



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

Transcript of Hearing

Date: March 1, 2023

Case: Transcription Services

Planet Depos

Phone: 888.433.3767

Email: transcripts@planetdepos.com

www.planetdepos.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

TRANSCRIPT OF
VIRTUAL HEARING IN RE:
ZMA 2022-001, LAND DEVELOPMENT INVESTORS, LLC
March 1, 2023

Job No.: 484619
Pages: 1 - 212
Transcribed by: Janine Thomas

1 Hearing, held remotely.

2

3

4

5

6

7

8

9

10

11

12

13 Pursuant to agreement, before Fatima Bah, Notary

14 Public in and for the State of Maryland.

15

16

17

18

19

20

21

22

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

C O N T E N T S

EXAMINATION OF MARK FERGUSON	PAGE
By Mr. Forman	21
By Mr. Suhar	60
By Mr. Robinson	91
By Mr. Forman	178
By Mr. Robinson	183
EXAMINATION OF DR. YONETTE THOMAS	PAGE
By Mr. Suhar	98
By Mr. Forman	112
By Mr. Suhar	160
EXAMINATION OF MARY ROCHEE	PAGE
By Mr. Forman	133
By Mr. Suhar	135
EXAMINATION OF JON ROBINSON	PAGE
By Mr. Forman	151

Transcript of Hearing
Conducted on March 1, 2023

1	EXAMINATION OF SKIP GAULT	PAGE
2	By Mr. Forman	163
3	By Mr. Suhar	165
4	By Mr. Robinson	176

5
6

E X H I B I T S

(Retained by counsel.)

9	DEPOSITION EXHIBIT	PAGE
10	Exhibit 30 Google map image	23
11	Exhibit 30B Google map image	24
12	Exhibit 31 Aerial paragraph	38
13	Exhibit 33 Revised Technical Staff Report	48
14	Exhibit 34 Zoning map overlay	52
15	Exhibit 35 Document	53
16	Exhibit 36 Letter	56
17	Exhibit 37 Deed of conveyance	56
18	Exhibit 38 Document	57
19	Exhibit 39 Document	59
20	Exhibit 40 Letter	60
21	Exhibit 41 Document	139
22	Exhibit 42 Letter - February 28th	153

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

2 MADAME EXAMINER: Good morning, everyone. I'm
3 Maureen McNeil, your examiner in this case. And today
4 is March 1, 2023. And today is our third hearing on
5 ZMA-2022-001. Applicant is Land Development Investors
6 II, LLC, and the development is being with Mary -- you
7 want to say her name wrong. I am so sorry. Davies
8 Trust. Mr. Forman will fix that for me.

9 But before we begin, a brief history. We had
10 a hearing at this point maybe three weeks ago. And
11 Mr. Forman who represents the applicant was able to put
12 on witnesses, just the owners of the property and his
13 expert witness. And at the conclusion of that hearing,
14 the expert witness had added a land planning analysis
15 that raised questions for this examiner, so I held the
16 record open, and set in another hearing so that Park and
17 Planning staff would be able to review that document and
18 send in any additional comments that they wished to send
19 in.

20 So we gave them a week to do that, and in the
21 interim, I met Mr. Suhar and I -- and all these
22 attorneys are going to go on the record in a minute,

1 because everyone has a procedural issue they want to
2 address before we start. And I realized after meeting
3 Mr. Suhar that a few others for whatever reason weren't
4 aware of our first hearing, and I allowed them to come
5 into it at this point, become persons of record, and
6 they're able to testify if they like. They're able to
7 cross-examine a witness that I expect Mr. Forman will be
8 calling. And then we had this second hearing just to
9 continue the matter and to allow Park and Planning to
10 submit their document. Today is the third hearing.

11 In between the second hearing and the third
12 hearing other individuals have become persons of record,
13 and we have a notice of hearing that the ZHE sends out
14 solely because we have virtual hearings. It's not
15 required in the zoning ordinance. It was something we
16 do because we were in a virtual world. And it takes the
17 place of if we were in person, we would always send out
18 a notice to the persons of record advising them of when
19 the hearing will be held, and advising them that they
20 have the right to ask us so that they can come in and
21 see the exhibits.

22 So in our virtual world, that notice became

1 something that I put in some dates along with the other
2 examiner. There's no real law for that. We knew we
3 needed a cutoff that people couldn't be coming right now
4 while we're in the hearing asking to become a party of
5 record. So I'm just saying all that background,
6 Mr. Suhar, so you sort of understand why there was a
7 cutoff date in there, and I'm still going to let you
8 make your argument, but I also want to add that really,
9 Mr. Forman, it's just that he's dealt with me in the
10 past, so he probably didn't think it worth his time to
11 object to me allowing an additional hearing since he did
12 have the neighborhood applicant -- the preapplication
13 neighborhood meeting and he did post the property in
14 accordance with law, but for whatever reason certain
15 persons of record didn't come forward at that time. He
16 would've argued that, okay, that's too bad. I did
17 everything that I was required to do, but that argument
18 has never helped him in the past, because I really do
19 believe in letting everyone have their say so we can all
20 get it all out one time, versus coming back one more
21 time, but we'll do that too if that's District Counsel's
22 pleasure.

1 So I think I've said enough, and I'll have
2 counsel identify themselves for the record, and if
3 anybody has a motion they want to make at this time
4 based on everything we've talked about thus far. Please
5 put all of that on the record as well.

6 I'm going to start with Mr. Brown, just so --
7 and Mr. Brown, could you explain, because we have new
8 citizens here as well. If you could explain who you are
9 and what your role is in this matter, because they may
10 not know about you.

11 Oh, one more thing, everyone, since this is
12 being recorded, if you're not speaking, it's great if
13 you keep your mic off. Thank you.

14 UNIDENTIFIED SPEAKER: Mr. Brown, I think
15 you're muted.

16 MR. BROWN: Good morning. Stan Brown,
17 People's Zoning Counsel. For those who are new to the
18 zoning process, the People's Only Counsel does not
19 represent any party in this case. The term People's
20 Zoning Counsel is a misnomer. The land use article and
21 the zoning ordinance basically provides my job is to
22 make sure there is a complete record. And making a

1 complete record basically means that there will be
2 occasions when the applicant and/or his attorney will
3 try to proffer certain evidence and I will object to it.
4 There will be occasions when the opposition will proffer
5 certain evidence and I will object to it. There will be
6 occasions when I may actually offer evidence. So I may
7 be for and against a various party or various witnesses
8 at certain times or during this case. It is not my job
9 to represent anyone, but to assist with educating the
10 public on this process and how it proceeds.

11 The short story is, after this examiner
12 concludes this case, closes the record and writes a
13 decision, any party of record, and this is why you were
14 required to file a written request for a party of
15 record, may then file an appeal within 30 days after the
16 examiner releases her decision. That appeal would be a
17 request to have an oral argument before the county
18 Counsel sitting as the District Counsel.

19 The counsel would then have a hearing
20 approximately 30 to 45 days after that appeal, and then
21 you can only argue before the counsel evidence that is
22 submitted in this hearing before the examiner. So you

1 must be a person of record before the Examiner and you
2 can only argue evidence if someone appeals this to the
3 District Counsel.

4 In addition, any witness that speaks today
5 that lives in the community, you should state exactly
6 where you live, what your address is, and the reason for
7 that is, even though you may be a person of record
8 today, even though you may appeal this case to the
9 district counsel as a person of record, if you lose
10 before the District Counsel, you probably cannot appeal
11 to the Circuit Court unless you are aggrieved. And to
12 be aggrieved, you must generally live within
13 approximately a one-mile distance from the subject
14 property. So therefore, it's important to put on the
15 record what your address is here today.

16 One additional point, there's been a lot of
17 back and forth between various witnesses and various
18 attorneys with the Office of the Examiner. Everyone
19 needs to understand, none of that is evidence.

20 Mr. Suhar, you put in a very long letter which
21 I read attached much of the Planning Board's documents,
22 that's not evidence. You make a lot of factual

1 assertions in there. I'm going to ask the Examiner to
2 potentially accept the letter as your opening statement,
3 but it's not evidence.

4 Same thing with you Mr. Forman, you put in a
5 number of e-mails directed to the Examiner making
6 certain assertions that were factual that may or may not
7 be true and Mr. Suhar hadn't had an opportunity to
8 respond to it.

9 So both attorneys should be aware that the
10 evidence that is going to be put on will be today and
11 that was put on -- on the 8th and last week as well.
12 Any witness today that is an officer of an association,
13 you must state what your office is and when the meeting
14 took place, how many people voted, and whether or not
15 there was an opposition vote or a support vote. And you
16 probably don't have it today, but if this record does
17 not close today, you will be required to submit a letter
18 in the record that basically says your association has
19 authorized you to speak on its behalf during this
20 particular proceeding.

21 So with that being said, Madame Examiner, I
22 will wait until we hear the questions, thank you.

1 MADAME EXAMINER: Thank you. And to piggyback
2 on one thing you said, so I'm glad you mentioned it,
3 just for the public, I get these letters sometime from
4 attorneys or even from citizens and I never read them,
5 because I tell you, I can only do things based on the
6 record, as Mr. Brown just said, so if you sent that,
7 again, you need to present it today as evidence. I
8 didn't consider anything in those letters, only
9 procedural matters as to continuances, et cetera.

10 Mr. Suhar.

11 MR. SUHAR: Yes, good morning, Madame
12 Hearing -- Zoning Hearing Examiner, how are you? Can
13 you hear me? Can you hear me?

14 MADAME EXAMINER: Yes.

15 MR. SUHAR: Oh, okay. All right. So at this
16 point -- at this point in time, may I make the
17 preliminary -- okay. All right. Thank you. So --

18 MR. FORMAN: We haven't finished the
19 introductions yet, I think maybe we do the introductions
20 and then if you want to go to preliminary matters.

21 MR. SUHAR: Understood. Okay. So for the
22 record, my name is Sean Suhar.

1 MADAME EXAMINER: Wait a minute. I agree with
2 Mr. Forman, I've got to control this group.

3 MR. SUHAR: Sure.

4 MADAME EXAMINER: I agree with the statement
5 he just made.

6 MR. SUHAR: Understood.

7 MADAME EXAMINER: Yeah, and let us know who
8 you represent Mr. Suhar.

9 MR. SUHAR: Okay. Thank you. Yeah, so for
10 the record, my name is Sean Suhar. I'm an attorney with
11 the firm of Nagle and Zaller, and my firm represents the
12 Wingate Homeowners Association, Incorporated in this
13 matter. Which is party of record.

14 MADAME EXAMINER: Thank you. Mr. Forman.

15 MR. FORMAN: Good morning. Thank you.
16 Officially for the record, although I've timed it I
17 think twice now, Nate Forman. I'm an attorney with
18 O'Malley Miles Nysten & Gilmore. We have offices in
19 Greenbelt and I'm here on behalf of the applicant, Land
20 Development Investors II, LLC.

21 MADAME EXAMINER: Okay. And Mr. Suhar, do you
22 still have a preliminary motion you'd like to make?

1 MR. WARNER: Ms. McNeil.

2 MR. SUHAR: Yes, I do. Thank you.

3 MADAME EXAMINER: Who -- state your name for
4 the --

5 MR. WARNER: This is David Warner.

6 MADAME EXAMINER: Okay.

7 MR. WARNER: David Warner, principal counsel.

8 MADAME EXAMINER: Oh, I didn't recognize you.

9 MR. WARNER: Prince George's Planning Board.

10 MADAME EXAMINER: Okay.

11 MR. WARNER: Yes.

12 MADAME EXAMINER: You don't have any
13 preliminary motion, do you? You just want us to know
14 you're here? Okay.

15 MR. WARNER: I have no need to be here on
16 behalf of the Planning Board. I was sent a link and so
17 I just chimed in here to see if I'm needed. If not, I
18 will leave the hearing.

19 MADAME EXAMINER: I don't believe anyone can
20 question Mr. Warner as to the technical staff's
21 revised --

22 MR. BROWN: No, they cannot.

1 MADAME EXAMINER: Right.

2 MR. BROWN: And so Mr. Warner, we appreciate
3 it. Thank you.

4 MR. WARNER: Sure.

5 MR. BROWN: Have a good day.

6 MADAME EXAMINER: Thank you.

7 MR. WARNER: Okay. Sound good. Thank you,
8 everyone.

9 MADAME EXAMINER: Okay. Mr. Suhar.

10 MR. SUHAR: Thank you. So as I stated in the
11 e-mail correspondence during the last -- or yesterday, I
12 am -- for the record, I just want to state that my
13 client objects to anyone who is -- attempted to try and
14 become a party of record after the deadline that was
15 stated in the notice. And I understand that what you
16 just said and respect that you said that the fact that
17 the ordinance provides that party -- persons of record
18 can basically -- a person can become a person of record
19 all the way up until the hearing, but my client abided
20 by the -- what was stated in the notice and I think that
21 that establishes a rule in terms of this particular
22 hearing that everybody should be held -- held to. So on

1 that basis -- and for quite frankly, my client could've
2 possibly obtained additional persons of record after the
3 Monday --

4 MR. BROWN: Mr. Suhar.

5 MR. SUHAR: -- you know, deadlines, so --

6 MR. BROWN: Let me object for a moment. I
7 mean, that issue has been resolved. The Examiner
8 explained the process, and not only that, but you don't
9 represent persons who have not appeared. So your
10 clients are in the case. They are persons of record.
11 Now, any individual who has not become a person of
12 record by the close of this record then they won't be a
13 person of record. And so let's move onto the next
14 issue.

15 MR. SUHAR: Thank you very much, Mr. Brown. I
16 think I have a right to state an objection on the record
17 and that's all I'm doing in this case, so --

18 MR. BROWN: All right. We've got --

19 MR. SUHAR: Just wanted -- just wanted to
20 preserve that for the record; okay.

21 MR. BROWN: All right. Thank you.

22 MR. SUHAR: Thank you. And I've done so

1 respectfully and you know --

2 MR. BROWN: Oh, no. I'm not saying you --

3 MR. SUHAR: No disrespect intended to
4 Ms. McNeil, Zoning Hearing Examiner or anyone else on
5 this -- in this meeting, so --

6 MR. BROWN: That's fine. We just don't want
7 to waste too much time today. I appreciate it.

8 MR. SUHAR: Thank you. I appreciate it.

9 MADAME EXAMINER: Mr. Suhar, I note your
10 objection for the record. I'm going to overrule the
11 objection, but I do want to state on the record, if
12 anyone here knows of anyone else that wanted to be a
13 person of record, they won't be able to testify today,
14 but they can become a person of record until this
15 hearing record closes. So they can do it today. I'd
16 even give it a couple of additional days. I don't know
17 if there's going to be other documents that will be
18 submitted after today in any event, but please let them
19 know that or others that live in the neighborhood just
20 contact us by e-mail and say, I want to be a person of
21 record, and this is my address. And that will suffice.

22 Mr. Forman, do you have any --

1 MR. SUHAR: Thank you. And my objection is --
2 was directed specifically to Skip Gault, just, you know,
3 for the record. Just so that's noted.

4 MADAME EXAMINER: All right. Oh, okay.

5 MR. SUHAR: Thank you.

6 MADAME EXAMINER: And who's -- someone here is
7 caller number one, who are you for the record? If you
8 can identify yourself.

9 MR. FORMAN: Madame Examiner, that is Mr. Atar
10 [ph], he is on behalf of the --

11 MADAME EXAMINER: Okay.

12 MR. FORMAN: The applicant in this case.
13 Mr. Jay Atar, and he has been a party of record at
14 previous hearings.

15 MADAME EXAMINER: Okay. All right then. You
16 were going to -- I guess you're going to go first,
17 Mr. Forman, because we left the record open. Excuse me,
18 again. We have prefiled exhibits up to 29B after the
19 first hearing. Subsequent to that, Mr. Forman sent
20 something that we've marked as 30, 31, 32, 33 and 34,
21 but I would like to pull those up and you really to
22 explain what they are, because they really look like a

1 bunch of aerials and it has to be a reason you wanted
2 each one, 35 would be the Revised Technical Staff
3 Report. And I have been advised by staff that someone
4 submitted, one, two, three, four, five, six, seven other
5 exhibits that we've marked preliminarily as 36 to 42 and
6 I -- was that you Mr. Forman?

7 MR. FORMAN: Yes, Madame Examiner. That was
8 additional information that you had requested at the
9 close of the February 8th hearing. So that's what that
10 information is, but I can -- I'd be more than happy to
11 go through those documents to -- and explain what those
12 exhibits are.

13 MADAME EXAMINER: We will do so, because I
14 want to name them correctly. And give anybody a chance
15 if they're opposed to it. Okay. So are you going to
16 start? Are you going to do Mr. Ferguson first and then
17 we can let Mr. Suhar put on any witnesses he'd like and
18 others to speak?

19 MR. FORMAN: Madame Examiner, Mr. Ferguson is
20 here, and he's available to testify. Although upon the
21 review of the revised staff report, we didn't believe
22 there was anything in that report that required any

1 rebuttal, but -- so if there is any questions of
2 Mr. Ferguson, we can bring him up. If Madame Examiner
3 wants to ask him, otherwise, I've no problem going
4 through the exhibits right now to get them into the
5 record. Unless you'd like Mr. Ferguson to testify as to
6 the exhibits.

7 MADAME EXAMINER: Okay. The only thing is, as
8 Mr. Brown noted, there's really no time limit on these
9 matters, although the law says one hour each side. I
10 allow sufficient time for everyone to put on competent
11 evidence that's related to the case. And I'm thinking
12 that if you would put Mr. Ferguson on to briefly explain
13 the basis, that might help the others that might focus
14 what they want to say. Although I don't know what they
15 want to say. So -- but you can put on your case anyway
16 you like. Let's do the exhibits first. So Ms. Neal,
17 are you prepared to pull up Exhibit 31?

18 MS. NEAL: Yes. Give me one second.

19 MADAME EXAMINER: Okay.

20 MR. FORMAN: While Ms. Neal is bringing up the
21 exhibits, Madame Examiner, I didn't feel there was any
22 need to bring up Mr. Ferguson, because we had already

1 included his testimony, his land planning report as well
2 as the transcript that was provided which showed our
3 side and our evidence in the record. But if it would --
4 if it's at the Hearing Examiner's pleasure, I could ask
5 him to just briefly summarize our position.

6 MADAME EXAMINER: We have Exhibit 31, so I'll
7 get right back to you on that, but what is Exhibit 31
8 showing? What is this?

9 MR. FORMAN: And actually, could we go to
10 Exhibit 30 first? I believe that one is Exhibit 30.

11 MADAME EXAMINER: Oh, right. I'm sorry.

12 MR. FORMAN: So Exhibit 30 has two pages.
13 This is the first page. And it is a printout from
14 Google Maps which shows the approximate driving distance
15 from our property to the entrance of the Wingate
16 Homeowners Association off of -- road.

17 MR. BROWN: Mr. Forman, why don't you put a
18 witness on to tell us what these exhibits are since you
19 cannot testify.

20 MADAME EXAMINER: Yeah.

21 MR. FORMAN: Okay. Thank you. Mr. Ferguson.

22 THE WITNESS: Good morning, Madame Examiner.

1 MADAME EXAMINER: Good morning, Mr. Ferguson.
2 I don't see you right now, but you are still under oath.

3 THE WITNESS: Okay. Thank you. I -- I see
4 myself on camera. Is that --

5 MADAME EXAMINER: Could be the map is hiding
6 you, I don't know -- on my screen, so --

7 THE WITNESS: All right. Super.

8 MADAME EXAMINER: Okay. So Mr. Forman.

9 THE WITNESS: Madame Examiner, I -- I will
10 consider myself as continuing under oath.

11 MADAME EXAMINER: Wait a minute. Did -- I
12 just said that; right? Did you all hear me say that?
13 Okay.

14 THE WITNESS: All right. Super. Thank you,
15 Madame. Thank you, Madame Examiner.

16 EXAMINATION BY COUNSEL FOR THE APPLICANT

17 BY MR. FORMAN:

18 Q Mr. Ferguson, can you see what is shown on the
19 screen right now?

20 A I can't.

21 Q Okay. Can you describe what this image is
22 showing?

1 A This is an image taken from Google Maps that
2 indicates the subject property which is some of the
3 woods at the left part of the image. And there is a
4 highlight blue line running down Greenbelt Road from the
5 corner of the subject property where there is a label
6 that says Glendale, a yellow segment of line which
7 presumably is there was a traffic backup at the entrance
8 to the Eastgate Shopping Center. Proceeding in blue
9 down Greenbelt Road to the intersection of Lanham Severn
10 Road, and then up Lanham Severn Road to the entrance of
11 the Wingate subdivision at Wingate Drive. There is a
12 label on that that indicates the distance from the
13 corner of the subject property to the entrance to the
14 Wingate subdivision is 1.1 miles, and a three-mile
15 travel distance by car.

16 Q And is this a fair and accurate representation
17 of the driving distances between the subject property
18 and the entrance to Wingate homeowner -- Wingate -- was
19 it drive? I'm sorry. Wingate drive, yes.

20 A It is. It certainly corroborates with my
21 experience doing the exact same thing.

22 Q Okay. Thank you.

1 MR. FORMAN: And Madame Examiner, would you
2 like me to request to have this evidence introduced or
3 wait until the end? This exhibit, I should say.

4 MADAME EXAMINER: Do you want to -- does
5 anyone object to this exhibit?

6 MR. BROWN: No objection.

7 MR. SUHAR: No objection.

8 MADAME EXAMINER: Thank you. It's admitted.
9 Go ahead, sir.

10 (Exhibit 30 was marked for
11 identification.)

12 MR. FORMAN: Okay. Thank you. Can we go to
13 the next page, please? And I believe this one is marked
14 as Exhibit 30B.

15 Q Mr. Ferguson, could you please describe
16 briefly what this image is before you?

17 A It is an image of the -- taken from the same
18 source, but from a little bit of a broader perspective.
19 And it indicates the route, the driving route from the
20 subject property to the northern entrance of the Wingate
21 subdivision off of Good Luck Road. It indicates that
22 the driving distance there is 1.9 miles and that the

1 travel time by car at that time was approximately four
2 minutes.

3 Q Thank you. And this is a fair and accurate
4 representation of the driving distance from the subject
5 property to the northern entrance of Wingate Drive?

6 A It is based on my experience with the
7 neighborhood.

8 Q Okay. Thank you very much?

9 MR. FORMAN: Madame Examiner, I move to have
10 this exhibit introduced into the record.

11 MR. BROWN: No objection.

12 MR. SUHAR: No objection.

13 MADAME EXAMINER: It will be admitted.

14 (Exhibit 30B was marked for
15 identification.)

16 MR. FORMAN: Okay. The next slide, please.

17 BY MR. FORMAN:

18 Q Mr. Ferguson, I'm showing you what has been
19 introduced as Exhibit 31. Could you please describe
20 what you are seeing?

21 A It is again a Google Earth -- I believe it's
22 Google Earth. This may actually be PG Atlas. I think

1 this is Google Earth, but it does have property
2 superimposed on it which is why I'm momentarily
3 confused. It indicates the purpose of the exhibit is an
4 aerial photograph of the neighborhood taken from the
5 same -- roughly the same perspective as the previous
6 image. It has the letters -- it has the word site
7 superimposed over the subject property in the lower
8 center part of the image and the designation of Wingate
9 over the northern part of the Wingate subdivision in the
10 upper right portion of the image.

11 Q Thank you, Mr. Ferguson. And is this a fair
12 and accurate representation of the locations of the
13 subject property and the Wingate Homeowners Association
14 or I should say the Wingate subdivision?

15 A It is.

16 Q Okay. Thank you.

17 MR. FORMAN: Madame Examiner, I move to have
18 Exhibit 31 introduced into the record.

19 MADAME EXAMINER: Just before you do so, you
20 said the neighborhood, do you mean the neighborhood for
21 legal purposes in your land planning analysis or are you
22 being generic about that term?

1 MR. FORMAN: Thank you for the clarification,
2 Madame Examiner. I was being more generic in this case.
3 My testimony regarding the extent of the neighborhood
4 from a zoning perspective does not -- has not changed.

5 MADAME EXAMINER: Okay. And any objections to
6 the exhibit?

7 MR. BROWN: None.

8 MR. SUHAR: I will note an objection, yes.

9 MADAME EXAMINER: Okay. And let me know
10 what -- explain your objection, Mr. Suhar.

11 MR. SUHAR: Sure. Madame Examiner, the -- the
12 witness has not authenticated this exhibit. I don't
13 know what the source is. I did not hear that the
14 witness created this exhibit, and I don't know what the
15 kind of scale this is. And I don't see any indications
16 on it or what have you, and so noting an objection to
17 the record based on those grounds.

18 MADAME EXAMINER: Mr. Forman or Mr. Ferguson,
19 who created this exhibit?

20 MR. FORMAN: It was actually located --
21 created by somebody on our team, Ms. Barbara Richmond
22 Khan who is actually with the Michael Company and she is

1 a party of record and is here at the hearing this
2 morning.

3 MR. SUHAR: Same objection.

4 MR. FORMAN: Could I ask Ms. Richmond Khan to
5 verify that she is the one that created this exhibit?

6 MADAME EXAMINER: How many of these exhibits
7 are Ms. Khan's.

8 MR. FORMAN: This one and then the next two.

9 THE WITNESS: If you like the previous --
10 excuse me -- the previous two as well, Mr. Forman, I did
11 not prepare these -- prepare these exhibits.

12 MADAME EXAMINER: Okay. Not even Exhibit 34
13 which looks like the zoning map overlay?

14 THE WITNESS: If you -- I did not, Madame
15 Examiner. Certainly, I used the same tools regularly.
16 Both PG Atlas and Google Earth, and have used them very
17 specifically in the context of this case as I do with
18 every case in matters that will come before you, but
19 I -- and Mr. Suhar's is absolutely correct, I did not
20 prepare these personally.

21 MR. FORMAN: I -- I did --

22 MR. BROWN: For the record here, it is not

1 necessary for evidence to be introduced and accepted.
2 That the applicant prepared the photograph or exhibit in
3 this particular case. All Mr. Ferguson has to do is to
4 testify that based upon his knowledge of an aerial
5 photograph or this particular geographical location,
6 it's a fair and accurate representation of what he's
7 familiar with. And he's testified to that effect. And
8 so I would again have no objection to the document.

9 MADAME EXAMINER: I want -- okay. At this
10 moment, I will overrule Mr. Suhar, but I would like to
11 know a little more about why we need all three of these
12 next ones. So this one shows Wingate in the site. And
13 the next one shows Wingate the site Trap and Skeet
14 Center, et cetera. Do we need -- go ahead, explain to
15 me why we -- before I admit Number 31, what is 32
16 showing us.

17 MR. FORMAN: So would you like me to testify
18 or me to explain or have Mr. Ferguson testify what is
19 going on with Exhibit 32?

20 MADAME EXAMINER: If he knows, you should use
21 a witness, so --

22 MR. FORMAN: Okay.

1 BY MR. FORMAN:

2 Q Mr. Ferguson, would -- I'm showing you what's
3 been marked as Exhibit 32, could you please explain what
4 is shown on this image?

5 A So Exhibit 32 is a similar view as to the
6 previous. It is with a tilted perspective. So that --
7 instead of a plan of metrics straight above perspective,
8 and it has been labeled to indicate the -- more of the
9 specific uses which surround the subject property as
10 well as a label for the Wingate subdivision as well.

11 Q And is this a fair and accurate representation
12 of the property and the uses nearby as well as the
13 approximate location of the Wingate neighborhood?

14 A Broadly. I will say you can see from the bear
15 earth patches under new townhouses. The new townhouses
16 is the Wood Stream -- I'm sorry, it's not the Wood
17 Stream, I think it's Woodview [ph] that they refer to my
18 report. And it's -- I actually helped to lay that and
19 the name of it is Wood Glen [ph] and the name had just
20 escaped me. So that is now a complete -- the Stanley
21 Martin TH Condos are townhouses and condominiums under
22 the label TH Condos, they're actually single-family

1 detached dwellings under the -- in Stanley Martin.
2 Those are again depicted as fair ground. Those are --
3 it's built out. So it broadly -- the labels accurately
4 reflect the current uses, the underlying image is a
5 little bit dated.

6 Q Thank you, Mr. Ferguson.

7 MR. FORMAN: And Madame Examiner, I think for
8 the sake of brevity, I would ask that this exhibit be
9 introduced into the record and that we can strike
10 Exhibits 31 and we can exclude Exhibit 33.

11 MADAME EXAMINER: Okay. We're striking
12 Exhibit 31 and renaming Exhibit 32, 31. Oh, Mr. Suhar,
13 did you have the same objection to 32?

