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Transcript of Hearing

Date: February 14, 2025

Case: Verizon Wireless & Maryland DOT SHA (CU 25-05)

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

Transcript of Hearing
Conducted on February 14, 2025

1 (1 to 4)

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2	OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS	2	A P P E A R A N C E S
3	FOR MONTGOMERY COUNTY, MARYLAND	3	ON BEHALF OF THE APPLICANT:
4		4	
5	-----x	5	DOUGLAS A. SAMPSON, ESQUIRE
6	In Re Application Of:	6	SAUL EWING LLP
7	Verizon Wireless & Maryland DOT SHA (CU 25-05)	7	1001 Fleet Street, Ninth Floor
8	-----x	8	Baltimore, Maryland 21202-4359
9		9	410-332-8600
10		10	
11	HEARING BEFORE EXAMINER KATHLEEN BYRNE	11	
12	Rockville, Maryland	12	
13	Friday, February 14, 2025	13	
14	9:40 a.m.	14	
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19	Before Brennan Plummer, Notary Public in	19	
20	and for the State of Maryland.	20	
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<p style="text-align: right;">5</p> <p>1 E X H I B I T S 2 (Previously Admitted and Retained by the Court.) 3 EXHIBITS 4 1 Conditional Use Application 5 2 MNCPPC Checklist 6 3 Letter of Authorization from AT&T 7 4 Letter of Authorization from SHA 8 5 SHA Land Ownership 9 6 Statement of Justification 10 7 Zoning Map 11 8 Notice Lists 12 8B OZAH Mailing List 13 9 Existing Conditions Plan 14 10 Cover Sheet 15 11 Proposed Site Plan 16 12 Site Details 17 13 Structural Details 18 14 Electrical Specifications 19 15 Power Site Plan 20 16 Part and Power Rise Plans 21 17 Grounding Site Plan 22 18 Pepco Details 23 19 Utility Routing Site Plan 24 20 HybriFlex Details 25 21 Intake Review Response Letter 26 22 FCP Exemption 27 23 Coverage and Capacity Map 28 24 Structural Engineer Letter 29 25 Existing Conditions Photos 30 26 TFCG Recommendation 31 27 Applicant's Acceptance for the requirements of 32 28 the posting of signs 33 29 Notice of Hearing 34 30 Staff Report 35 31 Affidavit of Posting</p>	<p style="text-align: right;">7</p> <p>1 for the Applicant in this application. With me 2 today as witnesses is Ryan Davis from Site Link; 3 Niculai Cristian Alistar from Verizon Wireless, 4 he's the RF engineer; and Alex Leadore from Morris 5 Ritchie and Associates Incorporated, which is the 6 engineering firm on this case. 7 HEARING EXAMINER BYRNE: All right. Thank 8 you so much. There does not appear to be anyone 9 else here in opposition. The nature of these 10 proceedings is that they're informal with 11 formalities. If you wish to make an opening 12 statement, please do. You'll go first in your 13 presentation of the factual evidence. Any exhibit 14 that you wish to pull up, and if the witnesses 15 want to walk through, just let me know and I'll be 16 happy to pull it up on the screen. So we can go 17 ahead and get started with your first witness. 18 MR. SAMPSON: All right. Before we do 19 that, I'd just like to confirm that the 20 application and the exhibits are entered into the 21 official public record. 22 HEARING EXAMINER BYRNE: They are. 23 MR. SAMPSON: And I will give just a brief 24 opening statement, and then we'll move to the 25 witnesses.</p>
<p style="text-align: right;">6</p> <p>1 P R O C E E D I N G S 2 Whereupon, sworn.) 3 HEARING EXAMINER BYRNE: Good morning, 4 everyone. 5 MR. SAMPSON: Good morning. 6 HEARING EXAMINER BYRNE: My name is Katy 7 Byrne. I am the hearing examiner who's been 8 assigned to this matter. It's CU 25-05, known as 9 Verizon Wireless Telecom Tower. This is a public 10 hearing for a conditional use application for a 11 telecom tower and -- telecommunications tower and 12 a temporary use located on State Highway 13 Association property at the intersection of I-495 14 and Georgia Avenue in an R-60' zone under use 15 standards set forth at Article 59 Section 16 3.5.2.C.2.c and Section 59.3.1.4 for the temporary 17 use. 18 This hearing is in person, so we have no 19 one on Zoom. The only official transcript of this 20 hearing will be generated by our court reporter. 21 Let's see. And if the parties would identify 22 themselves. 23 MR. SAMPSON: Yes. Good morning, Examiner 24 Byrne. My name is Doug Sampson. I'm with the law 25 firm of Saul Ewing LLP, and I am outside counsel</p>	<p style="text-align: right;">8</p> <p>1 HEARING EXAMINER BYRNE: Sounds good. 2 MR. SAMPSON: So, as you stated, we're 3 here today on an application from Verizon Wireless 4 and Maryland Department of Transportation seeking 5 a conditional use to build a temporary 153-foot 6 monopole tower. This is in the state-owned right 7 of way at the intersection of I-495 and Georgia 8 Avenue, basically within the cloverleaf of the on 9 ramp onto 495 from Georgia Avenue. 10 I know that you're already familiar with 11 some of the background in this case, but this is a 12 very unique situation where there's a WSSC water 13 tank that needs to be basically refurbished, and 14 currently AT&T, Verizon and T-Mobile, the three 15 major commercial wireless providers, are all 16 located with their antennas on that water tank. 17 That's the North Woodside water tank on Seminary 18 place. And WSSC needs to rehabilitate that water 19 tank over the course of 18 to 24 months, and to do 20 that needs to remove all of the antennas from the 21 water tank. Now, what that will do is it will 22 take all three wireless providers off in this area 23 and basically create a complete wireless blackout 24 for a section of Montgomery County, including 25 along Interstate 495. So this application for the</p>

