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Transcript of Hearing

Date: January 9, 2026

Case: Garrett Gateway Partners, LLC

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1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS

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3 | IN THE MATTER OF: : Case No.:

4 GARRETT GATEWAY PARTNERS, LLC, : CU 16-11

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HEARING

11 BEFORE LYNN ROBESON HANNAN, HEARING EXAMINER

12 Conducted Virtually

Friday, January 9, 2026

14 9:32 a.m.

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Pursuant to agreement, before John Gugarty,
Notary Public in and for the Commonwealth of
Massachusetts.

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1 A P P E A R A N C E S

2

3 DEAN PACKARD - Garrett Gateway Partners, LLC

4 JD CARR - Cashell Estates Residents

5 JUSTIN HUGHES - Cashell Estates Residents

6 MATTHEW ROONEY - Cashell Estates Residents

7 NICOLE SOLTYKA - Cashell Estates Residents

8 PATTI SIMONE - Cashell Estates Residents

9 GREG NICHOLS - Montgomery County Department
10 of Permitting Services

11 LINDA KOBYLSKI - Montgomery County Department
12 of Permitting Services

13 JOSH KAYE - Montgomery County Planning
14 Department

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2 Proceedings

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5 E X H I B I T S

6 (None marked)

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1 | P R O C E E D I N G S

2 THE HEARING EXAMINER: I'm calling the
3 case of CU16-11, a show cause proceeding -- sorry
4 -- involving the project that -- by Gateway
5 Partners. We -- everyone here is still under oath.
6 If you haven't been sworn in, please let me know,
7 and I will swear you in, all right? I think, other
8 than that, no one needs any introductions. We can
9 start. Does anyone here have to leave? Because we
10 can start with -- with -- if anyone has to leave,
11 we can start with them. Otherwise, I would go to
12 Mr. Packard to update us on -- he sent an email
13 yesterday, which I think everyone saw, but -- and
14 it's on our website.

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1 I -- when I say road, I'm talking about the
2 entrance from the -- the other entrance, the side
3 entrance. So with that, we can go to Mr. Packard.

4 Mr. Packard, you're still under
5 oath. Can you update us on -- you might be on
6 mute. There you go.

7 MR. PACKARD: Yes. I -- I'm off now.
8 Yeah, I -- good morning. Dean Packard. You saw my
9 emails the last couple days and -- and I saw Josh's
10 email yesterday, and he was correct. There --
11 there was no amenable progress since the last
12 meeting, and since we got -- I mean, there's a lot
13 of behind the scenes stuff going on, but the actual
14 work wasn't being done on the property, you know,
15 due to funding issues and the weather. So as I --
16 I have updated you yesterday, the funding problem
17 has been solved and -- and I just left the site. I
18 came from the site and trucks are -- are -- have
19 come and are on their way right now to deliver
20 eight loads of stone and they're -- they're being
21 placed in the second entrance. And the -- the
22 workers --

23 THE HEARING EXAMINER: But is the stone
24 for the second entrance, is that what you're doing?

25 MR. PACKARD: Yes.

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1 THE HEARING EXAMINER: Sorry. I just
2 wasn't sure if you were talking about stone for the
3 amenity area or the second entrance.

4 MR. PACKARD: Well, the stone for the
5 amenity area is -- has been placed and the -- the
6 stone blocks, which -- which are the concrete
7 pervious paver blocks, they have been staged for
8 installation. So the stone, there is no technical
9 requirement for -- to place stone as a sub base.
10 However, you know, per county standard, however, we
11 feel that we need, you know, we've -- we've rolled
12 the site, you know -- you know -- you know, with
13 the -- with the dump truck and we have -- trying to
14 say. And we're going to put five -- we're going to
15 put five inches of stone down to make sure that the
16 sub base is stable and -- and stronger, you know,
17 so that the six inches of paving that will go on
18 top will be there for the duration of hopefully
19 eternity.

20 The -- the workers have been contacted
21 yesterday and they're going to start showing up on
22 site tomorrow to start laying the concrete blocks
23 and -- and, you know, I'm meeting out there
24 tomorrow and Saturday and -- and they're -- they're
25 going to start prepping the -- the curb and gutter

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1 forms so that we can get the curb and gutter forms
2 set up so that we can have them inspected. And --

3 THE HEARING EXAMINER: Now, is this
4 something -- maybe this is a question for Ms.
5 Kobylski, but is -- is this something that can be
6 done in colder weather?

7 MR. PACKARD: The -- the -- the concrete
8 -- ideal weather for concrete is 40 degrees and not
9 going downward and additives can be added to the
10 concrete so that, you know, if it's 36 degrees and
11 not going down they can be poured. It's commonly
12 done. The paving is a little more sensitive to the
13 temperature because if, you know, it needs to be
14 between 45 and 50 degrees to pave, but if we get
15 the base down and -- and -- and stabilize the base,
16 you know, it will be a lot better, you know -- you
17 know, with potential snow coming. And, you know,
18 what happens with -- if it -- if it's too cold, the
19 asphalt cools too fast, and if it cools too fast,
20 you know, that's not the best thing.

21 So we're watching the weather. And,
22 unfortunately, you know, this has not gone the
23 way we wanted it to, and we're trying to do this
24 now. But, you know, I've run several paving jobs
25 over the years in -- in January and December and

1 February, and it -- and then you have to be really
2 careful and pay attention to the conditions and
3 weather and make sure you have a good compaction
4 and everything. And -- and for Linda, since we got
5 financed yesterday and today, I'll -- I will be
6 paying the -- the outstanding balance on the
7 sediment control permit for the as-built and the
8 extension of the permit as soon as funds clear --
9 clear today or at the latest Monday.

10 THE HEARING EXAMINER: So maybe a more
11 minor issue. Did you ever look at the streetlight?
12 The -- the -- you said last time you were going to
13 have someone go out and check the -- find out where
14 the shorts were in the different streetlights?

15 MR. PACKARD: Yes. There were several
16 trips to the site. We isolated the problem and the
17 problem was with the internal light at the top of
18 the hill. When -- when the subcontractor screwed
19 in the grounding rods -- there's eight foot
20 grounding rods screwed in next to the meter
21 pedestal. I guess it, you know, it was too close
22 to one of the wires on that light and -- and so we
23 unhooked that light from the circuitry of
24 everything and all other -- all four other lights
25 have been on for the past three weeks, I would say.

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1 And, now, and as of -- as of this week,
2 the electrician went out and found the -- the
3 short for the last light and it was rewired on
4 Tuesday so that -- and I'm monitoring it every day
5 to make sure there's not a problem, but if there's
6 a problem, then we're -- we're prepared to dig up
7 the ground and -- and trace the wire to find if
8 there's another short, because there was something
9 underground happened that we weren't aware of. But
10 right now, to my knowledge, all five lights are on
11 and I'm monitoring it every day.

12 THE HEARING EXAMINER: Okay. Now, did
13 you discuss -- I would breathe so much easier -- I
14 mean, I don't want to refer this for -- to the
15 county attorney's office for daily fines. I -- but
16 I do want to make sure that this gets done. And
17 did you discuss with your partner at the last -- I
18 forgot what you guys called it, the project
19 worksheet, I saw that the -- the amount for the
20 roadway is 200,000, the amount needed to complete
21 the roadway.

22 MR. PACKARD: That was the original
23 amount that we started with and I, you know, that
24 -- that -- I -- I have adjusted that worksheet as
25 to work completed, but I was never asked and to

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1 adjust that number of balance to be remaining. I
2 -- I can do that. You know, it's -- it's probably
3 about, you know, I would say \$80,000 at this point,
4 and -- and we have the funding to make that work
5 now. And right now, the bonds --

6 THE HEARING EXAMINER: I find it hard --
7 I understand, but I feel like everything --
8 everything shifts, so we have to restart.

9 MR. PACKARD: Okay.

10 THE HEARING EXAMINER: But -- okay, so
11 now you're -- okay, I think what we need you to do
12 is submit an updated worksheet with costs, and
13 would you submit it to Mr. Nichols and Mr. Kaye,
14 and they can confirm what's been done and what
15 hasn't been done, and you can remove those from
16 this worksheet. Well, send us what you have now,
17 but then I'd like you to forward it to Mr. Kaye and
18 Mr. Nichols so they can -- I see a lot of things
19 here that are marked -- marked complete, and I'd
20 just like them to confirm that it's complete.

21 MR. PACKARD: Okay. I will -- I will --
22 now that we're moving, thank God, I will update the
23 worksheet as to schedules and what's being done and
24 what's, you know, completed, you know, this weekend
25 so it gets out to you on Monday and --

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1 THE HEARING EXAMINER: Did you just --
2 oh, I'm sorry I interrupted. I apologize. Did --
3 can you finish your thought?

4 MR. PACKARD: Oh, I'm sorry. Yeah, I
5 just -- and I'll update the -- the -- the balance
6 to finish as far as cost goes, because I think
7 that's what you're asking me, and that's --

8 THE HEARING EXAMINER: That's what I'm
9 asking you.

10 MR. PACKARD: -- kind of what's helpful.

11 THE HEARING EXAMINER: Now, did you
12 discuss with your partner who I guess is Mike Hines?

13 MR. PACKARD: Discuss -- what -- what
14 are you referring to?

15 THE HEARING EXAMINER: The possibility
16 of bonding or putting some of the money in escrow
17 because, you know, this is all -- I just want to
18 know that the road is going to get done.