14 MR. SUHAR: Madame Examiner, is this what
15 we're looking at on the screen, Exhibit 32?

16 MADAME EXAMINER: Yes.

17 MR. SUHAR: Then yes, I will note an objection
18 here as well. And the grounds are somewhat similar.
19 They are similar, but I'm going to add an additional
20 ground that there is no boundary drawn on this map as to
21 Wingate Homeowners Association. And so when the -- when
22 the witness testifies to his knowledge of Wingate

1 Homeowners Association, it gives an inaccurate or a
2 perception that the Wingate -- and it's also skewed here
3 the -- this drawing as to giving the perception that
4 Wingate is much further than what the Google Maps had
5 stated. But I will stipulate, Madame Examiner, if the
6 applicant's attorney would agree, I'll stipulate that
7 Wingate Homeowners Association is part of the same
8 neighborhood as the -- if that's what they're point here
9 is, is that the same neighborhood is where the subject
10 property is located. And that it's extremely close to
11 the -- I'm sorry.

12 MR. FORMAN: I'm sorry, please continue.

13 MR. SUHAR: Yeah. I'll be willing to
14 stipulate to that point, but I do object to this exhibit
15 based on those grounds, and the fact that this map is --
16 I don't know who created it. I don't think the witness
17 created it. And there are lots of different indications
18 on here as to what -- like a Lidl and McDonald's, KFC,
19 Giant, NASA, you know, there are lots of indications on
20 here as to labels that I don't -- I -- this map, I find
21 troubling, actually. And would object on those grounds.

22 MR. FORMAN: Madame Examiner, if I could just

1 respond to Mr. Suhar's comments. I find it very
2 presumptuous of him trying to believe that we were going
3 to agree to the same neighborhood boundaries, but if
4 what Mr. Suhar would like, I can ask Mr. Ferguson to
5 elaborate on this map to show the actual boundaries of
6 the property, but we are in no way acknowledging that
7 this isn't the same neighborhood. It is just
8 coincidentally being able to show on the same map at
9 the -- when you zoom out to the appropriate scale.

10 MR. SUHAR: Understood, Mr. Forman, but Madame
11 Examiner, he is trying to draw a boundary around Wingate
12 Homeowners Association without actually drawing a
13 boundary around Wingate Homeowners Association. He's
14 got Wingate --

15 MADAME EXAMINER: I would agree. I would
16 agree with that. I thought that was a good point. If
17 the witness -- and you know, the other thing we're --
18 you're sort of at a disadvantage because you weren't at
19 the original hearing, so I would like to note that
20 Mr. Ferguson was already sworn in as an expert land use
21 planner and had already testified that he has visited
22 this site, is well aware of this neighborhood, so

1 everything posted on here, Mr. Ferguson, you know from
2 your own experience that they are roughly in the spot
3 that is shown on the aerial Duvall [ph] High, NASA, et
4 cetera?

5 THE WITNESS: Yes, Madame Examiner. More than
6 roughly. The depictions are quite accurate.

7 MADAME EXAMINER: Okay. But I think Mr. Suhar
8 had a great point and actually, I like this exhibit for
9 that point. Wingate, you noted the entrance into the
10 development, but is the property everything we see
11 around Wingate? All of these trees and little
12 cul-de-sacs, all of those are the homes that are part of
13 the homeowners association? And better than answering
14 that, could you -- could we not admit this at this time
15 and you showed the outline for Wingate on here as well
16 as Mr. Suhar mentioned? Is there a way for you to put a
17 red -- or not red, something around Wingate development?

18 MR. BROWN: Madame --

19 THE WITNESS: Yes. Does GoTo Meeting allow me
20 to draw on the screen as zoom does? I don't believe it
21 does.

22 MR. BROWN: Madame Examiner, may I interject

1 for a --

2 MADAME EXAMINER: Yes, Mr. Brown.

3 MR. BROWN: -- know Mr. Ferguson has testified
4 about the entrances to Wingate Drive what appears to be,
5 what, maybe northwest and southeast. I think it would
6 be more appropriate for Mr. Suhar, when his clients
7 testify, they know where the Wingate --

8 MADAME EXAMINER: Okay.

9 MR. BROWN: -- association is delineated. And
10 they should be the ones that make that particular
11 determination, not Mr. Ferguson.

12 MR. SUHAR: Noted, Mr. Brown.

13 MADAME EXAMINER: I agree as long as someone
14 does, but I would note they're offering it as to where
15 everything is. So I think they could do it, but I can
16 wait for Mr. Suhar, if he'd like to have somebody
17 testify as to the boundaries for Wingate.

18 MR. SUHAR: Yes, that's --

19 MADAME EXAMINER: But as to his other
20 question, does anyone -- any of staff know whether or
21 not we could outline this property? I don't think so,
22 probably not -- GoTo Meeting.

1 MR. SUHAR: Madame Examiner, if we're talking
2 about the boundaries of a community association. It
3 would be better in my opinion to see a plat map or what
4 have you that's, you know, recorded among the land
5 records or -- some kind of document that -- that
6 actually draws the boundaries instead of, you know, this
7 map is really -- this blows -- this -- this calls into
8 question, in my mind, as to what the intention is here
9 as to kind of skew the perception of where Wingate is
10 located and where the subject property -- in regards to
11 where the subject property is located.

12 THE WITNESS: Madame Examiner, I think I can
13 make this a lot easier for everybody.

14 MADAME EXAMINER: Please speak. How would you
15 do that?

16 THE WITNESS: I am quite familiar as to what
17 the extents of the Wingate subdivision which is recorded
18 in the land records extend to. And can describe that on
19 this exhibit. It would be easier if I could annotate on
20 the exhibit, but I can do so without annotation.

21 MADAME EXAMINER: If you could use these
22 streets that are highlighted, that'll be great, so go

1 ahead. What are the -- what is the -- what are the
2 boundaries of the Wingate development?

3 THE WITNESS: The -- Wingate extends at the
4 north. There is a line of trees, of thicker trees which
5 is parallel to Wingate Drive and then extends -- extends
6 downward towards Lanham Severn Road such at the most
7 proximate corner of the recorded Wingate subdivision to
8 the subject property is right above the letter C in the
9 words Luna Concrete.

10 There is a pond just to the west of that area,
11 in between the cul-de-sac of I believe that's Lake View
12 Drive. I did drive down that personally. And then
13 there is a fairly large pond that intervenes between the
14 rear of the most proximate lot in Wingate and Greenbelt
15 Road and then the Eastgate Shopping Center intervenes
16 and then there is the Capital Christian Fellowship
17 Church which intervenes and then there's the subject
18 property which extends from the letter E in Eastgate
19 Shopping Center is over the northeastern corner of the
20 subject property and then Colonel Sanders head in the
21 KFC logo is over the southeastern corner of the subject
22 property.

1 So I think that can give a very good depiction
2 of the relationship between Wingate and the most
3 proximate part thereof in the subject property.

4 MADAME EXAMINER: And Northern Avenue to
5 the --

6 THE WITNESS: The west.

7 MADAME EXAMINER: This thing doesn't have
8 north or south, but --

9 THE WITNESS: You've got -- that is -- west,
10 so Northern Avenue is -- does not abut Wingate. In
11 fact, you'll see immediately north of Greenbelt Road on
12 Northern Avenue there's a street called Potomac Avenue
13 not labeled at this scale which it sends to a cul-de-sac
14 that has two little cul-de-sacs that abut a denser line
15 of trees. That's the Glendale subdivision which my firm
16 created in the mid 1980s that is not a part of Wingate.

17 MADAME EXAMINER: Oh, so all of it isn't
18 Wingate.

19 THE WITNESS: Correct.

20 BY MR. FORMAN:

21 Q Mr. Ferguson, just I think for clarification,
22 can you reach the Wingate subdivision from Northern

1 Avenue?

2 A No, you can't.

3 Q Okay. Thank you.

4 MADAME EXAMINER: Okay. I will allow
5 exhibit -- the new 31 over Mr. Suhar's objection.

6 (Exhibit 31 was marked for
7 identification.)

8 MADAME EXAMINER: Now, do we still need the
9 new -- the new 32 which had been marked as Exhibit 33?
10 What is this? Do we still need it or what is it?

11 MR. FORMAN: No. We can -- we can strike this
12 one, Madame Examiner.

13 MADAME EXAMINER: Oh, great. Okay. And what
14 about -- the zoning map exhibit which was 34, it doesn't
15 include the information telling you which zones it is.

16 MR. FORMAN: You are correct, because of the
17 way it zoomed out, but I believe Mr. Ferguson can
18 testify given his experience as a land planner and his
19 experience with PG Atlas.

20 THE WITNESS: If you bring that up, I will
21 verify whether or not that's the case, Mr. Forman.

22 MR. SUHAR: May I -- may I --

1 MADAME EXAMINER: Ms. Neal could you bring
2 up -- bring up what was 34 which will now be Exhibit 32?

3 MR. SUHAR: I'm sorry.

4 MADAME EXAMINER: I was telling staff.

5 MR. SUHAR: Oh, I apologize.

6 MADAME EXAMINER: All right. So what is
7 exhibit -- the new exhibit 32 telling us?

8 THE WITNESS: If we could zoom back out to see
9 the entire property. So that is in fact a copy of the
10 PG Atlas zoning layer. Based on my study and my
11 familiarity with PG Atlas, I believe I could identify
12 all of the zones in the discussion area.

13 BY MR. FORMAN:

14 Q Mr. Ferguson, before asking about the zones, I
15 just want to draw your attention -- if we could -- can
16 we zoom into the lower portion of the image? Ms. Neal.
17 Thank you. There are some notations on the image before
18 you. Can you describe what you are seeing Mr. Ferguson?

19 A So the notations which are added to the base
20 information of PG Atlas is the subject property on the
21 left side of the image as it's now displayed, is the
22 subject property is outlined in red. It looks like an E

1 on its side with the tines of the E pointing upward. It
2 is labeled subject property with the word property being
3 located within the limits of the subject property where
4 it's subject -- being located to the west of it. And
5 there is a light blue line which extends from the
6 northeast corner of the subject property to the most
7 proximate lot corner within the Wingate subdivision
8 using the dimensional tool of PG Atlas and that -- that
9 dimension is indicated as being 2,648.64 feet. Yes.

10 Q Thank you, Mr. Ferguson. And then just -- I
11 know this is going to be coming up. Is this measuring
12 tool an exact way of measuring distance or is it more
13 sort of an approximate distance between the two --

14 A So you can be very exact with it if you use
15 certain tricks. I do not believe that those tricks were
16 used in this case, so no, this would not be a -- this
17 would not be an exact representation. I would
18 characterize it as being correct to within the near est
19 perhaps ten feet.

20 Q And thank you very much. I want to go back to
21 one of the earlier comments regarding the zones that we
22 see on the image having gotten the notations in. Can

1 you -- are you familiar with the colors of the zones as
2 illustrated in PG Atlas?

3 A I am.

4 Q Looking at the property that is labeled as
5 subject property, what color would you describe that as?

6 A So that is a tan color which represents the RR
7 zone.

8 Q Okay. Thank you. And so for the line that
9 goes from the subject property to the other property
10 outlined -- excuse me -- in blue with the red diamond on
11 it.

12 A Yes, sir.

13 Q What color would you describe that zone?

14 A I'm sorry, which?

15 Q What color would you say that is, and what
16 zone do you think it -- does it represent?

17 A I'm sorry, Mr. Forman, which that? You talked
18 about the line not which --

19 Q My apologies. The blue outlined lot that
20 is --

21 A I see. It's going to the -- the red square.

22 Q Yes.

1 A That lot in the Wingate subdivision is in the
2 RE zone.

3 Q Thank you, Mr. Ferguson.

4 MR. FORMAN: And so Madame Examiner, I would
5 ask that this exhibit be introduced into the record as
6 showing the zoning of the properties as well as the
7 distance approximately between the subject property and
8 the closest lot within the Wingate Homeowners
9 Association.

10 MR. BROWN: Well, this is where Mr. Suhar's
11 objection is relevant. This is not a photograph. From
12 the testimony that Mr. Ferguson just made, you did not
13 prepare this document, did you Mr. Ferguson?

14 THE WITNESS: That is correct. I have however
15 looked at this tool myself and used this layer myself in
16 the preparation of my report, but I did not prepare this
17 exhibit.

18 MR. BROWN: You didn't prepare it and
19 therefore you can't testify to its accuracy. The line
20 depicting 2,648.64 feet is not relevant at this point,
21 because you didn't make that particular determination
22 concerning --

1 THE WITNESS: I did independently, Mr. Brown.
2 I did not prepare this exhibit, but I did in fact make
3 an independent measurement of the same -- the same
4 separation and came up with a similar answer.

5 MR. BROWN: I understand, but we're talking
6 about specifically this particular document. Concerning
7 the zoning of the surrounding properties, are those
8 properties illustrated on this particular document? The
9 zoning ordinance will speak for itself. So we don't
10 even need to have your testimony on those issues. So I
11 would object to this particular document coming into the
12 record, Madame Examiner.

13 MR. SUHAR: And if I may, I'll adopt
14 Mr. Brown's objection and support it. I -- so for the
15 same grounds as Mr. Brown stated, I'd like to note an
16 objection as well. In addition to the characterization
17 and I -- I'll clarify that, a mischaracterization
18 Mr. Forman made about Mr. Ferguson's credentials. He
19 referred to him as a land planner. And I'm not so sure
20 that Mr. Ferguson's curriculum vitae was -- had
21 specified as to whether or not he was a "land planner".

22 MR. BROWN: Well, Mr. Suhar --

1 MADAME EXAMINER: He's been accepted as a land
2 use planner, an expert land use planner in this case and
3 many others. So --

4 MR. SUHAR: That's -- I object to that
5 characterization. If that's what Mr. Forman is putting
6 forth as testimony. So respectfully, Madame Examiner, I
7 don't -- I don't see -- I don't agree that
8 Mr. Ferguson -- I didn't have an opportunity during the
9 first hearing on February 8th, because we weren't
10 notified as we should have been --

11 MADAME EXAMINER: Wait, wait.

12 MR. FORMAN: Well, we're not going into that.
13 Objection.

14 MADAME EXAMINER: Mr. Suhar -- go ahead.

15 MR. FORMAN: I would object --

16 MADAME EXAMINER: Go ahead and finish. And
17 then if you want -- no, no. Let Mr. Suhar finish and
18 then if you have something to say, you can.

19 MR. FORMAN: Okay.

20 MR. SUHAR: Okay. Thank you. So we were not
21 included on the mailing list, Madame Examiner, so I
22 wasn't able to question Mr. Ferguson the first time or

1 even been given an opportunity to be heard or be
2 present. So -- but I don't recall Mr. Ferguson being
3 referred to as a land use planner. In fact, I saw that
4 his background is, is an architect. Thank you very
5 much, Madame Examiner.

6 MR. FORMAN: Madame Examiner, Mr. Ferguson has
7 been qualified as an expert numerous times before this
8 body, District Counsel, numerous other jurisdictions. I
9 think his curriculum and his experience --

10 MR. BROWN: Let me interject for a moment. I
11 mean, we're really getting way off base here.
12 Mr. Suhar, when it comes time for him to cross-examine
13 Mr. Ferguson, he can voir dire him on his qualifications
14 as an expert at that particular point in time.

15 MR. SUHAR: Okay.

16 MR. BROWN: Right now, we're just talking
17 about this particular exhibit.

18 MR. SUHAR: Agreed.

19 MR. FORMAN: Okay.

20 MADAME EXAMINER: As to this particular
21 exhibit, is this part of the county-wide map amendment
22 documents as well?

1 MR. FORMAN: Madame Examiner, this is not part
2 of -- what do you say is a part of it? I mean, this is
3 showing the current zoning under the current map
4 amendments that was enacted on April 1, 2022. And I do
5 think this is still relevant showing the zones of the
6 property, and -- excuse me -- as well as the approximate
7 distances between the property and the Wingate, the
8 closest lot from Wingate. And it was -- yeah -- it was
9 prepared by myself, and it has been shared with
10 Mr. Ferguson and other members of my team. So I
11 believe -- and it does I believe speak for itself
12 although it can be corroborated by them.

13 MADAME EXAMINER: Okay. I would give both of
14 you half of it, I suppose. I would like this exhibit
15 from PG Atlas without any indication of the distance. I
16 think it would help the counsel to just see, and I know
17 they can take administrative notice of it, but we've
18 often allowed this to be in the record, just see what
19 the zoning is of all these properties that are not
20 quite, you know, the subject property and the
21 surrounding properties even though some of them are
22 outside of the neighborhood in this case. So if you can

1 give me a revised copy of this document from PG Atlas
2 that also -- do they not add what the zones are? It's
3 just not showing on this; correct?

4 MR. FORMAN: When you zoom out on certain --

5 THE WITNESS: -- close to be able to get the
6 zoning annotation layer to appear.

7 MADAME EXAMINER: Okay. I would like that
8 included. So we do not have an Exhibit 32 at this time.
9 We're waiting on a replacement for this one. This will
10 be void. If you can get the replacement in and show it
11 to all counsel shortly, that would be wonderful; okay.
12 And I don't -- we don't need that line with the
13 distance, because -- they can go on PG Atlas, they can
14 see -- your whole point is that the property is not
15 within the neighborhood, and it's some distance away.
16 That's all you're really saying here; correct?

17 MR. FORMAN: That is correct, Your Honor.

18 MADAME EXAMINER: Madame Examiner works.

19 MR. FORMAN: Madame Examiner.

20 MADAME EXAMINER: All right. So we're up to
21 Exhibit 32. It'll be void and another one that meets my
22 criteria will be submitted into the record. Exhibit 34

1 which is not Mr. Ferguson, anymore. Wait a minute
2 Mr. Ferguson. I'm sure no one objects to Exhibit 34
3 which will now be Exhibit 33. It's the Revised
4 Technical Staff Report. So it is part of this record.

5 MR. FORMAN: I mean, I'd like to object to it
6 if it -- you think it would work.

7 MADAME EXAMINER: I mean, you could put on a
8 witness to explain why you differ, but this item is
9 coming into the record. It is now Exhibit 33.

10 (Exhibit 33 was marked for
11 identification.)

12 MADAME EXAMINER: So Ms. Neal, will you be
13 able to pull up what is shown as 36 except it will
14 become 34 if it's admitted? Exhibit 36. And none of us
15 know what this is, sir, so you'll have to -- Mr. Forman,
16 I don't even know what it looks like. Okay. So what is
17 Exhibit 36?

18 MR. FORMAN: Mr. -- so if I could give a brief
19 explanation and ask Mr. Ferguson to discuss it. At the
20 close of the hearing on February 8th, Madame Examiner
21 and Mr. Brown had asked about receiving a conceptual
22 site plan which included the delineating the master plan

1 right-of-way of C30 -- sorry, 340 through the property
2 and what the impact would be like on the property. If
3 that road were constructed.

4 BY MR. FORMAN:

5 Q So Mr. Ferguson, could you -- I know it's so
6 difficult doing this over a line, but could you briefly
7 try to describe the limits of the master plan roadway
8 that is going to -- proposed to bisect the property?

9 A I can. The master planned roadway, the C40
10 alignment is the arc which runs through the property
11 from the northwest corner to towards the southeast
12 corner, beginning at the northwest corner opposite of
13 Fords Boulevard and then running off of the image,
14 roughly in the middle, slightly to the right of the
15 middle of the image at the bottom. The subject property
16 by the way is outlined in red.

17 Q And you're looking at this exhibit, what kind
18 of impacts would this master plan roadway have on the
19 future development of the subject property even if it
20 were zoned RMF48?

21 A I don't think there's really anything near
22 that I would add to the testimony that's already on the

1 record in my report and in the applicant's statement of
2 justification which I indicated in my February 8th
3 testimony that I agreed with.

4 Q Thank you, Mr. Ferguson.

5 MR. FORMAN: I would move to have this exhibit
6 introduced into the record as exhibit -- I apologize.
7 What number are we up to? 34?

8 MADAME EXAMINER: It will be 34.

9 MR. SUHAR: Thirty-four.

10 MR. FORMAN: May I object at this point,
11 Madame Examiner?

12 MADAME EXAMINER: What's your objection?
13 Mr. Suhar or Mr. Brown, do you object to this?

14 MR. SUHAR: Well, I do. I don't know -- I
15 don't want to cut Mr. Brown off.

16 MR. BROWN: Well, go ahead, Mr. Suhar.

17 MR. SUHAR: Thank you. I have an objection.
18 This -- I don't know where -- who created this document.
19 It looks like some kind of a site plan or what have you.
20 I don't know if Mr. Ferguson created it or who created
21 it, and so the authenticity is in question here. So I
22 object to it.

1 MR. FORMAN: Madame Examiner, if I may, this
2 drawing was created by Mr. Ed Keohane who is present at
3 this hearing.

4 MR. BROWN: I don't necessarily have an
5 objection. Mr. Ferguson had been qualified as an expert
6 in land planning and he can rely on other documents for
7 his testimony. This is different from the prior
8 document where the issue was the actual distance that
9 was measured. Here, he is merely testifying to a
10 document that he has reviewed in relationship to his
11 expert testimony. Where Mr. Suhar was -- objection is
12 generally about, I have no objection.

13 MADAME EXAMINER: And may I also ask before I
14 rule? Didn't Park and Planning staff not in their final
15 recommendation, but one of the sections note that you
16 should provide something in the record showing this
17 C40 --

18 MR. FORMAN: Yes, Madame Examiner. That was
19 one of the recommended conditions from the
20 transportation section and I believe -- yeah. That was
21 only a recommendation from the transportation section.
22 It wasn't carried forward in Ms. Lockhart's [ph] report.

1 MADAME EXAMINER: Okay. So I'm going to
2 overrule the objection, and allow this to be Exhibit 34.

3 (Exhibit 34 was marked for
4 identification.)

5 MR. FORMAN: Thank you, Madame Examiner.

6 MADAME EXAMINER: Ms. Neal, can you pull up
7 Exhibit 37? Which will become 35 if we allow it. What
8 is 37 showing us?

9 MR. FORMAN: Madame Examiner, this again was
10 an item requested by the People's Zoning Counsel and
11 yourself at the conclusion of the hearing which is
12 showing that Mr. Gregory Hayes [ph] who testified on
13 behalf of our neighbor the Capital Christian Church is
14 authorized to speak on behalf of The Capital Christian
15 Church. I'm sorry, Capital Christian Fellowship.

16 MR. BROWN: No objection.

17 MADAME EXAMINER: Okay. Will be Exhibit 35.

18 (Exhibit 35 was marked for
19 identification.)

20 MR. SUHAR: I --

21 MADAME EXAMINER: Oh, go ahead, Mr. Suhar.

22 MR. SUHAR: Thank you. Yeah, I'm just

1 wondering if Mr. Forman is asking Mr. Ferguson about
2 this document.

3 MADAME EXAMINER: No.

4 MR. FORMAN: No.

5 MADAME EXAMINER: We requested this from him.
6 We saw the witness that testified, Mr. Hayes, I believe.
7 And we wanted to make sure he was authorized to speak on
8 behalf of the church in both entities, so --

9 MR. SUHAR: Okay.

10 MADAME EXAMINER: This isn't really anything
11 from Mr. Ferguson. This is sort of like housekeeping.

12 MR. SUHAR: Oh, okay. I understand. Thank
13 you. And I -- I'm just wondering if Mr. Ferguson -- if
14 Mr. Forman is finished with asking questions of
15 Mr. Ferguson, if he's moving onto another witness, I'd
16 like an opportunity to cross-examine Mr. Ferguson.

17 MADAME EXAMINER: Oh, yeah. You'll definitely
18 get -- Mr. Ferguson's not going anywhere. It's just
19 that all of these exhibits were lying out there and we
20 didn't know what they were, so I can't put them in the
21 record until we know what they are.

22 MR. SUHAR: Understood.

1 MADAME EXAMINER: This shouldn't take much
2 longer. Let's see, exhibit -- formerly Exhibit 38 and
3 now Exhibit 36 is what, Mr. Forman?

4 MR. FORMAN: This one we should probably wait
5 until later. It is a letter on behalf of the
6 adjoining -- an adjacent property owner who had been --
7 Mr. Skip Gault who had owned a property that
8 Mr. Ferguson had referenced during his testimony and he
9 was offering to -- a letter of support and an
10 explanation as to what his future plans were for the
11 property, but I can let Mr. Gault testify to this later.

12 MADAME EXAMINER: Okay. Let's wait on 36.
13 What is 39 which will now be 37?

14 MR. FORMAN: This is a deed of conveyance for
15 parcel 422 of the property, because at the hearing on
16 February 8th, there was questions as to whether --
17 because this is the parcel that is owned one half tenant
18 in common interest by the current owners Bob and Doreen
19 Kramer and the Cottage City Mennonite Church doing
20 business as the Capital Christian Fellowship and it is
21 to show that this portion of the property was actually
22 conveyed in fee simple and not just an easement. So the

1 purpose of this is the deed between the two entities to
2 show they both have a fee simple ownership in the
3 property, not merely one of them having an easement over
4 it and that this property was not reserved solely for a
5 right-of-way.

6 MADAME EXAMINER: Mr. Brown, you have any
7 questions.

8 MR. BROWN: No objection.

9 MADAME EXAMINER: Okay. And Mr. Suhar, this
10 was more of that cleanup that we requested of them.

11 MR. SUHAR: Thank you. I don't have an
12 objection. Thank you.

13 MADAME EXAMINER: Okay.

14 (Exhibit 37 was marked for
15 identification.)

16 MADAME EXAMINER: What's Exhibit 40 as she
17 pulls it up which will become 38?

18 MR. FORMAN: Madame Examiner, this is
19 additional information that was requested on the
20 February 8th hearing. It is a clarification of the
21 Cottage City Mennonite Church and its relationship with
22 its trade name Capital Christian Fellowship to show that

1 the operating agent or the owner is still -- is the
2 Cottage City Mennonite Church, but it does business as
3 Capital Christian Fellowship, so when Mr. Hayes would
4 talk about Capital Christian Fellowship or Cottage City
5 Mennonite Church, these are actually the same entity.

6 MR. BROWN: No objection.

7 MADAME EXAMINER: Okay. More cleanup,
8 Mr. Suhar.

9 MR. SUHAR: No objection.

10 (Exhibit 38 was marked for
11 identification.)

12 MADAME EXAMINER: Okay. So now Exhibit 41
13 which will be 39.

14 MR. FORMAN: This is again, information that
15 was requested at the close of the hearing. And it is
16 further legal analysis of the change or mistake as it
17 relates to policy and goal [ph] recommendations within a
18 sector plan -- within a master plan, and its
19 relationship to the sector plan, the sectional map
20 amendment. This was information requested by the --
21 Madame Examiner at the close of the hearing.

22 MADAME EXAMINER: So more nature of your

1 closing argument. Okay.

2 MR. FORMAN: Well, it was an additional legal
3 analysis you had requested, but yes.

4 MADAME EXAMINER: Yes, it's argument. I just
5 wanted you to put it in writing, but yes.

6 MR. FORMAN: Okay.

7 MR. BROWN: Well, I don't --

8 MADAME EXAMINER: So Mr. Suhar, we should send
9 all of these to you by e-mail or they're going to be --
10 they're not online yet, they will be online before the
11 end of today, but we're not going to really take
12 testimony on this. This is just his argument, but you'd
13 have an opportunity if you want to somebody anything in
14 writing as well. Go ahead Mr. Brown, I'm sorry.

15 MR. SUHAR: Thank you.

16 MR. BROWN: No, that's exactly how --

17 MR. SUHAR: The fact that I can't see the
18 whole thing right now. So --

19 MADAME EXAMINER: I'm sorry, Mr. Brown.

20 MR. BROWN: No, I was going to say the same
21 thing you just said, Madame Examiner, that this is
22 argument. This is not factual evidence, and has no

1 relationship to the fact whatsoever.

2 MADAME EXAMINER: Okay.

3 (Exhibit 39 was marked for
4 identification.)

5 MADAME EXAMINER: And then exhibit -- so
6 it's -- it is like legal argument and everyone has a
7 right to submit their own before the record closes.
8 Okay.

9 MR. FORMAN: Okay.

10 MADAME EXAMINER: And then Exhibit 42 which
11 will be 40 -- 40, what is that?

12 MR. FORMAN: This is a letter to Madame
13 Examiner just outlines the additional documents that
14 were submitted yesterday at the -- based upon the
15 requested information on the February 8th hearing. So
16 this is --

17 MADAME EXAMINER: Okay. Should have had that
18 first. So that's explaining all of these that we just
19 went through. Okay. Any objection you all?

20 MR. FORMAN: Yes, and no -- all of these
21 documents were provided to the ZHE, Mr. Brown and
22 Mr. Suhar previously.

1 MADAME EXAMINER: Oh, okay. Thank you for
2 that.

3 MR. BROWN: No objection.

4 MADAME EXAMINER: Okay.

5 (Exhibit 40 was marked for
6 identification.)

