevant 50:9</p> <p>remediate 64:8</p> <p>remind 9:2, 9:9</p> <p>reminder 5:7, 5:23</p> <p>render 6:25</p> <p>reply 61:3, 61:14, 61:21, 69:7, 69:20</p> <p>report 31:25, 43:11, 48:9, 53:21, 58:13, 58:20, 60:9, 63:25</p> <p>reporter 2:13, 5:2, 5:18, 5:19, 7:10, 8:9, 8:11, 10:2, 38:13, 55:12, 55:15, 55:18, 55:24, 56:16, 56:21, 57:7, 57:21, 59:9, 59:13, 72:1</p> <p>reporter's 7:13, 7:15</p> <p>reports 17:5, 32:9</p>	<p>representatives 8:17, 10:23</p> <p>representing 8:4, 8:14, 13:22</p> <p>request 16:25, 17:8, 64:22, 70:3</p> <p>requested 26:4</p> <p>requesting 65:8</p> <p>require 44:20</p> <p>required 13:18, 16:13, 32:14, 43:13, 43:24, 44:17, 45:12</p> <p>requirement 33:19</p> <p>requirements 6:16, 9:4, 21:15, 22:5, 43:15, 44:19</p> <p>reserve 15:13, 41:21</p> <p>reserved 53:23</p> <p>reserves 45:1</p> <p>residences 44:12</p> <p>resident 8:24, 22:21, 25:23</p> <p>residents 24:2</p> <p>resolution 4:9, 43:6, 43:11, 44:16, 44:25, 45:4, 45:8, 45:12, 46:13, 47:1, 51:3, 51:24, 51:25, 52:10, 53:9, 63:5, 63:7, 63:9,</p>	<p>63:21, 64:7</p> <p>resolved 54:3</p> <p>respect 11:7, 11:17, 17:3, 21:22, 32:3, 42:22</p> <p>respectfully 45:6</p> <p>respond 41:10, 70:12</p> <p>respondent's 63:25</p> <p>respondents 63:17</p> <p>response 37:1, 40:25, 46:11, 54:15, 61:1, 68:20</p> <p>rest 70:18</p> <p>result 11:4, 47:8</p> <p>resulted 43:6, 62:15</p> <p>retail 1:6, 3:3, 5:16, 8:6, 44:12</p> <p>retain 17:3</p> <p>retained 37:3, 37:7, 37:10</p> <p>review 6:24, 40:24, 50:6, 65:15</p> <p>reviewing 66:20</p> <p>revised 43:25</p> <p>ridge 29:18</p> <p>right 6:3, 25:7, 26:13, 30:7, 32:17, 48:19, 57:23, 60:19, 61:12, 67:23,</p>	<p>68:12, 71:7</p> <p>road 19:1, 23:17, 23:23</p> <p>roadways 43:16</p> <p>robert 3:4, 64:22, 65:10</p> <p>rockville 1:15, 2:7</p> <p>room 5:22, 56:25, 57:19, 59:24, 60:20</p> <p>roughly 22:23</p> <p>rule 21:12, 35:19, 35:20</p> <p>ruled 46:7</p> <p>rules 9:17, 21:12, 32:12, 33:12, 34:17, 34:20, 36:2, 41:14</p> <p>ruling 15:13, 30:21, 35:21, 50:7, 59:16</p> <p>rural 66:24</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>said 19:16, 19:20, 19:21, 19:24, 20:10, 21:17, 22:24, 23:10, 24:8, 24:9, 27:18, 28:16, 35:13, 40:6, 45:13, 49:11, 53:5, 53:6, 53:22, 61:2, 62:18, 64:17, 65:7, 70:17,</p>
---	--	---	---