19 MR. PACKARD: Well, the road -- the road
20 is going to get done, as I mentioned, because we
21 can't move forward without it being done, so that's
22 -- yeah, he, you know, I'm not going to get any --
23 since Mike Hines is the partner for the, I would
24 call it the second phase, my -- I don't have a
25 partner to finish the work on the, you know --

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1 legally, I don't have a partner, you know, on the
2 first phase anymore. Jeff Jacobson was my previous
3 partner, and he's exited everything at this point,
4 and he's --

5 THE HEARING EXAMINER: Is -- let me ask
6 you again, because you're clearly getting funding
7 based on phase two, what you call phase two.

8 MR. PACKARD: Yeah.

9 THE HEARING EXAMINER: It -- is part --
10 could part of that funding be placed in escrow?

11 MR. PACKARD: I can ask. I -- I asked
12 Mike Hines before about that, and he said no. I
13 can ask the ownership of -- if they would be
14 amenable to do that. You know, right now, all the
15 money is in Mike Hines' account, and it's dedicated
16 solely to finishing the work in phase one.

17 THE HEARING EXAMINER: Well, that's what
18 you say, but --

19 MR. PACKARD: I know. I know. I -- I
20 -- I know -- I -- I --

21 THE HEARING EXAMINER: That -- that's
22 what I'm trying to get around. No offense. No
23 offense.

24 MR. PACKARD: I know I -- I -- I fully
25 understand everybody's dilemma and it's part of my

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1 dilemma too --

2 UNIDENTIFIED SPEAKER: No you don't. No
3 you don't.

4 MR. PACKARD: -- because it's -- it's
5 not in an account that I have access to.

6 THE HEARING EXAMINER: Can -- can you
7 stop. Mr. Packard, can you stop? Can everybody
8 mute who's not -- I -- I hear somebody speaking, so
9 can everybody mute who is not -- except for Mr.
10 Packard at the moment? Thank you. Okay. I'm
11 sorry. I keep interrupting, but I couldn't hear
12 you. So go ahead.

13 MR. PACKARD: I had said that, you know,
14 my -- all the money is in Mike Hines' account, and
15 he is fully aware of the fact that, you know, we
16 cannot submit plans until, you know, we get
17 clearance from you and the county. And -- and the
18 pressure is on everybody, including me, to get this
19 work done. I don't -- you know, I -- you know, I
20 -- I'm not -- logically, I don't know how an
21 escrow would work if it's -- if it's being drawn on
22 every day to pay workers and to order supplies.

23 THE HEARING EXAMINER: But they can do
24 that with the escrow agent.

25 MR. PACKARD: Yeah, but I doubt -- I

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1 doubt seriously --

2 THE HEARING EXAMINER: The escrow agent
3 monitor would verify -- the escrow agent would
4 verify that the -- the -- that the -- you know, the
5 expenses were for the dedicated purpose.

6 MR. PACKARD: That's kind of what the
7 ownership is, you know, binding us to, that
8 everything goes to the dedicated purpose, but it --
9 it is not an escrow agent, and I seriously doubt
10 that -- I'll ask again, but I seriously doubt he'll
11 be amenable to turning over his -- his company bank
12 account to an escrow agent.

13 THE HEARING EXAMINER: Well, you're not
14 --

15 MR. PACKARD: I -- I'll ask.

16 THE HEARING EXAMINER: -- you're not
17 turning over his company bank account for funding
18 whatever balance is left on the road. He's not
19 turning over his company bank account. He's
20 putting whatever you say the road's going to cost
21 in escrow.

22 MR. PACKARD: I -- I have to discuss it
23 with him because I'm not -- I'm not sure exactly
24 how to do that.

25 THE HEARING EXAMINER: It's -- go to an

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1 attorney.

2 MR. PACKARD: Okay.

3 THE HEARING EXAMINER: You can do it.

4 MR. PACKARD: Okay.

5 THE HEARING EXAMINER: I don't -- I --

6 I'm too old. I've done too many things, but --

7 MR. PACKARD: I -- I understand your
8 concern and -- and --

9 THE HEARING EXAMINER: I want to know --
10 I'm tired of -- not tired, frustrated, and I know
11 you're frustrated too, so, but what I -- and I
12 think the citizens are frustrated. I want
13 something to say, this will be done, because, you
14 know, it's been kind of one thing after another. I
15 mean, I could refer it to zoning enforcement and
16 have them take it to district court for daily
17 fines. That I -- I want to know that this will get
18 done.

19 MR. PACKARD: Well, one thing I can
20 probably do is when I get notification today of --
21 of the money transfer, I can send you that receipt.

22 THE HEARING EXAMINER: Well, that
23 doesn't tell me what the money's going to get done.
24 What the money -- what I'm looking for is an --
25 concrete assurance that the money is going to get

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1 spent on what's left to do in this project.

2 MR. PACKARD: I understand. Okay. All
3 right. I'll have that conversation.

4 THE HEARING EXAMINER: And so, you will
5 submit an updated -- well, submit the -- your
6 version of the schedule, and then -- to everyone,
7 and then -- you know, I'll have Mr. Nichols and Mr.
8 Kaye review it and get their input. And can you
9 look at -- I see that there's 1176,000 in light --
10 in the site landscaping. I'm looking at the latest
11 here. I will -- I can share my screen so you know
12 what I am looking at. If you could update these, I
13 think we need an updated list.

14 MR. PACKARD: Yes.

15 THE HEARING EXAMINER: But I see 176,610
16 in landscape. That's a lot.

17 MR. PACKARD: I think that's a subtotal
18 for all the other -- all the items above.

19 THE HEARING EXAMINER: Oh, I see.

20 MR. PACKARD: I think the landscaping to
21 the left of your box is 20,730.

22 THE HEARING EXAMINER: I got you. Well,
23 I think what I would like to do is take off the
24 completed items if, if Mr. Kaye and Mr. Nichols
25 verify they're completed, and then give us a

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1 picture of what we have left.

2 MR. PACKARD: Okay. I will -- I will
3 save this so that if I have to go back and -- and
4 -- and -- to a previous version, I'll -- I'll
5 create a new file and update it and send it out,
6 you know, over the weekend so that it's clear what
7 the balance due is.

8 THE HEARING EXAMINER: Thank you. Are
9 there any questions of Mr. Packard from the people
10 in -- in the gallery as they say in court? But
11 remember, this isn't the time to testify. It's
12 just the time to ask questions. Okay. Hearing
13 none -- oh, I see Ms. Soltyka. Ms. Soltyka.

14 MS. SOLTYKA: Yeah. Hi.

15 THE HEARING EXAMINER: Is -- can you
16 turn your camera on?

17 MS. SOLTYKA: Yeah, it's on.

18 THE HEARING EXAMINER: Okay. There we
19 go. And you're still under oath.

20 MS. SOLTYKA: I -- I -- I just wanted to
21 ask about some of the other information in the
22 email that Dean sent the other day. There was
23 discussion about the pile of dirt that's on state
24 highway land, and then there was additional
25 discussion related to that about a fence and

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1 landscaping and other things associated with that
2 that we haven't addressed yet. And he talked about
3 getting a permit renewed. I -- I -- I -- I'm not
4 clear. I'd like to kind of understand all that and
5 where that stands.

6 MR. PACKARD: Well, I was reminded -- I
7 was asked before and reminded to find the permit,
8 and I went offsite to find the permit and found it
9 was good for a year in 2000. And I talked to the
10 state highway consultant Tuesday and yesterday
11 about updating the permit so that the permit will
12 continue in force with the state highway as, you
13 know, the county is pressuring us to finish up the
14 work, which we're restarting now as we speak and --
15 and in -- in an effort to close the permit.

16 But my discussions with, you know,
17 some of the powers to be at DPS is they -- they --
18 they can -- they -- there needs to be an
19 alternative for the stockpile because they can't
20 close the permit with the stockpile there and still
21 active, if you want to call it that. So what I had
22 proposed before was to open a stockpile permit for
23 the -- separately from the site work so that the
24 site work can proceed. And when grass starts
25 growing, when we finish the work, we can close the

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1 county permit, you know, under, you know, direction
2 of -- of that happening. And the stockpile permit
3 will be bonded and will be open until such time as
4 it's removed when we move on to the next phase.

5 Now, that was my proposal. I don't
6 -- you know, I don't know if it's been thought
7 through at the county yet.

8 THE HEARING EXAMINER: Is that the
9 proposal to the county or to SHA?

10 MR. PACKARD: That's the proposal to the
11 county, and I proposed that to the county. I don't
12 know -- I don't -- I would -- I don't know if the
13 county has internally discussed that and -- but,
14 you know, we -- the option would be either we keep
15 the sediment control permit open and active for a,
16 you know, period of time until the stockpile moves,
17 or we close it and open a separate stockpile permit
18 and keep that open until it moves.

19 So either way, you know, I think it'll
20 work, but it's up to the county to tell me what --
21 how they want -- would want me to proceed. And as
22 far as, you know, I -- I answered in my -- my
23 email, they'll be there tomorrow installing the
24 safety fence, which is what I thought we were
25 talking about the last time.

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1 And then Lynn, you had mentioned a
2 permanent fence. I'm -- I'm not quite sure if --
3 if the stockpile is, like, 20 feet high, I'm not
4 sure what a permanent fence would do. I -- I -- I
5 just need to figure out how to get rid of it as
6 soon as possible.