7 MADAME EXAMINER: Okay. So we're up to
8 Exhibit 40 and we just need information on 36 before we
9 know for sure if it's coming in, but I'm -- all right.
10 So do you have further questions of Mr. Ferguson?

11 MR. FORMAN: I do not, Madame Examiner.

12 MADAME EXAMINER: Okay. Then Mr. Suhar, do
13 you have any questions of Mr. Ferguson?

14 MR. SUHAR: Yes, thank you, Madame Examiner.

15 EXAMINATION BY COUNSEL FOR PARTY OF
16 RECORD

17 BY MR. SUHAR:

18 Q Mr. Ferguson, do you have a degree in urban
19 planning, sir?

20 A I do not.

21 Q A professional -- I'm sorry?

22 A I do not.

1 Q Okay. And what is your -- what is your -- if
2 you -- have you obtained a degree in a university or
3 college?

4 A Yes, I have.

5 Q Okay. And what is that degree?

6 A I have a bachelor of architecture from the
7 University of Maryland.

8 Q Okay. And do you have any experience -- work
9 experience as a land use planner?

10 A Yes, I do.

11 Q Okay. And when was that experience?

12 A That experience has been continuous since
13 approximately 1987.

14 Q Okay. And who did you work for?

15 A I worked at the beginning for an architect and
16 planner named -- who still does some practice in Prince
17 George's County. In 1989, I moved to a corporate
18 antecedent of the current firm that I work for. I had a
19 six-year hiatus when I maintained my own firm, again,
20 practicing land planning, between 1999 and 2005 at which
21 point I returned to again another corporate antecedent
22 of my current form and have been continuously practicing

1 planning through that whole time.

2 Q Okay. And have you ever been employed by a
3 municipality or county government?

4 A Yes, I have.

5 Q Okay. And which one?

6 A I was employed by the Town of Edmonston as
7 their town engineer and gave them extensive advice on
8 planning matters --

9 Q Thank you.

10 A -- during that time.

11 Q Thank you, sir. I also -- let's see. So are
12 you familiar with the memorandum that was submitted by
13 Ms. Dominique Lockhart [ph] Planner Three dated November
14 10, 2022?

15 A Are you referring to the Technical Staff
16 Report?

17 Q Yes. It's dated November 10, 2022.

18 A Yes, I am. That is incorporating and forms
19 the basis of the Technical Staff Report which I'll hold
20 up to the camera.

21 Q Okay. Yeah. Well, there were two actually.
22 One was dated February 22nd, I believe. And then one

1 was dated November 10th.

2 A There is an amended Technical Staff Report
3 which I believe Mr. Warner has forwarded into the record
4 over this past week.

5 Q Okay. And have you reviewed it?

6 A I have.

7 Q Okay. Now, drawing your attention to the
8 Technical Staff Report's analysis of a mistake what's
9 been labeled as mistake number two, do you disagree with
10 the planning staff's analysis there?

11 A Are you referring to their -- the December
12 15th staff report or the February 22nd, I think, staff
13 report?

14 Q That's November 10, 2022, sir.

15 A November 10 --

16 Q And they -- I know you said that they amended
17 it on February 22nd.

18 A Yeah. I do disagree with their -- with
19 their -- with their analysis.

20 Q Okay. And so specifically, Ms. Lockhart
21 stated that the driveway access from both Arterial and
22 Collector Streets is discouraged, but not prohibitive.

1 Would you agree with that?

2 A I would -- it is -- that's unfortunately not a
3 yes or no question. The new zoning ordinance has an
4 explicit prohibition. The subdivision ordinance has an
5 explicit prohibition. There in every subdivision case
6 where there is no other alternative than a variation
7 must be approved and they inevitably are, but the
8 prohibition is at least statutory absolute.

9 Q Okay. So when you -- but would you agree that
10 it's possible then to create a driveway access?

11 A No. It is not. It is possible to create
12 public street access, not a driveway access.

13 Q Okay. So you disagree with Ms. Lockhart's
14 statement there then?

15 A I did testify to that, yes.

16 Q Okay. And what basis do you have for making
17 that -- that determination?

18 A I believe I just explained it.

19 Q Okay. Go ahead and explain it again.

20 A That the subdivision ordinance and the zoning
21 ordinance contain explicit prohibition for driveway
22 access and while there are variations that are grant ed

1 in the case of no other alternative, the statutory
2 prescription is absolute. Driveway access for --
3 particularly for residential acts [ph] will never be
4 approved. In the case of a subdivision, you'll be
5 required to create a public street.

6 Q What -- what prohibitions are you talking
7 about? I'm not -- I'm not sure -- can you refer to a
8 section in the code?

9 A If you would like me to pull the subdivision
10 ordinance, I can do that if you'll give me a moment.

11 Q Sure. Have you spoken with Ms. Lockhart about
12 her -- her statement there?

13 A No, I have not.

14 Q Haven't. Okay.

15 MADAME EXAMINER: Wait a second. Are you
16 going to allow him to pull up the sections for you?

17 MR. SUHAR: Sure. Absolutely. Yes.

18 MADAME EXAMINER: Then you know what? It's
19 10:41, might be a good opportunity for a three-minute
20 break. You can stay on. Don't shut down or anything --

21 MR. SUHAR: Okay.

22 MADAME EXAMINER: -- just -- we'll go off

1 camera for a second.

2 MR. SUHAR: Thank you.

3 MR. FORMAN: All right. Thank you.

4 RECORDING: This conferencing is no longer
5 being recorded.

6 (Off the record.)

7 (On the record.)

8 THE WITNESS: -- I am Madame Examiner.

9 MR. SUHAR: Yeah.

10 MADAME EXAMINER: You may proceed.

11 MR. SUHAR: Thank you. So Mr. Ferguson --

12 THE WITNESS: So Madame Examiner, I believe I
13 was in the middle of an answer regarding the inability
14 to access arterial roadways and Mr. Suhar was asking me
15 to cite chapter and verse. The chapter and verse is
16 Section 24121A3 of the subdivision ordinance. Which
17 states when lots are proposed on land adjacent to an
18 existing or planned roadway or arterial or higher
19 classification, they shall be designed to front on
20 either an interior street or a service road. As used in
21 the section of planned roadway or transit right-of-way
22 shall mean a road of right-of-way shown in a currently

1 approved state highway plan, general plan or master
2 plan. If a service road is used, it shall connect where
3 feasible within an interior collector street with a
4 point of intersection located at least 200 feet away
5 from the intersection of any roadway of collector or
6 higher classification.

7 BY MR. SUHAR:

8 Q Okay. Thank you. And so -- but it -- but
9 that doesn't --

10 MADAME EXAMINER: If I may, Mr. Suhar, I'm so
11 sorry about this, but Mr. Ferguson, is that language in
12 the new zoning -- in the new subdivision?

13 THE WITNESS: It is now. I'm reading from the
14 new -- the new -- the current subdivision ordinance.
15 And it was carried over from the old.

16 MADAME EXAMINER: Okay. But those numbers
17 wouldn't be right. The numbers are different.

18 THE WITNESS: I don't --

19 MADAME EXAMINER: Yeah, they start -- I pulled
20 it open.

21 THE WITNESS: Those numbers changed. I could
22 be mistaken, but planning -- the planning and design

1 requirements were always 24120, and they remain so.

2 MADAME EXAMINER: Now they're 241100, so
3 Mr. Suhar, just for --

4 THE WITNESS: Well, Madame Examiner --

5 MADAME EXAMINER: Everybody may know, but we
6 got a new zoning ordinance -- oh, I'm sorry.

7 THE WITNESS: -- can point. I did go to the
8 LIS assuming that I knew that that did not contain the
9 zoning ordinance. Let me recite the current chapter and
10 verse then.

11 MADAME EXAMINER: Okay.

12 THE WITNESS: Because -- and that will take
13 another minute to come --

14 MR. BROWN: Refresh my memory, though. Wasn't
15 this case filed pursuant to the old zoning ordinance?

16 THE WITNESS: No, under the new, sir.

17 MR. BROWN: The new?

18 THE WITNESS: Yes, sir.

19 MR. BROWN: All right.

20 MADAME EXAMINER: Mr. Suhar, is it possible to
21 continue with your questioning and he'll get back to the
22 sections or --

1 MR. SUHAR: Oh, sure. Absolutely.

2 MADAME EXAMINER: Okay.

3 MR. SUHAR: Yeah. I'm just -- I'm just --
4 I'm -- Madame Examiner, I'm concerned that -- about how
5 Ms. Lockhart would state that it's possible or that it's
6 not prohibited as long as criteria is met, and how
7 Mr. Ferguson seems to think -- seems to disagree with
8 that. And I just don't -- I don't see what the --
9 what -- where the disagreement lies yet, but we can move
10 on.

11 BY MR. SUHAR:

12 Q Mr. Ferguson, you testified today about the
13 distance between my client's property which you
14 didn't -- you didn't have a boundary, if you will around
15 the Wingate Homeowners Association, but you testified to
16 the distances. Do you -- do you -- would you consider
17 Wingate Homeowners Association to be part of the same
18 vicinity or the same neighborhood?

19 A From a zoning perspective, no, I would not.

20 Q And is that because of the distance, sir?

21 A Principally, the distance is a component, but
22 principally, it's because of the intervening barriers

1 which is, you know, the principal basis in zoning law.
2 So for instance, Greenbelt Road which is immediately
3 adjacent to the subject property is a substantive
4 barrier. It is an arterial roadway, high traffic
5 volume, and --

6 Q Would you consider Good Luck Road to be a
7 substantive barrier as well?

8 A I beg your pardon, do I consider?

9 Q Good Luck Road to be a substantive barrier?

10 A Good Luck Road is a barrier, I define that as
11 an edge of the neighborhood more on proximity and change
12 in the character of the -- of the predominant land uses.

13 Q Okay. So in your land planning analysis, sir,
14 you question and even went so far as to extend the
15 boundaries of the neighborhood, but what -- what you did
16 was you went westward toward and over Good Luck Road
17 down Greenbelt Road; isn't that right? And then you
18 went up north --

19 A No, sir. I did not go over Greenbelt Road.

20 Q I'm sorry.

21 A The boundaries that I had defined them were on
22 the North Greenbelt Road. On the west, the boundary is

1 Good Luck Road. On the south the boundary was Calimar
2 [ph] Drive which runs through the Wood Stream
3 neighborhood. And on the southeast it's the Penn Line
4 Railroad.

5 Q But you said that -- you -- you would -- you
6 would go down Greenbelt Road and you were identifying --
7 trying to identify properties down Greenbelt Road.

8 A -- the other --

9 Q But you went westward. You didn't go
10 eastward; right?

11 A -- uses ownership in the neighborhood, some of
12 which does occur to the west of the subject property
13 down Greenbelt Road; that's correct.

14 Q Okay. So why wouldn't -- how -- how far down,
15 let me ask you that?

16 A To Good Luck Road.

17 Q Three minute drive?

18 A Down to Good Luck Road.

19 Q Down to Good Luck Road and that's it?

20 A Yes, sir.

21 Q Oh, okay. And so --

22 A And on the other side to the east down

1 Greenbelt Road to the railroad.

2 Q Oh, okay. All right. So and then -- just one
3 moment.

4 MADAME EXAMINER: Is everyone frozen or is it
5 just me? I see Nate moving.

6 THE WITNESS: No Madame Examiner. I see you.
7 I hear you.

8 MR. SUHAR: No, I -- I have another --

9 MADAME EXAMINER: Okay.

10 MR. SUHAR: If I may just have a moment.

11 BY MR. SUHAR:

12 Q Okay. So are you familiar with Glen [ph]
13 Estates, sir?

14 A Remind me. What are you referring to, sir?

15 Q It's a community association within the
16 neighborhood boundaries that you identified?

17 A Glen Estates, I -- if it's -- I may be very
18 familiar with the physical limits, but the organization
19 itself, I'm not familiar with the organization.

20 Q Okay. And are you familiar with -- how
21 many -- how many properties are currently zoned RMF48
22 within the neighborhood boundaries that you identified

1 in your opinion -- the neighborhood?

2 A That's a fact. It's not an opinion.

3 Q Okay. How many multifamily properties are --
4 have multifamily dwellings on them in the neighborhood?

5 A Properties, three. Three properties.

6 Q Three?

7 A Obtained probably close to a thousand
8 multifamily units.

9 Q Okay. And so -- and how many -- how many
10 properties are there within the neighborhood that you
11 identified, in your opinion?

12 A I just testified --

13 Q -- a definition of a neighborhood. I'm sorry?

14 A That is what I just testified to.

15 Q No. How many lots total are there?

16 A How many lots of what, sir?

17 Q How many -- how many total lots are there
18 within the neighborhood?

19 A Lots of any type?

20 Q Yeah. Total.

21 A -- testify to that, I have not counted all of
22 the townhouses nor any of the --

1 Q -- your testimony --

2 A -- different subdivisions --

3 Q -- your land planning analysis and what you --
4 what you stated is, is that there is a substantial
5 change in the character of the neighborhood; isn't that
6 right?

7 A I did.

8 Q Since the 2010 --

9 A Yes, sir.

10 Q -- SMA?

11 A Yes, sir.

12 Q Was adopted?

13 A Yes, sir.

14 Q What about since the -- since the PMA was
15 adopted in 2021, 2022?

16 A No, sir.

17 Q Okay.

18 A The change -- the change occurred prior to the
19 adoption of the PMA.

20 Q Where -- how do you find that there's a
21 substantial change, sir?

22 A As I explained --

1 Q What were those three properties --

2 A -- in my report and my testimony on the 8th
3 that there was a change in the law, the zoning ordinance
4 that allowed one of the properties which is enclaved
5 within the subject property to be developed
6 commercially, and in fact, that property is on the cusp
7 of receiving it's grading and building permits now. My
8 firm is handling the permit processing.

9 Q Has the zoning been changed from RR to allow
10 the -- Ms. Lockhart, in her February 22nd memorandum
11 that you said that you're familiar with, she stated that
12 there's only one property that -- that has the
13 multifamily, but -- but the zoning didn't change.
14 Apparently there was some code of a special exception.

15 A Sir, you confused me. What -- there's one --
16 there are more than one properties that have multifamily
17 occupancy on it, I just testified to -- to that.

18 Q Okay.

19 A And there have been no zoning changes in the
20 neighborhood, certainly since 2010. Your question
21 confuses me, sir.

22 Q Well, what she said is, is that the only

1 evidence of change provided by the applicant since
2 adoption of the sectional map amendment is a single
3 change of use approved by the District for a specific
4 property. And that property consists of 1.3709 acres.

5 A That's correct.

6 Q She said that's less than 1% of the entire
7 neighborhood. Do you -- do you agree with that?

8 A That is a correct statement.

9 Q Okay. So -- and she said that the entire
10 neighborhood as defined by you. But do you -- so you
11 think that less than 1% is a significant -- constitutes
12 a significant change; is that right?

13 A Given the particular setting of that change,
14 and given the character of that change with respect to
15 the subject property, I do.

16 Q But she also noted -- Ms. Lockhart noted that
17 the District Counsel did not rezone that piece of
18 property, the 1.3709 acre parcel, but they merely
19 allowed it, commercial use to be operated on the site,
20 but they retained the RR zoning.

21 A Mr. Suhar, I know your practice is not --

22 Q Is that right?

1 A -- in land use, but certainly it has been the
2 common practice in this county to accomplish zoning
3 changes through the use of amendments to the zoning text
4 rather than to the amendments of the zoning ordinance.
5 I know that there are several people that are present in
6 this hearing that are very familiar with the very
7 exercise by that past trend. So certainly --

8 Q Yeah. There are -- there are many -- I would
9 agree --

10 A -- there have been changes made -- let me
11 finish, my answer, sir.

12 Q -- present during --

13 A There have been changes made in practice to
14 avoid the use of text amendments and instead to
15 encourage the use of zoning map amendments to accomplish
16 land use change, because it's a process that affords the
17 citizens more access. And that's what's being done here
18 today.

19 MR. SUHAR: Madame Examiner, let's -- I want
20 the record to reflect Mr. Ferguson's statement that he
21 indicated that he has not -- his practice is not in land
22 use.

1 MR. FORMAN: I'm going to object, Madame
2 Examiner.

3 MADAME EXAMINER: If I may, I was going to
4 object to the statement made by Mr. Ferguson, but he
5 stated that your practice was not in land use. And that
6 was improper. So --

7 MR. SUHAR: Oh my gosh. I'm -- I didn't hear
8 then. I'm sorry.

9 MADAME EXAMINER: So --

10 MR. SUHAR: Okay.

11 MR. FORMAN: I apologize.

12 MADAME EXAMINER: -- let's -- well, if it's
13 possible, then let's -- okay. And --

14 MR. FORMAN: I apologize, Madame Examiner.

15 MADAME EXAMINER: Okay, Mr. Ferguson. And
16 let's let everybody finish their statement on both
17 sides.

18 MR. SUHAR: Sure.

19 MADAME EXAMINER: Okay. All right.

20 MR. SUHAR: Thank you.

21 BY MR. SUHAR:

22 Q And then as far as a mistake is concerned,

1 Mr. Ferguson, you seem to take issue with facts that you
2 say your client, the applicant says that there were
3 facts and trends and so forth that were missed or
4 ignored by the District Counsel at the time the SMA was
5 adopted. What facts are those? What facts are you
6 relying upon?

7 A So I think the principal fact is that there
8 was a presumption that the subject property and its
9 immediate RR zone surroundings which I've characterized
10 as a donut hole, were in fact a residential neighborhood
11 that, you know, needed to have its densities preserved
12 which is one the purposes of the 2010 master plan as
13 well as the other principles that I discuss in my
14 report. What I did indicate in my February 8th
15 testimony is that not only the subject property, but
16 certainly all of the surrounding RR zoned area with the
17 possible exception of one of the two enclaved lots is
18 either owned or used institutionally or commercially.
19 One property that has two residences on it, I
20 speculated, was held for investment purposes even though
21 it may have been used residentially at the moment. It
22 turned out that that property was owned by an old client

1 of mine who in fact phoned after the hearing to let me
2 know that he had been watching and that I was exactly
3 correct.

4 So the presumption is, just because a property
5 is zoned RR does not mean that it is a residential
6 neighborhood and therefore needs to have its density
7 protected. There is no evidence --

8 Q So who made the -- oh, sorry, I thought you
9 were done?

10 A -- that that was considered or discussed had
11 the zoning -- the District Counsel been aware of that,
12 it's my presumption that they would have come to a
13 different conclusion and that lack of awareness of the
14 facts is what constitutes as I am told to do in my
15 planning analysis and the stake in zoning law.

16 Q Sir, let me -- let me ask you this, are you --
17 who made that presumption?

18 A I've testified just now very clearly that it
19 was me.

20 Q No, no, no. You -- you said that a
21 presumption was made by -- well, I don't want to
22 mischaracterize you. So you're the one that's making

1 the presumption and not the District Counsel? Is that
2 what your point is?

3 A I have testified that I have presumed what the
4 District Counsel had to consider based on the evidence
5 in the master plan, and --

6 Q But who considered what, sir?

7 A -- based on the evidence of the property
8 ownership.

9 Q Did you review the record from the time that
10 the SMA was adopted?

11 A The sectional map amendment does contain
12 information that explains what the zoning policy is, and
13 what the justification is for affirmative zoning changes
14 that were made and, yes, I did review that.

15 Q Okay. So what presumptions did the -- did the
16 District Counsel make, if any?

17 A The record in the master plan and in the
18 sectional map amendment was that they were only going
19 to -- they were going to leave residential neighborhoods
20 with their densities unchanged. And that they were
21 going to look at several areas, specifically the Lanham
22 Seabrook Metro area. The Glendale Hospital area and the

1 Vista Gardens -- Vista Gardens Marketplace area and
2 essentially did not consider any others.

3 Q But what facts are you relying upon, sir, from
4 what the District Court considered?

5 MR. FORMAN: Objection. Objection.

6 Mr. Ferguson -- Mr. Suhar keeps asking the same
7 question. And Mr. Ferguson has answered.

8 MR. SUHAR: Well, I think it's appropriate.

9 MADAME EXAMINER: I agree, but I'm going to
10 give him this -- this one last time. Can you answer
11 the -- ask the question and please answer it,
12 Mr. Ferguson.

13 MR. SUHAR: Okay. Thank you.

14 BY MR. SUHAR:

15 Q Mr. Ferguson, please specify what facts that
16 you're -- that the District Court that you're -- you're
17 saying that the District Counsel relied upon at the time
18 that they made -- that they made a mistake is what
19 you're alleging.

20 A What I am alleging is that the District
21 Counsel followed the master plan in not considering
22 anything about properties other than the three areas

1 that they considered in the two areas in which they
2 rezoned on the principle that they were going to leave
3 existing residential neighborhoods' densities unchanged,
4 notwithstanding, the actual fact which they did not
5 consider is that the surroundings of the subject
6 property are not a residential neighborhood,
7 notwithstanding the RR zoning.

8 Q But that's your presumption as to what the
9 District Counsel was thinking at the time; is that
10 correct? That's your speculation.

11 A I believe that's the third time I've answered
12 that statement.

13 Q You don't have statements from the District
14 Counsel --

15 MR. FORMAN: Objection, Madame Examiner.

16 MR. SUHAR: I just want to get to the heart of
17 the matter of what --

18 MADAME EXAMINER: I will sustain. Mr. --

19 MR. SUHAR: -- what facts they're relying on.

20 MADAME EXAMINER: I know, but he's told you
21 and so you can argue whether or not that's sufficient,
22 but he has said.

1 MR. SUHAR: Okay. All right. Thank you.

2 BY MR. SUHAR:

3 Q So, sir, what -- thank you. I'm going to move
4 on. So what -- what trends analysis have you done for
5 this particular property of the neighborhood?

6 A I looked at the neighborhood and with respect
7 to the facts I looked at ownership and land use patterns
8 which led me to the conclusion that I've just discussed.

9 Q Okay. So what land use patterns?

10 A I believe you're drawing me right back to the
11 testimony I've given you three -- three times, sir.

12 Q No, I'm not. I'm asking you what -- what land
13 use patterns were there?

14 A The land use pattern is the character of use
15 of the surrounding -- of the subject property and the
16 surrounding RR zoned land, which is either
17 institutionally owned or used commercially owned or used
18 with the exception of an enclaved property and a
19 residential property which is held for investment
20 purposes.

21 Q Okay. But you -- you said that you agreed
22 that only less than 1% that -- with Ms. Lockhart's

1 statement that only -- less than 1% of the entire
2 neighborhood has -- had -- that there's only evidence of
3 that kind of change in the neighborhood. You agree --
4 you said that's a factual statement.

5 A I said that is a factual statement. I don't
6 believe it's a complete statement which I again had
7 testified to just a moment ago about the character and
8 the location of that -- of the property where that use
9 change was made.

10 Q Without any other facts from -- about any
11 other properties or what have you; is that right?

12 A With respect, sir, I don't need any others.

13 Q I'm trying to -- I'm trying to figure out,
14 sir, where -- what you're -- what you're basing your
15 facts and trends -- trends and patterns that you're
16 talking about that have changed so much?

17 MR. FORMAN: Objection, Madame Examiner.

18 Mr. Ferguson has answered these questions. Mr. Suhar
19 doesn't have to enjoy the -- like the answers
20 Mr. Ferguson is giving him, but these are the -- he is
21 answering the questions.

22 MR. SUHAR: Okay. So he doesn't have any; is

1 that right Mr. Forman?

2 MADAME EXAMINER: I would agree. I will
3 sustain.

4 MR. SUHAR: Okay. Thank you.

5 BY MR. SUHAR:

6 Q So --

7 MR. FORMAN: Can I object to Mr. Suhar's
8 offhand comment right there? Can we strike that from
9 the record?

10 MR. SUHAR: Well then, I can ask him if he --
11 if he knows of any others, I mean, we can go down that
12 path. You -- you don't want him to testify.

13 MR. FORMAN: You've already asked that
14 question about five different ways, and he's already
15 answered it. Can you please move on?

16 MADAME EXAMINER: Okay. Gentleman. Okay.
17 All right. Mr. Suhar, do you have other questions of
18 the witness?

19 BY MR. SUHAR:

20 Q So the proposed exhibit -- or I'm sorry, the
21 Exhibit 32 that you testified to, Mr. Ferguson, shows
22 that the property diagonally to the northeast across

1 Greenbelt Road in green is zoned AG and ROS; is that
2 right?

3 A It does, sir.

4 Q Yeah. These are not multifamily zones; is
5 that right?

6 A That is correct. They're not.

7 Q Right. And -- and then -- there -- I -- on
8 the drawing there were -- one of the drawings, I don't
9 remember what it -- which exhibit it was, but there's
10 a -- showed parking down the east side of the property.
11 I'm not sure what that was supposed to show or indicate.

12 A You'll have to be more specific in referring
13 it to what you're speaking of, sir.

14 Q Is there -- is there --

15 MADAME EXAMINER: Okay. One second.

16 Ms. Neal, can you pull up the former exhibits -- well,
17 exhibits 30 through 34 and be ready to go through those
18 to see -- I guess we haven't changed the numbers, yet.

19 So 30 is the driving distance. Is it this one,
20 Mr. Suhar? Wait, wait. Slowly. Wait. Go back to 30.

21 MR. FORMAN: Isn't technology great?

22 MR. SUHAR: Might be 32. I think that maybe I

1 got it confused, because numbers were changed or
2 something. I don't know.

3 MADAME EXAMINER: Right. Because some didn't
4 come in.

5 MR. SUHAR: One of the -- one of the drawings
6 or maps had a -- had a -- indicated parking along the --
7 along the road.

8 MR. FORMAN: Which road just for
9 clarification, because that may help explain which one
10 we're trying to find?

11 MR. SUHAR: It was along the east side of the
12 property -- the subject property.

13 THE WITNESS: Is that the church parking lot?

14 MR. SUHAR: Possibly, I don't know. I thought
15 it was the drawing, but maybe that wasn't --

16 MR. FORMAN: Is this 38, the new -- or 37?
17 36 -- 36.

18 MADAME EXAMINER: No, 37.

19 THE WITNESS: Go to 30 -- I'm sorry, 36, I'm
20 sending you all around like a madman.

21 MR. SUHAR: 36, okay.

22 MADAME EXAMINER: Is that the --

1 MR. SUHAR: That one right there. Yeah.

2 MR. FORMAN: Okay.

3 THE WITNESS: Okay.

4 BY MR. SUHAR:

5 Q So what's the --

6 MADAME EXAMINER: Which is for the record
7 Exhibit 34. Go ahead.

8 MR. SUHAR: Okay. Thank you very much, Madame
9 Examiner.

10 BY MR. SUHAR:

11 Q What is the parking here intended to show?

12 A So I can testify generally, even though I did
13 not prepare this document. This is an illustrative plan
14 which shows one potential layout for multifamily
15 dwellings on the subject property. There are potential
16 buildings that are rectangles and then the parking,
17 potential parking areas are more easily seen, looking
18 like parking areas.

19 Q Okay. So let -- final question, the -- under
20 the RR zoning if this -- if the subject property remains
21 RR zoned which it's zoned now, then would the -- would
22 you still have a problem with the driveway access if

1 single family dwellings were built on this property?

2 A Yes, sir. You would need -- as I testified --
3 to create a public road. You could not have a driveway
4 directly off of Greenbelt Road. Now, presumably, the
5 C340 could at some point be constructed. There are
6 substantive environmental features that would make that
7 road's construction difficult, but that would be a
8 public road off of which driveways or in the case of
9 single family residential development additional public
10 roads could be constructed.

11 Q Okay. Thank you.

12 MR. SUHAR: I don't have any further
13 questions.

14 MADAME EXAMINER: Thank you. I should've said
15 this earlier, but is there anyone opposed to this
16 application that would like to ask a question of the
17 witness that is not represented by Mr. Suhar? And if
18 so, come on camera. Okay.

19 MR. ROBINSON: Hello. My name is John
20 Robinson. I'm also a party of record. I, in
21 preparation for this, I looked through the folder --

22 MR. FORMAN: Objection. Real quick,

1 Mr. Robinson, would you also please state your address
2 for the record?

3 MR. ROBINSON: Yes, I live at 2604 Cool Spring
4 Road, in Adelphi, Maryland.

5 MR. FORMAN: Thank you.

6 MADAME EXAMINER: Okay. Go ahead -- sir.

7 MR. ROBINSON: Yes.

8 EXAMINATION BY COUNSEL FOR PARTY OF
9 RECORD

10 BY MR. ROBINSON:

11 Q I looked through the binder associated with
12 the previous testimony. And there was a sketch in there
13 that showed, I guess, another possible design for the
14 proposed development that had, you know, entrance and
15 egress from Greenbelt Road and -- buildings, parking.
16 It had some parking underneath the proposed buildings.
17 So I was wondering what's the relationship of that
18 proposed idea to the one that is shown and what the most
19 recent exhibit that we were just discussing, what is
20 that, 30 what?