72:8, 73:5, 73:6 same 9:17, 23:12, 42:10, 42:20, 56:1, 60:19, 60:21, 62:7 saw 10:24 say 11:14, 11:19, 15:16, 20:14, 20:18, 21:1, 21:2, 21:5, 22:1, 24:9, 30:12, 31:13, 31:15, 32:22, 35:12, 38:6, 42:1, 45:10, 46:16, 46:17, 58:24, 61:14, 66:23, 69:5, 71:15 saying 16:8, 19:13, 29:7, 30:5, 34:12, 37:4, 38:25, 39:5, 40:2, 41:25, 43:19, 53:18 says 27:19, 38:4, 38:21, 40:4, 41:17, 47:2 scale 44:13 scaled 26:2 schedule 31:20, 58:16, 60:6, 60:24, 61:25 scope 67:11 scramble 11:2 screen 18:6, 38:13, 39:8, 55:22,	56:2 seating 44:4 second 16:19, 31:16, 31:20, 51:12, 55:10 secret 33:9 section 6:17, 6:18, 46:25 see 5:22, 6:10, 10:20, 16:16, 16:20, 19:17, 22:11, 23:22, 23:24, 24:13, 25:10, 28:19, 32:17, 50:16, 53:1, 55:16, 57:20, 59:7, 68:21 seeing 22:4, 29:13, 30:3 seeking 58:3, 58:5 seems 35:18, 66:18 seen 26:3, 33:4 selective 13:24 send 21:18, 60:12 sending 56:1 sent 32:23 series 48:25 serve 44:6 service 10:19, 38:22 set 7:1, 16:19,	69:10 setbacks 43:16 sets 63:11 seven 24:5, 30:2 several 27:12, 43:5, 64:2 shall 11:19 shanker 3:9, 8:15 sheet 5:7, 14:10, 50:25 sheets 14:11 shopping 47:16, 47:20, 48:24, 49:6, 53:13 shops 44:1 should 11:24, 14:8, 21:2, 31:4, 31:13, 33:4, 41:14, 50:25, 62:4, 64:12, 65:21, 66:19, 67:6, 68:7, 69:6 shouldn't 33:13 show 60:14 showed 49:13 showing 55:22 shows 13:4 side 19:1, 31:24, 68:19 sight 57:18	sign 10:24, 12:21, 12:24, 23:9, 23:11, 23:12, 23:24 sign-in 5:7 signal 56:1, 56:23 signature-9nqmi 72:15 signature-b3lnu 73:13 significant 43:2, 43:14, 44:14 signs 4:8, 12:17, 13:1, 13:2, 13:5, 13:9, 14:5, 14:20, 15:20, 16:3, 16:12, 32:25, 33:3 simply 9:11, 41:22, 64:17 since 34:24, 37:7, 37:15, 46:21, 63:14 single 70:9 sir 18:18 site 22:23, 23:8, 23:9, 27:9, 44:4, 47:19, 48:7, 49:3, 52:12, 53:13, 54:1, 63:11, 63:19 sitting 20:14 situation 23:2, 23:3, 24:11
---	--	---	--