7 THE HEARING EXAMINER: Ms. Soltyka, do
8 you have any questions based on those answers?

9 MS. SOLTYKA: I -- I -- I -- it doesn't
10 really answer the question of when -- you know,
11 what's going to happen to that pile and when. So
12 it's --

13 MR. PACKARD: I need somewhere to put
14 it, Nicole, and -- and -- and I can't --

15 MS. SOLTYKA: I've got some ideas, Dean,
16 but, you know, it's a total meeting, so --

17 MR. PACKARD: Well -- well, it has --
18 yeah, well, I -- I can -- it -- it probably
19 wouldn't --

20 THE HEARING EXAMINER: (Indiscernible).

21 MR. PACKARD: It wouldn't -- if I -- if
22 I'm reading your mind, it wouldn't fit. But as far
23 as -- but it -- it -- to move it, there needs to be
24 an active site, you know, for phase 2 to move it to
25 with the construction moving forward, and that's

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1 going to take some time. And, you know, the first
2 thing before we can get to that point is to finish
3 the work that we're talking about here today. And
4 -- and, you know --

5 THE HEARING EXAMINER: So you're in
6 violation of your SHA permit?

7 MR. PACKARD: Well, the permit expired,
8 so it needs to be renewed, and that needs to be
9 renewed soon, and I've requested it to be renewed.

10 THE HEARING EXAMINER: I see -- Ms.
11 Soltyka, do you have any more questions?

12 MS. SOLTYSKA: No.

13 THE HEARING EXAMINER: I see Ms.
14 Kobylnski's hand up. Ms. Kobylnski, do you want to
15 -- do you have questions?

16 MS. KOBYLSKI: Yes. Just one quick
17 question. Who at the county did you speak with,
18 Dean? Was it Mark Etheridge? Was it the field
19 supervisor or one of the inspectors? Who did you
20 talk to about this stockpile? I -- I know what
21 Steve --

22 MR. PACKARD: There's a --

23 MS. KOBYLSKI: I know that Steve
24 Simpson, I believe, indicated to someone out there
25 that you needed a silt fence because the -- the

1 unfinished road or whatever you guys are calling
2 it, that could be a disaster if we get a big rain.
3 Look like a lot of mud and stuff like that, and we
4 want to make sure it does not leave the site. So
5 who did you talk to here? Because I know nothing
6 about that.

7 MR. PACKARD: Let me answer the second
8 question first. The road -- the -- the sub-grade
9 is -- is -- is -- is about a foot lower than the
10 road. So right now, there's no way for the water
11 to leave the second entrance. It -- it -- it will
12 -- it ponds there, so we need to excavate it out,
13 restabilize it, and -- and move forward with
14 compaction and everything else. So --

15 MS. KOBYLSKI: Okay.

16 MR. PACKARD: -- it's -- it's stable now
17 but as soon as we start working, it needs to be --
18 you know, we got to be really careful not to track
19 mud on the road. It -- it was a -- it was a
20 discussion when Tom Weadon -- it was about six,
21 seven months ago, I think, when Tom Weadon and Jack
22 Llewellyn, and I think Johnny Campos was there or
23 somebody else was there from DPS.

24 And we were talking about how to --
25 you know, how -- how things were going to progress

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1 and how to close the permit. And -- and I -- and I
2 think Tom brought up, well, you can't close the
3 permit with the stockpile there. And I said, well,
4 there's two options. Either we keep the permit
5 open or we -- we open a separate stockpile permit
6 and -- and work on closing -- you know, getting
7 everything done and stabilized and closing the
8 permit and leave the stockpile open. And they --
9 they said that that would have to be discussed
10 internally, and when we get to that point, we'll
11 figure it out.

12 MS. KOBYLSKI: Okay. I think we may be
13 at that point. I'll follow up with them. Thank
14 you.

15 MR. PACKARD: Okay. You know, it either
16 way makes sense, but, you know, there'll be a --
17 you know, I -- I -- I would think to, you know,
18 satisfy some of the concerns about bonding, you
19 know, the -- you know, if the -- if a stockpile
20 permit gets open, it will have to be bonded.

21 So the -- the -- you know, if the
22 other one's close, right now there's a \$47,000
23 sediment control bond that's open, either that
24 bond, you know, just continues with -- until the
25 stockpile moves or the separate bond will be open

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1 with the stockpile and, you know, as you say, we
2 can discuss that.

3 THE HEARING EXAMINER: What about --

4 MS. KOBYLSKI: The sediment control
5 bond, just so you know is --

6 THE HEARING EXAMINER: Oh, I'm sorry,
7 Ms. --

8 MS. KOBYLSKI: Oh, I -- I --

9 THE HEARING EXAMINER: I -- I
10 interrupted. Go ahead.

11 MS. KOBYLSKI: That's okay. The -- just
12 for -- for clarity, the sediment control bond is
13 only 43,078.

14 MR. PACKARD: Oh, I'm sorry.

15 MS. KOBYLSKI: So that's just to make
16 sure you -- you understand that. Okay.

17 THE HEARING EXAMINER: Is that the
18 sediment control bond for the -- the site or is
19 there a separate sediment control bond for the pile?

20 MS. KOBYLSKI: The -- the sediment
21 control permit is for the project, which, at this
22 point, includes the stockpile, is what I'm hearing.
23 And what they have discussed is, because Dean is
24 going to want to get off of the sediment control
25 permit that includes the stormwater management, the

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1 structures, and all that, that he's -- he's got to
2 plant. I think you've got to do some plantings and
3 things like that. So ideally we would close that
4 out, get the as-builts in, close it out, but he
5 needs a permit for that stockpile.

6 So what the -- the -- the
7 discussion has been, let's work on getting the
8 construction done and -- and if the stockpile
9 remains, you have to have a separate permit for
10 that. We can't just close it and not address the
11 stockpile.

12 THE HEARING EXAMINER: Understood.

13 MS. KOBYLSKI: Okay.

14 THE HEARING EXAMINER: Any other
15 questions of Mr. Packard?

16 MR. PACKARD: I -- I have one update for
17 Linda just so that she's, you know, in the -- in
18 the loop. I -- I -- I submitted all the as-built
19 plans with all the plantings that were planted and
20 the landscape certificate and everything. I don't
21 think they're moving forward because the -- the
22 permit hasn't been extended and the -- the fee for
23 the as-built hasn't been paid. So, right now, I
24 think that's holding up the as-builts from being,
25 you know, reviewed and finally approved, and I will

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1 -- I will get that paid so that that can move
2 forward.

3 MS. KOBYLSKI: Thank you. I -- I mean,
4 has the work actually been all completed, though?

5 MR. PACKARD: On the stormwater ponds,
6 yes. They've been completed, everything is done,
7 you know, the site is not stabilized, obviously.

8 So that -- that -- that -- that has to be
9 completed, you know, with the entrance and all the
10 other work that needs to be done. And, you know,
11 it -- you know, all that work can be done, but we
12 know grass is not going to grow until at least
13 March. So that's where we are with trying to
14 figure out how to get to the point where we can
15 close the permit.

16 MS. KOBYLSKI: Please email me when you
17 pay that. If -- if it's today, great. So that I
18 can make sure I saw that you did upload some
19 as-builts back in November.

20 MR. PACKARD: Yes.

21 MS. KOBYLSKI: You -- you uploaded the
22 plans for the as-builts, but let me know so that we
23 can move that into plan review.

24 MR. PACKARD: Okay. I'll do that. And
25 as soon as I get permission to use Mike's account,

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1 I will do that.

2 MS. SIMONE: When will you get that
3 permission?

4 THE HEARING EXAMINER: Wait. I -- I
5 have to -- can you turn your camera on, Ms. Simone?

6 MS. SIMONE: Sure thing. Hold on. Hi.
7 Oh, my question was, when will you know about the
8 money from Mike's --

9 MR. PACKARD: It's been approved and
10 it's been wired as -- and so I know that, you know,
11 I -- I know that \$115,000 will be wired into Mike's
12 account today sometime, and -- and I will get a --
13 I -- I will get a confirmation from Mike that it's
14 in the account so that I can pay. So it's either
15 going to be today and, you know, nothing ever works
16 the way everybody wants it to work. So I'm saying,
17 at the latest, it'll be Monday before today.

18 MS. SIMONE: Can you send somebody an
19 email, maybe Nikki, that the money is, in fact,
20 there?

21 THE HEARING EXAMINER: Wait. Yeah,
22 wait, stop, Ms. Simone, because we're on a record
23 and I make -- need to make sure that everybody
24 understands, you know, what the transcript means.
25 So who is Nikki?

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1 MS. SIMONE: Oh, Nikki. She just spoke,
2 right before me.

3 MR. PACKARD: That's Nicole.

4 MS. SIMONE: Actually, it's Nikki.

5 THE HEARING EXAMINER: Well, whatever it
6 is, I just needed it identified.

7 MR. PACKARD: I -- I will update the
8 whole group when the money is paid, and I'll
9 separately update Linda so that she is directly
10 aware.

11 THE HEARING EXAMINER: But see, you
12 could earmark that money in an escrow account. I
13 -- I just don't see what the -- if it's dedicated
14 to the project, there shouldn't be a problem with
15 an escrow, and then we would verify -- we would be
16 -- I want you to talk to your partner about an
17 escrow.

18 MR. PACKARD: Okay.

19 THE HEARING EXAMINER: You say it's
20 dedicated to this, but if it's coming to you
21 anyway, the 115, you could put, you know, even if
22 the -- I guess the thing I'm most concerned about
23 is the road, even if it's just the road. So I'd
24 like you to talk to him.