21 A Six.

22 MADAME EXAMINER: Oh, 30 --

1 THE WITNESS: Four, sir.

2 MADAME EXAMINER: -- 4.

3 MR. FORMAN: 34, yes.

4 MADAME EXAMINER: Mr. Robinson, did you happen
5 to catch the exhibit number? Or do you know what it
6 might be, Mr. Ferguson?

7 THE WITNESS: I do not know what that -- ten.

8 MR. ROBINSON: I e-mailed you my testimony,
9 Madame Hearing Examiner, that has a copy of the image
10 that I took from the binder in it.

11 MADAME EXAMINER: Oh, okay.

12 MR. ROBINSON: So you can --

13 MADAME EXAMINER: I'm glad you reminded me,
14 because I --

15 MR. ROBINSON: -- look at that.

16 MADAME EXAMINER: I wouldn't have looked at
17 it, but because you're here, we can make that
18 testimony -- once the -- I'll have to swear you in a
19 little later, but we can make that testimony part of the
20 record. So we will look for that. And it'll be Exhibit
21 31 when we find it.

22 MR. ROBINSON: Yeah, I just copied it out of

1 the binder and pasted it into my testimony, so --

2 MADAME EXAMINER: Okay. Mr. Robinson, did you
3 also --

4 MR. BROWN: -- this is a rezoning, it's not a
5 site plan. Mr. Ferguson, will you just go ahead and
6 respond so we can --

7 THE WITNESS: Yes. That is a -- that was
8 another illustrative plan. I believe Madame Examiner
9 asked at the previous hearing for Exhibit 34 to be put
10 in the record to better illustrate the location and
11 impact of the C340 alignment. Which the other exhibit
12 did not really do.

13 BY MR. ROBINSON:

14 Q Okay. That's -- that's -- that was my
15 question and thank you for answering it.

16 A Thank you, Mr. Robinson.

17 MADAME EXAMINER: Thank you, Mr. Robinson, and
18 we'll get right back on your e-mail and making it part
19 of the record. Does anyone else have a question of
20 Mr. Ferguson?

21 MR. FORMAN: Sorry. Can I -- I just want to
22 double check and just make sure Mr. Robinson had sent me

1 that e-mail also. I just can't remember. So if he
2 hadn't and he sends it to you, Madame Examiner, can I
3 just get a copy of it?

4 MADAME EXAMINER: You certainly will.

5 MR. FORMAN: Thank you.

6 MADAME EXAMINER: Madame Examiner can't look
7 at you all and look for that e-mail, but someone is
8 searching for me right now. I'll admit it. I can't do
9 it all.

10 MR. ROBINSON: I think I sent it to Madame
11 Examiner, and then I sent copies to Mr. Suhar and to
12 Ms. Thomas.

13 MADAME EXAMINER: Okay.

14 MR. FORMAN: Okay. So just if I could get a
15 copy of that, I'd appreciate that. Thank you.

16 MADAME EXAMINER: Okay. I don't think you
17 should leave Mr. Ferguson, but it looks like we're
18 finished with you right now.

19 THE WITNESS: Thank you, Madame Examiner.
20 I'll be here.

21 MADAME EXAMINER: And Mr. Forman, you don't
22 have anything else right now; correct?

1 MR. FORMAN: That is correct, Madame Examiner.

2 MADAME EXAMINER: Okay. Mr. Suhar, do you
3 have any witnesses you'd like to call?

4 MR. SUHAR: Yes, Your Honor. One witness,
5 Your Honor. You are honorable.

6 MADAME EXAMINER: I am, indeed. Thank you,
7 sir.

8 MR. SUHAR: I'm used to being in court. I do
9 have -- I do have one witness, Madame Examiner, but
10 there are also several other parties of record who would
11 like to make statements as well, so --

12 MADAME EXAMINER: Okay.

13 MR. SUHAR: I'd like to call --

14 MADAME EXAMINER: Do you want them to -- you
15 want -- would you like them to go first?

16 MR. SUHAR: Oh, no, it doesn't matter. I --
17 I -- if I may, I have an argument as well. I don't know
18 if you want me to proceed with that as well.

19 MADAME EXAMINER: We're going to save your
20 argument until the end.

21 MR. SUHAR: Okay. All right. So --

22 MR. BROWN: Also, Mr. Suhar, just so the

1 record is clear, well, would you state that you are the
2 attorney for the Wingate Homeowners Association and any
3 individuals that you have been retained on behalf of so
4 that we know who you represent?

5 MR. SUHAR: Sure. Yes. So I -- I -- my firm
6 represents Wingate Homeowners Association and I'm
7 attorney -- I'm an attorney with the firm of Nagle and
8 Zaller, but we -- we represent Wingate Homeowners
9 Association as a party of record in this matter. And
10 then the board president which is Dr. Yonette Thomas.
11 She's in attendance today. So I do represent her, but
12 she's also here as a citizen and a resident of Prince
13 George's County and the neighborhood.

14 MR. BROWN: All right. So you represent the
15 homeowner association as a legal entity, and you
16 represent the young lady you just described. Are there
17 any other individuals that you are counsel for?

18 MR. SUHAR: No.

19 MR. BROWN: Okay. That's what I wanted to
20 know. All right. So later on, when it's time for
21 appeal, we know who actually you will represent. Thank
22 you.

1 MR. SUHAR: Thank you, Mr. Brown.

2 MADAME EXAMINER: I'm so sorry for
3 interrupting. I thought my mic was off. Still checking
4 for that e-mail.

5 MR. SUHAR: Okay.

6 MADAME EXAMINER: Go ahead. Go ahead,
7 Mr. Suhar.

8 MR. SUHAR: So I can -- I'd like to call
9 Dr. Yonette Thomas. I don't believe she's been sworn
10 in.

11 MADAME EXAMINER: Dr. Thomas.

12 THE WITNESS: Good morning.

13 MADAME EXAMINER: Good morning.

14 THE WITNESS: Good morning. Thank you for
15 having me. Mr. Suhar would you like me to read the
16 statement --

17 MADAME EXAMINER: No, no, no. I'd like you to
18 state your name and then I'll swear you in.

19 THE WITNESS: Oh, okay. I'm Yonette Thomas.
20 I am the president of Wingate Homeowners Association. I
21 live in the Wingate community.

22 MADAME EXAMINER: Okay. Wait.

1 THE WITNESS: Okay.

2 Whereupon,

3 DR. YONETTE THOMAS,

4 being first duly sworn or affirmed to testify to the
5 truth, the whole truth, and nothing but the truth, was
6 examined and testified as follows.

7 MADAME EXAMINER: Okay. So now, Mr. Suhar
8 will walk you through the testimony. Go ahead.

9 MR. SUHAR: Okay. Thank you very much.

10 EXAMINATION BY COUNSEL FOR A PARTY OF
11 RECORD

12 BY MR. SUHAR:

13 Q Dr. Thomas, so would you please state your
14 address?

15 A My address is 8111 Felbrigg Hall Road in
16 Glendale, Maryland. And that's in the Wingate
17 development.

18 Q Okay. Thank you. And how long have you
19 resided there?

20 A We built our home in Wingate in 1994. We
21 moved in, in May of 1994.

22 Q Okay. Thank you. And do you serve on the

1 board of directors?

2 A I -- I -- I do. I've served on the board of
3 directors since 2012.

4 Q Okay. And what is your role on the board of
5 directors?

6 A I'm the current president of the board of
7 directors.

8 Q Okay. Great. Thank you. And how many lots
9 are there within Wingate?

10 A There are 256 homes in the Wingate community.

11 Q Okay. Great. Thank you. And are you
12 familiar with the types of lots in Wingate?

13 A Yes, very familiar.

14 Q If you would please, describe generally
15 speaking, describe the size of the lots.

16 A They're generally about an acre, you know
17 point something acre less on some of them. Yeah.

18 Q Okay. And so are -- are you familiar with the
19 -- the general area? I would presume if you've lived
20 there since 1994 --

21 A Oh, very. Very familiar, because before
22 living here, I lived in College Park Woods. I'm very

1 familiar with the area up and down, I'm very familiar
2 with the corridor that was referred to by the technical
3 expert as the 193 Greenbelt, 193 corridor, yes.

4 Q Okay. Thank you. And so have you read
5 through the binder in this -- in this matter that was
6 being referred to as the binder with the record?

7 A Okay. So my scientific expertise is in
8 epidemiology, but I tried to read carefully as much as I
9 could understand with the Wingate Zoning and Planning
10 Committee. Yes. I tried to parse out and, you know, I
11 was surprised that we are not part of the neighborhood,
12 especially since -- and I looked at the boundaries,
13 Greenbelt Road, but Glen Estates --

14 MR. FORMAN: Pardon me.

15 THE WITNESS: Okay.

16 MR. FORMAN: But I'm going to object to
17 Ms. Thomas talking as to these -- this testimony as if
18 she was an expert witness when I would be more happy to
19 describe her as just a lay witness given her own opinion
20 on this, but I don't think she is qualified to --

21 MR. BROWN: Mr. Forman --

22 MR. SUHAR: I'm not proffering her testimony

1 as an expert at all.

2 MR. BROWN: Right. He's not proffering her as
3 an expert. And so she can testify as a lay person who's
4 very familiar with the neighborhood having lived there
5 as many years as she has.

6 MR. SUHAR: Right.

7 MR. FORMAN: Okay.

8 MADAME EXAMINER: Overruled Mr. Forman.

9 MR. SUHAR: Thank you.

10 BY MR. SUHAR:

11 Q Okay. So you know, let me back up just for a
12 moment, Dr. Thomas. What -- what did you -- you
13 mentioned your -- your vocation. If -- if you would let
14 everyone know what -- what it is that you do, and
15 then -- and again, this is not -- I'm not proffering
16 your testimony as a -- as a -- as an expert in this
17 case, but if you would --

18 A Well, I -- if you think it's relevant. I'm
19 coming here as John Q. Public, resident of Wingate,
20 president of the homeowners association. I should say
21 I've been a chief of epidemiology at the National
22 Institute of Drug Abuse, at the National Institute of

1 Health. I lead a global think tank called Urban Health
2 360. I've led the International Society for Urban
3 Health. I was a vice president for research compliance
4 at Howard University which is an academic medical
5 center. I was a study director at the National Academy
6 of Sciences and led the White House Office and drug
7 control study on data and research policy and illegal
8 drugs.

9 You know, I'm -- I'm -- I'm at that age where
10 you could go on and on. My CV is actually 35 pages. So
11 I'll just stop there.

12 Q Well, thank you. I wish we could all have
13 that kind of a -- background?

14 MADAME EXAMINER: Let the record reflect, I'm
15 of a certain age and my CV wouldn't say that Dr. Thomas.

16 THE WITNESS: Oh, well, I could say that I was
17 just made a senior scholar at the University of Memphis
18 School of Public Health. So I'm old -- well, no, I'm
19 not. We are mature. I should say I'm mature.

20 BY MR. SUHAR:

21 Q Yes. I like that. So thank you. So you were
22 describing the neighborhood, and corridor. If you

1 want -- if you would please describe that for us, I'd
2 appreciate it.

3 A It's a very nice neighborhood. The
4 corridor -- and I actually have a written statement. So
5 I can -- I can just go through it or you -- I can answer
6 your questions. You know, living here that long, I see
7 the map where it says it's -- Wingate is a three-minute
8 drive. I just want to state for the record that Wingate
9 has three entrances. Where our monuments are on Lanham
10 Severn, that's considered the main entrance. There's
11 also Good Luck Road entrance that most of us use. And
12 there's also Springfield Road entrance. So I traverse
13 that area. I run over to that area where that's subject
14 to this property. I bike over that area. And I
15 actually think that it's less than a three-minute drive,
16 but that may indicate that I have a heavy foot on the
17 accelerator, but -- so I'm very familiar with the area.
18 I stop over there. I go to Eastgate. I don't worship
19 at that church, but I'm so familiar that we have
20 actively been concerned about the traffic congestion in
21 that area and the fact that people in a neighborhood, a
22 multifamily community are actively parking on the street

1 both a safety and -- and a hazard, traffic hazards. So
2 we are very active. That area is like -- is our
3 neighborhood. We consider that our community.

4 Q Okay. Thank you. Yeah. So are -- are -- are
5 you familiar with -- so then you're -- the -- you're
6 familiar then with the land uses that surround the
7 subject property in this case --

8 A Well, yeah.

9 Q Would you say that this is a, you know, a
10 dense urban area in your lay witness opinion?

11 A Well, as somebody who has studied urban health
12 is my field, so urbanicity [ph] and urbanization both
13 in the U.S., in my neighborhood, and around the world, I
14 am -- I would not consider this an urban area. In fact,
15 it's one of our -- our committee members in a recent
16 discussion, because this is a big discussion in Wingate,
17 said look up and down the streets, this -- there are
18 single family residential homes. We have businesses.
19 We have low rise office buildings. Actually, it is a
20 physician that I go to at the corner of Good Luck Road
21 and Greenbelt Road and a low rise area there. There is
22 a nursing home, a low rise nursing home. The apartments

1 that are there are low rise, in fact, those people have
2 no parking, they're parking on the street which is a
3 security and safety hazard as I've said. We just had a
4 low supermarket built across the street, and there's a
5 smattering of the NASA Federal Credit Union is across
6 the street. There's a smattering of NASA-related,
7 science-related buildings that are there. So it's --
8 it's really -- that's why we like the area. It's not
9 intense. It's not this high density scenario. And many
10 of us chose not to live in Rockville, but to live over
11 here for that reason.

12 Q Okay. Thank you. I'm going to go ahead and
13 let you tell us what you want -- what you want the --
14 Madame Examiner to hear. If you -- if you would --

15 A Okay.

16 Q -- go ahead and tell us.

17 A Okay. So I timed myself. This should take me
18 a minute and a half to read. So first, I want to say
19 good morning to everyone. I didn't say that. Hearing
20 Examiner McNeil, thank you for the opportunity to
21 present this morning. We really appreciate that
22 allowance. As I said before, my name is Yonette Thomas,

1 and I'm here as the official representative of the
2 Wingate Homeowners Association. Wingate has a zoning
3 and planning committee that tracks zoning and planning
4 issues that impact Wingate and its environs. We do a
5 ten-mile swath which are considered broadly our
6 neighborhood. And that committee reports back to the
7 board and the community. In fact, it was one of the
8 members of that committee who combs to see what
9 hearings, who happened upon the February 8th hearing and
10 said, guys, are you aware of this, so that's -- that
11 committee is very active. Many of -- some of the
12 committee members are there. I noticed that one had to
13 leave for another meeting. And in addition to this
14 committee, that committee engages a coalition of county
15 advocates who support our activities. Some of those
16 advocates are here. I heard -- I saw Mr. Robinson. I
17 see, Ms. Hurwitz [ph].

18 So first, I want to say as a resident of
19 Prince George's County who has lived in the Greenbelt
20 193 corridor for the past 40 plus years, I am excited,
21 really excited to see the bloom of integrated
22 development along the corridor. That matters to us.

1 However, I'm sensitive and protective against
2 indiscriminate development. My role as the president of
3 Wingate board of directors has activated my advocacy in
4 this area.

5 As I said before, Wingate is a 256-home
6 community which was developed in 1988. Many of you were
7 probably involved in that. Homeowners of Wingate are
8 strongly supportive. This is what they want me to say,
9 and deeply invested in development within a ten-mile
10 radius of Wingate.

11 In fact, many of the pros development site
12 Wingate as part of their attractiveness. We understand
13 that developers will not generate as much revenue
14 building single-family detached units as they would
15 dense multifamily housing. We get that. But as
16 described in the planning officer Dominique Lockhart's
17 memorandum, and we want to commend the planning office.
18 We were really impressed with their diligence.

19 The proposed RMF48 zone is the most intense of
20 the residential based zones. We already have a severe
21 parking issue and congestion on that section of
22 Greenbelt Road. It's also a security issue. Single

1 family homes will mean that homeowners can park their
2 multiple cars on their properties, and will not need to
3 rely on busy roadside parking as the multifamily
4 occupants currently do. Again, which is both a safety
5 and a security hazard. That's our perception.

6 Again, the RMF48 zone changed completely --
7 upends the community's character in our estimation. And
8 we ask for respect for the character of the community.
9 And that there be adherence to the 2010 approved
10 Glendale Seabrook Lanham and vicinity approved sector
11 plan and sectional map amendment, the SMA that
12 recommends residential low land use on the subject
13 property with a focus on single family detached units.

14 We reviewed together and discussed each of the
15 technical memos submitted by the skilled and
16 knowledgeable planners in the planning office, and we
17 are thank ful for the diligence with which the planners
18 conducted their reviews. We are particularly mindful of
19 the historic and environmental preservation required for
20 this particular site. And we ask you to -- you to be
21 mindful of that too as developers and owners, et cetera.

22 Good and solid development is necessary. It

1 brings new residents and supports businesses that
2 strengthen the value of and attraction to the community
3 and the county. We in Wingate feel so strongly about
4 this that as I said before, we created a Wingate Zoning
5 and Planning Committee that is comprised of Wingate
6 residents with knowledge of and interest in the county
7 zoning guidelines, statutes and planning processes.
8 Many are former and current employees of federal and
9 municipal utilities engineers and other senior
10 executives. This committee takes its charge very
11 seriously. And as I said before was a member of that
12 committee that was standing and I identified the
13 February 8th hearing, and the report back from that
14 person was the zoning examiner asked if anyone objected
15 to the applicant's request to change the zoning and
16 applicant's representative and -- and the -- the
17 applicant's representative announced that no one had
18 objected. And that was a call, a cry and call to our
19 community to say what are you guys doing. We've talked
20 about this up and down. It's so bad that during our
21 annual HOA meeting in January 2023, the Wingate
22 community was excited to discuss with our now counsel

1 member, Ingrid Watson, and her staff, the need for
2 greater transparency in the planning process. Counsel
3 Member Watson indicated that she and her colleagues on
4 the counsel planned to ensure that planning and zoning
5 hearings are more transparent and to better inform the
6 public so that interested stakeholders may weigh in at
7 every point in the review process. Our homeowners are
8 invested in supporting the current sector plan for the
9 county.

10 So what are we asking for? My neuroscience
11 colleagues say keep it to three things. We're asking
12 for three things. That the hearing -- one, that the
13 hearing examiner be aware that we, the Wingate
14 Homeowners Association, object to the applicant's
15 request for a zoning change from RR to RM48. Two, we
16 request that the hearing examiner uphold the sector plan
17 and SMA recommendation for residential low land use on
18 this property. This higher density will change, in our
19 estimation a will change the character of this
20 neighborhood, and we want to reiterate that the trend is
21 for low density development.

22 Thirdly, we want to note for the record that

1 we really appreciate the opportunity to have a voice in
2 this important process. Thank you. I hope that was 90
3 seconds.

4 Q Thank you very much, Dr. Thomas. It means a
5 lot that you've taken out -- taken merely half of your
6 day to attend this -- your busy day to attend this --
7 this hearing and provide us with comments. And so I
8 don't have any further questions for -- well, no, I
9 don't have any further questions for Dr. Thomas at this
10 time. But I do have some exhibits to present on behalf
11 of Wingate Homeowners Association. If I may enter them
12 at this time.

13 MR. FORMAN: I -- if I --

14 MADAME EXAMINER: One second. Does anyone
15 have questions of Dr. Thomas?

16 MR. FORMAN: I do have a few questions. And
17 I'm also a little confused as to whether Dr. Thomas is
18 speaking as an individual citizen or as a representative
19 of the Wingate HOA. I don't know if it was ever made
20 clear that she's speaking on their behalf and with their
21 voice.

22 MR. SUHAR: Both.

1 THE WITNESS: Both.

2 MR. SUHAR: She's both.

3 THE WITNESS: I said both.

4 MR. SUHAR: She's a party of record as well.

5 Yeah.

6 MR. FORMAN: So I would -- okay. I just --
7 then I'd like to ask a few questions of Dr. Thomas
8 before these exacts get in the record if that's okay.

9 MR. SUHAR: Sure.

10 MADAME EXAMINER: Go ahead.

11 EXAMINATION BY COUNSEL FOR THE APPLICANT

12 BY MR. FORMAN:

13 Q Thank you for your testimony this morning,
14 Dr. Thomas. And I -- you have a very impressive CV from
15 your -- in your experience. So I think it is great that
16 you were taking the time out today to be with us. And I
17 just -- you had mentioned that you had -- or you're here
18 today on behalf of the Wingate HOA. And you are the
19 president; right?

20 A Yes.

21 Q Did -- and you are stating that you're
22 speaking on behalf of the Wingate HOA in opposition to

1 our application this morning; that's right?

2 A Yes. That's what I stated.

3 Q Was that position made at a meeting of the
4 Wingate HOA where there was a vote and a quorum or I'm
5 just trying to make sure that, you know, that the whole
6 HOA is aware of this position?

7 A Yes. So as I indicated, we as an HOA, we have
8 a standing committee called the Wingate Zoning and
9 Planning Committee that tracks, works with various
10 homeowners, some of actually -- I see, Mary Rochee,
11 others here. She's on -- I don't know, maybe people. I
12 see different people from Wingate here and that
13 committee does the tracking, does all this work and
14 reports back to the community and gains -- gains
15 insight, they're buy-in, et cetera, et cetera. So
16 they're -- the way it works, it's hard to get everybody
17 together at a meeting. Actually, we have a meeting -- a
18 board meeting coming up on March 15th where this is
19 going to -- reported. We're going to share once these
20 hearing videos become available. We are going to post
21 them. We're going to share them. We're going to engage
22 the discussion. So that committee, the committee

1 comprises of seven people, and they're members of the
2 roads and grounds committee, they're -- you know, the
3 HOAs, we have these committees. So in answer to your
4 question, prior to this hearing, no, there wasn't a vote
5 to participate in this hearing. This will be brought up
6 at the March 15th which is the first board hearing of
7 the quarter -- of the year -- first quarter. We have
8 quarterly meetings. However, on January 2023 -- in
9 January 2023, we had a meeting of the HOA at which
10 Counsel Woman Watson appeared and you know, there are
11 other -- other planning and development issues that
12 we're also dealing with. This is just one. There's a
13 bloom of development around us. We're not
14 antidevelopment. We just want to be sure that there's
15 some protection and we're protective and we're engaged.
16 And I made that in my statement. So to answer your
17 question specifically, a specific vote on this hearing
18 has not been taken. It will be done in March -- on
19 March 15th.

20 Q Thank you. So just to be clear, you're not
21 specifically authorized by a formal vote of the board or
22 its members to speak on their behalf today? It's or

1 about informal communication --

2 A The board --

3 MR. SUHAR: -- answer.

4 THE WITNESS: The board of directors are fully
5 aware. In fact, they're getting texts now. The board
6 is a smaller entity. So the board of directors is the
7 board of directors that represents the HOA. Board
8 members are in agreement with me being here. I thought
9 you were asking the entire community of 256 that we have
10 them sign in and say, we agree, blah, blah -- the board
11 agrees. So the board as a representative, yes, I have
12 the full buy-in from the board.

13 BY MR. FORMAN:

14 Q But just not a vote from them or members. But
15 I'll move on.

16 A A vote from -- okay. Go ahead.

17 MR. SUHAR: I'm going to object to
18 Mr. Forman's statements that he tried to interject.
19 Madame Examiner, and I will note for the record that we
20 learned of this hearing on -- while it was underway on
21 February 8th. So the time span between then and now has
22 been about 20 days. And Dr. Thomas testified --

1 she's -- it's her testimony that the board has
2 authorized --

3 MR. BROWN: Mr. Suhar.

4 MR. SUHAR: -- her to speak on its behalf.

5 MR. BROWN: Mr. Suhar, you don't have to
6 explain. Let -- just let her finish her testimony.

7 MR. SUHAR: Okay. Thank you. I'm just asking
8 for some leeway, but thank you so much Mr. Brown.

9 MR. BROWN: Yes.

10 BY MR. FORMAN:

11 Q Dr. Thomas, yeah, you said that you're --
12 well, and I think Mr. Suhar says you are a registered
13 HOA. Is that with Maryland National Capital Park and
14 Planning Commission to receive notice of development?

15 A Yes.

16 Q And what -- districts are you registered to
17 receive notice?

18 A We're getting so many --

19 MR. SUHAR: Objection.

20 THE WITNESS: Okay. I don't know. Go ahead.

21 MR. SUHAR: Objection. She's testified that
22 she's -- that the association is registered. That

1 information can be obtained from the MMCPCC.

2 BY MR. FORMAN:

3 Q No. When you're --

4 MADAME EXAMINER: But in this record -- excuse
5 me, one second, Mr. Forman. But in this record, we got
6 information concerning a preapplication neighborhood
7 meeting and the groups that were notified. And I was
8 wondering, did you all get something that said you
9 should've been notified, because you're not on the list.
10 So it's Exhibit 10.

11 THE WITNESS: We're not.

12 MADAME EXAMINER: So I guess that's where he's
13 going. Just give him a little leeway with his
14 question --

15 MR. SUHAR: Okay.

16 MADAME EXAMINER: Go ahead, sir.

17 MR. FORMAN: Thank you, Madame Examiner.

18 BY MR. FORMAN:

19 Q And I asked Dr. Watson, your -- I think your
20 HOA is located in District 4; is that correct?

21 A That's correct.

22 Q Okay. The property is actually located in

1 Councilmanic District 3. That's -- I guess -- do you
2 agree?

3 MR. SUHAR: Objection.

4 THE WITNESS: Yeah. Well --

5 MADAME EXAMINER: You said objection?

6 MR. SUHAR: Yeah. He's asking her for
7 information that, you know, I don't know, she can answer
8 it, I'm fine. I'll withdraw the objection. Go ahead.
9 Answer, if you know.

10 THE WITNESS: I'm happy to look up and see
11 what district that is.

12 BY MR. FORMAN:

13 Q Okay. Thank you. Yeah. I'll ask again. So
14 when you do register with the Maryland National Capital
15 Park and Planning Commission to receive notification,
16 it's my understanding you're permitted to receive
17 notification in your own councilmanic district as well
18 as one other councilmanic district. Were you aware of
19 that registration process?

20 A I know that we're registered to receive with
21 the Parks and Planning. I'm -- I can't speak to what
22 other districts we get access to.

1 Q Okay. Thank you. And I know Ms. McNeil had
2 brought this up and we're trying to talk about notice,
3 in that the applicant was required to have a posting of
4 the property for two 30-day periods. The first was from
5 July 15, 2022 until our neighborhood meeting on August
6 15, 2022, and the second one was posting for this
7 hearing from January 6, 2023 notifying of the hearing on
8 February 8, 2023. You're saying that at no point was
9 anyone in your homeowners association aware of these
10 notifications, these postings?

11 MR. BROWN: Objection. I mean, she cannot
12 speak for other individuals. She has indicated she was
13 not aware. She didn't see the posted sign, so that's
14 sufficient.

15 MR. FORMAN: But with all due respect, if she
16 has talked about how they are a very tight planning and
17 zoning authority, and if somebody from that group
18 would've seen it, it sounds like they may have brought
19 it to her attention.

20 MR. BROWN: She cannot speculate on what
21 someone else did or did not see, Mr. Forman. Next
22 question.

1 MR. SUHAR: [Inaudible].

2 MADAME EXAMINER: I'm going to overrule the
3 zoning -- the People's Zoning Counsel and just briefly,
4 if you know the answer to that, you may give it.

5 THE WITNESS: I don't. As I said, a member of
6 the Zoning and Planning Committee happened upon the
7 February 8th hearing. I can't speak to who else knows
8 what.

9 MADAME EXAMINER: Okay. Now I have to agree
10 with the People's Zoning Counsel, Dr. Thomas, but okay.
11 Thank you. Do you have any other questions, Mr. Forman?

12 MR. FORMAN: No other questions, Madame
13 Examiner.

14 MADAME EXAMINER: Okay.

15 MR. FORMAN: Thank you for your testimony,
16 Dr. Thomas.

17 MADAME EXAMINER: No redirect? No redirect,
18 okay. Thank you, Dr. Thomas.

19 MR. SUHAR: No redirect. Thank you.

20 MADAME EXAMINER: Mr. Suhar, do you have other
21 witnesses or should I now ask if anyone else opposed and
22 not represented by you would like to testify?

1 MR. SUHAR: No other witnesses on behalf of
2 Wingate Homeowners Association, but I -- I will say --

3 MADAME EXAMINER: Oh, you have the exhibits.

4 MR. SUHAR: I have exhibits, yes.

5 MADAME EXAMINER: Okay. You want -- so --

6 MR. SUHAR: -- screen.

7 MADAME EXAMINER: Can you e-mail those
8 exhibits to the ZHE? Have you done that? That's the
9 only way we can put them up.