<p>six 30:2 size 23:13 skills 72:10, 73:8 skipped 45:6 small 44:1 sokoni 1:14, 6:20, 7:23, 8:1, 8:2, 8:13, 9:21, 10:19 some 5:12, 7:2, 10:9, 14:4, 14:12, 15:20, 46:13, 56:20, 63:14 somebody 28:4, 40:8, 41:16 someone 23:19, 24:11, 30:21, 30:24, 36:10, 56:6, 57:5 something 18:25, 21:11, 24:10, 24:12, 24:18, 25:21, 36:10, 36:23, 66:19, 67:17, 68:10, 69:3 sometime 62:23, 62:24 somewhat 11:5, 13:24 soon 58:16 sorry 9:20, 12:4, 18:19, 30:19, 38:11, 38:12, 43:19, 48:14, 51:3, 51:23,</p>	<p>70:1 sound 55:11, 55:12, 56:14, 56:18, 56:22 sounds 39:6, 45:19, 56:5, 68:2 space 44:1, 44:4 spaces 44:12, 64:2 speak 6:1, 6:7, 7:5, 7:8, 8:23, 10:1, 22:24, 33:23, 46:10, 54:14 speakers 9:21, 9:22 speaking 6:5, 28:2 specific 29:14, 43:13 specifically 12:6, 26:9, 54:10 speculation 31:9 speed 17:4, 23:23 spell 18:13 spelling 6:21, 26:16 spellings 8:10 spent 45:8 spoke 23:1, 64:23 springs 36:10 square 23:17 staff 21:17, 25:17, 26:6, 27:18, 43:11, 48:9,</p>	<p>53:11, 53:21, 53:22, 56:11, 63:23, 64:13, 64:16, 65:2 stake 34:20 stakeholders 27:14 stand 34:16 standards 6:17, 6:19 standing 19:24, 63:11 start 5:6, 7:19, 9:18, 10:11, 10:13, 58:5 started 15:8, 60:16 starting 7:19 state 24:6, 63:16, 72:18 statements 68:11 station 6:13, 11:11, 23:7, 41:16, 42:22, 45:11, 53:6, 64:19, 65:1 station's 11:17 stations 11:13 stayed 48:5 steere 3:20 step 32:10, 45:6, 45:22 steps 48:24 still 35:19, 50:10,</p>	<p>54:15, 55:18, 56:11, 58:2, 69:22 stop 23:15, 23:24 store 23:6, 42:7, 44:1, 46:17, 46:19, 47:15 street 3:2, 3:13, 42:25, 44:5, 62:19 strictly 63:18 stringtown 23:21, 23:23 subdivision 49:2 subject 12:20, 42:24, 44:22, 53:24 submission 60:25, 68:8, 69:17, 70:10 submissions 71:1 submit 31:19, 31:22, 31:25, 36:23, 58:13, 60:9, 69:6 submits 69:19 submitted 13:9, 21:14, 21:16, 32:13, 44:9, 61:4 subsequent 15:9, 54:2 substantial 54:4 substantive 46:5, 46:6, 60:6 suburban 66:24 sufficient 64:8</p>
--	---	---	--

Transcript of Hearing
Conducted on January 23, 2025

40

<p>sugar 22:21 suggest 40:1 suggested 58:12 suggesting 39:24 suggestion 69:1 suite 3:6, 3:13 supervision 73:6 sure 5:8, 6:9, 13:7, 15:22, 16:21, 17:24, 27:2, 34:23, 42:18, 50:21, 50:22, 56:17, 56:24, 59:7, 65:5, 66:5, 70:22 surface 44:8 swear 54:24 sworn 5:3, 18:9, 26:19, 55:5, 72:5</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>table 14:9, 18:3, 35:24, 42:10 tables 50:25 tailor 25:20 take 14:13, 32:10, 46:3, 52:19, 53:12, 54:19, 54:21, 57:2, 57:10, 60:7, 66:19, 71:9 taken 72:3</p>	<p>talk 56:20 talking 16:3 talks 43:12 target 60:2 teams 25:7 tech 5:6, 7:3 technically 53:9 technician 3:25 telephone 38:19 tell 36:24, 54:24 ten 30:2 tenant 25:23 tenths 10:17 terms 18:15, 19:12, 36:25, 44:24, 63:18 testified 18:11, 26:21, 39:15, 55:7 testify 6:10, 9:12, 18:9, 26:19, 31:20, 55:5 testifying 22:2 testimony 6:24, 9:13, 11:10, 11:16, 17:5, 17:7, 34:13, 60:25, 61:4, 70:10, 71:4 th 15:24, 31:12,</p>	<p>35:9, 35:11, 59:3, 59:14, 59:16, 59:17, 59:19, 59:20, 60:2, 61:3, 61:8, 61:11, 61:14, 69:11, 70:13, 70:16, 70:25, 71:17 thank 5:5, 5:20, 5:22, 10:5, 14:5, 18:20, 20:21, 22:14, 24:17, 38:15, 40:22, 41:7, 45:14, 50:19, 50:23, 55:2, 57:13, 57:23, 67:7, 67:24, 70:5, 70:14, 71:10 thereafter 72:6 therefore 64:24 thing 33:14, 50:2, 56:1, 56:5, 56:15 things 26:23, 27:9, 27:15, 43:16, 46:13, 46:14, 47:23, 48:23, 62:17, 63:4, 66:3, 66:4, 66:15, 67:15 think 17:7, 22:1, 24:25, 25:19, 26:1, 33:25, 34:22, 35:22, 37:21, 37:23, 38:6, 40:10, 50:6, 50:8, 50:9, 51:14, 52:4, 54:11,</p>	<p>54:14, 58:9, 58:11, 59:18, 59:19, 60:3, 60:5, 62:3, 62:18, 62:23, 65:14, 68:9, 69:15, 69:23, 70:2, 70:3, 70:21 thinking 59:2 third 18:24, 19:7, 19:14, 19:16, 19:20, 20:2, 20:10, 20:16, 31:10 thought 51:24 thousands 45:8 three 10:16, 10:17, 11:12, 13:6, 22:8, 23:10, 30:1, 33:5, 62:8, 67:1 three-story 44:11 through 23:20, 38:19, 56:20, 56:22, 56:23 throughout 65:11 throwing 52:22 thrown 24:12 thursday 1:16, 59:25, 60:2 time 6:7, 9:9, 12:10, 15:6, 15:17, 15:21, 17:13, 18:21, 33:10, 33:21,</p>
--	--	---	---