25 MR. PACKARD: Okay. I'll do that today.

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1 THE HEARING EXAMINER: Any other
2 questions? Okay. Hearing none, what I'd like to
3 do is ask -- call -- ask Ms. Kobylski. And I
4 apologize for not understanding the bonds sooner,
5 but I -- I get confused. I want to -- what I'm
6 trying to figure out is, how much we have for each
7 bond, and everybody says, well, we have enough in
8 bonds to finish the project, but I -- I don't know
9 whether the bonds are earmarked for -- it seems to
10 me, they're earmarked for particular things. And
11 so, I guess I'm trying to get a sense of what the
12 bonds cover and whether the bonds are just a slush
13 fund that could be used -- I -- I use that. I know
14 they're not a slush fund, but, you know, whether
15 they can be used interchangeably. So that's --
16 that's what I'm trying to figure out.

17 MR. PACKARD: I -- I -- I -- I can sort
18 of answer that, and Linda, you can correct me if
19 I'm wrong.

20 THE HEARING EXAMINER: No, it's not for
21 you. It's not for you, Mr. Packard. I'd like to
22 hear from Ms. Kobylski about the county books.

23 MS. KOBYLSKI: Okay. I can share. Can
24 I share my screen and -- and show you just a quick
25 list of what --

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1 THE HEARING EXAMINER: Absolutely.

2 Thank you.

3 MS. KOBYLSKI: -- of what we --

4 THE HEARING EXAMINER: And thank you for
5 taking the time to go through this.

6 MS. KOBYLSKI: Not a problem. Let me
7 know when you can see my screen.

8 THE HEARING EXAMINER: I can see it.

9 MS. KOBYLSKI: Okay. So what you're
10 looking at here is what we have deemed is still
11 outstanding work. The original bond -- the -- the
12 information up here at the top is for the public
13 right-of-way work and bond. We initially had, I
14 think it was \$103,000 bond for the -- for the
15 entirety of the right-of-way work.

16 THE HEARING EXAMINER: Yeah.

17 MS. KOBYLSKI: That bond was reduced
18 back out of --

19 THE HEARING EXAMINER: When you say
20 right-of-way, is that the second entrance or is
21 that the private street, or the street through the
22 --

23 MS. KOBYLSKI: No. Mr. Kaye takes care
24 of anything that's private or inside the property.
25 This is all --

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1 THE HEARING EXAMINER: Okay.

2 MS. KOBYLSKI: -- public stuff. So this
3 would be Garrett Road. Garrett Road and any work
4 that happened along Redland Road, which I -- I
5 believe was street trees and maybe sidewalks. I
6 think all of that's been done on Redland. Garrett
7 Road, the very first item on this list, is the
8 temporary construction entrance. That's the side
9 entrance that's not complete right now. That will
10 have to have a driveway apron when it's paved, and
11 that's still on our list.

12 Not to get too into detail here,
13 but, overall, the -- the work that's still left to
14 be done is going to, at least the bonding that
15 would be needed is about \$36,000, and we have
16 51,000 left for the public right-of-way.

17 Dean, the one question I do have is
18 the streetlights. I -- I'm not clear on this, and
19 I'm not sure we at the county are clear either, and
20 I'm talking about the inspectors. It's our
21 understanding that the conduit for the streetlights
22 on Garrett Road has not been put in; is that true?

23 MR. PACKARD: That's correct. I don't
24 know why it wasn't, but it wasn't.

25 MS. KOBYLSKI: So that cost for the

1 conduit is not on here? We've got the cost of the
2 two streetlights that were bonded, which frankly,
3 in my opinion, is low. I mean, the -- we -- the
4 estimate was \$5,000 a streetlight, and I think
5 they're much more than that, but -- but
6 nonetheless, that's what we have. And the conduit
7 work, you may not be able to just bore and pull.
8 My -- my inspectors are telling me that's going to
9 be difficult. You probably are going to have to
10 perhaps replace some sidewalk sections and
11 certainly, you know, repair sod and things like
12 that. So typically, the conduit --

13 MR. PACKARD: It's all on Pepco -- it's
14 all on Pepco's plate. Pepco does all that work. I
15 -- I -- my only job is now that I have money to --
16 to -- to pay for it, and the -- the two
17 streetlights are -- are -- are \$5,000 for both of
18 them, and it's -- it's -- I -- I -- I -- I seem to
19 remember about \$10,000 to -- to pay for the
20 underground coring of the wiring and Pepco, once
21 that's -- once that's paid, Pepco will initiate the
22 work themselves. Do their --

23 THE HEARING EXAMINER: How much -- how
24 much do -- do you have to pay for Pepco?

25 MR. PACKARD: \$15,000 to pay them to

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1 install the two streetlights and the underground
2 wire.

3 THE HEARING EXAMINER: Ms. Kobylski, can
4 I just get clarification. Well, first of all,
5 would you kindly email this to Nana Johnson so she
6 could post it on our website when you get a chance?
7 You don't have to do it now.

8 MS. KOBYLSKI: Sure.

9 THE HEARING EXAMINER: When you say
10 right-of-way, is this the right-of-way -- this
11 isn't the second entrance. This is the
12 right-of-way along --

13 MS. KOBYLSKI: Garrett.

14 THE HEARING EXAMINER: Okay.

15 MS. KOBYLSKI: It's Garrett Road, but
16 the second entrance is off -- off of Garrett Road
17 as well, but I believe he pulled a second --

18 THE HEARING EXAMINER: But it doesn't
19 include installing the -- I -- I'm seeing, you
20 know, it doesn't include the second entrance?

21 MS. KOBYLSKI: It doesn't include the
22 pavement beyond the public right-of-way, meaning
23 that's on private property. So when you're talking
24 about the drive isle, that's going to be on private
25 property. And -- and Mr. Kaye should have had --

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1 hopefully, he's got bonding that covers that,
2 because that's private -- that's private.

3 MR. PACKARD: Linda, I'll --

4 MS. KOBYLSKI: That's not a public road.
5 Go ahead.

6 MR. PACKARD: Also -- also, I'm not sure
7 whether you're aware of, but there is a separate
8 permit and \$3,500 bond for the -- for the second
9 entrance as it pertains to the work in the public
10 right-of-way. So there's a --

11 MS. KOBYLSKI: Or the apron, and I -- I
12 was aware of that.

13 MR. PACKARD: Okay.

14 MS. KOBYLSKI: You did pull a separate
15 permit, but that's just for the driveway apron.
16 The remaining stuff on Garrett Road is what you're
17 looking at on this -- this list here.

18 MR. PACKARD: Right. But the total
19 remaining bond is really \$3,500 more than 51,400.

20 MS. KOBYLSKI: Understood. Understood.
21 But that gives us some cushion --

22 MR. PACKARD: Yes.

23 MS. KOBYLSKI: -- because you have to
24 pay Pepco that \$15,000.

25 MR. PACKARD: Right.

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1 MS. KOBYLSKI: Right?

2 THE HEARING EXAMINER: Good point.

3 MS. KOBYLSKI: But we need to make sure
4 that the work is done. So regardless of where the
5 money, who's being paid, and all of that.

6 So, again, the -- the -- the public
7 right-of-way stuff, Lynn, is simply for anything
8 that's on public land, and that includes the
9 sidewalks, the curb and gutter along Garrett Road,
10 all of that stuff. Street signs, I think he's got
11 signs which will be nominal. We -- we gave an
12 estimate of about \$2,000 for the street signs, and
13 I think there are only five of them along -- along
14 Garrett that have to either be fully installed or
15 replaced. So that's public right-of-way.

16 I don't know if you'd like me to
17 talk about the sediment control stuff, because I
18 have that here as well.

19 THE HEARING EXAMINER: Oh, that would --
20 yes. And I really appreciate, this is so helpful.
21 So I just want to say I really appreciate your
22 putting this together and --

23 MS. KOBYLSKI: Not a problem.

24 THE HEARING EXAMINER: -- I couldn't
25 find for me exactly what's covered by what.

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1 MS. KOBYLSKI: Okay. The sediment --

2 THE HEARING EXAMINER: Yeah, I have one

3 -- I -- I have one more question, I'm sorry. So

4 this bond can't be used -- for instance, it can't

5 be turned into paying for the private -- private

6 part of the street?

7 MS. KOBYLSKI: No, it cannot, because

8 Montgomery County is the -- is the receiver. We're

9 the -- we're the ones -- Josh Kaye's bonds are Park

10 and Planning's bonds, for -- for lack of a better

11 word. So no. We could combine -- I -- I believe

12 in talking with the bonding company, if we have in

13 total about \$95,000 in bonding for both sediment

14 and public right-of-way, I think we could mix and

15 match that if we needed to. I think we could. So

16 if let's say one of --

17 THE HEARING EXAMINER: But not -- but

18 not for the private road?

19 MS. KOBYLSKI: Not for private, no. Or

20 the playground or any of the amenities or the

21 streetlights that are internal, we -- no, that

22 would not -- you would not be able to use our

23 bonding -- bonding to go in and make those things

24 happen, so --

25 THE HEARING EXAMINER: Okay, that's very

1 helpful. I -- I really appreciate it. Do you want
2 to move on to the sediment control?