10 MR. SUHAR: I can, but I thought that I was
11 instructed to present them today.

12 MADAME EXAMINER: Yeah, but present them
13 digitally, so you have to --

14 MR. SUHAR: Oh, I understand.

15 THE WITNESS: May I ask a question?

16 MADAME EXAMINER: Yes, ma'am.

17 THE WITNESS: May I ask a question? I noticed
18 that Mr. Suhar, Sean, Mary Rochee who's a member of
19 Wingate, there were others in the -- and she actually
20 lives in Wingate, I don't know, because by virtue of her
21 being in Wingate as a member of the -- I don't know if
22 you consider her or -- I don't know.

1 MADAME EXAMINER: If you're asking can she --

2 THE WITNESS: Maybe not.

3 MADAME EXAMINER: -- testify, she can, if
4 she'll come on camera and tell me she wants to, but
5 we're still dealing with --

6 THE WITNESS: Okay.

7 MADAME EXAMINER: -- Mr. Suhar's --

8 THE WITNESS: Oh, sorry.

9 MADAME EXAMINER: -- exhibit.

10 THE WITNESS: Okay. Sorry. I'm out of order.
11 Thank you.

12 MR. SUHAR: You want me to send this to you
13 right now?

14 MADAME EXAMINER: That would be perfect, but
15 make sure you send them to everybody that's ever been in
16 those links, because it's either Ms. Rawlings [ph],
17 Ms. Neal, they're the ones that can pull them up for us.

18 MR. SUHAR: Okay.

19 MADAME EXAMINER: Okay? And just before --
20 while you're doing that, Mr. Robinson, if you're still
21 on, whatever document you sent, I can't open it. The
22 County's IT folks are saying I can't open it, so I need

1 you to try --

2 MR. ROBINSON: It's a -- it's a word -- it was
3 a Word document.

4 MADAME EXAMINER: Yeah. I see it, but they
5 won't -- they won't let me open it. So I was going to
6 ask --

7 MR. ROBINSON: I don't know what to say about
8 that.

9 MADAME EXAMINER: But let me -- okay. What I
10 need you to do -- what I need you to do is e-mail it.
11 Maybe if you e-mail it to Mr. Suhar, since he has
12 everybody else's name.

13 MR. ROBINSON: Oh, I sent it to Mr. Suhar last
14 night. I sent it to Mr. Suhar last night, he has a copy
15 of it.

16 MADAME EXAMINER: Okay. Mr. Suhar, would you
17 send that as well to Ms. Rawlings or Ms. Neal when you
18 send your others?

19 MR. SUHAR: Yes, I will.

20 MADAME EXAMINER: Okay. If you don't mind,
21 could we go out of order while you're doing that just to
22 keep moving and we could allow --

1 MR. ROBINSON: No. I sent a new one.

2 MADAME EXAMINER: We could allow --
3 Mr. Robinson can't testify yet, because we're waiting
4 for his document, but if Ms. Rochee would like to
5 testify.

6 MR. SUHAR: Yes. So we can -- I can call her
7 as a witness, but I think that she's a party of record
8 as well as; is that right?

9 MADAME EXAMINER: Yes.

10 MR. SUHAR: Okay. Ms. Rochee, are you still
11 on?

12 MR. FORMAN: And I'm more than happy to
13 proffer, if she has a statement to help, you know, move
14 things along, if that's more better for everyone, I
15 don't mind if she reads a statement or reads into the
16 record as opposed to doing it through direct
17 examination.

18 MR. SUHAR: Okay. Ms. Rochee.

19 MADAME EXAMINER: I don't know if she can hear
20 us. How about anybody else here oppose? Is Carol
21 Hurwitch opposed?

22 THE WITNESS: Yes. Hello.

1 MADAME EXAMINER: Would you like to testify
2 now while we're trying to --

3 THE WITNESS: Sure.

4 MADAME EXAMINER: -- technical difficulties?
5 Okay.

6 THE WITNESS: Yes.

7 MADAME EXAMINER: You -- just state your name
8 and then I'll swear you in.

9 THE WITNESS: Yes, my -- good morning. Thank
10 you for the opportunity to speak. My name is Carol
11 Hurwitch and I live at 2604 Cool Spring Road in Adelphi,
12 Maryland.

13 MADAME EXAMINER: Okay.

14 Whereupon,

15 CAROL HURWITCH,
16 being first duly sworn or affirmed to testify to the
17 truth, the whole truth, and nothing but the truth, was
18 examined and testified as follows.

19 MADAME EXAMINER: Okay. So what would you
20 like to tell me about this request?

21 THE WITNESS: Well, I'm adding my voice in
22 opposition to ZMA2022001 and in support of the planning

1 staff's recommendation to disapprove it. And I also
2 support the points that Dr. Thomas has just made into
3 the record.

4 I'm adding my voice as a concerned citizen and
5 neighbor where we've had and we expect to have continued
6 future attempts on encroachment on the quality of our
7 life and the nature of our now livable neighborhoods.
8 By the countywide thrust to densify, to higher and higher
9 density development even beyond master plans and the
10 sectional map amendments call for.

11 I think it's really important to balance the
12 needs of county residents -- and the county and the
13 residents living in their neighborhood wanting the
14 quality of life in ways that does not include building
15 higher density and brings more private profits while
16 commonizing the costs such as traffic hazards in
17 neighborhoods like we are discussing today around the
18 Wingate area. And it increases health problems. You
19 have more pollution and asthmatic children. So these
20 are all concerns.

21 I do support the planning staff's disapproval
22 and I urge the zoning hearing examiner, yourself, the

1 Honorable Ms. McNeil to disapprove the zoning map
2 amendment request to rezone subject property from the RR
3 -- residential zone to a much higher density of
4 multifamily of 48 zoned units for the following three
5 reasons.

6 The 2010 approved Glendale Seabrook Lanham and
7 vicinity sector plan and sectional map amendment
8 retained the prior rural residential RR zone on this
9 subject property. And the 2021 countywide sectional map
10 amendment rezone RR zone to the RR zone on the subject
11 property.

12 I know some of these points have been made
13 before, but I think these are the key ones and very
14 important that we should not lose sight of. The subject
15 property is bounded by the north, east, south, and west
16 by properties all of which are currently zoned RR. And
17 the sector plan and SMA recommends residential low land
18 use on the subject property with a focus on single
19 family detached units. This allows for low density as
20 you know about 2.17 units per acre. And ultimately
21 allows already for 26 family lots on the 12.43 acre
22 property.

1 The proposed RMF48 zone is the most intensive
2 of residential base zones with a permitted maximum
3 density of 48 dwelling units per acre. As you know,
4 this allows 596 dwelling units on site and I have to
5 ask, how is the surrounding infrastructure going to
6 accommodate this? And it doesn't preserve the character
7 of the neighborhood as Dr. Thomas has already stated.

8 So there are many more things I can say,
9 particular points that the planning staff has made. I
10 don't always agree with the planning staff, but in this
11 case I do. I really think that you need to look at
12 that. And I would also like to state for the record
13 that the single family made sure of the living area four
14 supports large single family homes. And they will not
15 make in the character of the neighborhood. The claim
16 that single family homes will help promote incongruent
17 housing types and create an awkward transition from
18 surrounding nonresidential development, I think is
19 furious [ph]. We strongly object. I strongly object
20 along with my neighbors to the assertion that the SMA
21 disparages the trend for construction of larger single
22 family residences. I mean, that's the character of the

1 neighborhood.

2 We strongly object to the assertion that the
3 RMF48 zoned development would be harmonious with
4 existing land uses along the Maryland 193 corridor. I
5 live along the Maryland 193 corridor. I used to live in
6 the Seabrook area. I still frequent the NASA Credit
7 Union and do some shopping and I have many friends up
8 there. So I understand the structures and traffic
9 problems already there.

10 And finally, the RMF48 rezone exacerbates the
11 existing parking tensions directly in front of the
12 subject property. Residents are currently parking on
13 the shoulder of Greenbelt, I've noticed and Dr. Thomas
14 has testified. Thank you so much for your time. This
15 may have bought you a little to get others in the queue.
16 And I really strongly urge you to disapprove of this.
17 Thank you.

18 MADAME EXAMINER: Thank you. Does anyone have
19 questions?

20 MR. FORMAN: No.

21 MR. BROWN: Ms. Hurwitch, did you give us your
22 address?

1 MADAME EXAMINER: She did.

2 MR. BROWN: She did?

3 MADAME EXAMINER: Could you give it again,
4 Miss. It was Cool Spring Lane. I didn't write down
5 the --

6 THE WITNESS: Cool Spring Road as opposed to
7 lane. There is a lane. I'm on Cool Spring Road in
8 Adelphi, Maryland. That's just off 493 in Adelphi and
9 across from the University of Maryland Golf Course. But
10 as I say, I frequent that area. Thank you.

11 MADAME EXAMINER: Thank you. So you've
12 e-mailed your documents, Mr. Suhar?

13 MR. SUHAR: I did e-mail them, yes. Yes,
14 ma'am.

15 MADAME EXAMINER: Okay. And Ms. Neal, are you
16 ready to pull them up and mark them as exhibits?

17 MS. NEAL: I can pull them up and --

18 MADAME EXAMINER: Mr. Robinson's e-mail is
19 going to be Exhibit 41 whenever we get it. So pull the
20 first one up, Exhibit 42. And then Mr. Suhar can tell
21 us what it is.

22 MR. SUHAR: Okay. I appreciate that.

1 MS. NEAL: For some reason it's not allowing
2 me to open the files. So I need just a moment to see
3 why.

4 MR. SUHAR: Okay. We also have Ms. Mary
5 Rochee. She's back --

6 MADAME EXAMINER: Did you get her? Okay.

7 MR. SUHAR: -- online. I don't know if you
8 want --

9 MADAME EXAMINER: Ms. Rochee, would you like
10 to testify?

11 THE WITNESS: I would, thank you very much.

12 MADAME EXAMINER: Okay.

13 THE WITNESS: Should I start now?

14 MR. SUHAR: Yes, you can --

15 MADAME EXAMINER: Can you come on camera? Oh,
16 there you are.

17 THE WITNESS: I am on. I came.

18 MADAME EXAMINER: Okay.

19 Whereupon,

20 MARY ROCHEE,

21 being first duly sworn or affirmed to testify to the

22 truth, the whole truth, and nothing but the truth, was

1 examined and testified as follows.

2 MADAME EXAMINER: Okay. Give us your address
3 and then tell us what you'd like to about this request.

4 THE WITNESS: Okay. Good afternoon, Madame
5 Examiner. I reside at 11201 Ballentre Lane in Glendale.
6 Okay. And I -- go ahead, I'm sorry.

7 MADAME EXAMINER: No. I was going to say, and
8 tell us what you'd like about the request.

9 THE WITNESS: Okay. I strongly stand in
10 unison with Dr. Thomas and Ms. Hurwitch who spoke
11 earlier. I will tell you that I moved to Glendale
12 approximately seven years ago for the very purpose of
13 the serenity and the security I feel it provides and I
14 have genuinely come to love my community. For anyone
15 who travels the corridor of 193 in the area where the
16 proposed development is after 7:00 p.m. it is -- I would
17 say -- not a very safe -- area at that time.

18 MADAME EXAMINER: One second, Ms. Rochee.
19 Will everyone else please mute themselves. I think it's
20 Caller 01. Okay. Very good. I was just going to say
21 that I, too, travel the corridor along 193 and
22 oftentimes in the evening, I have felt very

1 uncomfortable if I'm stopping to get gas or to go to the
2 grocery store or the credit union or whatever, because
3 there is very much increased presence activity. There
4 is heavy parking along 193 already, because there's not
5 sufficient parking for the residents who live in that
6 area. And I've been confronted by some scary incidents.
7 So I just have to say that I strongly recommend
8 disapproval of the ZMA rezoning for all the reasons
9 stated. And that's it.

10 MR. FORMAN: Madame Examiner, I think you're
11 muted.

12 MADAME EXAMINER: Thanks. Thanks, Mr. Forman.
13 Does anyone have questions of the witness?

14 MR. FORMAN: I just -- I have a clarification.

15 MR. SUHAR: I have a --

16 EXAMINATION BY COUNSEL FOR THE APPLICANT

17 BY MR. FORMAN:

18 Q Ms. Rochee?

19 A Rochee.

20 Q Rochee. What was your address?

21 A My address is 11201 Ballentre Lane.

22 Q Okay.

1 A In Glendale. And I might add to say that from
2 where I reside, I have very high visibility in our
3 community, and just without any additional development,
4 we have a lot of people that visit our community just
5 because there is a park environment here. People who do
6 not reside here. I witness a lot of things from my
7 kitchen table that probably wouldn't happen if we didn't
8 have those visitors. People come to fix. They come to
9 indulge in drug activity, exercise, and these are people
10 who are outside of our residential community, okay. So
11 this is a problem that we're already experiencing, which
12 I can't imagine if we have a lot of increased residents
13 in the area what it would be like.

14 Q And do you have an approximate, you know,
15 difference between your home and the subject property?

16 A I would say it's -- I live close to the Lanham
17 Severn entrance. I guess it depends if I were -- if I
18 were to walk diagonally, it might be a shorter distance
19 between those two points, but to go out of the main
20 entrance, it would probably equate to the one point
21 however miles it showed on the map that was displayed in
22 one of the exhibits.

1 Q Okay. So your property is off of land [ph]
2 Severn Road?

3 A Driving, yes.

4 Q And it's land Severn Road portion north of
5 Greenbelt Road 193?

6 A Correct.

7 Q Okay. Thank you. I'm just trying to get an
8 understanding.

9 A Okay.

10 Q Appreciate it.

11 A You're welcome. And that's all I have.

12 MR. SUHAR: I have a -- I just have one
13 question, if I may.

14 EXAMINATION BY COUNSEL FOR A PARTY OR
15 RECORD

16 BY MR. SUHAR:

17 Q Ms. Rochee, I just want to say, first of all,
18 thank you for your time and being here today to make
19 comments. And I'd like to ask you, if you're aware of
20 that the request that the applicant is making to change
21 the zoning from RR zone to RMF48 zone and if you know
22 what that means?

1 A Well, I think I understand the existing zoning
2 is focused on more rural --

3 Q Right.

4 A -- which is what we have now in place.

5 Q Okay.

6 A And the new zoning would be something that
7 would be increased density more multifamily residents,
8 if I understand it correctly.

9 Q Right.

10 A Higher density; okay.

11 Q Right. So --

12 A Am I -- am I understanding it correctly?

13 Q Yes.

14 A Okay.

15 Q Yes, Ms. Rochee. In fact, I just -- I just
16 want to clarify that, if you understand that if the --
17 if the zoning change is granted that the applicant, the
18 current -- the owner of the property or the future owner
19 of the property, I guess, would be able to build a total
20 of 596 units on this property, 12 acres --

21 A I did.

22 Q -- acres.

1 A I do understand that, and quite honestly,
2 that's a little scary to me, okay, just looking at
3 the -- what exists currently.

4 Q Okay. And when you say what exists currently,
5 are you seeing in your lay witness -- I mean, you're not
6 a -- you're not an expert in this case, but -- or at
7 least your testimony is not being offered as an exhibit.
8 Or an expert. But in your -- in your opinion, does that
9 conform with the, you know, existing -- the trends, if
10 you will, the -- do you see a trend moving in this area
11 toward higher density developments like what's being
12 requested?

13 A I think that --

14 MR. FORMAN: I'm going to object. Madame
15 Examiner, that's asking -- I understand where
16 Mr. Suhar's going, but it sounds like he's also asking
17 Ms. Rochee to comment on trends and developments in the
18 area as a matter of planning, not necessarily as a --
19 from her own --

20 MR. SUHAR: She does. Just living in the
21 community.

22 MADAME EXAMINER: I'm still sort of trying to

1 figure out -- I allowed you to question her, but you're
2 not -- normally, it's the other side that would question
3 her, and it's a little beyond the scope of direct as
4 well. So --

5 MR. SUHAR: Well, I'm just wondering if she --

6 MADAME EXAMINER: So she gave me plenty of
7 testimony as to why she's opposed to the request.

8 BY MR. SUHAR:

9 Q Well, let me ask you this, Ms. Rochee, if I
10 may. Thank you, Madame Examiner. How long have you
11 lived in the community?

12 A Nearly seven years.

13 Q Okay. Thank you. I'm just -- I'm done. I
14 won't ask anymore questions. Thank you.

15 A You're welcome.

16 Q Thank you very much, Ms. Rochee.

17 MADAME EXAMINER: Anyone else have questions
18 of Ms. Rochee?

19 MR. FORMAN: No, Your Honor, or Madame
20 Examiner, sorry. It flips out so easily.

21 MADAME EXAMINER: Mr. Robinson, I did get
22 your -- your four pages. So it will be marked as

1 Exhibit 41.

2 (Exhibit 41 was marked for
3 identification.)

4 MADAME EXAMINER: Is there anything particular
5 you would like -- I never swore you in as a witness, did
6 I? Would you like to testify now? Did I --

7 MR. ROBINSON: Yeah. I'd be happy to testify.

8 MADAME EXAMINER: Okay.

9 MR. ROBINSON: Now.

10 Whereupon,

11 JON ROBINSON,

12 being first duly sworn or affirmed to testify to the
13 truth, the whole truth, and nothing but the truth, was
14 examined and testified as follows.

15 MADAME EXAMINER: And just before you give me
16 your address, if the rest of you do not have his
17 exhibit, I will ask Ms. Rawlings to e-mail it to
18 Mr. Forman, Mr. Brown and Mr. -- I think you have it
19 Mr. Suhar; right?

20 MR. SUHAR: I'm sorry, what was that?

21 MADAME EXAMINER: You have his testimony,
22 don't you? The written copy.

1 MR. SUHAR: Oh, yes. Yes.

2 MADAME EXAMINER: Okay.

3 MR. SUHAR: Mr. Robinson's, yes.

4 MADAME EXAMINER: Okay. So it's coming to you
5 all. Go ahead Mr. Robinson.

6 MR. SUHAR: Okay.

7 THE WITNESS: Okay. I've already given you my
8 name and address. I have a Ph.D. in systematics and
9 ecology from the University of Kansas with a strong
10 background in statistical analysis. After completing my
11 Ph.D. in 1975, I worked on the first Landsat data at the
12 Center for Research Incorporated at the University of
13 Kansas. Landsat is a satellite that captures images of
14 the earth and it's used for updating geographic
15 information systems such as PG Atlas and many others.
16 And it's also used for analyzing land use.

17 I moved to Prince George's County in 1976 and
18 I've spent much of the rest of my career as a contractor
19 at Goddard Space Flight Center working with geographic
20 information systems, satellite and aerial images.

21 In my nonprofessional life, I was chair of the
22 Prince George's Sierra Club for many years, and for

1 three years, I was the Maryland chapter chair of the
2 Sierra Club. I have been active in land use issues in
3 our county including being on Commission 2000 that
4 developed -- development guidelines for the new century
5 that we are now almost a quarter of the way through. I
6 am receiving no compensation for my testimony today
7 except the satisfaction of trying to make my county a
8 better place than it otherwise would be.

9 I'm here to oppose the zoning map amendment
10 application, 2022-001 and to support the Planning
11 Board's recommendation and the surrounding community's
12 desire to leave the property in question in the RR zone.
13 I reviewed the binder that was provided by the
14 applicant, and the applicant makes many assertions, but
15 offers few facts to support its application.

16 On the one hand, the applicant claims that the
17 potential connection of an incomplete arterial connector
18 road from Lanham Severn Road to Greenbelt Road will make
19 it impractical to build 26 or so single family homes as
20 allowed by law in the RR zone because of difficulty
21 designing entrance and exit routes from the community.

22 On the other hand, the applicant asserts

1 without evidence relying up to 596 dwelling units on the
2 site will alleviate these problems. In fact, in the
3 conceptual drawing which I included in my testimony of a
4 potential RMF48 site plan, it has buildings overlapping
5 the master plan right-of-way that supposedly is the
6 problem. It's Figure 1 in my testimony.

7 Apparently, the developer's assumption is that
8 if they build an MF48 residence on the master plan route
9 the road will never be built. Why not make the same
10 assumption with a single family RR plan and provide a
11 drawing of what that might look like? Perhaps the
12 expert can explain how a potential 596 residential units
13 would have easier access to Greenbelt Road than 26
14 single family residential units.

15 Of course, at this time, it is impossible to
16 know if the connector road will ever be completed. All
17 one needs to look at are the many on-conducted segments
18 of Forbes Boulevard. I moved to an apartment complex at
19 the corner of Good Luck and Greenbelt Road in 1976. It
20 is now 2023. And Forbes Boulevard is still the same
21 group of on-connected segments it was when I moved
22 there. Forbes Boulevard extends north of Greenbelt

1 Road, but does not extend south of Greenbelt Road.
2 There is a short segment of Forbes Boulevard in Wood
3 Stream east development where I lived from the early
4 1980s until 1999. It is interrupted again at Maryland
5 Route 564, Lanham Severn Road. And the railroad tracks.
6 It continues on the other side of the railroad tracks
7 and continues south across, crossing Martin Luther King
8 Highway and ending at Lottsford Vista Road.

9 There's no reason to believe that the many
10 segments of Forbes Boulevard will ever be connected.
11 Similarly, with this connector road. The applicant
12 asserts that the rezoning from RR to RMF48 will have no
13 detrimental impact on the public health, safety and
14 welfare to the residents of Prince George's County nor
15 areas beyond.

16 This, of course, is a precondition they're
17 arguing for the zoning map amendment, however, beyond
18 this assertion, the applicant provides no evidence,
19 simply on -- grounds it would figure that adding up to
20 596 residential units would increase traffic on
21 Greenbelt Road and surrounding areas much more than 26
22 units. That's a simple matter of elementary probability

1 that adding 596 residential units and they're
2 inhabitants will increase the likelihood of accidents,
3 much more than having 26 residential units and their
4 inhabitants.

5 As an aside, I have had experience with the
6 problems consultants for developers making assertions
7 based on their expertise, but providing no study or
8 evidence to support their claim. In my own situation,
9 we were contesting an application for a special
10 exception in an RR zone in our community. One of the
11 requirements was that the granting of this special
12 exception should've no more impact on the location in
13 question than it would at any other RR location in the
14 county.

15 MR. FORMAN: Madame Examiner, I'm going to
16 object to Mr. Robinson's point regarding the legal
17 requirements for a special exception. I don't see the
18 relevance for this matter.

19 MR. ROBINSON: The -- I -- that's if you'd let
20 me finish my testimony, I will make the connection.

21 MR. SUHAR: Yeah, I -- I think it's on point.

22 MR. FORMAN: If this was a special exception

1 hearing I would certainly agree with you.

2 MR. ROBINSON: The point is about the quality
3 of testimony from expert, and it's a cautionary tale
4 that illustrates that just because a person is an expert
5 and is being paid to offer a particular type of
6 testimony doesn't mean that it necessarily has any
7 grounding other than the fact that they were paid to
8 testify to that effect, and if they were paid to testify
9 the other way, they would testify to that affect in that
10 situation.

11 MR. SUHAR: I -- Mr. Forman, I don't see what
12 the harm is in allowing his testimony.

13 MADAME EXAMINER: Mr. Forman, it's in his -- I
14 -- I understand the objection, but it's in his
15 testimony. And I would give it the weight it would
16 require. He has a right -- I mean, that's what --

17 MR. FORMAN: Okay.

18 MADAME EXAMINER: -- people normally argue at
19 the end as to expert witnesses or -- go ahead
20 Mr. Robinson.

21 MR. ROBINSON: Okay. Thank you. Thank you
22 very much. So one of the requirements for -- granting

1 of the special exception would be a -- should have no
2 impact at the site in question than any place else in
3 the county. But the developer's engineering company
4 provided an expert that made that assertion. When
5 cross-examined by our attorney, it became clear the
6 expertise was based on an evening class at a community
7 college and driving through the neighborhood Watts.

8 Unfortunately, the consultant's map of the
9 area mislabeled the boundary arterial roads in our
10 community which we pointed out. When asked what other
11 RR zones she had looked at, she could not name one.
12 When asked if she could actually identify the location
13 of any other RR zone in the county, she couldn't. We
14 then provided the map identifying all the RR zones in
15 Prince George's County marked in blue.

16 Unfortunately, there's no sanction for a
17 professional making unsupported assertions. I am
18 personally aware of situations in which professional
19 engineering firms have made false statements to Park and
20 Planning and other responsible authorities, and never
21 been held to account. These types of false and
22 misleading assertions can lead to real world very costly

1 and damaging situations.

2 As chair of the Prince George's group the
3 Sierra Club, I worked with the Anacostia Watershed
4 Society to oppose the development of the Erco [ph]
5 property in Riverdale. It was originally an airport
6 during World War I and World War II. And it was in the
7 floodplain of the northeast branch of the Anacostia
8 River.

9 The developer's consultant claimed it was a --
10 it was not a wetland. I am a biologist --

11 MR. BROWN: Mr. Robinson.

12 MR. ROBINSON: -- I know it was a wetland.

13 MR. BROWN: Mr. Robinson.

14 MR. ROBINSON: Yes.

15 MADAME EXAMINER: Yeah. I think to manage
16 your testimony, you wouldn't have to read all of this,
17 you could get to --

18 MR. ROBINSON: Okay.

19 MADAME EXAMINER: -- have a great point at the
20 very end, but because everyone comes before and I swear
21 them, I'm going to assume they're telling me the truth,
22 everybody, and -- but the end of your testimony is very

1 good about why you think -- it brings it back to this
2 case. If you want to read that.

3 MR. ROBINSON: Yes. Okay. All right. So,
4 the examples that are present in my testimony, the one
5 that I read to you, and the one that I didn't read to
6 you are a cautionary tale about accepting professional
7 assertions that are not backed up by evidence or
8 analysis. And in the case of this ZMA, they presented a
9 contradictory analysis in that they actually had a
10 design for the property that showed buildings in the
11 right-of-way of the road that they said keeps them from
12 putting single family houses there.

13 So, the applicant has also provided testimony
14 from a church. I've had experience with this too in
15 fighting the special exception. We went before the
16 District Counsel, and when my community and members and
17 I arrived there to testify against the special exception
18 there were a whole bunch of people there that showed up
19 that had nicely professionally printed badges on their
20 chests saying they supported the development, and when
21 the developer's attorney asked to have them stand up to
22 show their support for the development, I questioned one

1 of the ladies that was with this group, and I didn't
2 recognize her as being from our development, and I
3 said -- asked her, you know, what she knew about it, if
4 she lived in our neighborhood, she admitted she didn't
5 live in the neighborhood and she attended a church that
6 had been recently built adjoining to the property that
7 we were fighting the special exception in. And after,
8 you know, being flustered by my further questions, she
9 remarked, well at least we've got a good dinner out of
10 it. And this raises an issue that I know from talking
11 with other people who have had zoning fights from around
12 the county is that frequently, people testify for
13 developments because they're given some kind of
14 consideration or another. So in this case, it was
15 admitted that there was a consideration of a dinner
16 given, apparently for the parishioners. And -- and it
17 would be nice if the applicants were required to
18 disclose any considerations that were given beside the
19 obvious ones to their professional colleagues that have
20 testify, you know, the people that are supposedly
21 grassroots in support of the develop, you know, what
22 considerations were -- were not given, but we do not

1 know that and the zoning hearing examiner has no way of
2 knowing whether the person is just doing this out of a
3 feeling of civic duty or not.

4 Anyway, so finally, let me conclude by saying
5 that the purpose of zoning is not to maximize the
6 financial return of individual property owners and
7 developers, the purpose of zoning is to provide a
8 coherent design plan for our communities to maximize and
9 balance the quality of life factors most of us seek.

10 High density development like RMF48 is
11 supposed to be near transit to maximize -- to minimize
12 the need for cars. This location is just the opposite.
13 Getting this kind of ZMA sets a bad precedent. This ZMA
14 and others like it coming down the pike represent a
15 death by a thousand cuts of the sectional map amendments
16 in efforts to have a planned, coherent, urban, suburban
17 and rural environment.

18 I ask that you reject this ZMA application and
19 leave the subject property in the RR zone where the most
20 recent SMA placed it. And I'm open to any questions.