Transcript of Hearing
Conducted on January 23, 2025

41

41:11, 41:14, 41:15, 42:10, 44:16, 45:4, 47:7, 47:18, 48:9, 48:15, 48:16, 49:14, 52:19, 54:1, 55:25, 56:6, 57:2, 57:19, 57:20, 58:22, 62:20, 68:22 timely 11:4 times 20:20, 63:14 tiny 29:2, 29:20 today 5:11, 20:22, 21:24, 21:25, 33:12, 38:7, 40:12, 40:17, 41:8, 41:21, 41:23, 49:7, 50:1, 60:7, 71:4, 71:6 told 22:25, 23:6, 24:14, 53:11, 64:24 took 43:23 top 13:5 total 23:11 town 8:25, 23:18, 28:20, 29:9, 29:19, 42:23, 43:4, 43:25, 44:1, 44:3, 44:7, 46:20, 62:13, 65:22, 65:23, 67:4 townhouses 44:2 track 7:7, 52:25,	57:25 transcriber 73:1 transcript 7:11, 7:16, 40:14, 68:22, 73:3, 73:6 transcriptionist 72:7 treat 35:16 treating 46:9 tremendous 42:25 tricky 56:15 trouble 53:1 true 72:9, 73:6 trusting 56:12 truth 18:10, 18:11, 26:20, 26:21, 54:25, 55:1, 55:6, 55:7 try 7:6, 49:10, 57:5 trying 16:18, 16:20, 30:15, 34:16, 34:18, 36:16, 46:17, 47:16, 56:19, 65:4 turn 6:4, 6:5, 18:5 turnaround 61:1 turned 6:8 twice 29:16 two 16:23, 30:1, 32:24, 41:16,	42:6, 44:11, 46:25, 62:17, 63:4 type 27:3, 27:4, 27:5 typewriting 72:7, 73:5 typically 23:4, 23:7, 26:25, 27:1 <hr/> <p style="text-align: center;">U</p> <hr/> uh-huh 5:19 uh-uh 8:11 unavailable 59:20 unaware 15:24, 23:5 uncomfortable 61:17 under 28:21, 35:13, 40:10, 45:12, 63:2, 63:20, 73:5 underlined 64:3 understand 19:5, 27:6, 27:16, 34:15, 36:18, 37:25, 41:4, 41:7, 41:13, 67:18, 68:12 understanding 28:3, 41:23, 53:1, 57:17, 62:22 understood 30:23, 31:2, 35:25 undertake 63:24 undertook 47:19	unearthed 62:14 unforeseen 44:18, 44:23 unfortunately 11:3, 58:24 units 44:2, 44:3 unless 28:21, 29:11, 30:8, 71:12 unmute 6:8, 7:6, 7:8, 56:7 unresolved 50:10 until 23:5, 24:14, 31:14, 35:21, 40:18, 69:11 updated 61:25 upheld 64:12 uphold 36:23 upward 35:23 use 1:5, 5:14, 6:13, 6:14, 6:19, 10:18, 12:20, 40:7, 43:25, 44:10, 49:12, 49:20, 53:7, 53:16, 59:23, 66:2, 66:7 usually 40:13, 40:15 <hr/> <p style="text-align: center;">V</p> <hr/> vacation 58:25, 59:2, 61:2, 69:9, 69:18, 69:22 variation 30:4
---	---	--	--