3 MS. KOBYLSKI: Yeah, and the -- the only
4 exception to this -- and we may -- there may be
5 double bonding here. I'm not sure. The -- as part
6 of our stormwater management plan, those impervious
7 pavers that Dean talked about -- I'm sure we bonded
8 for those as well. Maybe we didn't, but I'm sure
9 we did, because that's a condition -- it's a
10 requirement of our sediment control permit to put
11 those in. And -- and Dean is correct, because I
12 sent an inspector out there a couple of days ago.
13 He took lots of pictures. There are -- the -- the
14 pavers are sitting there, ready to be installed.

15 The only comment I would make about
16 those, because I was a little confused about what
17 you were talking about when you said the -- the
18 weather's bad -- I think you were talking about
19 paving the road, the side entrance road, but those
20 pervious pavers can be done right now. So I'm glad
21 to hear they're going out there tomorrow, you said,
22 and starting that work, Dean?

23 MR. PACKARD: Yeah.

24 MS. KOBYLSKI: Okay. That -- the frost
25 and the cold and the winter weather has nothing to

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1 do with that work, so good. I did have a note here
2 that the --

3 THE HEARING EXAMINER: (Crosstalk).

4 MS. KOBYLSKI: Sorry.

5 THE HEARING EXAMINER: Go ahead.

6 MS. KOBYLSKI: Oh, okay. We do note
7 here that that stockpile needs to be stabilized,
8 and I guess that's -- that was the discussion about
9 the fence. Were you talking about a silt fence,
10 Dean?

11 MR. PACKARD: I -- I was talking about a
12 safety fence for public safety to make sure
13 nobody's playing on the stockpile and -- and can
14 get potentially hurt. We're going to be out there
15 moving -- moving things around. As soon as we get
16 the entrance in and the landscaping in, we -- I --
17 my understanding, at least in my engineering mind,
18 is to put a silt fence up and -- and -- you know,
19 right now, three -- three sides of the stockpile
20 are enclosed with super silt fence, and only the
21 front side is not. And we would install silt fence
22 along the front side to fully encapsulate it once
23 -- once -- once we get out of the way, let's say.

24 MS. KOBYLSKI: Okay. And we already --

25 THE HEARING EXAMINER: Will that prevent

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1 children from -- you know, I'm worried that -- I
2 know that these are -- I think they're -- well, I
3 can't remember if they're senior living or not, but
4 grandchildren are there. Would the silt fence
5 prevent kids from going up on that pile?

6 MR. PACKARD: Well, I mean --

7 MS. KOBYLSKI: No.

8 MR. PACKARD: -- people can even climb
9 six-foot fences, but it's -- the safety fence --
10 the orange safety fence, and -- and if it's
11 installed, you know, and -- and maintained, you
12 know, there's a reason for why it is what it is,
13 and that, you know, in 99 percent of the cases
14 keeps people out from playing on areas that -- that
15 -- that they shouldn't.

16 And -- and Linda, just for your
17 information, the -- the -- the stockpile was seeded
18 in November, and it'll probably -- you know, it'll
19 start growing grass or have to be reseeded as soon
20 as the -- the weather breaks.

21 MS. KOBYLSKI: Again, I have some
22 pictures if you want to see it. I think this was
23 taken a couple of days ago.

24 MR. PACKARD: Yeah, no, it -- it was --

25 THE HEARING EXAMINER: That would be

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1 great -- that would be great if you could share --
2 and also, we have to email these things so they're
3 in the record if I look at them during the hearing.
4 So if you could email the photos and that
5 spreadsheet you had, that would be --

6 MS. KOBYLSKI: Sure. To Nana Johnson,
7 right?

8 THE HEARING EXAMINER: Yes. Yeah.

9 MS. KOBYLSKI: Okay. Anyway, this is
10 what the stockpile looks like as of a couple of
11 days ago, for those of you that are interested.
12 Some of you live there and you've seen it, but this
13 is what it looks like right now.

14 THE HEARING EXAMINER: It does not --

15 MS. KOBYLSKI: And this was --

16 THE HEARING EXAMINER: -- look
17 stabilized. I've seen some seeding. Yeah.

18 MR. PACKARD: We -- we were moving dirt
19 on top of it in some places in November, so what
20 was disturbed in November was reseeded. But, you
21 know, it was probably too late in the season for
22 grass to start growing, so it will need to be
23 re-stabilized.

24 MS. KOBYLSKI: Okay.

25 THE HEARING EXAMINER: How soon can you

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1 install the silt fence on the front? Because I do
2 see the silt fence on the sides in those photos.

3 MR. PACKARD: While we're putting the
4 curb and gutter in and the landscaping in, it'll
5 get ripped out, so as -- as soon -- it -- it'll
6 have to go in as soon as we get out of the way with
7 equipment.

8 THE HEARING EXAMINER: Because that's a
9 lot of unstabilized area.

10 MR. PACKARD: Oh, it's to our interest,
11 once the -- once the base of the second entrance is
12 put in, to put the silt fence up, because we don't
13 want any dirt coming down and spoiling the stone or
14 spoiling the -- the pavement that will run -- run
15 off. So we -- we have to -- we have to install
16 erosion control as -- as soon as -- as soon as
17 possible.

18 THE HEARING EXAMINER: And when is as
19 soon as possible?

20 MR. PACKARD: As soon as we get the
21 stone base down, it'll have to go up, and -- and --

22 THE HEARING EXAMINER: And when do you
23 -- did you say that trucks were out there today or
24 tomorrow putting the stone base down?

25 MR. PACKARD: Well -- well, I -- I was

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1 -- well, they're dumping the stone. You know, and
2 then it'll have to be --

3 THE HEARING EXAMINER: I see.

4 MR. PACKARD: Then it'll have to be
5 moved and spread and -- and checked and -- and
6 compacted and, you know, all of the above. So
7 they're -- they're bringing the stone to the site
8 right now. When I was there right before I -- I --
9 I left at, like, 10 minutes after 9:00, and when I
10 left, you know, one load had come, and there's
11 seven more on their way right now.

12 MS. KOBYLSKI: Where are they plopping
13 that, Dean? Right there at the -- where the base
14 is? Right there where the entrance is?

15 MR. PACKARD: Well, they're starting in
16 the back and working forward.

17 MS. KOBYLSKI: But -- but that's where
18 it's going to go, though, is what I'm asking?

19 MR. PACKARD: Yes. And we have to stage
20 it, and then we have to, you know, be out there to
21 make sure that everything is placed correctly and
22 my --

23 THE HEARING EXAMINER: Is plopping a
24 technical term, Ms. Kobylski?

25 MS. KOBYLSKI: No, it is not. No, it is

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1 not. Does Jack Llewellyn know that stuff's coming
2 out there today?

3 MR. PACKARD: I just found out this
4 morning, so after this call, I've got to let him
5 know, give him an update as to what the -- what the
6 plan is.

7 MS. KOBYLSKI: I'm going to call him
8 right after this call as well.

9 THE HEARING EXAMINER: Well, we were
10 going to move into sediment control, but I see Mr.
11 Nichols' hand up. Mr. Nichols, do you have a -- do
12 you want to say something here before we move into
13 sediment control?

14 MR. NICHOLS: Yeah, if you don't mind.
15 I've got a -- I've got a -- I didn't know this was
16 going to run this long, and I apologize. I've got
17 a hard stop that I can't get out of at the top of
18 the hour, but I did want to bring up something that
19 Josh and I just discussed.

20 Dean, you know, you -- you know,
21 obviously, that the curb going in for that second
22 entrance and undercutting and removing all the
23 unsuitable material to the specified grade that --
24 that you need would have been the -- the proper
25 sequence of construction, having the stone. I

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1 don't know -- I have no idea what -- what seven
2 loads of stone's going to look like. Is it CR6?

3 MR. PACKARD: CR6 is going to be going
4 in the right of way, and a mixture of CR6 and RC6
5 will go in the back.

6 MR. NICHOLS: Okay. That's fine, as
7 long as it's -- as long as it's something. So
8 yeah. And looking at the photos that Josh posted
9 as part of the record and all that, what's -- just
10 quickly, do you know how much undercut of the
11 subgrade you have to take out of the unsuitable?

12 MR. PACKARD: Well, we -- we took it out
13 before. Now -- now, we've got to -- there's --
14 there's some low areas that need to be restabilized
15 and rechecked and recompacted. You know, we left
16 it low up near Garrett Road just to make sure that
17 no sediment left the site, so there's -- there's a
18 pool of water there.

19 MR. NICHOLS: Yeah, I saw that.

20 MR. PACKARD: And there's a low area on
21 the other side. That -- that has to be undercut --

22 MR. NICHOLS: Okay.

23 MR. PACKARD: -- and recompacted. And
24 then you know, we -- we have the plan to you know,
25 take special precaution around the manhole, because

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1 that involves --

2 MR. NICHOLS: Is that manhole -- is that
3 manhole on grade? That's my concern, because the
4 manhole --

5 MR. PACKARD: Yeah, the manhole's on
6 grade now. It wasn't before, but we -- we -- we
7 dug a giant hole, and then recompacted it. But we
8 have to -- we have to be really careful about the
9 compaction around the manhole to make sure -- I
10 mean, that -- what was there before, we undercut it
11 and -- and rolled it and everything, because I
12 think over, like, five years there was, you know,
13 25 loads of stone put in. So there -- there --

14 MR. NICHOLS: Right.

15 MR. PACKARD: -- there was -- there --
16 the -- you know, it's -- it's -- you know, it's a
17 good base and -- but we -- there's very specific
18 areas we need to spend, you know, time --

19 MR. NICHOLS: Right.

20 MR. PACKARD: -- making triply sure that
21 we're not going to have any failures.

22 MR. NICHOLS: Okay. I'm not going to
23 waste any more time then. What I'll do is -- is --
24 is just say, between Josh and I, okay, the stone's
25 hitting the site. When you start doing the

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1 excavation and the removal of the material, please
2 notify Josh and I.