21 MADAME EXAMINER: Thank you. Any questions of
22 Mr. Robinson.

1 MR. FORMAN: I -- just briefly, Mr. Robinson.

2 EXAMINATION BY COUNSEL FOR THE APPLICANT?

3 BY MR. FORMAN:

4 Q You -- and I do apologize, I don't think I
5 caught the full address. It was on Cool Spring Road;
6 correct?

7 A Yes.

8 Q Is that the --

9 A 26 --

10 Q -- same as Ms. Hurwitch?

11 A Yes. We live together.

12 Q Okay. And so it's on -- in Adelphi near the
13 University of Maryland Golf Course; correct?

14 A Correct.

15 Q Okay. Thank you, just wanted to --

16 A And I -- I -- I have an account at the NASA
17 Federal Credit Union as you might imagine since I worked
18 for Goddard Space Flight Center for many years. And so
19 I come up to that part of the county on a regular basis.

20 Q Thank you. Do you have an idea, because you
21 do drive that area a lot, approximately the mileage it
22 takes from your home to this area? Like how many miles

1 it might be?

2 A It takes me about -- I -- I could measure the
3 number of miles, but it takes me about 15 minutes to get
4 to the Fulton Bank where I have an account, and it takes
5 me about another ten or fifteen minutes to get down to
6 the federal credit union depending on -- depending on
7 the traffic. When the traffic is really bad, it takes a
8 lot longer. And -- yeah, I have to make a -- basically,
9 a U-turn and come back to the federal credit union and
10 it's -- the U-turn is pretty close to right in front of
11 your -- your development. Your proposed development.

12 MR. FORMAN: -- Madame Examiner, thank you.

13 MADAME EXAMINER: Mr. Brown.

14 MR. BROWN: No questions.

15 MADAME EXAMINER: Thank you, sir.

16 THE WITNESS: Thank you.

17 MR. SUHAR: I don't have any questions of
18 Mr. Robinson.

19 MR. FORMAN: You're muted, Madame Examiner.

20 MADAME EXAMINER: I was trying to see is there
21 anyone else opposed to the request that wishes to
22 testify. I need you to come on camera now if that's the

1 case. I think that may be it. So Mr. Suhar, would you
2 like to go through your exhibits now?

3 MR. SUHAR: Sure. Yes. Thank you. I don't
4 know which one you have first, but I'd like to start
5 with my letter to you, Madame Examiner, I don't know if
6 they're going to -- there we go. Dated February 28th.

7 MADAME EXAMINER: Your letter will be Exhibit
8 42.

9 MR. SUHAR: Okay. Thank you.

10 (Exhibit 42 was marked for
11 identification.)

12 MR. SUHAR: Which basically is in line with my
13 closing arguments, so -- and then there's a --
14 another -- has the letter been accepted from
15 Mr. Robinson?

16 MADAME EXAMINER: Yes.

17 MR. SUHAR: It has already, okay. Great.

18 MADAME EXAMINER: That was Exhibit 41.

19 MR. SUHAR: Forty-one, okay. Great. And
20 then --

21 MADAME EXAMINER: One second. So Mr. Brown
22 and Mr. Forman, do you have any objections to this

1 letter? Did you all get these exhibits?

2 MR. FORMAN: Just recently. I have not really
3 had a chance to go through it. Oh, sorry Mr. Brown.

4 MR. BROWN: I'm sorry. No, I just said, I
5 received it, yes. Thank you.

6 MADAME EXAMINER: Okay. How many pages is
7 your letter? Oh, go ahead, Mr. Forman.

8 MR. FORMAN: No. Just that I -- yes, I
9 received it also, but I have not had a chance to review
10 it.

11 MADAME EXAMINER: Okay. He says it's in the
12 nature of his closing argument, sort of like your
13 exhibit earlier, so --

14 MR. FORMAN: Okay.

15 MADAME EXAMINER: Would you all -- would you
16 like a three-minute break, because this is I guess
17 getting near the end of the case, and you could look at
18 these and --

19 MR. FORMAN: Madame Examiner, we do have one
20 more caller on the line, Mr. Skip Gault who --

21 MADAME EXAMINER: Okay.

22 MR. FORMAN: If we could -- I know -- there is

1 the letter in the record, but he is also here to
2 testify.

3 MADAME EXAMINER: Okay. Then wait a minute.
4 That's -- okay. So that was Exhibit 42. Let's just
5 identify them now, Mr. Suhar. What -- which one will be
6 Exhibit 43?

7 MR. SUHAR: Okay. Now, I -- I also wanted the
8 -- the Technical Staff Report to be entered into the
9 record, and so while they're attached to this letter, I
10 also have them separately, if you -- if you would prefer
11 that they be separate.

12 MADAME EXAMINER: The Technical Staff Report
13 is Exhibit 33 already. You don't have a different one,
14 do you?

15 MR. SUHAR: Okay. I have -- I have a
16 letter -- memorandums from October 19, 2022. A
17 memorandum from November 10, 2022, and then also a
18 memorandum from February 22, 2023.

19 MR. BROWN: These documents that you got out
20 of the binder, Mr. Suhar, is part of the record.

21 MR. SUHAR: Okay. All right.

22 MADAME EXAMINER: Yes.

1 MR. SUHAR: Fair enough. And so that should
2 be it.

3 MADAME EXAMINER: That's all of it?

4 MR. SUHAR: That's it.

5 MADAME EXAMINER: Okay.

6 MR. SUHAR: Yeah.

7 MADAME EXAMINER: I want to make sure I have
8 all of those technical staff things. October 10th, you
9 said?

10 MR. SUHAR: October 19th, there were Technical
11 Staff Reports from --

12 MADAME EXAMINER: But you did get these? You
13 did get them from the binder?

14 MR. SUHAR: Yes.

15 MADAME EXAMINER: Okay. Then, yeah, they're
16 already in the record. So all we really need is your
17 Exhibit 42, your argument.

18 MR. SUHAR: Okay.

19 MADAME EXAMINER: Okay.

20 MR. SUHAR: That's it then. Yes.

21 MADAME EXAMINER: Thank you.

22 MR. FORMAN: [Inaudible].

1 MADAME EXAMINER: And then do you have any
2 other witnesses, Mr. Suhar?

3 MR. FORMAN: Madame Examiner, can I just
4 interject real quick? I do object to Mr. Suhar's letter
5 being introduced as an exhibit, mainly because my letter
6 seems like it wasn't introduced either, and that was
7 actually at the request of the Madame Examiner at the
8 hearing. So --

9 MADAME EXAMINER: We introduced your letter.

10 MR. SUHAR: Yeah, it was. Yeah.

11 MR. FORMAN: Oh, I thought you said it was
12 just going to be my closing. Okay. Then I apologize.
13 And yes, I have no -- then I withdraw my objection.

14 MADAME EXAMINER: No. I'm sorry. We made it
15 an exhibit, but we said that's basically what it is.

16 MR. FORMAN: Okay.

17 MADAME EXAMINER: And so that's what
18 Mr. Suhar's doing as well.

19 MR. SUHAR: Yeah. That was my understanding
20 as well.

21 MR. FORMAN: Okay. My apologies.

22 MR. SUHAR: I'm not aware of anybody else

1 being online. We did -- we did want testimony from a
2 David Maran [ph]. He had to leave, because probably
3 didn't anticipate that the hearing was going to take
4 this long. I think it was scheduled until noon. But
5 you know, I would like an opportunity for him to speak,
6 but that means that you'd have to continue the hearing,
7 I guess. I don't know if you're inclined to do that,
8 Madame Examiner. But Dr. Thomas, do you see anybody
9 else on -- on the -- in the meeting here that -- I think
10 we've covered everybody that so far -- at least that's
11 on -- online with us.

12 MS. THOMAS: I don't. Yeah. I don't see
13 anyone else. David Maran, unfortunately, the former
14 city administrative for Greenbelt who lives in Wingate
15 and is on the Zoning and Planning Committee wanted to
16 speak, but he had to leave. So I don't know, maybe he
17 can -- if he can write his testimony, I don't know,
18 Mr. Suhar, what that means.

19 MR. SUHAR: Okay.

20 MR. FORMAN: I would object as we've
21 already -- this hearing has been continued several
22 times. I would request that we try to close the record

1 after the hearing.

2 MR. SUHAR: Well then, if you would allow,
3 Madame Examiner, for Mr. Maran to submit written
4 comments, I could ask him to do that. Just so that you
5 can --

6 MADAME EXAMINER: I'm inclined to leave the
7 record open until -- today is Wednesday -- if he could
8 do it by close of business Friday, because we also said
9 if you had other folks that just wanted to be added as a
10 person of record, I'm trying to give them that
11 opportunity to do so.

12 MR. SUHAR: Okay. I can -- I can let him --

13 MADAME EXAMINER: So Mr. Forman, I know that's
14 over your vehement objection, but I will leave
15 everything open until Friday. And while -- while I'm
16 doing that, you were going to submit a different aerial,
17 and then I noticed we had all the aerials from the Park
18 and Planning PowerPoint, so if you look at that again
19 and you don't think you need it or if you do need it,
20 either way, if you could get that to me by Friday.

21 So Mr. Suhar, one second. You're saying
22 Mr. Skip Gault would like to testify, so I'll let him do

1 that.

2 MR. SUHAR: Well --

3 MR. FORMAN: I think --

4 MADAME EXAMINER: Wait a minute.

5 MR. SUHAR: -- just ask one question of a
6 witness that's already spoken, Dr. Thomas, just one
7 question.

8 MADAME EXAMINER: Okay. I'm going to allow
9 it, but keep it short, because this is like beyond --

10 MR. SUHAR: Okay. Sure.

11 MADAME EXAMINER: -- what we normally do.

12 EXAMINATION BY COUNSEL FOR A PARTY OF
13 RECORD

14 BY MR. SUHAR:

15 Q And the question of Dr. Thomas is, just for a
16 point of clarification for Mr. Ferguson's testimony that
17 lake -- Lakeview Street -- there's no Lakeview street
18 in --

19 A No.

20 Q Is that right?

21 A No. There isn't.

22 Q That was the only question. Thank you, Madame

1 Examiner?

2 MADAME EXAMINER: No Lakeview Street within
3 Wingate. Okay.

4 MR. SUHAR: Yeah.

5 MADAME EXAMINER: Where's Mr. Gault?

6 THE WITNESS: Right here.

7 MADAME EXAMINER: I'm sorry, Mr. Gault, I just
8 don't see you on my screen. So you're on the camera?

9 THE WITNESS: Oh, okay.

10 MR. SUHAR: I can see him.

11 THE WITNESS: Here, I just turned the camera
12 on. Can you see me, Madame Examiner?

13 MADAME EXAMINER: Wow.

14 THE WITNESS: I can see myself.

15 MADAME EXAMINER: I can't, but if someone
16 else. Why can't I see Mr. Gault. You might have to
17 take this exhibit down for me.

18 MR. FORMAN: Yeah, I can see him, Madame
19 Examiner.

20 THE WITNESS: I can see myself on the upper --

21 MADAME EXAMINER: Now, I see you.

22 THE WITNESS: -- left.

1 MADAME EXAMINER: Okay.

2 Whereupon,

3 SKIP GAULT,

4 being first duly sworn or affirmed to testify to the
5 truth, the whole truth, and nothing but the truth, was
6 examined and testified as follows.

7 MADAME EXAMINER: Okay. Give us your name and
8 address for the record and what --

9 THE WITNESS: My name --

10 MADAME EXAMINER: -- you want to tell us about
11 this.

12 THE WITNESS: -- is Allen [ph] C. Nickname
13 Skip Gault, Jr. And I live at 16006 Baconsfield Lane,
14 Monkton, Maryland. My entity owns the adjacent
15 property, 10203 and 10205. I have owned the property
16 for 100 years, but it seems like it. I owned -- I
17 bought the property in 2008. And participated in the
18 2010 SMA and I attempted to -- to apartment in the ZMA
19 and submitted a rezoning request on a form that was
20 provided, but I don't think we ever got an
21 acknowledgment that it was even accepted.

22 Anyway, I've watched the vibrant development

1 just across the street. The NASA Federal Credit Union,
2 Lidl, the -- and it's great. It's really brought
3 vitality, and I think safety to that part of Greenbelt
4 Road. And I just felt that the south side was left
5 behind. And I look to the west and I see garden
6 apartments. I look to the east and I see the Giant Food
7 Center. And I -- I just scratch my head, why this RR
8 development, RR zoning was imposed on this property,
9 because it should be part of the vibrant part of the
10 Greenbelt Road community, and it's not.

11 So I mean, that's why I scratch my head.
12 There seems to be such a clear -- clearly that it should
13 be something other than RR. And I just don't understand
14 it, and so I support the applicant's attempt to increase
15 the zoning and I wish you would consider that. Thank
16 you.

17 EXAMINATION BY COUNSEL FOR THE APPLICANT

18 BY MR. FORMAN:

19 Q Mr. Gault, if I can draw your attention to
20 exhibit -- I believe it's 36 in the record. If Ms. Neal
21 could bring that up.

22 MS. NEAL: Can you repeat the exhibit one more

1 time?

2 MR. FORMAN: Yes, I believe it's 36. That's
3 what my notes say, but I want to make sure that's the
4 one I'm --

5 MADAME EXAMINER: And it may have been 38
6 originally.

7 MR. FORMAN: Okay.

8 MS. NEAL: Okay.

9 MADAME EXAMINER: Is that --

10 MR. FORMAN: Yes. That's -- that is the
11 exhibit.

12 BY MR. FORMAN:

13 Q Mr. Gault, yes, thank you for joining us this
14 afternoon. I almost said morning. Do you recognize the
15 exhibit that's before you?

16 A Yes.

17 Q Could you please just explain briefly to
18 what -- for the record, what this exhibit is?

19 A Yes, the red -- the red lines outlines the two
20 properties that I own.

21 Q Okay. And in -- that -- that talks about the
22 location of the property, but in this letter, you are

1 voicing your support for this application; correct?

2 A Yes.

3 Q Okay. Thank you very much, and that you adopt
4 the -- the records made -- the comments made in this
5 record, in addition to the testimony -- sorry -- the
6 comments in this letter, in addition to the testimony
7 you gave?

8 A Yes.

9 Q Okay. Thank you very much, Mr. Gault. No
10 further questions.

11 MADAME EXAMINER: Any questions of Mr. Gault?

12 MR. SUHAR: Yeah. Yes. I have just a couple.

13 MADAME EXAMINER: Okay. Mr. Suhar.

14 MR. SUHAR: Thank you.

15 EXAMINATION BY COUNSEL FOR A PARTY OF
16 RECORD

17 BY MR. SUHAR:

18 Q And Mr. Gault, the apartments that you
19 referred to, what type of apartments are they, do you
20 know?

21 A The apartments to the west?

22 Q Yeah.

1 A Yeah, they're -- it's evident that they exist,
2 and we could see it on the area.

3 Q Those are garden style apartments; is that
4 right?

5 A Yeah, I think they're -- I don't know what
6 garden style apartments means, but they seem to be three
7 story.

8 Q Okay. And that's the only -- that's the only
9 apartment complex; is that right?

10 A The only apartment complex where?

11 Q Near -- near you. Near your properties?

12 A Within a mile?

13 Q I don't know.

14 A Well, tell me.

15 Q You had testified that there was an apartment
16 to the west of you. Are there any other apartments --

17 A Yeah, there is.

18 Q -- near your property?

19 A There is. Excuse me.

20 Q Are there any other apartments that are near
21 your property?

22 A I'm sure there are.

1 Q Where?

2 A In Prince George's County? I mean, within a
3 five-mile radius?

4 Q I'm not talking about Prince George's County,
5 sir.

6 A Well, then please define what area you're
7 talking about.

8 Q Well, what -- what area were you referring?

9 A Look to the north of Greenbelt Road.

10 Q I'm sorry?

11 A If you look at the multifamily houses there.

12 Q I'm not sure what you're talking about.

13 A So you -- I think we need to define what we're
14 talking about.

15 Q Okay.

16 A But certainly within a mile. I would think
17 that between Wingate and Greenbelt Road there are
18 multifamily residential units.

19 Q What -- what type of multifamily residential
20 units? Apartments?

21 A First we have the -- first we have to define
22 what a multifamily residential unit would be. Is it a

1 garden apartment? Or is it a stack townhouse?

2 Q Yeah. Are you familiar with the zoning that's
3 around your property?

4 A Sure.

5 Q Okay. Are -- what -- what --

6 A -- be the shopping center or the Giant to the
7 east or the apartments to the west or the townhouses to
8 the south or even further to the west, there's
9 townhouses.

10 Q Are there any --

11 A And then there's a high school.

12 Q Are there any lots that are zoned -- any
13 parcels that are zoned RMF48?

14 A You know what, I'm not familiar with the
15 zoning across Greenbelt Road, but we could look at the
16 zoning map from PG Atlas that you had up earlier this
17 morning.

18 Q Are you in -- are you familiar with the zoning
19 that's being requested by the applicant?

20 A Yeah, you just told me, it's R40 -- a
21 multifamily 48.

22 Q Were you aware of that before coming and

1 testifying today?

2 A Yes. And I'm also aware that there's wetlands
3 and there will never be 596 units.

4 Q Okay. The -- the -- the picture that you
5 testified to, the -- the one -- I think it was Exhibit
6 48, Madame Examiner -- I'm sorry, 43. The -- his
7 statement and the picture --

8 MADAME EXAMINER: I only have up to 42. Oh,
9 okay. His statement is 36/38.

10 MR. SUHAR: Okay. All right. My apologies.

11 BY MR. SUHAR:

12 Q But the letter and with the picture that you
13 were just testifying to, Mr. Gault, where -- where in
14 that picture does it show high density development?

15 A Yeah, I think the aerial only shows --
16 Mr. Suhar, only shows the property.

17 Q Oh. Which property? Your property?

18 A Which property are you referring to?

19 Q Oh, you just said the property --

20 A I'm referring to -- I'm referring to 10203
21 Greenbelt Road and 10205 Greenbelt Road.

22 Q Okay. So --

1 A What are you referring to?

2 Q You don't -- you don't have any -- any
3 evidence then to support your assertions that you were
4 making about, you know, that the -- that the -- that
5 there should be a -- to support a change in zoning; is
6 that right?

7 A Mr. Suhar, I live across the street --

8 Q I'm looking.

9 A And you see the NASA Federal Credit Union,
10 okay.

11 Q Okay.

12 A And you see multifamily that have been
13 built -- as have been built in the last couple years.
14 It's a very vibrant area.

15 Q I don't know the --

16 A Okay.

17 Q I'm not familiar with the multifamily. Direct
18 me to a particular property, particular address.

19 A I think when you look -- what is the zoning
20 district for stacked townhouses, I think is an MF zone,
21 but I could be wrong.

22 MR. FORMAN: Madame Examiner, I think it may

1 be better if I recall Mr. Ferguson who is an expert in
2 land planning to talk about and answer the questions
3 that Mr. Suhar --

4 MR. BROWN: No. Mr. Forman, right now,
5 there's a witness giving testimony to Mr. Suhar. You
6 cannot interrupt him while he's examining this witness.
7 Let him finish.

8 MR. FORMAN: I wasn't saying -- I'm saying is
9 Mr. Ferguson would be a better witness to answer these
10 questions.

11 MR. BROWN: Wait, Mr. Forman, until Mr. Suhar
12 is finished with this examination.

13 MADAME EXAMINER: I appreciate it Mr. Forman,
14 but we should wait for Mr. Suhar. And Mr. Suhar, if I
15 may ask one question of Mr. Gault.

16 MR. SUHAR: Sure.

17 MADAME EXAMINER: Mr. Gault, do you actually
18 know the different zoning categories for all the
19 properties around your property?

20 THE WITNESS: I don't have a memory that
21 that's long, but I did see that exhibit this morning
22 with the different colors.

1 MADAME EXAMINER: Okay.

2 THE WITNESS: And I do know that there's been
3 vibrant development on the north side of Greenbelt Road,
4 and right in front of this -- of my properties in
5 this -- in the application property. And the shopping
6 center to the east and the apartments to the west, and
7 it's -- you know, I go back to Mr. Ferguson's hole in
8 the donut argument, and it definitely is, why is this
9 zoned RR? It shouldn't be.

10 MADAME EXAMINER: Okay. And when Mr. Suhar
11 mentioned garden style, that is usually what we refer to
12 as two or three-story apartments. So the apartments in
13 the area are all two or three story; right? Not
14 high-rises?

15 THE WITNESS: Yes. I agree that they're, you
16 know, three-story walkup apartments, and older -- those
17 are older apartments.

18 MADAME EXAMINER: Okay. Mr. Suhar, back to
19 you. I'm sorry.

20 MR. SUHAR: No. Thank you. I thought your
21 questions were very helpful, Madame Examiner. I don't
22 have any further questions for Mr. Gault. Thank you.

1 THE WITNESS: Thank you.

2 MADAME EXAMINER: Thank you, Mr. Gault.

3 Anyone have questions of Mr. Gault?

4 MR. SUHAR: Oh, I'm sorry. I do have one
5 question, if I may.

6 MADAME EXAMINER: Of Mr. Gault?

7 MR. SUHAR: Of Mr. Gault, yes.

8 THE WITNESS: Good evening.

9 BY MR. SUHAR:

10 Q Okay. My apologies. So the -- if you -- if
11 you could, are you familiar with the -- so you said that
12 you're familiar with the properties across the street,
13 across Greenbelt Road; right?

14 A Yeah. When I look from my property, I think
15 it's the NASA Federal Credit Union across the street.

16 Q Okay.

17 A And the aerospace building.

18 Q The -- the -- but are you familiar with the
19 single family detached dwelling communities like Wingate
20 Homeowners Association?

21 A You know, that's so far away. That's
22 beyond -- that's beyond -- really. It's, you know, what

1 was it, a mile and a half.

2 Q Well, what do you consider so far away, sir?

3 A Well, you know, I consider that far. If
4 you're a mile away, you know, it's beyond where I can
5 see. I'm just looking around me. I'm looking around me
6 and seeing what surrounds me; okay. How far should we
7 look?

8 Q Okay. I don't know if you're familiar with
9 Mr. Ferguson's definition of neighborhood, but he wants
10 to extend that definition of neighborhood beyond --
11 beyond what you're looking at, so -- but the
12 properties --

13 A I'm just looking --

14 Q -- are located around yours?

15 A -- at what surrounds us, and I like it. I
16 think they have done a great job bringing vibrancy back
17 to Greenbelt Road.

18 Q When you say vibrant development, what do you
19 mean?

20 A Townhouse, multifamily, retail, banking, you
21 know, it's -- that's great.

22 Q But --

1 A That brings us into security.

2 Q -- any other apartment complex other than the
3 low-rise garden-style apartments.

4 A Yeah, I think if you look on the north side of
5 Greenbelt Road and look a mile in the other direction,
6 you're going to find garden apartments.

7 Q Okay. All right. Well, I don't -- I don't
8 know what you're referring to other than the one, but
9 thank for your -- for answering my questions?

10 MR. SUHAR: I don't have any further
11 questions, Madame Examiner.

12 MADAME EXAMINER: Thank you. Mr. Robinson,
13 are you trying to ask a question of the witness?

14 MR. ROBINSON: Yes. I'm actually on another
15 device looking at the PG Atlas. And Mr. Gault's
16 property is surrounded on the south side of Greenbelt
17 Road by RR properties, except for a small segment that
18 is RMF-20 which is much lower density than the proposed
19 density of the applicant. And then south of that, you
20 have town homes where I used to live that's zoned RSF-A.
21 And then across the street, beyond the commercial ones,
22 you have an RMF-12 and then the apartment complex that I

1 used to live in is currently zoned RMF-20. So all of
2 them are lower density than the applicant's request.

3 MADAME EXAMINER: Okay. Wait a second.

4 Mr. Gault, he wanted to add at the end of that, isn't
5 that true? You're asking questions now, Mr. Robinson.

6 MR. ROBINSON: Yes. Isn't that true? Yes.
7 Thank you, Madame Examiner.

8 MADAME EXAMINER: Let's see if Mr. Gault has
9 anything to say to that. Do you know Mr. Gault?

10 THE WITNESS: First of all, I have to tell
11 you, I have not been compensated.

12 EXAMINATION BY MR. ROBINSON

13 BY MR. ROBINSON:

14 Q You -- but you don't expect that increasing
15 the -- the -- the zoning density in the neighborhood
16 would allow you to do the same thing at a later date and
17 perhaps increase the value of your property should you
18 choose to sell it and develop it, so you wouldn't expect
19 to be able to piggyback on that? That wouldn't be a
20 motivation in this case?

21 MR. FORMAN: I'm going to object to that.
22 It's all speculation. We're here for our case, not

1 Mr. Gault is land owner in this close vicinity to the
2 property and he's testifying about our property, not
3 about what his future plans are for his, if there are
4 any.

5 MR. SUHAR: -- supporting --

6 MR. ROBINSON: I understand that. The
7 question is, is -- is a question of -- of motivation for
8 making an argument.

9 MADAME EXAMINER: Okay.

10 MR. ROBINSON: In other words, he's not a
11 disinterested person. He's not a disinterested person.

12 MADAME EXAMINER: I want to -- if I may,
13 gentleman. I'm going to sustain that objection.
14 Keeping in mind that zoning, it's not based on a PLEVA
15 [ph] site. It doesn't really matter that 40 people are
16 for it or 40 people are against it. It's the do they
17 meet the requirements in the law.

18 So his motivation --

19 MR. ROBINSON: I understand that. I -- I -- I
20 accept your objection.

21 MADAME EXAMINER: -- on your part, and you've
22 got a right to argue it, but we shouldn't keep going

1 back and forth --

2 MR. ROBINSON: Okay. Yes.

3 MADAME EXAMINER: -- cross-examining.

4 MR. ROBINSON: Okay.

5 MADAME EXAMINER: All right. Do we have
6 anymore witnesses?

7 MR. FORMAN: I would just like to recall
8 Mr. Ferguson, real quick as to --

9 MADAME EXAMINER: Are you sure?

10 MR. FORMAN: -- rebut from the testimony. I
11 know.

12 MADAME EXAMINER: Okay. Thank you, Mr. Gault.
13 Mr. Ferguson.

14 THE WITNESS: Good morning. Good afternoon,
15 Madame Examiner.

16 MADAME EXAMINER: You're still under oath.

17 THE WITNESS: Thank you, Madame Examiner.

18 MADAME EXAMINER: Go ahead.

19 EXAMINATION BY COUNSEL FOR THE APPLICANT

20 BY MR. FORMAN:

21 Q Mr. Ferguson, thank you, just a few quick
22 questions. There seems to be some confusion as to how

1 you are defining the neighborhood for purposes of this
2 zoning map amendment. Can you please just clarify as to
3 what you state in the record as to the neighborhood?

4 A The zoning neighborhood as I have defined it
5 is bounded on the west by Good Luck Road, bounded on the
6 sight by Calimar Drive through the Wood Stream
7 development, bounded on the east by the Penn
8 Line Railroad and bounded in the north by Greenbelt Road
9 with the stipulation that I went over on February 8th
10 that the properties on the north side of an abutting
11 Greenbelt Road do have a material influence on the
12 character of the neighborhood particularly in the
13 Greenbelt Road corridor.

14 Q Okay. Thank you very much. Additionally, a
15 lot of the opponents had mentioned and they were
16 referencing Ms. Lockhart's staff report that if this
17 zoning map amendment goes forward and we get the RMF48,
18 you will automatically be allowed to construct up to 596
19 dwelling units on this site, is -- do you believe in
20 your opinion that that was a feasible number to achieve?

21 A It's neither feasible nor legal. I did
22 testify on the 8th that the density yield would be based

1 on the net acreage, not the gross acreage. And to get
2 to the net acreage, you would need to subtract the area
3 of the 100-year floodplain that does exist on the
4 southern part of the subject property as well as the
5 area of the C340 that leaves in my measurement
6 approximately 9 and a half acres of gross tract -- of
7 net tract area, I'm sorry. Which would leave a maximum
8 theoretical yield of 450 dwelling units, not 596.
9 That's approximately 30 -- 33% fewer.

10 Secondarily, as I also testified on February
11 8th that all of the applicants' illustrative exhibits
12 have proposed physical dwelling unit types that are
13 representative of those existing in the multiple
14 apartment -- apartment communities that exist in the
15 neighborhood as I defined it. Of which they were four.
16 The Glendale Apartments on the north side of Greenbelt
17 Road, abutting Greenbelt Road. The Arbor Terrace
18 Apartments on the north side of Greenbelt Road just to
19 the west of Mr. Gault's property. Those are senior --
20 senior apartments. The Woodland Landing Garden
21 Apartments on the -- on Greenbelt Road actually those
22 are slightly closer to Mr. Gault's property, and the

1 Forest Lake garden-style apartments which have their
2 entrance off of Good Luck Road lightly to the west of
3 the Woodland Landing Apartments.

4 So, if you develop structures at the building
5 type that is shown on the illustrative plans and is the
6 same as what is constructed in those other developments,
7 you would get a yield of approximately 250 which is even
8 substantially less than what the net acreage will
9 indicate.