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<p>9</p> <p>1 temporary tower is to fill that gap in the 2 intervening time until the WSSC can complete the 3 rehabilitation of the water tank, and then all the 4 antennas will be relocated back onto the water 5 tank and the temporary tower will be taken down. 6 This is actually the second time we've 7 been here on this. We were here a little less 8 than a year ago. We received the zoning approval 9 for the Yeshiva School to build a temporary tower 10 there. Unfortunately, shortly thereafter, the 11 landowner of the Yeshiva School got some pushback 12 from parents and students there and decided that 13 they did not want to have this on their property 14 based on parent input. 15 Fortunately, WSSC has worked closely with 16 the carriers and has agreed to delay the 17 refurbishment, but there really is a timeliness 18 factor here where the refurbishment really does 19 need to take place now before it becomes a safety 20 issue. So this is kind of a conjunction between 21 WSSC, Montgomery County, the State and the 22 wireless carriers all working together to try to 23 make this happen. 24 So again, this application is for a 25 temporary tower by Verizon Wireless, but is on</p>	<p>11</p> <p>1 MR. SAMPSON: All right. Ryan Davis from 2 Site Link. 3 HEARING EXAMINER BYRNE: Mr. Davis, if you 4 could raise your right hand for me. 5 (The witness was sworn.) 6 HEARING EXAMINER BYRNE: Thank you. 7 RYAN DAVIS, 8 having been first duly sworn or affirmed, was 9 examined and testified as follows: 10 DIRECT EXAMINATION BY COUNSEL FOR THE APPLICANT 11 BY MR. SAMPSON: 12 Q All right. Mr. Davis, can you tell us 13 what you do for Site Link? 14 A Project management, identifying site 15 acquisition, identify locations for sites -- 16 HEARING EXAMINER BYRNE: You know what, 17 you don't actually have to turn that on. 18 MR. SAMPSON: Perfect. 19 HEARING EXAMINER BYRNE: And I might turn 20 mine off too, because it's just for this room and 21 for Zoom. And the court reporter has his 22 microphones up. So I think -- are we good? Can 23 you all hear me? 24 MR. SAMPSON: Yes. 25 THE WITNESS: Yes.</p>
<p>10</p> <p>1 behalf of all three wireless carriers. Exhibit 3 2 to the record has a letter of intent from AT&T. 3 We also have a verbal commitment from T-Mobile to 4 relocate on the temporary tower. 5 With that said, we have three witnesses 6 here today; Ryan Davis from Site Link, who's part 7 of the third party who helped identify the site 8 and kind of understand the history here; we have a 9 Verizon Wireless engineer, Niculai Alistar; and 10 Alex Leadore, who can speak to the engineering. 11 The County Staff has already recommended 12 that this application meets the requirements for 13 both the temporary use and a conditional use under 14 the code provisions that Staff reports found at 15 Exhibit 29. The Tower Committee has also 16 recommended approval. And at the end of today's 17 hearing, we'll ask the Hearing Examiner to adopt 18 those recommendations and approve the conditional 19 use. 20 HEARING EXAMINER BYRNE: Okay. So the 21 conditions as set forth in Staff's report are 22 agreeable to the applicant? 23 MR. SAMPSON: Yes, they are. 24 HEARING EXAMINER BYRNE: All right. Go 25 ahead and call your first witness.</p>	<p>12</p> <p>1 HEARING EXAMINER BYRNE: All right. Let's 2 do it. 3 Q All right. So again, kind of take us 4 through what your responsibilities are for Site 5 Link. 6 A Essentially, project management of 7 wireless sites from release to turnover to 8 construction at the front end, leasing, zoning, 9 permitting, identifying locations, working with 10 landowners to execute deals and then seeking the 11 proper jurisdiction approvals to eventually build 12 the site. 13 Q So briefly explain the relationship 14 between Site Link and Verizon Wireless. 15 A We are a consultant for them that they 16 hire. So there are many vendors in the market. 17 We are one of them. We work with all three major 18 carriers doing the same kind of work. 19 Q So look at the binder in front of you 20 there. If you can flip tab five, which is Exhibit 21 5 in the record, this is, I believe, a deed plat 22 from public records. Can you -- first of all, are 23 you familiar with this document? 24 A Yes, I am. 25 Q And did you actually pull this document</p>

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4 (13 to 16)