3 MR. PACKARD: Sure.

4 MR. NICHOLS: And we will -- we'll take
5 a look.

6 THE HEARING EXAMINER: What material?
7 What material?

8 MR. NICHOLS: Ma'am, there's a --
9 there's a -- there's a -- there's a lot of -- like
10 he said, that used to be the -- the -- the
11 stabilized construction entrance for this project,
12 so --

13 THE HEARING EXAMINER: Got you.

14 MR. NICHOLS: -- over the years, over
15 that time, they had put in a lot of just recycled,
16 you know, concrete and stone and things like that
17 that got sunk down into the ground as it got wet
18 and all that. But that creates -- in and of
19 itself, creates a very good base for most of that
20 area. However, I'm looking at the photographs, and
21 we realize that in order for him to get five inches
22 of compacted CR6, or -- or the recycled concrete
23 mix, to the specified compaction requirements, and
24 then six inches of -- of asphalt, I -- I just I
25 think -- I -- I'm -- just visually, I just think

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1 there's more coming out of there than -- than --
2 than -- than right now.

3 So I just really want to be notified as
4 soon as we start removing the material. My concern
5 now is, if the stone is sitting on areas that need
6 to be removed, then that's just -- I don't know.
7 You don't have any area to work with. I wish -- I
8 wish we could stockpile that stone over across the
9 street on that other property.

10 MR. PACKARD: We -- we -- we -- I staked
11 it out three times, the center line grade and the
12 curb and gutter offsets.

13 MR. NICHOLS: Okay.

14 MR. PACKARD: So -- so that -- that
15 whole area, except for the couple spots that I
16 mentioned --

17 MR. NICHOLS: Okay.

18 MR. PACKARD: -- is -- is pretty much on
19 grade. You know, right where it ties up into the
20 neighborhood --

21 MR. NICHOLS: Okay.

22 MR. PACKARD: -- paving is a little low,
23 and around by Garrett, it's a little low, but
24 everything else is on grade, and -- and it's been
25 rolled over, like, 500 times.

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1 MR. NICHOLS: Okay.

2 MR. PACKARD: And --

3 MR. NICHOLS: Just let us -- just let us
4 know when you -- when you -- when you mobilize for
5 the excavation and the spreading of that stone to
6 begin. We -- we want to know, okay?

7 MR. PACKARD: Yes, sir.

8 MR. NICHOLS: That's -- that was my main
9 concern. That's it.

10 THE HEARING EXAMINER: Okay. Any quick
11 questions of Mr. Nichols? Okay, Mr. Nichols, we
12 will free you, and you can stay as long as you
13 want, but you're excused as a witness. He's
14 high-fiving, for the record. Okay, thank you for
15 that. That's helpful. And so, now, we'll go back
16 to Ms. Kobylski.

17 MS. KOBYLSKI: Okay. So -- so I think
18 we've covered the sediment control, the importance
19 of the as-builts. Dean, I do have a question about
20 the as-builts. You -- you are --

21 THE HEARING EXAMINER: What have we
22 covered with the -- I -- I'm not sure what you
23 mean. We've covered the sediment control?

24 MS. KOBYLSKI: Well, we talked about the
25 bonding, which is what I thought you were most

1 interested in, and we have \$43,780 of bond on the
2 sediment control permit. And that was the total
3 amount of bonding that we -- we took up front when
4 the permit first was issued, so we still have the
5 total amount that was given to us for bonding
6 without any reductions in the bond or anything
7 else. So work has clearly been done, but at this
8 point, minor things are left, including the
9 as-builts. And the as-builts -- we'll certify
10 where things were put in.

11 THE HEARING EXAMINER: Right.

12 MS. KOBYLSKI: We will -- we will -- and
13 -- and should certify that they were put in
14 properly and that -- you're the engineer on this.
15 Who -- who prepared the plan, Dean? Okay. So
16 you're certifying that it's correct. We will do
17 inspections as we can. We will absolutely verify,
18 but the important thing is those as-builts are
19 submitted to us where we can review them, and then
20 we can close out the permit. If all is well, we'll
21 final that permit, including the -- the previous
22 pavers. We talked about those are still
23 outstanding, so those have to be put in and put in
24 properly. And then the -- the only thing remaining
25 for sediment is the stockpile that we keep talking

1 about over on the state land. So we'll have
2 internal discussions about that, about how to
3 handle it, and let you know.

4 The last thing I'll say about our
5 two permits is the right-of-way permit. You owe us
6 money on that one as well, Dean, so I'll send you
7 an email about the outstanding balances on that.

8 MR. PACKARD: Yeah.

9 MS. KOBYLSKI: And we would expect you
10 to renew that permit. We'd expect you to pay for
11 the bond reduction that you requested, but you
12 never paid for. So there's some outstanding fees
13 due --

14 MR. PACKARD: Okay.

15 MS. KOBYLSKI: -- on that as well, okay?

16 MR. PACKARD: Okay.

17 MS. KOBYLSKI: I'll send you an email
18 today that -- that summarizes all of that. But --
19 but for the most part, the sediment controls -- you
20 know, without -- taking into consideration the work
21 he has to do and the silt fence that has to go up
22 in other places and all of that, we'll keep that
23 permit open until everything is -- is to our
24 satisfaction. Let me say it that way. And
25 certainly ongoing --

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1 THE HEARING EXAMINER: Okay. But I --
2 you think the current amount of bonds will cover
3 the sediment and control permit? That's what
4 you're saying?

5 MS. KOBYLSKI: Yes. Yes.

6 THE HEARING EXAMINER: Okay.

7 MR. PACKARD: And -- and Linda, I -- I
8 believe that I did have one or two reviews on the
9 as-builts already and -- and, you know, the -- the
10 primary comment, let's say, was to install the
11 landscaping and getting a -- getting a landscape
12 architect to -- to certify that they were installed
13 per the plan that, you know, a registered landscape
14 architect, which was not me. I -- I am not one.
15 So I had one look at it. I submitted that letter
16 and -- and that's -- that's what will be reviewed
17 hopefully for the last time or we'll see when --
18 when everybody looks at it. But the last review
19 prompted a site visit where, you know, over the
20 three years of the pond being in, I guess the --
21 the media had settled and Tom Weadon and -- and
22 Jack, you know, instructed me to install an
23 additional six inches of media and -- and -- and we
24 did that, you know, several months ago.

25 MS. KOBYLSKI: Okay.

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1 THE HEARING EXAMINER: So Ms. Kobylski,
2 what I'm hearing from you is it would be up in --
3 to Park and Planning if there were an additional
4 bond to -- you're bonded for the right-of-way. If
5 there were an additional bond for the entrance,
6 that would be Park and Planning?

7 MS. KOBYLSKI: No. Dean -- Dean, again,
8 the only piece that we're --

9 THE HEARING EXAMINER: The private
10 property then.

11 MS. KOBYLSKI: The private part, yes.
12 Dean's already -- he's pulled a separate permit for
13 an apron for that second entrance. We bonded that
14 already. We --

15 THE HEARING EXAMINER: But not the
16 entrance, just the right-of-way apron?

17 MS. KOBYLSKI: No, the -- yes, but not
18 the drive aisle itself.

19 THE HEARING EXAMINER: Okay.

20 MS. KOBYLSKI: That's on private
21 property. That's Josh's responsibility, or Park
22 and Planning's responsibility. But we -- we have a
23 separate permit for that entrance, which I -- you
24 know, he will have to put the entrance in to county
25 standards and all of that, and if he doesn't, we'll

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1 pull that bond. But -- but that is a separate --
2 it's not even -- it is on here. Let me say it this
3 way: it is on here because you see at the very --
4 well, you don't see my screen anymore. That
5 temporary construction entrance removal, that's --
6 that's what we're talking about, is that side --
7 side entrance --

8 THE HEARING EXAMINER: Got you.

9 MS. KOBYLSKI: -- because they have to
10 put an apron in there, but it -- it's kind of
11 double bonded because we had it on the original
12 right-of-way permit and we have it on that second
13 permit that he pulled for just the apron.

14 THE HEARING EXAMINER: (Indiscernible).

15 MS. KOBYLSKI: So we really have \$7,000
16 in the driveway apron world.

17 THE HEARING EXAMINER: But from the
18 county's perspective, you don't feel like
19 additional bonding is needed because he's almost
20 done with the sediment control and he's -- you
21 think there's enough in the bonds for the
22 right-of-way?

23 MS. KOBYLSKI: Yes, we do.

24 THE HEARING EXAMINER: Okay. That
25 helps. I really appreciate it. So the question

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1 really is how we get the drive. Drive aisle, drive
2 entrance, I don't know what you call it -- how we
3 get that funded. In my mind. That's not your
4 problem, but -- okay. That was really helpful. I
5 appreciate your coming and spending this time. Are
6 there any questions of Ms. Kobylski?

7 Okay. Hearing none, Ms. Kobylski,
8 you can stay on the line, and then we're going to
9 move to Mr. Kaye who's been patiently waiting or,
10 you know, you can -- you're -- you can be excused.
11 Thank you very much. And don't forget, if you can
12 send the pictures and the spreadsheet, that's
13 helpful.