Transcript of Hearing
Conducted on January 23, 2025

42

<p>various 46:14 verbatim 7:10, 7:11 video 3:25 view 22:21 village 29:20 violating 53:20 violations 62:14, 64:9</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>wait 35:22, 41:17 waived 41:22 want 9:1, 9:9, 9:23, 10:13, 11:15, 15:2, 15:3, 15:14, 21:10, 22:24, 24:18, 25:11, 31:19, 33:20, 34:18, 34:19, 40:24, 41:12, 42:5, 42:8, 45:11, 45:22, 52:21, 52:24, 55:8, 57:3, 57:24, 59:7, 60:17, 61:16, 62:17, 63:3, 64:25, 66:1, 70:19 wanted 10:24, 24:15, 33:22, 37:14, 42:14, 65:5 wants 35:22 watch 63:2 way 10:22, 15:17,</p>	<p>34:12, 47:1, 49:7, 58:9, 60:5 we'll 5:10, 10:4, 58:14, 69:6, 70:9 we're 10:22, 21:22, 27:22, 32:20, 33:12, 35:12, 41:23, 46:17, 47:16, 47:21, 55:12, 55:15, 64:18 we've 27:11, 27:13, 33:7, 40:3, 41:14, 58:1 weak 32:22 website 25:13 wednesday 59:23 week 16:23, 17:1, 18:24, 19:7, 19:14, 19:16, 19:21, 20:3, 20:11, 20:16, 21:5, 31:10, 31:16, 37:3, 58:25, 59:3, 59:11, 59:15, 69:7, 69:11, 69:12 weeks 16:23, 22:8 weight 11:15 weird 24:10 weis 1:6, 3:2, 5:16, 9:24, 56:11 welcome 14:13, 71:11 went 21:3, 35:4,</p>	<p>65:15 weren't 33:2 west 23:21 westbound 23:21 whatever 47:25, 58:14 whereupon 5:2, 18:7, 26:17, 55:3 whether 30:21, 31:10, 32:21, 47:14, 64:5 whoever 30:20 whole 18:10, 26:20, 32:11, 54:25, 55:6, 55:25, 56:6, 57:19, 57:20, 66:16 wife 32:16, 59:19 wisconsin 3:6 wise 56:11 wishing 8:23 within 11:24, 12:22, 12:23, 13:14, 13:15, 13:23, 16:12, 27:20, 63:7, 66:11 without 47:22, 47:23 witnesses 3:20 witness 3:19, 9:12, 15:5, 20:6 witness(es 72:4 witnesses 5:24, 9:6,</p>	<p>9:17, 10:3, 11:7, 15:2, 15:3, 15:10, 31:15, 31:19 word 40:7, 46:15 work 27:1, 28:5, 44:2, 61:17 working 28:5, 56:24 works 36:25 would've 30:25, 35:11, 37:22, 38:22 wow 69:25 writing 36:23 written 31:25, 32:8, 71:1 wrong 65:14</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yay 57:20 yeah 15:22, 17:21, 18:17, 25:4, 31:6, 32:2, 39:12, 41:4, 49:24, 54:21, 58:23, 59:13, 66:8 years 27:13, 47:2, 62:11, 64:5 yep 30:13 yesterday 25:13, 26:5 yourself 6:9, 7:6, 7:8 yourselves 6:6</p>
--	--	--	--