<p>13</p> <p>1 yourself?</p> <p>2 A Yes.</p> <p>3 Q And have you had communications with the</p> <p>4 Maryland Department of Transportation through this</p> <p>5 process?</p> <p>6 A Yes, with the State Highway</p> <p>7 representatives that we're working with at RSA</p> <p>8 deal for them.</p> <p>9 Q And what is your understanding of the</p> <p>10 ownership of the parcel that we're talking about</p> <p>11 today?</p> <p>12 A This is owned by State Highway.</p> <p>13 Q Okay. And if you can flip back to Exhibit</p> <p>14 4, this is a letter of authorization from the</p> <p>15 Maryland State Highway Transportation. Are you</p> <p>16 familiar with this document?</p> <p>17 A Yes.</p> <p>18 Q And what is it?</p> <p>19 A This is a letter from the contact, Scott</p> <p>20 Bush, who is authorizing us to make this</p> <p>21 application in support of putting a temporary</p> <p>22 tower on their property.</p> <p>23 Q And did you receive this letter directly</p> <p>24 from --</p> <p>25 A Yes.</p>	<p>15</p> <p>1 Q What will happen to wireless coverage in</p> <p>2 the area, if you know, when the antennas are</p> <p>3 removed?</p> <p>4 A I mean, I can't speak the exact specifics,</p> <p>5 but there would be a coverage service impact.</p> <p>6 Q In your responsibilities, was it your</p> <p>7 responsibility to try to find alternative sites</p> <p>8 for this temporary tower?</p> <p>9 A Yes.</p> <p>10 Q Did you consider existing buildings or</p> <p>11 existing towers that might be suitable for</p> <p>12 collocation?</p> <p>13 A We did look at any existing structures.</p> <p>14 There are no existing towers that were available</p> <p>15 that would service the area for coverage need.</p> <p>16 And then there are only two existing buildings</p> <p>17 that would have met, and both of them were</p> <p>18 uninterested in entertaining any temporary site.</p> <p>19 Q And if there's a landlord that's not</p> <p>20 interested, are you able to collocate on those</p> <p>21 buildings?</p> <p>22 A No.</p> <p>23 Q What would be the preference for the</p> <p>24 wireless carrier? Would collocation be the</p> <p>25 preference, or a new raw land monopole be?</p>
<p>14</p> <p>1 Q -- the Maryland Department of</p> <p>2 Transportation? All right. And so talk to me a</p> <p>3 little bit about what this facility is for.</p> <p>4 What's the purpose behind it?</p> <p>5 A The purpose behind this facility is to</p> <p>6 maintain wireless coverage in the area while the</p> <p>7 work on the water tank is being done by WSSC.</p> <p>8 Q Have you had communications with WSSC</p> <p>9 throughout this process?</p> <p>10 A Yes, we are in constant communication with</p> <p>11 WSSC.</p> <p>12 Q And what is your understanding of why the</p> <p>13 antennas need to come off of this water tower?</p> <p>14 A Just the nature of the work they need to</p> <p>15 do. I think it involves welding inside the tank,</p> <p>16 which means it needs to be drained. And to weld,</p> <p>17 they need to pull everything off.</p> <p>18 Q Tell me a little bit about -- you kind of</p> <p>19 referenced this already a little bit, but what</p> <p>20 needs to happen for the antennas that are located</p> <p>21 on the tank during the refurbishment?</p> <p>22 A The antennas need to be fully removed from</p> <p>23 the water tank, and the nature of this application</p> <p>24 is then to put them on a temporary structure while</p> <p>25 the tank is being refurbished.</p>	<p>16</p> <p>1 A Collocation.</p> <p>2 Q Why is that?</p> <p>3 A Limited cost, shorter time for deployment.</p> <p>4 Q Okay. So when you're looking at what you</p> <p>5 need for alternative sites, what are some of</p> <p>6 the -- my understanding is that it's limited by</p> <p>7 geography. Can you explain a little bit why</p> <p>8 that's important when it comes to locating a new</p> <p>9 facility?</p> <p>10 A In terms of, like, actual location?</p> <p>11 Q Yes.</p> <p>12 A We need to be in a location that would</p> <p>13 provide service in the area where RF identified as</p> <p>14 the coverage gap to be. So, you know, they</p> <p>15 provide us an area where a site in this general</p> <p>16 area would be adequate to provide coverage in the</p> <p>17 area. Then we use that area to then search for</p> <p>18 any properties that could potentially find a deal</p> <p>19 to place a temporary structure on.</p> <p>20 Q What is your understanding of how long</p> <p>21 this temporary structure is going to be needed?</p> <p>22 A At a minimum, two years, but I do think</p> <p>23 that WSSC and all the wireless carriers do believe</p> <p>24 that having the ability to have it on there for</p> <p>25 three years just with the nature of construction</p>

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<p>17</p> <p>1 would be beneficial.</p> <p>2 Q What is your understanding for Verizon</p> <p>3 Wireless' intent once the WSSC refurbishment is</p> <p>4 complete?</p> <p>5 A My understanding is they intend to then</p> <p>6 reinstall the equipment back on the water tank</p> <p>7 once the refurbishment has been completed.</p> <p>8 Q Is there an ongoing lease agreement</p> <p>9 between WSSC and Verizon Wireless?</p> <p>10 A Yes.</p> <p>11 Q And then I want you to take a quick look</p> <p>12 at tab 25 in your binder there.</p> <p>13 MR. SAMPSON: Examiner Byrne, these are</p> <p>14 the photo simulations that were part of the</p> <p>15 application.</p> <p>16 Q Are you familiar with these, Mr. Davis?</p> <p>17 A Yes.</p> <p>18 Q What are these exactly?</p> <p>19 A These are photo simulations that we had</p> <p>20 put together for our Tower Committee app.</p> <p>21 Q Were they put together at your direction?</p> <p>22 A Yes.</p> <p>23 Q And kind of explain how exactly that they</p> <p>24 are put together. How are these created?</p> <p>25 A So what the contractor typically does is</p>	<p>19</p> <p>1 A Yes, I submitted this application.</p> <p>2 MR. SAMPSON: Okay. That's all the</p> <p>3 questions I have for this witness, Examiner Byrne,</p> <p>4 unless you have any.</p> <p>5 HEARING EXAMINER BYRNE: The statement of</p> <p>6 justification that was submitted, have you had an</p> <p>7 opportunity to take a look and review that.</p> <p>8 THE WITNESS: I did review it, yes.</p> <p>9 HEARING EXAMINER BYRNE: Okay. So do you</p> <p>10 agree and confirm with the contents in that</p> <p>11 statement of justification?</p> <p>12 THE WITNESS: Yes.</p> <p>13 HEARING EXAMINER BYRNE: Okay. Thank you.</p> <p>14 MR. SAMPSON: Thank you. Next we'll have</p> <p>15 Niculai Alistar, who goes by Cristian.</p> <p>16 HEARING EXAMINER BYRNE: Hello, sir. Can</p> <p>17 you raise your right hand for me?</p> <p>18 (The witness was sworn.)</p> <p>19 NICULAI CRISTIAN ALISTAR,</p> <p>20 having been first duly sworn or affirmed, was</p> <p>21 examined and testified as follows:</p> <p>22 DIRECT EXAMINATION BY COUNSEL FOR THE APPLICANT</p> <p>23 BY MR. SAMPSON:</p> <p>24 Q Can you start by just telling us your name</p> <p>25 and position with Verizon?</p>
<p>18</p> <p>1 they go out and they fly a balloon up to the</p> <p>2 height where the proposed structure would be.</p> <p>3 Then they use that photo of the balloon to</p> <p>4 generate an image of what the tower would look</p> <p>5 like from certain locations around the map.</p> <p>6 Q And so they go around and take photos.</p> <p>7 How exactly do they determine where to take the</p> <p>8 photographs from?</p> <p>9 A I mean --</p> <p>10 Q I mean, they drive the entire area; is</p> <p>11 that right?</p> <p>12 A Yes, they drive the entire area. They're</p> <p>13 looking for sites or locations, you know, where</p> <p>14 the tower would be visible, and then also identify</p> <p>15 locations where the tower isn't visible and they</p> <p>16 try to represent that as well.</p> <p>17 Q Okay. And if you can flip to Exhibit 26,</p> <p>18 are you familiar with this document?</p> <p>19 A Yes.</p> <p>20 Q Do you know what this is?</p> <p>21 A This is -- I believe this is the</p> <p>22 recommendation from Tower Committee approving our</p> <p>23 application.</p> <p>24 Q And were you involved in submitting that</p> <p>25 application to the Tower Committee?</p>	<p>20</p> <p>1 A Yes. My name is Niculai Cristian Alistar.</p> <p>2 I am one of the RF engineers. I manage</p> <p>3 Montgomery, Frederick, Howard and Carroll Counties</p> <p>4 right now.</p> <p>5 Q And can you --</p> <p>6 A I do design, planning, optimization.</p> <p>7 Pretty much that's what I do.</p> <p>8 Q Can you say -- can you explain what RF</p> <p>9 stands for?</p> <p>10 A RF means radio frequency, so we pretty</p> <p>11 much design everything around coverage and</p> <p>12 capacity of the network.</p> <p>13 Q When you are looking at radio frequency,</p> <p>14 how does radio frequency relate to wireless</p> <p>15 coverage when we're -- we're going to have some</p> <p>16 maps we're going to look at here, but can you kind</p> <p>17 of generally explain why radio frequency is</p> <p>18 important when it comes to wireless coverage?</p> <p>19 A I mean important for people as well for</p> <p>20 public safety, right? Everyone are using a cell</p> <p>21 phone right now for communication or emergencies.</p> <p>22 So and Montgomery County is a very good one in</p> <p>23 terms of coverage. Coverage is good everywhere.</p> <p>24 But being such a dense county, capacity is</p> <p>25 extremely important as well because every single</p>