14 MS. KOBYLSKI: I will do it right now.
15 Thank you very much.

16 THE HEARING EXAMINER: Thank you.

17 MR. KAYE: Good morning, everybody.

18 THE HEARING EXAMINER: Okay, Mr. Kaye.

19 MR. KAYE: I'm just going to share my
20 screen real quick because I just want to go over
21 the itemized list that our bond covers, if you'd
22 like me to do that.

23 THE HEARING EXAMINER: Yes, that would
24 be great.

25 MR. KAYE: Okay. All right. So just to

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1 give you an idea, our bond is \$92,000.

2 THE HEARING EXAMINER: Before you start
3 -- before you start, can you submit this to Nana
4 Johnson as well? And for -- for everyone here,
5 we'll be posting these on the website. Okay.

6 MR. KAYE: Sure. Sure.

7 THE HEARING EXAMINER: Okay. Thank you.

8 MR. KAYE: It might be part of the
9 record previously, but I can certainly send it --

10 THE HEARING EXAMINER: Okay.

11 MR. KAYE: -- for your viewing.

12 THE HEARING EXAMINER: I appreciate it.

13 MR. KAYE: Okay. So we -- we have a
14 preliminary plan performance bond here for \$92,000.
15 Legend Builders actually posted these bonds, the
16 builder of the development, for whatever reason.
17 So the \$92,000 covers some of the site landscaping,
18 specifically the -- the perimeter landscaping, the
19 screening -- for screening purposes, which is -- as
20 you can see, there's a lot of landscaping that goes
21 around the perimeter.

22 Onsite lighting. This is just some
23 stamped concrete in the roadway for a pedestrian
24 crossing. The rec facilities, which includes the
25 playground, the pergolas, and benches, garden beds,

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1 so on, so forth, and the private road hardscape
2 stuff, which is the paving, curb and gutter, and so
3 on, so forth, and some storm drain. So at this
4 point, I don't think this bond is enough to cover
5 everything. Honestly, these -- these unit costs
6 are extremely under -- underpriced, but we're
7 hoping for the best. I think if Dean actually
8 installs the road to the front --

9 THE HEARING EXAMINER: You say the road,
10 you mean the private part --

11 MR. KAYE: The second --

12 THE HEARING EXAMINER: -- of the
13 driveway?

14 MR. KAYE: Correct. The second part of
15 the -- the second entrance, yep. Then I feel --
16 then I feel --

17 THE HEARING EXAMINER: Scroll to the
18 bonding -- wait. I -- I'm sorry. I just want to
19 -- can you scroll down under private road. Is --
20 does -- is this -- is that private road supposed to
21 cover the entrance -- the second entrance paving?

22 MR. KAYE: I'm not 100 percent sure. I
23 -- I -- it should, but the second entrance was
24 something that was added, I think, at the last
25 minute, so I'm -- I'm not sure when -- based on the

1 approval of this bond estimate of 12215, when the
2 second entrance was added, but Dean could speak to
3 that.

4 MR. PACKARD: It -- it -- it was -- it
5 was after the preliminary plan was approved, which
6 was after the second entrance was -- after the
7 second entrance was added and -- you know, and --
8 and -- you know, as it was prepared, it included
9 the entire road on site and the second entrance.
10 And, you know, I -- you know, in my opinion was
11 always that if we get the second entrance in --
12 that, you know, we should be, you know, a lot
13 better healed with the bond amount that's still
14 outstanding.

15 THE HEARING EXAMINER: But the -- okay,
16 when you went --

17 MR. KAYE: I agree.

18 THE HEARING EXAMINER: -- sounds like
19 you amended the preliminary plan. When you went
20 and amended the preliminary plan to have the second
21 entrance -- I'm talking to Mr. Kaye, you did --
22 there was no additional bonding for the second
23 entrance?

24 MR. KAYE: Yeah, I think what Dean was
25 saying is that the second entrance requirement was

1 included in the certified preliminary plan
2 approval. So if that was the case, because I
3 wasn't around it in 2015, then it should have been
4 included. Regardless, the bond -- the bond is
5 grossly under -- underestimated, but that's --

6 MR. PACKARD: But --

7 MR. KAYE: -- nothing we can do about
8 that right now.

9 MR. PACKARD: The -- the --

10 THE HEARING EXAMINER: Unless we ask for
11 additional bonding. Unless I modified the
12 conditional use for additional bonding, because I
13 do have revisory power over the original
14 conditional use.

15 MR. KAYE: Well, let's -- I -- I -- you
16 know, I think might be a little premature at this
17 point since, technically, he -- he says he has
18 crews on the site, so maybe let's see what happens
19 in the next two weeks, and then it could be a
20 potential now. I'm not sure Dean is -- has the
21 capacity to be bonded if the builder at this -- at
22 the beginning of the Phase 1 had to -- place the
23 bond. So you know, I'm not sure the -- the
24 availability he's -- that he's able to do.

25 THE HEARING EXAMINER: Well, his partner

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1 could.

2 MR. PACKARD: He's -- Mike Hines is not
3 a part of Garrett Gateway Partners, one, and I -- I
4 mean, I -- I --

5 THE HEARING EXAMINER: But then, the
6 other way might be in escrow, but I think it would
7 be helpful. Mr. Kaye, can you share that -- the
8 spreadsheet with the bonding amounts and -- the one
9 you just had up?

10 MR. PACKARD: Lynn, can I -- can I
11 clarify one thing, you know, before I forget?

12 THE HEARING EXAMINER: Yeah.

13 MR. PACKARD: The -- the preliminary
14 plan was amended and -- and -- and that had nothing
15 to do with the second entrance. It only had to do
16 with, you know, the -- the timing and sequence of
17 the issuance of the building permits originally.

18 So the --

19 THE HEARING EXAMINER: So -- okay. So
20 Mr. Kaye, if you go -- can you scroll down to the
21 private road again? Okay. So with that 112,000 --

22 MR. KAYE: That's -- that's the whole
23 kit and caboodle.

24 THE HEARING EXAMINER: Oh, that's the
25 whole bond?

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1 MR. KAYE: Yeah. So this is --

2 THE HEARING EXAMINER: Okay. I don't
3 have a subtitle of --

4 MR. KAYE: -- you know, 25, 35, you know
5 -- there's, like, 50 grand.

6 THE HEARING EXAMINER: Okay. So it's --
7 okay. Has any of that been done?

8 MR. KAYE: Yes. The -- all the storm
9 drain work has been installed, the manhole stuff,
10 handicapped ramp, 4-inch concrete sidewalk has been
11 installed, so the remaining work affiliated with a
12 private road is the six-inch secondary paving and
13 concrete curb and gutter.

14 THE HEARING EXAMINER: Okay. So what
15 I'm trying to get at is there's -- okay. So -- but
16 your 112,000 is for everything on this, not just
17 the private road?

18 MR. KAYE: Right. It's the retaining
19 wall, the rec facility, and all these amenities,
20 some stamped asphalt, some lighting, and all the
21 landscaping.

22 THE HEARING EXAMINER: Oh.

23 MR. KAYE: So right -- right now,
24 there's, you know, 25 grand to work with according
25 to the bond --

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1 THE HEARING EXAMINER: How much?

2 MR. KAYE: -- for this -- 25 grand,
3 which, you know, might get the curb and gutter done.

4 MR. PACKARD: Our -- our bid for the
5 concrete curb and gutter is 14,000.

6 MR. KAYE: Okay. Anyway, as far as,
7 like, you know, if this were not to be completed,
8 what I'm familiar with is that we would take the
9 whole amount of \$92,000 and put this in an escrow
10 account, and then there would be somebody managing
11 that escrow account to complete the job, regardless
12 of the dollar amounts specified for each phase
13 here. So if all the private secondary road is
14 completed, we're still going to be -- like, we
15 would still default on the bond to get the \$92,000.
16 So based on that, we would be able to do the
17 remaining items with that \$92,000, even if the
18 second entrance is completed.

19 THE HEARING EXAMINER: So you're saying
20 if he can get the road in, the 92,000 would cover
21 -- they could -- you could pull the bonds and get
22 everything else done?

23 MR. KAYE: Correct.

24 THE HEARING EXAMINER: So the big item
25 is the road?

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1 MR. KAYE: Correct. That's why I -- you
2 know, that's why I say let's kind of give it a
3 little bit more time to ask for additional bonding,
4 because the -- the -- the money that would be left,
5 the 92,000, would cover the remaining amenities and
6 landscaping for the project.

7 THE HEARING EXAMINER: That's very
8 helpful. I really appreciate your taking the time
9 and going through this. I guess what would help me
10 at -- at this point -- I think we already talked
11 about it -- is an updated spreadsheet with things
12 marked what's been completed, and it's verified by
13 you and Mr. Nichols, and Mr. Packard can submit it
14 to everybody, but I would ask that you verify it
15 and let me know in writing, so we know where we
16 stand. So it seems to me that the big item is the
17 second entrance, the unbonded part of the second
18 entrance.

19 MR. KAYE: Correct.

20 THE HEARING EXAMINER: That's the kind
21 of 800-pound gorilla. So I'm wondering if -- would
22 it be prudent -- well, we want -- he's got the
23 previous -- you've got the previous papers on the
24 site to finish -- to start finishing the amenity
25 area, Mr. Packard, correct?