10 Q Okay. Thank you very much, Mr. Ferguson.

11 MR. FORMAN: Those are all the questions I
12 have for -- in rebuttal, Madame Examiner.

13 MADAME EXAMINER: I have one question, though.
14 Mr. Ferguson, if you can answer, I mean, this is just
15 based on his knowledge of the zoning ordinance. Maybe I
16 can't ask him. If you all object, I'll withdraw my
17 question. But I guess my question is, you're not bound
18 once you get the zoning, you're not bound to develop
19 apartments that you've just mentioned; correct?

20 THE WITNESS: Unless --

21 MADAME EXAMINER: You're able to do anything
22 within the zone?

1 THE WITNESS: Unless a condition were placed
2 on the zone by the District Counsel that's -- you're
3 correct, Madame Examiner. You're muted, ma'am.

4 MADAME EXAMINER: I was just saying there's
5 silence now, so are there no more witnesses? Questions?

6 MR. ROBINSON: Could I ask a question of the
7 consultant?

8 MADAME EXAMINER: It's going to be a question
9 this time, right, Mr. Robinson?

10 MR. ROBINSON: Correct, yes.

11 MADAME EXAMINER: Okay. All right. Go ahead.

12 EXAMINATION BY MR. ROBINSON

13 BY MR. ROBINSON:

14 Q You mentioned the apartment buildings to the
15 west of Mr. Gault's property, what -- you know what --
16 what that is zoned as?

17 A Some are zoned CGO and some are zoned RMF20.

18 Q Yes. And RMF20 is -- is I take it is less
19 dense than RMF40 whatever it is you're applying for?

20 A Forty-eight, yes, sir, it is.

21 Q And across the street, besides where you've
22 got the credit union and other things, do you know what

1 the -- what the zoning of those properties are?

2 A So the Glendale Apartments which are at the
3 corner of Good Luck Road and Greenbelt Road are in the
4 RMF20 zone as well. They -- interestingly, two of the
5 two town -- you would call them townhouses, colloquially
6 that are in the Glendale Commons development are
7 actually multifamily units under the ordinance of which
8 they have developed, the new zoning ordinance changes
9 them, but as they were developed, they were multifamily
10 units as well, the -- were in the MXT zone, they're not
11 in the RMF12 zone although their development density is
12 greater than the 12 -- it's a max zone. So there's --
13 there is a variety of zones.

14 Q So that means that if this area was
15 redeveloped, it would actually have to be redeveloped at
16 a lower density, the RMF12? Would that be the case?

17 A There would be no reason for anybody ever to
18 do that, but were that to happen, yes, sir.

19 Q Okay. And then if we go a little bit to the
20 east, we've got two areas one zoned agricultural and the
21 other zoned rural open space, and what is the property
22 north of the rural open space zoned as?

1 A I believe that is the -- so are you referring
2 to the property -- refresh my memory, because I don't
3 have the zoning map in front of me on the west side of
4 Northern Avenue or on the east side from Northern
5 Avenue.

6 Q No. In other words, if it's directly across
7 from the shopping center. There's a pond, storm water
8 pond -- intersection of -- Greenbelt Road, and that is
9 zoned ROS open space.

10 A Yes.

11 Q And just -- that --

12 A Yes --

13 Q -- there's a large area that is zoned what?

14 A Well, you -- so directly across from the
15 shopping center is I believe Park and Planning land in
16 front of the office building which was put into the
17 multifamily RMF12 zone by the countywide map amendment.

18 Q No. That's agricultural.

19 A That's --

20 Q That's -- that's zoned agricultural. This is
21 -- this is to the east of that. It's -- it's
22 immediately --

1 A Beyond the crossing road. Right? Beyond the
2 shopping center?

3 Q Yes. It --

4 A Okay.

5 Q Yes.

6 A Okay. So to the north of that, that's the
7 community that I mentioned -- I would actually -- my
8 firm and to a degree, we had developed it in the mid
9 1980s and that is zoned RR.

10 Q Yes. And then that -- how is that zoned?

11 A I just testified that was zoned RR, I'm sorry,
12 it may not have come over the --

13 Q Yes. Yes. We're all residential. So -- so
14 -- so given that zoning is -- frequently is a mosaic in
15 my own community, I'm -- our is zoned R80 and RR we have
16 a variety of different zones, it's kind of a mosaic of
17 that's a function of how the community was developed, so
18 it looks to me like this is a similar mosaic, but over a
19 wider area, and so it seems that, you know, that we've
20 got RR zone within relatively close proximity. You
21 could walk it in about 15 minutes or less. From our RR
22 zone --

1 MR. FORMAN: -- I think there needs to be a
2 question.

3 MR. ROBINSON: Well, I mean, this is -- in
4 other words I'm basically asking why he didn't take this
5 into account in his analysis, because he made no mention
6 of it in his presentation.

7 THE WITNESS: Well, Mr. Robinson, that's
8 because I did take it into account in that I analyzed
9 the neighborhood, the barriers and found that the areas
10 you're referring to are outside of the neighborhood and
11 therefore, just as I found that Wingate was outside of
12 the neighborhood because of the substantive barriers in
13 between the subject property and these zones. So I -- I
14 did consider that as a whole and found that some areas
15 like your neighborhood, for instance, is similarly
16 outside of the neighborhood and so I didn't --

17 BY MR. ROBINSON:

18 Q Yes.

19 A -- the --

20 Q And so -- yes. No. Under the current -- yes.
21 I understand that, so I would not have the ability to
22 appeal this to the Court if the decision went against

1 me. So I understand that legal requirement. Very
2 clearly.

3 A Well, I'm speaking to the planning case, sir.

4 Q Yes.

5 A I mean, there's -- there's sufficient distance
6 and intervening features that make the character and the
7 interaction of those places distinct from those that are
8 more proximate and more connected.

9 MR. SUHAR: Mr. Ferguson, you referred to
10 properties that are across -- across Greenbelt Road like
11 Arbor Terrace.

12 THE WITNESS: I did not refer to Arbor
13 Terrace. Arbor Terrace is on the south side of
14 Greenbelt Road, not on the north side.

15 MR. SUHAR: -- okay. So -- but that's not a
16 -- that's not apartments. That's -- that's senior
17 housing.

18 THE WITNESS: I -- those are apartments, sir.
19 The seniors live in little apartments in that -- in that
20 building.

21 MR. SUHAR: Okay. But they're -- but it's not
22 so --

1 THE WITNESS: -- over 55 is in my case doesn't
2 mean that I can't live in an apartment.

3 MR. SUHAR: Okay. But it's not zoned RMF48.

4 THE WITNESS: It's zoned CGO which actually
5 allows for a higher density. Or comparable -- CGO
6 allows a more comparable density.

7 MR. SUHAR: Okay. Right. Sure.

8 THE WITNESS: Not sure. That's just a fact.
9 That's in the zone --

10 MR. SUHAR: -- I'll save that for closing
11 argument.

12 MR. FORMAN: Any other questions of
13 Mr. Ferguson? Sorry. You're muted Madame Examiner.

14 MADAME EXAMINER: I'm so sorry. I was saying
15 thank you, Mr. Ferguson.

16 THE WITNESS: Thank you, ma'am.

17 MADAME EXAMINER: It looks like we're finished
18 with Mr. Ferguson. And we're finished with witnesses
19 and if you all want to do a brief closing in addition to
20 those exhibits that came in, but before we get there, or
21 I can say it afterwards. We left this record open for
22 at least three things, I believe. It's going to be

1 David Maran's testimony, if he wants to submit any.
2 It's going to be additional persons of record that want
3 to write in and ask to be persons of record. And it's
4 going to be some type of zoning map with the zones
5 attached for that broader area that Mr. Forman tried to
6 submit earlier, but we found that one to be deficient.
7 But it could be that you --

8 MR. FORMAN: Madame Examiner --

9 MADAME EXAMINER: -- don't want to submit
10 anything if you look at all the other --

11 MR. FORMAN: And that's actually what I'm
12 going to get to. There is an Exhibit 21 which is the
13 PowerPoint presentation for staff that they gave at
14 their planning board hearing. There is a current and
15 prior zoning ordinance -- zoning map which we can just I
16 think keep that in the record and use that. So I
17 just -- I would not be submitting any additional zoning
18 map.

19 MADAME EXAMINER: So you're saying you do want
20 to submit another or you would --

21 MR. FORMAN: No. I will not be. I'm sorry.

22 MADAME EXAMINER: Okay.

1 MR. FORMAN: I will not be.

2 MADAME EXAMINER: Okay. So that leaves
3 Exhibit 35 open. We are going to save it for Mr. Maran
4 if he has something and if he doesn't, then I -- I might
5 just have to renumber all of these and send you all a
6 new list.

7 So do you all want to say anything in closing
8 or -- I have your written, but you could go ahead if
9 you'd like.

10 MR. FORMAN: I'll -- I'll just keep it very
11 brief. Notice was provided pursuant to the requirements
12 of the zoning ordinance. The property was posted twice,
13 and that -- for one is for preapplication neighborhood
14 meeting, second time for the -- this February 8th
15 hearing. So I think that there was proper notice given
16 in this case.

17 Second, we -- the -- you know, we're talking
18 about a rezoning map amendment, the issue is about
19 whether there was a change or mistake in the
20 comprehensive plan -- comprehensive zoning plan that
21 would warrant the rezoning of this property because of
22 facts or evidence they were in existence at the time and

1 that were not considered or that there was subsequent
2 facts or trends or -- that were not considered since the
3 time of that rezoning.

4 We have produced sufficient evidence in the
5 record to show that there was no consideration of facts
6 given by the District Counsel at the time of the
7 sectional map amendment to pertain to this as RR zone
8 and therefore, it was a mistake when all the evidence
9 shows that they should have considered and rezoned this
10 as RMF48.

11 If there had been evidence or facts in the
12 record, we could deduce and that would be bad judgment
13 or mistake, and not grounds for a rezoning. But when
14 there's incomplete or inaccurate facts that are relied
15 upon, that is -- or an -- no evidence of the facts that
16 is grounds for a rezoning.

17 And you've also, finally heard the testimony
18 from Mr. Ferguson regarding the development standards of
19 this property and so while the staff report mentions
20 this maximum of 596 units, there are a lot of practical
21 considerations on this site that will prevent the
22 property from ever being able to develop that way.

1 That -- so I did try to keep it very short and
2 just summarize the main points, but I do refer to my
3 letter that was submitted as I believe -- I apologize --
4 I got confused with -- the records too. I think it's
5 38.

6 MADAME EXAMINER: Thirty-nine.

7 MR. FORMAN: Thirty-nine, one off. Yes, but
8 thank you very much, and I do, you know, request that we
9 approve this zoning map amendment to rezone the property
10 from the RR zone to the RMF48. Thank you for your time.

11 MADAME EXAMINER: Thank you. Mr. Suhar.

12 MR. SUHAR: Thank you very much, Madame
13 Examiner. I want to -- I -- in -- in -- this is the
14 first opportunity that we've had to, you know, hear from
15 witnesses and -- and -- and quite frankly, even from
16 Mr. Forman, outside of the written record. The
17 association finds -- I'm speaking on behalf of the
18 association -- finds the arguments that are made by the
19 applicant and their statement of justification and the
20 written and verbal testimony that's been submitted
21 afterward just to be flawed, because the applicant has
22 -- has -- they've -- they've -- they've made assertions,

1 but they've made assertions without providing evidence
2 to support their assertions. And -- and so they can
3 keep repeating these things, but that doesn't -- that
4 doesn't confirm that it's true. And -- and -- and this
5 is not just the association making this argument.
6 You've heard from various parties of record as well as
7 staff, the Prince George's County Planning Department
8 MMCBBC, they've recommended disapproval of the
9 applicant's request, twice. They did it before and
10 after receiving Mr. Ferguson's verbal and written
11 statements. But the -- the first time that the planning
12 staff recommended disapproval as far as I could see was
13 on November 10, 2022. And in my opinion, the planner,
14 Dominique Lockhart and her colleagues, they did a very
15 good job with analyzing this case. And -- and so while
16 I don't always agree with planning staff's
17 recommendations, I -- I -- I'm -- I'm trying to find
18 where the evidence is to support the applicant's
19 assertions that they've made along with Mr. Ferguson --
20 these blanket assertions that there was some kind of
21 mistake made on -- by the -- by the District Counsel.
22 Ms. Lockhart stated in her memorandums that --

1 that the subject property is surrounded by -- properties
2 are all zoned RR. Historically, it was noted that the
3 subject property was zoned RR in 1993. Again, in 2010.
4 And one again in 2021 or '22 in the CMS. So
5 Ms. Lockhart also stated that the sector plan and the
6 SMA recommends residential low land use on the subject
7 property. The focus is on single-family detached units.
8 And -- and this -- and it's important to note that the
9 District Counsel didn't make a mistake. It was
10 intentional. It was intentional based on -- based on
11 what is there. There aren't any changes in -- in -- or
12 trends, patterns of -- of, you know our -- that would --
13 that would -- that would require RMF48. There's
14 nothing -- no zoning in the area is zoned RMF48, but the
15 -- the applicant and its expert, Mr. Ferguson, want to
16 try and expand the definition of neighborhood that
17 favors their position, somehow. And -- and only -- only
18 is site to properties that are in their estimation the
19 equivalent to in their opinion, equivalent to what they
20 want to do here. But there's -- but there's just
21 nothing there. There's nothing now. There hasn't been
22 in the past. The District Counsel didn't make a mistake

1 in reliance upon factors or no factors is what they're
2 trying to argue. But one of the primary reasons for
3 the -- the association's opposition is that the proposed
4 RMF48 zone is the most intense of the residential base
5 zones. With a permitted maximum density of 48 dwelling
6 units per acre. That -- that in itself, would actually
7 cause a significant -- that would cause a change in the
8 neighborhood -- in the -- the neighborhood. And the
9 character of the neighborhood. But all we're asking for
10 is that the -- that the -- the character of the
11 neighborhood maintain, you know, be maintained what has
12 been historically and what is there now.

13 The applicant claims that the District Counsel
14 erroneously retained the subject property in the RR zone
15 because the counsel allegedly failed to consider
16 existing facts and trends. But I'm just not -- we're
17 just not finding that. There's -- there was no evidence
18 of what happened that was -- that what happened back in
19 2010 that led the District Counsel to no -- no -- no
20 evidence submitted whatsoever of what they considered or
21 didn't consider. There -- there -- they -- the expert,
22 Mr. Ferguson says that that's his presumption as to what

1 they were thinking at the time. But as I noted in my --
2 in my letter, I cited a -- two Court of Appeals
3 decisions which is now the Maryland Supreme Court, but
4 they held that individual petitions for -- in the -- the
5 White versus Spring case that individual's petitions for
6 rezoning must be supported by substantial evidence
7 showing either that there was a change in the
8 neighborhood. Or that -- or that there was a -- that --
9 that -- that the legislative entity, the District
10 Counsel relied upon mistaken or erroneous evidence.
11 There's nothing in the record that shows a --
12 substantial evidence of either a change or erroneous
13 evidence that was relied upon or even not relied upon.
14 The -- so the record reflects that the subject property
15 is surrounded by properties as I said, by -- that are
16 zoned RR. But the applicant argues that the definition
17 of neighborhood should be extended to include properties
18 westward and include all of Greenbelt Road and Good Luck
19 Road. At least that's what they submitted in writing.
20 I think that Mr. Ferguson is trying to backtrack a
21 little bit on his expansion of the word neighborhood, in
22 order to try and -- and satisfy or -- or counter this

1 argument, but except for one low-rise apartment complex,
2 the applicant describes the development along Greenbelt
3 Road as single family residential. At least they did in
4 their writing, including townhouses which are zoned --
5 there's a -- they're -- they're zoned RMF20, and a
6 nursing home as well as majority single-family detached
7 home developments in the area, including Wingate
8 Homeowners Association which is -- which is in the
9 vicinity, in the area. It's -- people from the
10 community walk and bike over toward where the -- the --
11 the subject property is located. So it's in the
12 neighborhood. People from the community as you've heard
13 testimony, they -- they go to these -- they go to the
14 area there. It's in their area, when they -- when they
15 drive, when they walk, bike. They're -- they're -- they
16 are -- this is part of the area. It's part of the
17 neighborhood. But there's also some low rise commercial
18 office buildings and low rise retail. You know, my
19 client isn't -- isn't afraid of -- of -- of stating
20 these things, because this is all low density
21 development. What -- you know, for the -- for the most
22 part, developments along Greenbelt Road and Good Luck

1 Road include low density single family residential
2 developments. And -- but the applicant, even today,
3 hasn't pointed to any multifamily developments along
4 Greenbelt Road except for one, low rise garden style
5 apartment complex which was there for many years before
6 the 2010 SMA was approved.

7 In my opinion, and based on the case law that
8 I cited in my -- in my letter that's been admitted into
9 the record, this falls -- fall -- I'm sorry -- this
10 falls far short of the requirements to show that there
11 was a substantial change in the character of the
12 neighborhood. Or that there were some kind of mistake.
13 Or erroneous reliance upon -- a reliance upon erroneous
14 facts or what have you.

15 The Wingate Homeowners Association is
16 comprised of RR zoning. And 256 large one-acre lots
17 which is low density development. But the applicant has
18 tried to exclude Wingate Homeowners Association because
19 they are afraid of the fact that there are single family
20 developments surrounding the subject property,
21 immediately surrounding the subject property and even
22 when they tried to expand the definition of

1 neighborhood, they're still trying to hide from the fact
2 that -- that -- that there are single family
3 developments, many single family developments like
4 Wingate Homeowners Association which is supported by the
5 comprehensive map amendment and the -- and the and the
6 SMA as well.

7 So in citing case law, the applicant is
8 arguing that a conclusion based on factual predicate
9 that is incomplete or inaccurate may be deemed a mistake
10 or error, but they haven't -- they haven't shown the
11 record. There's nothing there. They're just making
12 blanket assertions. So -- but planning staff found that
13 there was no mistake. And the planning staff found that
14 the current -- that the current RR zoning classification
15 is appropriate for the subject property and the
16 properties that are around the subject property.

17 Please note that the sector plan recommends
18 low residential planning density -- low residential --
19 residential low density land use for the subject
20 property. And the future land use recommendations
21 include maintaining the current densities for
22 residential neighborhoods. So this idea that -- that --

1 that there's been a mistake or there's a change and --
2 and pattern, is just unsupported.

3 The purpose of the RR zone is to encourage
4 variations of single family detached residential lots
5 and the preservation of trees and open spaces, and as
6 Dr. Thomas had -- had stated and mentioned, historic
7 preservation of the property. This all aligns with a
8 low -- residential low land use category goals. Several
9 other members of the planning staff submitted
10 memorandums which have been attached concerning the
11 applicant's request concerning transportation,
12 environmental and subdivision development, long range
13 planning, historic preservation and the entire planning
14 staff said that the RR zoning was appropriate for the
15 subject property, notwithstanding this late argument
16 that's being made today about somehow that the -- the
17 C40 will -- will limit or prevent development of single
18 family lots on -- on the -- on the subject property. In
19 fact, the drawing that was submitted that was in the
20 binder is actually different than what the applicant has
21 submitted today. And so that -- that goes to show me
22 that they're -- they're -- they're -- that the applicant

1 is constantly changing and trying to manipulate the
2 situation so that they can get what they want which is
3 something that -- that the -- that the CMA and the SMA
4 never contemplated, because it was intentional to keep
5 this area in the RR zoning. And that the RMF48 would --
6 would -- would blow out of the water the idea of single
7 family low resident -- low density development,
8 including the -- including doubling more than double
9 what is allowed in the RMF20. As -- as Ms. Rochee
10 stated that, you know, she's -- she's concerned, she's
11 afraid of this. And I don't blame her. Ms. Lockhart
12 stated that the -- I'm sorry.

13 So -- so I'm -- I'm -- I'm getting to the end
14 here. So on February 23rd, Dominique Lockhart, Planner
15 3 with the Prince George's County Planning Department
16 submitted another memorandum in response to the
17 additional -- additional information that was submitted
18 by Mr. Ferguson for the applicant. But however,
19 Ms. Lockhart once again recommended disapproval of the
20 zoning map amendment. And disapproval of the
21 applicant's request due to the fact that Mr. Ferguson
22 offered no evidence whatsoever, no new evidence, no

1 evidence -- any evidence that would have any bearing
2 upon the original recommendation for disapproval. And
3 it's important to note that Ms. Lockhart submitted her
4 memorandum via Jeremy Hurlbutt [ph] the supervisor of
5 the zoning review section -- development review -- and
6 -- and so this has been -- there's been lots of sets of
7 eyes at MMCPPC that have been placed on this -- on this
8 matter. And the -- the -- the owner of the property or
9 the contract purchaser for this property, they can
10 develop it. We're not developing. My client is not
11 against development at all. But what they want is smart
12 development and proper development and development that
13 complies with the law.

14 I encourage it -- I stated this in my -- in my
15 letter. I encourage -- Madame Examiner respectfully to
16 consider the -- the statement that was -- the statements
17 that were made in Ms. Lockhart's February 22nd
18 memorandum, specifically, when she says that the only
19 evidence of change provided by the applicant since
20 adoption of the sectional map amendment is a single
21 change of use approved by the District Counsel for a
22 specific property. That property consisting of 1.3709

1 acres is less than 1% of the entire neighborhood defined
2 by the land planner as -- even under his definition as
3 the appropriate context to which to evaluate the
4 application. Mr. Ferguson didn't disagree with that
5 statement.

6 In addition, at -- its -- its location at
7 the -- at the far northeast corner of the subject
8 property would not impede the future development of the
9 property under the approved zoning. So she's saying
10 that development is possible. Mr. Ferguson disagrees
11 without providing us evidence of that, because they're
12 trying to get a certain yield on the property and they
13 want -- that's why they want to put more units on the
14 property than really what should happen there.

15 She says that the District Counsel did not
16 rezone the 1.3708 -- 09 acre parcel, but they merely
17 allowed one commercial use to be operated on the site.
18 And -- and mind you, the commercial use is low rise
19 development. But the -- but the zoning was maintained
20 as RR zoning. But based on her findings this map
21 doesn't find the -- that -- that this is -- that this
22 would be -- they don't -- they don't find that the --

1 that the -- that the proposed development of the site --
2 that there's any sufficient evidence of a substantial
3 change in the character of the neighborhood that would
4 satisfy the requirements of Section 27-360 -- 3601E1.
5 But even with the strong -- even if the applicant had
6 produced strong evidence or substantial evidence of a
7 change or a mistake, in Mayor and Council of Rockville
8 versus Ryllys Enterprises, the Court of Appeals or now
9 the Maryland Supreme Court said that even in a case --
10 if -- if the -- if the applicant proves that -- that
11 there was a substantial change which they haven't, the
12 Court of Appeals had said at the time that it's -- it's
13 not required -- the zoning change wouldn't be -- you're
14 not required, Madame Examiner, to grant a zoning change,
15 except where there's a failure to do so would be
16 deprived -- would deprive the owner of all economically
17 viable use of the property. They haven't demonstrated
18 that at all. They can still develop the property. But
19 the applicant is still -- there -- it's been stated that
20 by the planning staff that they can still develop in the
21 RR zone.

22 So -- so even if the applicant were to provide

1 substantial evidence of a change or -- or a mistake on
2 the part of District Counsel, you're not required to
3 change the zoning. That's -- that's -- that's your
4 decision. It may be changed, I guess, but it's not
5 required.

6 MADAME EXAMINER: Okay. Mr. Suhar, are you
7 almost finished? And I do want to add just to make
8 this --

9 MR. SUHAR: -- yes. I -- that was --

10 MADAME EXAMINER: -- record clear.

11 MR. SUHAR: Yes. Thank you.

12 MADAME EXAMINER: Wait a minute. It's not
13 only I'm not required, I'm not allowed. I'm only making
14 a recommendation in this case. The counsel will make
15 the decision.

16 MR. SUHAR: Understood. I -- I -- I guess
17 that should've been directed toward the District Counsel
18 then. So I -- I -- I just think it needs to be noted --
19 and this is my final point. And thank you. That --
20 that the -- that the zoning change is not required may
21 be done but, it's not required. But I don't even
22 think -- I don't even see how it can be done because

1 they haven't proven the change -- a substantial change
2 or mistake. Thank you so much for allowing us to be
3 heard. And I don't know if you want to allow other
4 parties of record to make additional statements, but
5 that's the statement from the association.

6 MADAME EXAMINER: Okay. We're just doing a
7 closing argument which is normally legal. So it's a
8 little -- it's not necessary for everyone to say I heard
9 all of the testimony, I'm going to read all of the
10 exhibits, and I'm going to reach a decision, and -- but
11 Mr. Forman, were you lighting up for some reason?

12 MR. FORMAN: Oh, I was -- I was just going to
13 say, I would object to having everyone provide their
14 closing -- everyone online already had a chance to
15 testify, and yes, the closing was about the -- the
16 summarizing of the legal arguments.

17 MADAME EXAMINER: Okay.

18 MR. FORMAN: Thank you.

19 MADAME EXAMINER: So I thank all of you for
20 being here today. Mr. Brown, did you have anything to
21 say?

22 MR. BROWN: No way in the world am I going to

1 add anything at all. Thank you.

2 MADAME EXAMINER: Okay. Then I thank you all
3 for being here. And we have until close of business on
4 Friday. I'm going to send Mr. Maran an e-mail as well,
5 but if he wants to submit his testimony, he has until
6 then. If additional persons of record would just want
7 to indicate that they'd like to be a person of record,
8 meaning they'll get a copy of this decision and would be
9 able to appeal it to the District Counsel, they may do
10 it by the close of business on Friday and we don't need
11 anything further from Mr. Maran because he submitted
12 basing on all the information already in the record. Is
13 that correct? We got everything?

14 MR. ROBINSON: Could I have a question?

15 MADAME EXAMINER: Who is that?

16 MR. ROBINSON: Jon Robinson. Can additional
17 information such as analysis of the maps be presented or
18 is that closed at this point? I can't hear you.

19 MADAME EXAMINER: That should be closed at
20 this point because we --

21 MR. ROBINSON: Okay.

22 MADAME EXAMINER: That would be something that

1 might raise the need to cross-examine, so generally,
2 yes. That should be closed at this point. Is there
3 something in particular about the maps you're
4 discussing?

5 MR. ROBINSON: No. I was just thinking of
6 doing a -- kind of a GIS analysis of the neighborhood to
7 strengthen the argument that Mr. Suhar made about the --
8 what was included and excluded in terms of the
9 applicant's analysis of the neighborhood and his
10 argument that -- that that supported his application for
11 the zoning map amendment. That's all.

12 MR. FORMAN: I mean, I would -- I would object
13 to that, Madame Examiner. We have throughout the
14 hearing talked about how there's only -- the testimony
15 is concluded except for the specific items that Madame
16 Examiner is keeping it open for, and so I think that
17 everyone has had a chance to say what they want and now
18 it's just to go and actually close the record and get
19 the decision going. Thank you.

20 MADAME EXAMINER: I think I would agree,
21 because the applicant has had the burden, Mr. Robinson.
22 And the applicant has put on their case. Mr. Shawn

1 Surhan [ph], it's not Surhan. It's been a long day.

2 Forgive me for saying -- Suhar. Mr. Suhar adequately --

3 MR. ROBINSON: Suhar, yes.

4 MADAME EXAMINER: -- mentioned the -- the law,
5 and I'm sure Mr. Forman has as well in his document, and
6 I don't think that we would need that.

7 MR. ROBINSON: Okay. It saves me doing a
8 bunch of more pro bono work, so that's fine.

9 MADAME EXAMINER: But thank you, for that. So
10 then it looks like everyone is fine now. And I
11 appreciate all of you, and you will get a decision
12 shortly. Well, relatively shortly after the close of
13 the record on Friday. Thank you all for being here.

14 MR. SUHAR: Thank you.

15 MADAME EXAMINER: And this hearing is now over
16 for staff.

17 (Off the record.)