<p>21</p> <p>1 cell tower can assure a certain capacity, which 2 means a certain traffic people can get. So every 3 single sector, part of the -- part of a cell tower 4 can provide a certain, I would say, speed that is 5 divided by all the users that's using the same 6 resource at the same time. So if there are so 7 many, too many users trying to get into the same 8 cell, then some of them will be rejected, which 9 means -- I mean, make it simple, some people can 10 not -- may not be able to make a phone call. So 11 assuming they need a 911 call, they wouldn't be 12 able to make it, or the service will be so badly 13 degraded then the speed will be very low, or it 14 will be on and off, spotty.</p> <p>15 Q So if I'm understanding you correctly, the 16 level of radio frequency is what determines the 17 viability of wireless coverage of an area?</p> <p>18 A Not just that. I mean, you need pretty 19 much two resources. You need a good signal, means 20 you are pretty close to the tower, or, you know, 21 to the macro site. But, secondly, you need to 22 have enough capacity to get that service. So 23 there are instances, and that's not rare in 24 Montgomery, where you do have signal but you can 25 not make a phone call, right, simply because there</p>	<p>23</p> <p>1 Q So what I'd like you to do is turn to tab 2 23 there in the binder, and this is Exhibit 23, 3 which is the radio frequency coverage maps that 4 were submitted as part of the application. And if 5 you can just kind of explain what exactly we're 6 seeing here and what the colors mean on this map.</p> <p>7 A Right. So every map will have a legend, 8 right? So on the lower right corner, so pretty 9 much RSRP means receive signal power, which pretty 10 much is the level of signal you receive outside 11 being in that particular location. Dark blue 12 is -- dark blue means marginal service. White 13 means nothing. Red is the best, the best service 14 and the best signal you can have. And that's 15 pretty much very close to an existing macro site.</p> <p>16 Q So here we have on the left it says, 17 Without Woodside water tank. Is that what will 18 happen once the antennas are removed from the 19 existing water tank?</p> <p>20 A Correct. So if we remove it completely, 21 although we have a bunch of sites around -- like 22 imagine a circle of 1.5 miles. We do have plenty 23 of sites around. But based on the topography of 24 that area and based on the -- it's really -- it's 25 heavily wooded, and that impact how signal</p>
<p>22</p> <p>1 are so many users trying to get exactly into the 2 same resource, into the same cell. And that can 3 happen, especially in the peak hours. Yeah. So 4 we -- additional to coverage, you need to have a 5 sufficient number of cell sites to give enough 6 capacity to all these people.</p> <p>7 And talking to this particular location, 8 it's a very dense location. I mean, there are so 9 many houses around. They are -- yeah, including 10 some institution like National Museum of Health, 11 whatever, Walter Reed Army Institute of Research. 12 It's a police station, the police department 13 there. It's a hospital, Holy Cross Hospital. And 14 pretty much that's probably one of the -- one of 15 the worst being impacted if this side disappears.</p> <p>16 Q Right.</p> <p>17 A Because pretty much that's the worst area.</p> <p>18 MR. SAMPSON: Okay. Examiner Byrne, I'm 19 happy to walk him through some of his education 20 and experience, but I can proffer that he is an 21 expert in the radio frequency field and we can 22 dispense with that, if you would prefer.</p> <p>23 HEARING EXAMINER BYRNE: That's fine.</p> <p>24 We'll accept him as an expert in radio frequency.</p> <p>25 MR. SAMPSON: Okay.</p>	<p>24</p> <p>1 propagates. And we use a special software to 2 generate these propagation maps, or heat maps and 3 they are very close to reality. And yeah, this is 4 pretty much what we expect.</p> <p>5 So that means on the right along Beltway 6 495, and east and northeast of that intersection 7 with Georgia, we expect a significant impact and 8 that will be Holy Cross Hospital. That would be a 9 middle school. I think it's Sligo Middle School 10 around there. And you may see even no service 11 along Dennis, Dennis Avenue, which is exactly 12 about half a mile northeast of Georgia Avenue and 13 495.</p> <p>14 Q You mentioned before in this map on the 15 left that dark blue is marginal service. In 16 layman's terms, what does marginal service mean 17 for a wireless provider in that area?</p> <p>18 A Marginal service means, if you are out, 19 most likely you can make a phone call. If you are 20 inside of the house or in a car, most likely you 21 won't be able to make a phone call. And the data 22 service will be very low, if any.</p> <p>23 Q You said, if you're in a car, you might 24 not be able to make a phone call. Does that 25 mean -- here 495 is running through here.</p>