Transcript of Hearing
Conducted on January 23, 2025

43

<p style="text-align: center;">z</p> <p>zoning 1:1, 2:4, 6:17, 7:1, 9:4, 44:19, 67:22</p> <p>zoom 3:25, 5:21, 5:25, 6:6, 7:3, 7:6, 7:12, 29:21, 55:17, 55:23, 56:4, 56:6, 56:10, 56:11, 56:12, 57:5, 57:17, 71:15, 71:16</p> <hr/> <p style="text-align: center;">.</p> <hr/> <p>.13 6:18 .1300 3:8 .5 6:18 .7575 3:15</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p>02 1:6, 5:15, 12:20, 25:2, 25:3, 25:7, 48:18</p> <p>09 71:18</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1,000 22:22</p> <p>10 12:23, 40:13, 40:15, 40:16, 57:12, 58:24</p> <p>100 2:6, 22:5, 32:12, 60:20</p> <p>11 30:2, 59:14,</p>	<p>71:18</p> <p>12 30:2</p> <p>13 27:12, 30:2, 35:6, 35:9, 35:11, 59:14</p> <p>14 4:8, 30:2, 59:14</p> <p>15 30:2, 43:7, 43:10</p> <p>16 30:3, 59:3</p> <p>17 30:3, 59:16</p> <p>18 30:3, 59:17, 59:20, 61:14, 70:13</p> <p>19 3:13, 15:24, 30:3, 59:17, 59:19</p> <p>1994 46:21</p> <p>1st 59:14</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2,600 22:23</p> <p>2.2 21:12</p> <p>2.4 21:13</p> <p>20 30:3, 34:6, 36:6, 47:2, 60:2, 60:19, 61:3, 61:8, 61:11, 64:5, 70:16, 70:25, 71:17</p> <p>2006 42:25, 43:7, 43:10, 47:1,</p>	<p>64:4</p> <p>201 3:13</p> <p>2010 62:24</p> <p>2024 4:10, 51:4, 53:4, 53:10</p> <p>2025 1:16, 60:19, 72:19, 73:17</p> <p>20814 3:7</p> <p>20850 2:7</p> <p>21701 3:14</p> <p>22 20:23, 38:7</p> <p>23 1:16, 38:11, 63:15</p> <p>23506 22:21</p> <p>25 1:6, 3:9, 4:10, 5:15, 8:16, 12:20, 25:2, 25:3, 25:7, 48:18, 51:4, 59:14, 60:19, 69:11</p> <p>27 59:14</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>30 19:11, 21:4, 30:17, 31:1, 31:4, 31:12, 35:3, 35:10, 35:23, 38:4, 60:19, 71:17</p> <p>301.668 3:15</p> <p>301.986 3:8</p> <p>35 34:25, 35:23</p>	<p>3rd 35:2, 35:4, 35:8, 40:19, 60:22, 69:22</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4.4 63:16</p> <p>40 17:1, 17:7</p> <p>43 1:17</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>50 33:7, 34:5, 57:12</p> <p>51 4:9, 14:15</p> <p>52 4:8, 4:11, 14:18, 14:23, 14:24, 51:1</p> <p>53 4:9, 51:2, 51:7, 51:22, 51:23, 51:24, 52:1, 52:10</p> <p>54 4:11, 51:9, 51:13, 51:14, 52:10, 52:13</p> <p>568364 1:23</p> <p>59 6:17</p> <p>59.3 6:18</p> <p>5a 25:14</p> <p>5c 25:12, 26:3, 26:7, 28:24, 28:25, 29:2</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 6:17</p>
---	---	---	--

62 51:9, 53:21 6th 59:11, 59:12, 59:13 <hr/> 7 <hr/> 700 3:6 73 1:24 7600 3:6 7th 21:6, 38:7, 40:19, 58:12, 60:10, 60:25, 68:7, 69:2, 69:16, 70:3, 70:9, 70:12 <hr/> 9 <hr/> 9 1:17, 60:19, 71:17 91994004 4:12, 51:6, 52:11 9th 58:25	
--	--