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1 MR. PACKARD: Correct.

2 THE HEARING EXAMINER: So I would
3 appreciate your update on the road, but I also
4 think that you could take whatever amount you have
5 of that \$115,000 draw. I -- I also realized that
6 you have fees to pay with regard to other -- other
7 places, the county, and I think you said Pepco and
8 the Pepco. So I realize you've got that to pay,
9 but I would rest -- I can leave it like this and,
10 you know, if you've got the trucks out there and
11 Mr. Nichols approves, we can go another three weeks
12 and reconvene, but if -- if I can't get this -- if
13 we don't make movements, then I really am -- I
14 could require an escrow account, on you, Mr.
15 Packard, not your partner, so that we know this
16 gets done.

17 MR. PACKARD: I understand.

18 THE HEARING EXAMINER: I can revise the
19 conditional use to require an escrow account. And
20 maybe it's not even the full cost of the -- maybe
21 it's not even the \$80,000 cost of the road, but it
22 would be a comfort zone and an escrow account, and
23 it's managed -- as Mr. Kaye just mentioned, an
24 escrow -- escrow account is managed by an escrow
25 agent who has a fiduciary duty to disperse the

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1 monies for the purposes that the escrow is set up.

2 MR. PACKARD: I understand.

3 THE HEARING EXAMINER: So if bonding --

4 I understand what Mr. Kaye is, given the history of
5 this case, that bonding may not be available to
6 you, but you could take part of the draw and put it
7 in escrow. So I guess what I'm going to ask for at
8 this point is submitting -- I think we need to get
9 a sense -- you know, if there's revised costs and
10 an idea of what's been completed, but what's even
11 -- I'm really interested in an itemized list of
12 what's left. I -- my major concern is this
13 secondary entrance because -- Mr. Kaye, your
14 bonding included the amenity area, correct?

15 MR. KAYE: Correct.

16 THE HEARING EXAMINER: Okay. So my
17 major concern is the unbonded driveway. To me,
18 that's the elephant in the room. Now, I'm not just
19 -- I think you should, to the extent you can,
20 complete the pavers because, you know, you got them
21 there and you've got the prep work done. Is the --
22 is the molding the -- in the amenity area, there's
23 wooden molding for the cement to retain the pavers.
24 Is that corrected?

25 MR. KAYE: That has not been corrected.

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1 It's formed, but it still needs -- it needs to be
2 reformed to be symmetrical and --

3 THE HEARING EXAMINER: Okay.

4 MR. PACKARD: And it needs to be --
5 there's -- there's several areas that need to be
6 adjusted, and that's what we're starting this
7 weekend. And, you know, to get -- so there's a
8 crew putting the pavers in, there's a crew
9 reforming the playground forms, the wood forms, and
10 there's a crew that will be, you know, working on
11 the curb and gutter forms for the second entrance.
12 But, you know --

13 THE HEARING EXAMINER: But my major
14 concern at this point is that private second
15 entrance, the private portion of the second
16 entrance.

17 MR. PACKARD: Lynn, that -- that was
18 originally bonded, but I agree with Josh that it
19 was under -- under bonded when it was originally
20 done.

21 THE HEARING EXAMINER: Okay. So I think
22 a good -- I think we need to take stock of what's
23 left when we -- you got to forgive me if I don't
24 remember exhibits because this case has been going
25 on for two years, and I came in at the last minute,

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1 but I think what -- what -- what we need to do is
2 re-go over -- I -- I like a method of seeing what's
3 left and comparing it to the bonds that we have and
4 what the bonds can cover.

5 I -- I'm concerned about the -- I
6 want that road -- to me, the -- the hole in the
7 middle is the -- the second entrance, private
8 portion of the second entrance, and that's what --
9 I want you to continue on the (indiscernible),
10 because that leaves more money in the bonds to --
11 to pay for the road, if necessary. But I would
12 really like you to consider when -- when Mr. Hines
13 wires you 115,000, you can take that money and put
14 a portion into an escrow account because I want to
15 know that this is going to get finished.

16 MR. PACKARD: Yeah. Well, he -- he --
17 he doesn't wire me the money. The -- the investor
18 wires him the money, so -- I understand what you're
19 asking. I will discuss it with him.

20 THE HEARING EXAMINER: Okay. So we're
21 -- so the county's portion of what needs to be done
22 is covered by the bonds. What's not covered is --
23 well, it seems to me that even though the private
24 drive is covered, it was undercover, so that's what
25 I'd like. So the question is: we can meet again in

1 two weeks, and we need an update on the permit for
2 the pile. And I -- you know, whether -- how you're
3 going to deal with stabilization, because it does
4 look like that it's not stabilized for whatever
5 reason. I did see some grass in the pitched
6 photos, but it does look like it's not stabilized,
7 so -- and portions are not stabilized.

8 So I'm going to give it three weeks
9 to give you a chance. I haven't looked at the
10 weather, but I'm going to give you a chance in
11 three weeks, but I really want you to discuss with
12 your partner and escrow for that private -- the
13 private portion of the second entrance.

14 MR. PACKARD: Okay.

15 THE HEARING EXAMINER: Or I can impose
16 it, you know? And we could have either Mr. Nichols
17 or the planning department, you know, we could have
18 them act as an escrow agent if they wanted to,
19 because I know it'll get paid out, or you can get a
20 private escrow agent, but we got to get this done.

21 And you may also -- when you submit
22 the amount of work that's left to be done, you may
23 want to include all the fees for all the permits
24 that are -- you still need to pay. For instance,
25 the -- the county -- the county fees for the right

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1 of what -- the as-builts, I think, for the
2 stormwater or sediment control permit, the Pepco
3 fee, all that kind of stuff.

4 MR. PACKARD: Okay.

5 THE HEARING EXAMINER: I know I'm giving
6 you a lot of homework, but it's -- it's -- it's
7 been a while, and I know -- I appreciate your
8 efforts.

9 Okay. Based on these, all these
10 questions, does anyone have any questions of Mr.
11 Packard?

12 Hearing none, Mr. Packard, if we
13 can set some deadlines. When do you think you can
14 work up the estimated costs, including any
15 applicable fees, to finish the work?

16 MR. PACKARD: I would say Monday, but
17 let's say Tuesday.

18 THE HEARING EXAMINER: Well, take a
19 week. Because I -- I really want it to be accurate
20 and I don't want to have to go back. So you're
21 going to get that by the 16th, correct?

22 MR. PACKARD: Yes, ma'am.

23 THE HEARING EXAMINER: And then, Mr.
24 Kaye, how long do you think it would take to verify
25 what Mr. -- and you can submit it to me with copies

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1 to everybody that's on that mailing list. Mr.
2 Kaye, how long do you think it would take to -- to
3 verify his sheet of what's left?

4 MR. KAYE: Probably a couple days.

5 Might take a site visit, but --

6 THE HEARING EXAMINER: So I'm going to
7 give you a week --

8 MR. KAYE: -- this wouldn't take long.

9 THE HEARING EXAMINER: I'm -- I'm going
10 to give you a week after he submits it because I
11 want it right. I don't want to have to redo this.
12 So that would be 1-23. And also submit it to Mr.
13 Nichols and Ms. Kobylnski. And then we will
14 schedule a hearing on 1-30-26 at 9:30. And we will
15 see what you've accomplished, and we will have a
16 better idea of what's left to do.

17 And Mr. -- I don't want you to put
18 this off, Mr. Packard. I want you to talk to your
19 partner about taking part of whatever he
20 distributes in escrow for the road, for the private
21 entrance, because if we get even a portion of the
22 private entrance escrowed, you know, that's going
23 to give more comfort to people that the rest of the
24 stuff is going to get done.

25 MR. PACKARD: Yes, ma'am.

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1 THE HEARING EXAMINER: All right. With
2 that, we will see you again. We've all got our
3 assignments. I appreciate everyone's input and
4 work on this, and including Mr. Packard. And we
5 will see you again on January 30th, 2026, at 9:30.
6 Thank you so much.

7 MR. PACKARD: Okay.

8 MR. KAYE: Thank you.

9 MR. PACKARD: Thank you.

10 THE REPORTER: I'd ask if Ms. Hannan and
11 Mr. Packard could just hang on the line with me for
12 a little bit to get some spelling questions taken
13 care of. And before I take us off the record,
14 would anyone like to order a transcript of the
15 hearing?

16 THE HEARING EXAMINER: We always get a
17 transcript, but we don't expedite it.

18 THE REPORTER: Understood. Mr. Packard,
19 would you like to order a transcript, sir?

20 MR. PACKARD: No. I know what I said.

21 THE REPORTER: All right.

22 THE HEARING EXAMINER: He doesn't need
23 to. We post our transcripts on the web.

24 THE REPORTER: I got you.

25 MR. PACKARD: Yes.

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1 THE REPORTER: All right. Let me get
2 these recordings stopped.

3 (Off the record at 11:01 a.m.)

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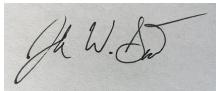
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1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

2 I, John Gugarty, 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 JOHN GUGARTY, NOTARY PUBLIC

18 FOR THE COMMONWEALTH OF MASSACHUSETTS

19 January 15, 2026

20

21

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1 CERTIFICATE OF TRANSCRIBER

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

12 *Karen M. Galvez*
13

14 _____

15 KAREN M. GALVEZ

16 PLANET DEPOS, LLC

17 January 15, 2026

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