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7 (25 to 28)

<p>25</p> <p>1 A Yes.</p> <p>2 Q Based on this map, do you believe that</p> <p>3 commuters on 495 will be able to make a phone</p> <p>4 call?</p> <p>5 A Actually, I'm convinced that minimum half</p> <p>6 a mile, we will have gaps.</p> <p>7 Q Okay.</p> <p>8 A In the -- in the car we will have gaps on</p> <p>9 Beltway. There's no -- no question of that.</p> <p>10 Yeah.</p> <p>11 Q Okay. There's a note here at the bottom</p> <p>12 saying that it's not only a coverage site, but,</p> <p>13 more importantly, a capacity site. And you</p> <p>14 mentioned this a little bit before. Can you</p> <p>15 explain what that means, that --</p> <p>16 A Right.</p> <p>17 Q -- that capacity as well as coverage?</p> <p>18 A Right. So let's presume you are in an</p> <p>19 area that is represented by light blue or even</p> <p>20 yellow, which means acceptable coverage, right,</p> <p>21 and that coverage is provided by neighboring</p> <p>22 sites. So yes, fine. You have signal. Pretty</p> <p>23 much you can talk to another tower.</p> <p>24 But, interesting enough, because most of</p> <p>25 the Montgomery County was in the first wave of our</p>	<p>27</p> <p>1 degradation in coverage, or is that -- is there</p> <p>2 any reason to believe those wireless providers</p> <p>3 can't move back off of the temporary tower in two</p> <p>4 to three years?</p> <p>5 A The normal business is to just go back.</p> <p>6 We've got plenty of these cases, especially in</p> <p>7 Montgomery County. And, I mean, every single time</p> <p>8 we just go back, just go back and restore whatever</p> <p>9 it was.</p> <p>10 So yeah, we may see a little bit of delta</p> <p>11 service. So, for instance, now moving in that</p> <p>12 place, I expect our level of service will be a</p> <p>13 little bit lower than what we have right now</p> <p>14 simply because that's -- that new location, it's</p> <p>15 kind of lower. It's roughly -- the ground</p> <p>16 elevation is 50 feet lower than the previous one.</p> <p>17 And based on that new location, we actually</p> <p>18 improve the weakest area, which is northeast of</p> <p>19 the Georgia Avenue and the Beltway crossroad. So</p> <p>20 we will improve that being closer to that area</p> <p>21 when we come back, we restore the present service.</p> <p>22 So it will be a little bit of delta, but not much,</p> <p>23 especially if we can keep this center line of 146.</p> <p>24 And that's crucial to keep this because, I mean,</p> <p>25 the candidate we have right now is pretty low, so</p>
<p>26</p> <p>1 modernization plan, pretty much all the</p> <p>2 surrounding sites have been already upgraded.</p> <p>3 They all have 5G. They all have all the bands and</p> <p>4 technology. But even though some of them,</p> <p>5 especially the one along 495, I mean, the eastern</p> <p>6 one, which is Woodmore, and the western one, which</p> <p>7 is Chevy Chase View, both of them are already</p> <p>8 congested, so kind of exceeding capacity. They</p> <p>9 have minimum one sector out of three exceeding</p> <p>10 capacity, which means, even if you have some</p> <p>11 signal, you may be in trouble because nobody can</p> <p>12 serve you. The neighbors are kind of busy. So</p> <p>13 you put a lot of pressure, a lot of burden on all</p> <p>14 the neighbors.</p> <p>15 So, yeah, I mean, that's why I insist here</p> <p>16 it's -- it's a -- it's a mixed situation. It's</p> <p>17 not just coverage. It's also a capacity problem.</p> <p>18 And knowing -- of course, I can talk from Verizon</p> <p>19 perspective, but, kind of knowing AT&T and</p> <p>20 T-Mobile, they would have pretty much same, same</p> <p>21 issues.</p> <p>22 Q Finally, is there any reason to believe</p> <p>23 that two or three years from now when the</p> <p>24 refurbishment is done that the antennas go back</p> <p>25 onto the water towers, would there be any</p>	<p>28</p> <p>1 we need to go a little bit higher to compensate</p> <p>2 and try to keep similar service.</p> <p>3 MR. SAMPSON: Thank you. I don't have any</p> <p>4 further questions.</p> <p>5 HEARING EXAMINER BYRNE: Thank you. No.</p> <p>6 That was good. You answered all my questions.</p> <p>7 MR. SAMPSON: Great.</p> <p>8 HEARING EXAMINER BYRNE: Thank you.</p> <p>9 MR. SAMPSON: Thanks so much. Our last</p> <p>10 witness today is Alex Leadore from Morris Richie</p> <p>11 and Associates.</p> <p>12 HEARING EXAMINER BYRNE: Good morning.</p> <p>13 Could you raise your right hand for me?</p> <p>14 (The witness was sworn.)</p> <p>15 HEARING EXAMINER BYRNE: Thank you.</p> <p>16 ALEXANDER LEADORE,</p> <p>17 having been first duly sworn or affirmed, was</p> <p>18 examined and testified as follows:</p> <p>19 DIRECT EXAMINATION BY COUNSEL FOR THE APPLICANT</p> <p>20 BY MR. SAMPSON:</p> <p>21 Q All right. Mr. Leadore, can you tell us</p> <p>22 what your position is with MRA?</p> <p>23 A Yes, I am a Senior Structural Engineer at</p> <p>24 Morris and Richie Associates. I've been there for</p> <p>25 about 11 years, and I'm a licensed, registered</p>

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<p>29</p> <p>1 professional engineer in Maryland.</p> <p>2 MR. SAMPSON: Great. Again I'll dispense</p> <p>3 with his education and professional background, if</p> <p>4 that's okay with you.</p> <p>5 HEARING EXAMINER BYRNE: That's fine.</p> <p>6 We'll accept him as an expert in structural</p> <p>7 engineering.</p> <p>8 MR. SAMPSON: Thank you.</p> <p>9 BY MR. SAMPSON:</p> <p>10 Q So I'd like to move to Exhibits 10 through</p> <p>11 20 as a whole. So if you just flip to tab 10,</p> <p>12 which is --</p> <p>13 MR. SAMPSON: I will tell the Board that</p> <p>14 this is the -- tell the Examiner that this is the</p> <p>15 top front page of the site plans that were</p> <p>16 submitted as part of the application.</p> <p>17 HEARING EXAMINER BYRNE: Okay.</p> <p>18 Q So, Mr. Leadore, first of all, are you</p> <p>19 familiar with this document?</p> <p>20 A Yes.</p> <p>21 Q Did you help prepare this document?</p> <p>22 A Yes.</p> <p>23 Q So what are we seeing here from Exhibits</p> <p>24 10 through 20?</p> <p>25 A So Exhibits 10 through 20 are our formal</p>	<p>31</p> <p>1 involves removal of soil.</p> <p>2 Q Is that important particularly for a</p> <p>3 temporary site like this one?</p> <p>4 A Correct. Yes, because then we don't need</p> <p>5 erosion sediment control. We don't need all of</p> <p>6 that, because the construction is going to be</p> <p>7 simpler because it's a flat area. And so it makes</p> <p>8 cleanup and restoring everything to existing</p> <p>9 conditions much easier.</p> <p>10 Q Can you explain how a temporary tower</p> <p>11 differs from your standard permanent monopole?</p> <p>12 A Sure. The biggest difference is that with</p> <p>13 a standard monopole there are generally two types</p> <p>14 of foundations, a drilled pier or a pad and pier,</p> <p>15 and that involves excavating the earth, drilling</p> <p>16 down 30 feet or so. And a temporary tower rests</p> <p>17 on top of the soil, so it does not require that</p> <p>18 earthwork.</p> <p>19 Q Okay. From a structural engineering</p> <p>20 standpoint, are there any safety concerns</p> <p>21 associated with a temporary tower compared to a</p> <p>22 typical in-the-ground model?</p> <p>23 A No, there are no safety concerns. We</p> <p>24 still design everything based on, you know, IBC,</p> <p>25 ASC, all the governing codes. The only difference</p>
<p>30</p> <p>1 permit drawings that are used for construction of</p> <p>2 the site, for zoning application, for all of this,</p> <p>3 and so that way the site can be built in</p> <p>4 accordance with our analysis work.</p> <p>5 Q Okay. Now, if you look here, there's a</p> <p>6 stamp. It's hard to see here, but the engineering</p> <p>7 plans are actually stamped and signed by Richard</p> <p>8 Dyer. Can he tell us who Richard Dyer is?</p> <p>9 A Richard Dyer is my supervisor. He's a</p> <p>10 partner with the company.</p> <p>11 Q Okay. But, again, you worked in concert</p> <p>12 with him in preparing these drawings?</p> <p>13 A Yes.</p> <p>14 Q Okay. Can you briefly explain the benefit</p> <p>15 of this site being already like level, or what's</p> <p>16 called made land?</p> <p>17 A So the site is relatively flat in the</p> <p>18 location that we're proposing the pole, and that</p> <p>19 is very helpful because we don't have to do any</p> <p>20 earth work. So there's no grading involved with</p> <p>21 this. There's no disturbance of soil. We don't</p> <p>22 have to bring in a lot of heavy machinery to level</p> <p>23 everything out. Most of it's already made ready,</p> <p>24 and everything we do is on top of the existing</p> <p>25 topography. We don't have to do anything that</p>	<p>32</p> <p>1 is that, instead of relying on the soil to provide</p> <p>2 resistance for the pole falling over or anything</p> <p>3 happening, we use a lot of concrete ballasts. So</p> <p>4 it's generally weight. Instead of digging down</p> <p>5 into the soil, we weigh the tower down to resist</p> <p>6 all of those code-mandated loads.</p> <p>7 Q Okay. So it's like concrete, and the</p> <p>8 tower's attached right to that?</p> <p>9 A Correct. The tower rests on a steel base,</p> <p>10 a 20-foot-by-20-foot steel base. And there are,</p> <p>11 for this site, I believe, 28 blocks that will rest</p> <p>12 on that. And it's a total of 137,000 pounds that</p> <p>13 will stop the tower.</p> <p>14 Q Briefly can we move to Exhibit 24 in your</p> <p>15 binder?</p> <p>16 A Yes.</p> <p>17 Q Are you familiar with --</p> <p>18 MR. SAMPSON: And this is the engineering</p> <p>19 certification letter, Examiner Byrne.</p> <p>20 Q Are you familiar with this document?</p> <p>21 A Yes.</p> <p>22 Q Did you help prepare this document?</p> <p>23 A Yes.</p> <p>24 Q Is that your signature on the bottom of</p> <p>25 page two?</p>

<p>33</p> <p>1 A Yes, it is.</p> <p>2 Q As far as the structural engineering of</p> <p>3 the temporary monopole, can you just briefly</p> <p>4 explain what this letter certifies?</p> <p>5 A So this letter is what we do, you know,</p> <p>6 before we start everything, and this letter</p> <p>7 certifies -- for zoning applications where maybe</p> <p>8 our permit drawings are not completely finished,</p> <p>9 the entire site is not finished, this letter is</p> <p>10 the certification that ensures that the pole will</p> <p>11 be designed per the building code, per the TIA</p> <p>12 standard, per every code that we have to rely on.</p> <p>13 This is the certification that says the pole meets</p> <p>14 all of these standards, or will meet all of these</p> <p>15 standards.</p> <p>16 Q If you can flip now back to tab 11, and</p> <p>17 this is page C2 of the site plan we were just</p> <p>18 discussing. Can you kind of briefly explain what</p> <p>19 we're seeing here?</p> <p>20 A Yes. So this is a general overview of the</p> <p>21 site, you know, sandwiched in-between Georgia</p> <p>22 Avenue and I-495. It shows the access that will</p> <p>23 be used to get to the site, which will be along</p> <p>24 the existing paved driveway. It shows a utility</p> <p>25 route that will intercept the existing fiber run</p>	<p>35</p> <p>1 say the tower was to fall straight over. Will it</p> <p>2 fall onto any nearby property lines or dwellings?</p> <p>3 A It would not. Everything would be</p> <p>4 contained in the property in the right way.</p> <p>5 Q And I don't mean to sound alarmist when I</p> <p>6 say that. What are the -- what's the likelihood,</p> <p>7 in your opinion as an engineer, of an extreme</p> <p>8 failure of the tower like that?</p> <p>9 A Very minimal.</p> <p>10 Q And then if you could turn to the next</p> <p>11 tab, tab 12, and I think we have a compound</p> <p>12 overhead view on the left and what's called an</p> <p>13 elevation view on the right. Can you just kind of</p> <p>14 walk us through the compound view a little bit as</p> <p>15 far as what we see here, where the tower is, where</p> <p>16 the providers' equipment is.</p> <p>17 A Yeah. Absolutely. So the compound layout</p> <p>18 on the left there is showing the footprint that</p> <p>19 the providers will take up. It's showing where</p> <p>20 the tower will be located inside of that temporary</p> <p>21 fenced-in area, as well as the carrier equipment</p> <p>22 that will be installed. It shows our relation to</p> <p>23 existing steel plates or grates, as well as</p> <p>24 existing trees in the area.</p> <p>25 Q And here to the north, it says existing</p>
<p>34</p> <p>1 along Georgia Avenue that will feed the temporary</p> <p>2 site with fiber. And it also does show the</p> <p>3 overhead run. It's not called out on this plan,</p> <p>4 but it does show the overhead power run that will</p> <p>5 power the site. And then it also shows our</p> <p>6 setbacks of the property lines to the nearest</p> <p>7 dwelling, as well as there is an approximate</p> <p>8 planting location. SHA apparently has future</p> <p>9 plans to provide additional forestation in this</p> <p>10 area.</p> <p>11 MR. SAMPSON: Okay. Examiner Byrne, as</p> <p>12 part of the application, the Applicants are</p> <p>13 requesting a reduction in the required setback</p> <p>14 from the nearest dwelling, which Staff has</p> <p>15 approved.</p> <p>16 Q And, Mr. Leadore, I know it's hard to see</p> <p>17 on this here, but can you tell us how far away the</p> <p>18 closest adjacent property line is?</p> <p>19 A The adjacent property line is 182 feet.</p> <p>20 Q And how about the closest dwelling?</p> <p>21 A 207, 207 feet.</p> <p>22 Q And do you remember what the height of the</p> <p>23 tower is?</p> <p>24 A 150 feet, plus 252 feet give or take.</p> <p>25 Q Okay. So in looking at this, let's just</p>	<p>36</p> <p>1 paved access drive. And it looks like the</p> <p>2 compound is butted right up against that?</p> <p>3 A Yes.</p> <p>4 Q So is that existing pavement?</p> <p>5 A Yes, that is an existing driveway that is</p> <p>6 used for accessing this area. I believe it's for</p> <p>7 mostly emergency.</p> <p>8 Q And what's the benefit of locating the</p> <p>9 compounds adjacent to the existing pavement?</p> <p>10 A We don't need to provide any additional</p> <p>11 turnaround or gravel area, so we don't need to</p> <p>12 disturb the soil any more than what's exactly</p> <p>13 needed for our tower and equipment.</p> <p>14 Q And then looking here at the right, at the</p> <p>15 elevation view, I think it says the total height</p> <p>16 is 153 feet of the monopole?</p> <p>17 A Correct. Yep.</p> <p>18 Q And that includes the 150-foot pole plus</p> <p>19 the base --</p> <p>20 A Yes.</p> <p>21 Q -- right?</p> <p>22 A Yes.</p> <p>23 Q Okay. And so it says here that the</p> <p>24 Verizon Wireless temporary antennas will be at a</p> <p>25 RAD center of 146 AGL. Can you explain what a RAD</p>

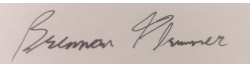
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<p>37</p> <p>1 center is?</p> <p>2 A That is the center line for the antennas.</p> <p>3 That's where they'll be mounted on the tower.</p> <p>4 Q And AGL is above ground level?</p> <p>5 A Yes.</p> <p>6 Q All right. Then the plan is there's -- it</p> <p>7 says there's potential collocation spaces. What's</p> <p>8 your understanding of what those will be used for?</p> <p>9 A My understanding is that AT&T and T-Mobile</p> <p>10 both have verbally agreed or agreed to collocate</p> <p>11 on this tower, and those two lower RAD centers</p> <p>12 will be used by those carriers.</p> <p>13 MR. SAMPSON: All right. Examiner Byrne,</p> <p>14 I don't have any additional questions, unless</p> <p>15 there's anything that you would like to ask.</p> <p>16 HEARING EXAMINER BYRNE: No. That was</p> <p>17 interesting how the -- that was one of my</p> <p>18 questions explaining the difference between a</p> <p>19 temporary tower and a permanent tower, because</p> <p>20 I've done the permanent towers before but</p> <p>21 understanding how it works and where it fits.</p> <p>22 BY MR. SAMPSON:</p> <p>23 Q That actually does bring up one question,</p> <p>24 because what's -- what's the plan once the tower</p> <p>25 no longer needs to be used as far as what they'll</p>	<p>39</p> <p>1 HEARING EXAMINER BYRNE: No, I don't.</p> <p>2 Like I said, you guys have already been through</p> <p>3 this before, so I have so much information already</p> <p>4 in the file. So now I've got the updated</p> <p>5 location. I personally know how they go in, how</p> <p>6 they come out. I've got you referencing the</p> <p>7 statement of justification. So every document in</p> <p>8 here, everything that you have, I think I have</p> <p>9 everything I need.</p> <p>10 MR. SAMPSON: Yeah. And if there are any</p> <p>11 questions about whether AT&T's serious, it was</p> <p>12 their application 10 months ago so --</p> <p>13 HEARING EXAMINER BYRNE: It was. It was.</p> <p>14 So we know -- we know they're on board.</p> <p>15 MR. SAMPSON: Yes, yes.</p> <p>16 HEARING EXAMINER BYRNE: All right.</p> <p>17 MR. SAMPSON: They've actually -- between</p> <p>18 us, they've actually been e-mailing me, like, hey,</p> <p>19 how we -- how we looking. The hearing's on</p> <p>20 February 14. We'll let you know.</p> <p>21 HEARING EXAMINER BYRNE: All right. So</p> <p>22 since this is a telecommunications tower, we are</p> <p>23 under what we like to refer to as a shot clock.</p> <p>24 So we try to get -- keep that compatible. So we</p> <p>25 got this in as quickly as we could. We're sending</p>
<p>38</p> <p>1 be returned to?</p> <p>2 A It gets disassembled. These specific</p> <p>3 towers come in five sections, five 30-foot</p> <p>4 sections. They'll get disassembled, and they'll</p> <p>5 be returned to -- Verizon has multiple yards where</p> <p>6 they store these towers. And the site will be</p> <p>7 returned right back to existing conditions.</p> <p>8 HEARING EXAMINER BYRNE: How long does it</p> <p>9 usually take to put one up?</p> <p>10 THE WITNESS: I want to say three or four</p> <p>11 days. I'm not positive.</p> <p>12 HEARING EXAMINER BYRNE: Wow, that's fast.</p> <p>13 MR. SAMPSON: It's a lot faster than the</p> <p>14 monopoles, which can take eight to nine months</p> <p>15 sometimes --</p> <p>16 HEARING EXAMINER BYRNE: Right.</p> <p>17 MR. SAMPSON: -- have to excavate.</p> <p>18 HEARING EXAMINER BYRNE: Okay. All right.</p> <p>19 Sounds good.</p> <p>20 MR. SAMPSON: All right.</p> <p>21 HEARING EXAMINER BYRNE: All right. Thank</p> <p>22 you. Appreciate that.</p> <p>23 THE WITNESS: You're welcome.</p> <p>24 MR. SAMPSON: And that's all of our</p> <p>25 witnesses, unless you have any questions.</p>	<p>40</p> <p>1 the notices. I think I have 20 days to write my</p> <p>2 decision. I'm pretty sure it's 20 days. I'm</p> <p>3 looking at you, and you have no idea.</p> <p>4 MR. SAMPSON: It might be 30.</p> <p>5 HEARING EXAMINER BYRNE: I think --</p> <p>6 MR. SAMPSON: 20 works for us.</p> <p>7 HEARING EXAMINER BYRNE: I think it's 30</p> <p>8 because I have to wait 10 days for the transcript.</p> <p>9 MR. SAMPSON: I think that's right.</p> <p>10 HEARING EXAMINER BYRNE: But so I think</p> <p>11 technically it's 10 -- the record will be open for</p> <p>12 a period of 10 days in order for us to get the</p> <p>13 transcript. But this was super short and super</p> <p>14 quick, so as soon as we get it I'll start writing</p> <p>15 it. I'll try to get it out as quickly as</p> <p>16 possible.</p> <p>17 MR. SAMPSON: Great.</p> <p>18 HEARING EXAMINER BYRNE: So, again, record</p> <p>19 is open for 10 days for the transcript. As soon</p> <p>20 as I get it, I'll start writing it. So,</p> <p>21 technically, you will have this decision within</p> <p>22 the next 30 days.</p> <p>23 If anybody disagrees with my decision,</p> <p>24 they have an opportunity to appeal that within 10</p> <p>25 days to the Board of Appeals. All right. And</p>

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<p>41</p> <p>1 with that, I think that concludes our hearing, and 2 we're off the record. 3 (The hearing adjourned at 10:17 p.m.) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>43</p> <p>1 CERTIFICATE OF TRANSCRIBER 2 I, Nicole Mastrosimone, do hereby certify 3 that this transcript was prepared from the digital 4 audio recording of the foregoing proceeding; that 5 said transcript is a true and accurate record of 6 the proceedings to the best of my knowledge, 7 skills, and ability; and that I am neither counsel 8 for, related to, nor employed by any of the 9 parties to the case and have no interest, 10 financial or otherwise, in its outcome. 11 <u>Nicole Mastrosimone</u> 12 13 Nicole Mastrosimone, 14 Stenographic Reporter, Legal Transcriptionist 15 February 25, 2025 16 17 18 19 20 21 22 23 24 25</p>
<p>42</p> <p>1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC 2 I, Brennan Plummer, the officer before 3 whom the foregoing proceedings were taken, do 4 hereby certify that any witnesses in the foregoing 5 proceedings were fully sworn; that the proceedings 6 were recorded by me and thereafter reduced to 7 typewriting by a qualified transcriptionist; that 8 said digital audio recording of said proceedings 9 are a true and accurate record to the best of my 10 knowledge, skills, and ability; and that I am 11 neither counsel for, related to, nor employed by 12 any of the parties to this case and have no 13 interest, financial or otherwise, in its outcome. 14 15 16  17 18 BRENNAN PLUMMER, 19 NOTARY PUBLIC FOR THE STATE OF MARYLAND 20 21 22 23 24 25</p>	

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