18

19

20

21

22

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

CERTIFICATE OF TRANSCRIBER

I, Janine Thomas, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

Janine Thomas

Janine Thomas

March 17, 2023

Transcript of Hearing
 Conducted on March 1, 2023

A			
a3	208:3, 208:7, 208:14	accurate	83:4
66:16	above	23:16, 25:3, 26:12, 29:6, 30:11, 34:6	actually
abided	30:7, 37:8	accurately	9:6, 21:9, 25:22, 27:20, 27:22, 30:18, 30:22, 32:21, 33:12, 34:8, 36:6, 55:21, 57:5, 62:21, 96:21, 102:10, 103:4, 103:15, 104:19, 113:10, 113:17, 117:22, 121:19, 146:12, 148:9, 157:7, 171:17, 175:14, 180:21, 183:7, 183:15, 185:7, 188:4, 189:11, 195:6, 200:20, 208:18
15:19	absolute	31:3	add
ability	64:8, 65:2	achieve	7:8, 31:19, 48:2, 50:22, 134:1, 176:4, 205:7, 207:1
186:21, 210:5	absolutely	179:20	added
able	28:19, 65:17, 69:1	acknowledging	5:14, 40:19, 159:9
5:11, 5:17, 6:6, 17:13, 33:8, 45:22, 48:5, 49:13, 136:19, 176:19, 181:21, 191:22, 207:9	abuse	33:6	adding
about	101:22	acknowledgment	125:21, 126:4, 143:19, 144:1
8:4, 8:10, 26:22, 29:11, 35:4, 36:2, 39:14, 40:14, 42:18, 44:6, 44:18, 46:17, 49:21, 52:12, 54:1, 57:4, 65:7, 65:11, 67:11, 69:4, 69:12, 74:14, 82:22, 85:7, 85:10, 85:16, 86:14, 99:16, 103:20, 109:3, 109:20, 115:1, 115:22, 119:2, 119:16, 123:7, 124:20, 125:20, 127:20, 132:3, 132:8, 145:2, 148:1, 148:6, 149:3, 152:2, 152:3, 152:5, 162:10, 164:21, 167:4, 167:7, 167:12, 167:14, 170:4, 171:2, 177:2, 177:3, 185:21, 190:18, 200:16, 206:15,	abut	162:21	addition
	38:10, 38:14	acre	10:4, 44:16, 106:13, 165:5, 165:6, 188:19, 203:6
	abutting	76:18, 99:16, 99:17, 127:20, 127:21, 128:3, 195:6, 203:16	additional
	academic	acreage	5:18, 7:11, 10:16, 16:2, 17:16, 19:8, 31:19, 56:19, 58:2, 59:13, 90:9, 134:3, 189:2, 189:17, 201:17, 206:4, 207:6, 207:16
	102:4	180:1, 180:2, 181:8	additionally
	academy	acres	179:14
	102:5	76:4, 136:20, 136:22, 180:6, 203:1	
	accelerator	across	
	103:17	86:22, 105:4, 105:5, 130:9, 143:7, 163:1, 168:15, 170:7, 173:12, 173:13, 173:15, 175:21, 182:21, 184:6, 184:14, 187:10	
	accept	activated	
	11:2, 177:20	107:3	
	accepted	active	
	29:1, 45:1, 153:14, 162:21	104:2, 106:11, 141:2	
	accepting	actively	
	148:6	103:20, 103:22	
	access	activities	
	63:21, 64:10, 64:12, 64:22, 65:2, 66:14, 77:17, 89:22, 118:22, 142:13	106:15	
	accidents	activity	
	144:2	133:3, 134:9	
	accommodate	acts	
	128:6	65:3	
	accomplish	actual	
	77:2, 77:15	33:5, 52:8,	
	accordance		
	7:14		
	account		
	146:21, 151:16, 152:4, 186:5, 186:8		
	accuracy		
	43:19		

Transcript of Hearing
Conducted on March 1, 2023

<p>address 6:2, 10:6, 10:15, 17:21, 91:1, 98:14, 98:15, 129:22, 132:2, 133:20, 133:21, 139:16, 140:8, 151:5, 162:8, 170:18</p> <p>adelphi 91:4, 125:11, 130:8, 151:12</p> <p>adequately 209:2</p> <p>adherence 108:9</p> <p>adjacent 55:6, 66:17, 70:3, 162:14</p> <p>adjoining 55:6, 149:6</p> <p>administrative 47:17, 158:14</p> <p>admit 29:15, 34:14, 94:8</p> <p>admitted 24:8, 25:13, 49:14, 149:4, 149:15, 198:8</p> <p>adopt 44:13, 165:3</p> <p>adopted 74:12, 74:15, 79:5, 81:10</p> <p>adoption 74:19, 76:2, 202:20</p> <p>advice 62:7</p> <p>advised 19:3</p> <p>advising 6:18, 6:19</p> <p>advocacy 107:3</p> <p>advocates 106:15, 106:16</p>	<p>aerial 4:12, 26:4, 29:4, 34:3, 140:20, 159:16, 169:15</p> <p>aerials 19:1, 159:17</p> <p>aerospace 173:17</p> <p>affect 145:9</p> <p>affirmative 81:13</p> <p>affirmed 98:4, 125:16, 131:21, 139:12, 162:4</p> <p>affords 77:16</p> <p>afraid 197:19, 198:19, 201:11</p> <p>after 6:2, 9:11, 9:15, 9:20, 15:14, 16:2, 17:18, 18:18, 80:1, 132:16, 140:10, 149:7, 159:1, 193:10, 209:12</p> <p>afternoon 132:4, 164:14, 178:14</p> <p>afterward 192:21</p> <p>afterwards 188:21</p> <p>ag 87:1</p> <p>again 12:7, 18:18, 25:21, 29:8, 31:2, 53:9, 57:14, 61:19, 61:21, 64:19, 85:6, 101:15, 108:4, 108:6,</p>	<p>118:13, 130:3, 143:4, 159:18, 194:3, 194:4, 201:19</p> <p>against 9:7, 107:1, 148:17, 177:16, 186:22, 202:11</p> <p>age 102:9, 102:15</p> <p>agent 57:1</p> <p>aggrieved 10:11, 10:12</p> <p>ago 5:10, 85:7, 132:12</p> <p>agree 13:1, 13:4, 32:6, 33:3, 33:15, 33:16, 35:13, 45:7, 64:1, 64:9, 76:7, 77:9, 82:9, 85:3, 86:2, 115:10, 118:2, 120:9, 128:10, 145:1, 172:15, 193:16, 208:20</p> <p>agreed 46:18, 51:3, 84:21</p> <p>agreement 2:13, 115:8</p> <p>agrees 115:11</p> <p>agricultural 183:20, 184:18, 184:20</p> <p>ahead 24:9, 29:14, 37:1, 45:14, 45:16, 51:16, 53:21, 58:14, 64:19, 89:7, 91:6, 93:5, 97:6, 98:8,</p>	<p>105:12, 105:16, 112:10, 115:16, 116:20, 117:16, 118:8, 132:6, 140:5, 145:19, 154:7, 178:18, 182:11, 190:8</p> <p>airport 147:5</p> <p>alignment 50:10, 93:11</p> <p>aligns 200:7</p> <p>allegedly 195:15</p> <p>alleging 82:19, 82:20</p> <p>allen 162:12</p> <p>alleviate 142:2</p> <p>allow 6:9, 20:10, 34:19, 39:4, 53:2, 53:7, 65:16, 75:9, 123:22, 124:2, 159:2, 160:8, 176:16, 206:3</p> <p>allowance 105:22</p> <p>allowed 6:4, 47:18, 75:4, 76:19, 138:1, 141:20, 179:18, 201:9, 203:17, 205:13</p> <p>allowing 7:11, 131:1, 145:12, 206:2</p> <p>allows 127:19, 127:21, 128:4, 188:5, 188:6</p> <p>almost 141:5, 164:14, 205:7</p> <p>along 7:1, 88:6,</p>
--	---	---	--

Transcript of Hearing
Conducted on March 1, 2023

<p>88:7, 88:11, 106:22, 124:14, 128:20, 129:4, 129:5, 132:21, 133:4, 193:19, 197:2, 197:22, 198:3 already 20:22, 33:20, 33:21, 50:22, 86:13, 86:14, 107:20, 127:21, 128:7, 129:9, 133:4, 134:11, 140:7, 153:17, 155:13, 156:16, 158:21, 160:6, 206:14, 207:12 also 7:8, 32:2, 48:2, 52:13, 62:11, 76:16, 90:20, 91:1, 93:3, 94:1, 95:10, 95:22, 96:12, 103:11, 103:12, 107:22, 111:17, 114:12, 126:1, 128:12, 131:4, 137:16, 140:16, 148:13, 154:9, 155:1, 155:7, 155:10, 155:17, 159:8, 169:2, 180:10, 191:17, 194:5, 197:17 alternative 64:6, 65:1 although 13:16, 19:20, 20:9, 20:14, 47:12, 183:11 always 6:17, 68:1, 128:10, 193:16 amended 63:2, 63:16</p>	<p>amendment 46:21, 57:20, 76:2, 81:11, 81:18, 108:11, 127:2, 127:7, 127:10, 141:9, 143:17, 179:2, 179:17, 184:17, 190:18, 191:7, 192:9, 199:5, 201:20, 202:20, 208:11 amendments 47:4, 77:3, 77:4, 77:14, 77:15, 126:10, 150:15 among 36:4 anacostia 147:3, 147:7 analysis 5:14, 26:21, 57:16, 58:3, 63:8, 63:10, 63:19, 70:13, 74:3, 80:15, 84:4, 140:10, 148:8, 148:9, 186:5, 207:17, 208:6, 208:9 analyzed 186:8 analyzing 140:16, 193:15 annotate 36:19 annotation 36:20, 48:6 announced 109:17 annual 109:21 another 5:16, 48:21, 54:15, 61:21, 68:13, 72:8, 91:13, 93:8,</p>	<p>106:13, 149:14, 152:5, 153:14, 175:14, 189:20, 201:16 answer 44:4, 66:13, 77:11, 82:10, 82:11, 103:5, 114:3, 114:16, 115:3, 118:7, 118:9, 120:4, 171:2, 171:9, 181:14 answered 82:7, 83:11, 85:18, 86:15 answering 34:13, 85:21, 93:15, 175:9 answers 85:19 antecedent 61:18, 61:21 anticipate 158:3 antidevelopment 114:14 any 5:18, 8:19, 9:13, 10:4, 11:12, 14:12, 16:11, 17:18, 17:22, 19:17, 19:22, 20:1, 20:21, 27:5, 27:15, 35:20, 47:15, 56:6, 59:19, 60:13, 61:8, 67:5, 73:19, 73:22, 81:16, 82:2, 85:10, 85:12, 85:22, 86:11, 90:12, 95:3, 96:2, 96:17, 111:8, 111:9, 120:11, 134:3, 144:13, 145:6,</p>	<p>146:2, 146:13, 149:18, 150:20, 150:21, 152:17, 153:22, 157:1, 165:11, 166:16, 166:20, 168:10, 168:12, 170:2, 172:22, 175:2, 175:10, 177:4, 188:12, 189:1, 189:17, 194:11, 198:3, 202:1, 204:2, 210:7 anybody 8:3, 19:14, 124:20, 157:22, 158:8, 183:17 anymore 49:1, 138:14, 178:6 anyone 9:9, 14:19, 15:13, 17:4, 17:12, 24:5, 35:20, 90:15, 93:19, 109:14, 111:14, 119:9, 120:21, 129:18, 132:14, 133:13, 138:17, 152:21, 158:13, 173:3 anything 12:8, 19:22, 50:21, 54:10, 58:13, 65:20, 82:22, 94:22, 139:4, 176:9, 181:21, 189:10, 190:7, 206:20, 207:1, 207:11 anyway 20:15, 150:4, 162:22 anywhere 54:18 apartment 142:18, 162:18, 166:9, 166:10,</p>
--	---	--	--

Transcript of Hearing
Conducted on March 1, 2023

<p>166:15, 168:1, 175:2, 175:22, 180:14, 182:14, 188:2, 197:1, 198:5 apartments 104:22, 163:6, 165:18, 165:19, 165:21, 166:3, 166:6, 166:16, 166:20, 167:20, 168:7, 172:6, 172:12, 172:16, 172:17, 175:3, 175:6, 180:16, 180:18, 180:20, 180:21, 181:1, 181:3, 181:19, 183:2, 187:16, 187:18, 187:19 apologies 42:19, 157:21, 169:10, 173:10 apologize 40:5, 51:6, 78:11, 78:14, 151:4, 157:12, 192:3 apparently 75:14, 142:7, 149:16 appeal 9:15, 9:16, 9:20, 10:8, 10:10, 96:21, 186:22, 207:9 appeals 10:2, 196:2, 204:8, 204:12 appear 48:6 appeared 16:9, 114:10 appears 35:4 applicant 5:5, 5:11, 7:12, 9:2,</p>	<p>13:19, 18:12, 22:16, 29:2, 76:1, 79:2, 112:11, 119:3, 133:16, 135:20, 136:17, 141:14, 141:16, 141:22, 143:11, 143:18, 148:13, 151:2, 163:17, 168:19, 175:19, 178:19, 192:19, 192:21, 194:15, 195:13, 196:16, 197:2, 198:2, 198:17, 199:7, 200:20, 200:22, 201:18, 202:19, 204:5, 204:10, 204:19, 204:22, 208:21, 208:22 applicant's 32:6, 51:1, 109:15, 109:16, 109:17, 110:14, 163:14, 176:2, 193:9, 193:18, 200:11, 201:21, 208:9 applicants 149:17, 180:11 application 90:16, 113:1, 141:10, 141:15, 144:9, 150:18, 165:1, 172:5, 203:4, 208:10 applying 182:19 appreciate 15:2, 17:7, 17:8, 94:15, 103:2, 105:21, 111:1, 130:22, 135:10, 171:13, 209:11 appropriate 33:9, 35:6,</p>	<p>82:8, 199:15, 200:14, 203:3 approve 192:9 approved 64:7, 65:4, 67:1, 76:3, 108:9, 108:10, 127:6, 198:6, 202:21, 203:9 approximate 21:14, 30:13, 41:13, 47:6, 134:14 approximately 9:20, 10:13, 25:1, 43:7, 61:13, 132:12, 151:21, 180:6, 180:9, 181:7 april 47:4 arbor 180:17, 187:11, 187:12, 187:13 arc 50:10 architect 46:4, 61:15 architecture 61:6 area 37:10, 40:12, 79:16, 81:22, 82:1, 99:19, 100:1, 103:13, 103:14, 103:17, 103:21, 104:2, 104:10, 104:14, 104:21, 105:8, 107:4, 126:18, 128:13, 129:6, 130:10, 132:15, 132:17, 133:6, 134:13, 137:10, 137:18, 146:9, 151:21, 151:22, 166:2, 167:6,</p>	<p>167:8, 170:14, 172:13, 180:2, 180:5, 180:7, 183:14, 184:13, 185:19, 189:5, 194:14, 197:7, 197:9, 197:14, 197:16, 201:5 areas 81:21, 82:22, 83:1, 89:17, 89:18, 143:15, 143:21, 183:20, 186:9, 186:14 aren't 194:11 argue 9:21, 10:2, 83:21, 145:18, 177:22, 195:2 argued 7:16 argues 196:16 arguing 143:17, 199:8 argument 7:8, 7:17, 9:17, 58:1, 58:4, 58:12, 58:22, 59:6, 95:17, 95:20, 154:12, 156:17, 172:8, 177:8, 188:11, 193:5, 197:1, 200:15, 206:7, 208:7, 208:10 arguments 153:13, 192:18, 206:16 around 33:11, 33:13, 34:11, 34:17, 69:14, 88:20, 104:13, 114:13, 126:17, 149:11, 168:3, 171:19,</p>
--	--	---	---

Transcript of Hearing
Conducted on March 1, 2023

<p>174:5, 174:14, 199:16 arrived 148:17 arterial 63:21, 66:14, 66:18, 70:4, 141:17, 146:9 article 8:20 aside 144:5 asked 49:21, 86:13, 93:9, 109:14, 117:19, 146:10, 146:12, 148:21, 149:3 asking 7:4, 40:14, 54:1, 54:14, 66:14, 82:6, 84:12, 110:10, 110:11, 115:9, 116:7, 118:6, 122:1, 137:15, 137:16, 176:5, 186:4, 195:9 assertion 128:20, 129:2, 143:18, 146:4 assertions 11:1, 11:6, 141:14, 144:6, 146:17, 146:22, 148:7, 170:3, 192:22, 193:1, 193:2, 193:19, 193:20, 199:12 asserts 141:22, 143:12 assist 9:9 associated 91:11 association 11:12, 11:18, 13:12, 21:16,</p>	<p>26:13, 31:21, 32:1, 32:7, 33:12, 33:13, 34:13, 35:9, 36:2, 43:9, 69:15, 69:17, 72:15, 96:2, 96:6, 96:9, 96:15, 97:20, 101:20, 106:2, 110:14, 111:11, 116:22, 119:9, 121:2, 173:20, 192:17, 192:18, 193:5, 197:8, 198:15, 198:18, 199:4, 206:5 association's 195:3 assume 147:21 assuming 68:8 assumption 142:7, 142:10 asthmatic 126:19 atar 18:9, 18:13 atlas 25:22, 28:16, 39:19, 40:10, 40:11, 40:20, 41:8, 42:2, 47:15, 48:1, 48:13, 140:15, 168:16, 175:15 attached 10:21, 155:9, 189:5, 200:10 attempt 163:14 attempted 15:13, 162:18 attempts 126:6 attend 111:6</p>	<p>attendance 96:11 attended 149:5 attention 40:15, 63:7, 119:19, 163:19 attorney 9:2, 13:10, 13:17, 32:6, 96:2, 96:7, 146:5, 148:21 attorneys 5:22, 10:18, 11:9, 12:4 attraction 109:2 attractiveness 107:12 audio 210:5 august 119:5 authenticated 27:12 authenticity 51:21 authorities 146:20 authority 119:17 authorized 11:19, 53:14, 54:7, 114:21, 116:2 automatically 179:18 available 19:20, 113:20 avenue 38:4, 38:10, 38:12, 39:1, 184:4, 184:5 avoid 77:14 aware 6:4, 11:9, 33:22, 80:11,</p>	<p>106:10, 110:13, 113:6, 115:5, 118:18, 119:9, 119:13, 135:19, 146:18, 157:22, 168:22, 169:2 awareness 80:13 away 48:15, 67:4, 173:21, 174:2, 174:4 awkward 128:17</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>bachelor 61:6 back 7:20, 10:17, 21:7, 40:8, 41:20, 68:21, 84:10, 87:20, 93:18, 101:11, 106:6, 109:13, 113:14, 131:5, 148:1, 152:9, 172:7, 172:18, 174:16, 178:1, 195:18 backed 148:7 background 7:5, 46:4, 102:13, 140:10 backtrack 196:20 backup 23:7 baconsfield 162:13 bad 7:16, 109:20, 150:13, 152:7, 191:12 badges 148:19 bah 2:13</p>
---	--	---	--

Transcript of Hearing
Conducted on March 1, 2023

<p>balance 126:11, 150:9</p> <p>ballentre 132:5, 133:21</p> <p>bank 152:4</p> <p>banking 174:20</p> <p>barbara 27:21</p> <p>barrier 70:4, 70:7, 70:9, 70:10</p> <p>barriers 69:22, 186:9, 186:12</p> <p>base 40:19, 46:11, 128:2, 195:4</p> <p>based 8:4, 12:5, 25:6, 27:17, 29:4, 32:15, 40:10, 59:14, 81:4, 81:7, 107:20, 144:7, 146:6, 177:14, 179:22, 181:15, 194:10, 198:7, 199:8, 203:20</p> <p>basically 8:21, 9:1, 11:18, 15:18, 152:8, 153:12, 157:15, 186:4</p> <p>basing 85:14, 207:12</p> <p>basis 16:1, 20:13, 62:19, 64:16, 70:1, 151:19</p> <p>bear 30:14</p> <p>bearing 202:1</p> <p>became 6:22, 146:5</p> <p>because 6:1, 6:14,</p>	<p>6:16, 7:18, 8:7, 8:9, 12:5, 18:17, 18:22, 19:13, 20:22, 33:18, 39:16, 43:21, 45:9, 48:13, 55:15, 55:17, 68:12, 69:20, 69:22, 77:16, 80:4, 88:1, 88:3, 88:9, 92:14, 92:17, 99:21, 104:16, 117:9, 121:20, 122:16, 124:3, 133:2, 133:4, 134:5, 141:20, 145:4, 147:20, 149:13, 151:20, 154:16, 157:5, 158:2, 159:8, 160:9, 163:9, 184:2, 186:5, 186:8, 186:12, 190:21, 192:21, 195:15, 197:20, 198:18, 201:4, 203:11, 205:22, 207:11, 207:20, 208:21</p> <p>become 6:5, 6:12, 7:4, 15:14, 15:18, 16:11, 17:14, 49:14, 53:7, 56:17, 113:20</p> <p>been 10:16, 16:7, 18:13, 19:3, 25:18, 30:3, 30:8, 39:9, 45:1, 45:10, 46:1, 46:7, 47:9, 52:5, 55:6, 61:12, 61:22, 62:2, 63:9, 75:9, 75:19, 77:1,</p>	<p>77:10, 77:13, 79:21, 80:2, 80:11, 96:3, 97:9, 101:21, 103:20, 114:18, 115:22, 117:9, 122:15, 127:12, 133:6, 141:2, 146:21, 149:6, 153:14, 158:21, 164:5, 170:12, 170:13, 172:2, 176:11, 191:11, 192:20, 194:21, 195:12, 198:8, 200:1, 200:10, 202:6, 202:7, 204:19, 205:17, 209:1</p> <p>before 2:13, 5:9, 6:2, 9:17, 9:21, 9:22, 10:1, 10:10, 24:16, 26:19, 28:18, 29:15, 40:14, 40:17, 46:7, 52:13, 58:10, 59:7, 60:8, 99:21, 105:22, 107:5, 109:4, 109:11, 112:8, 122:19, 127:13, 139:15, 147:20, 148:15, 164:15, 168:22, 188:20, 193:9, 198:5</p> <p>beg 70:8</p> <p>begin 5:9</p> <p>beginning 50:12, 61:15</p> <p>behalf 11:19, 13:19, 14:16, 18:10, 53:13, 53:14, 54:8, 55:5,</p>	<p>96:3, 111:10, 111:20, 112:18, 112:22, 114:22, 116:4, 121:1, 192:17</p> <p>behind 163:5</p> <p>being 5:6, 8:12, 11:21, 26:22, 27:2, 33:8, 41:2, 41:4, 41:9, 41:18, 46:2, 66:5, 77:17, 95:8, 98:4, 100:6, 115:8, 121:21, 125:16, 131:21, 135:18, 137:7, 137:11, 139:12, 141:3, 145:5, 149:2, 149:8, 157:5, 158:1, 162:4, 168:19, 191:22, 200:16, 206:20, 207:3, 209:13</p> <p>believe 7:19, 14:19, 19:21, 21:10, 24:13, 25:21, 33:2, 34:20, 37:11, 39:17, 40:11, 41:15, 47:11, 52:20, 54:6, 62:22, 63:3, 64:18, 66:12, 83:11, 84:10, 85:6, 93:8, 97:9, 143:9, 163:20, 164:2, 179:19, 184:1, 184:15, 188:22, 192:3</p> <p>beside 149:18</p> <p>besides 182:21</p>
---	---	--	--

Transcript of Hearing
Conducted on March 1, 2023

<p>best 210:5</p> <p>better 34:13, 36:3, 93:10, 110:5, 124:14, 141:8, 171:1, 171:9</p> <p>between 6:11, 10:17, 23:17, 37:11, 37:13, 38:2, 41:13, 43:7, 47:7, 56:1, 61:20, 69:13, 115:21, 134:15, 134:19, 167:17, 186:13</p> <p>beyond 126:9, 138:3, 143:15, 143:17, 160:9, 173:22, 174:4, 174:10, 174:11, 175:21, 185:1</p> <p>big 104:16</p> <p>bike 103:14, 197:10, 197:15</p> <p>binder 91:11, 92:10, 93:1, 100:5, 100:6, 141:13, 155:20, 156:13, 200:20</p> <p>biologist 147:10</p> <p>bisect 50:8</p> <p>bit 24:18, 31:5, 183:19, 196:21</p> <p>blah 115:10</p> <p>blame 201:11</p> <p>blanket 193:20, 199:12</p>	<p>bloom 106:21, 114:13</p> <p>blow 201:6</p> <p>blows 36:7</p> <p>blue 23:4, 23:8, 41:5, 42:10, 42:19, 146:15</p> <p>board 14:9, 14:16, 96:10, 99:1, 99:2, 99:4, 99:6, 106:7, 107:3, 113:18, 114:6, 114:21, 115:2, 115:4, 115:5, 115:6, 115:7, 115:10, 115:11, 115:12, 116:1, 189:14</p> <p>board's 10:21, 141:11</p> <p>bob 55:18</p> <p>body 46:8</p> <p>bono 209:8</p> <p>both 11:9, 28:16, 47:13, 54:8, 56:2, 63:21, 78:16, 104:1, 104:12, 108:4, 111:22, 112:1, 112:2, 112:3</p> <p>bottom 50:15</p> <p>bought 129:15, 162:17</p> <p>boulevard 50:13, 142:18, 142:20, 142:22, 143:2, 143:10</p> <p>bound 181:17, 181:18</p>	<p>boundaries 33:3, 33:5, 35:17, 36:2, 36:6, 37:2, 70:15, 70:21, 72:16, 72:22, 100:12</p> <p>boundary 31:20, 33:11, 33:13, 69:14, 70:22, 71:1, 146:9</p> <p>bounded 127:15, 179:5, 179:7, 179:8</p> <p>branch 147:7</p> <p>break 65:20, 154:16</p> <p>brevity 31:8</p> <p>brief 5:9, 49:18, 188:19, 190:11</p> <p>briefly 20:12, 21:5, 24:16, 50:6, 120:3, 151:1, 164:17</p> <p>bring 20:2, 20:22, 39:20, 40:1, 40:2, 163:21</p> <p>bringing 20:20, 174:16</p> <p>brings 109:1, 126:15, 148:1, 175:1</p> <p>broader 24:18, 189:5</p> <p>broadly 30:14, 31:3, 106:5</p> <p>brought 114:5, 119:2, 119:18, 163:2</p> <p>brown 8:6, 8:7, 8:14,</p>	<p>8:16, 12:6, 14:22, 15:2, 15:5, 16:4, 16:6, 16:15, 16:18, 16:21, 17:2, 17:6, 20:8, 21:17, 24:6, 25:11, 27:7, 28:22, 34:18, 34:22, 35:2, 35:3, 35:9, 35:12, 43:10, 43:18, 44:1, 44:5, 44:15, 44:22, 46:10, 46:16, 49:21, 51:13, 51:15, 51:16, 52:4, 53:16, 56:6, 56:8, 57:6, 58:7, 58:14, 58:16, 58:19, 58:20, 59:21, 60:3, 68:14, 68:17, 68:19, 93:4, 95:22, 96:14, 96:19, 97:1, 100:21, 101:2, 116:3, 116:5, 116:8, 116:9, 119:11, 119:20, 129:21, 130:2, 139:18, 147:11, 147:13, 152:13, 152:14, 153:21, 154:3, 154:4, 155:19, 171:4, 171:11, 206:20, 206:22</p> <p>brown's 44:14</p> <p>build 136:19, 141:19, 142:8</p> <p>building 75:7, 107:14, 126:14, 173:17,</p>
---	---	---	---

Transcript of Hearing
Conducted on March 1, 2023

<p>181:4, 184:16, 187:20 buildings 89:16, 91:15, 91:16, 104:19, 105:7, 142:4, 148:10, 182:14, 197:18 built 31:3, 90:1, 98:20, 105:4, 142:9, 149:6, 170:13 bunch 19:1, 148:18, 209:8 burden 208:21 business 55:20, 57:2, 159:8, 207:3, 207:10 businesses 104:18, 109:1 busy 108:3, 111:6 buy-in 113:15, 115:12</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>calimar 71:1, 179:6 call 95:3, 95:13, 97:8, 109:18, 124:6, 126:10, 183:5 called 38:12, 102:1, 113:8 caller 18:7, 132:20, 154:20 calling 6:8 calls 36:7 came 44:4, 131:17,</p>	<p>188:20 camera 22:4, 62:20, 66:1, 90:18, 122:4, 131:15, 152:22, 161:8, 161:11 can't 22:20, 39:2, 43:19, 54:20, 58:17, 94:1, 94:6, 94:8, 118:21, 120:7, 122:21, 122:22, 124:3, 134:12, 161:15, 161:16, 181:16, 188:2, 207:18 cannot 10:10, 14:22, 21:19, 119:11, 119:20, 171:6 capital 37:16, 53:13, 53:14, 53:15, 55:20, 56:22, 57:3, 57:4, 116:13, 118:14 captures 140:13 car 23:15, 25:1 career 140:18 carefully 100:8 carol 124:20, 125:10, 125:15 carried 52:22, 67:15 cars 108:2, 150:12 case 5:3, 8:19, 9:8, 9:12, 10:8, 16:10, 16:17, 18:12, 20:11,</p>	<p>20:15, 27:2, 28:17, 28:18, 29:3, 39:21, 41:16, 45:2, 47:22, 64:5, 65:1, 65:4, 68:15, 90:8, 101:17, 104:7, 128:11, 137:6, 148:2, 148:8, 149:14, 153:1, 154:17, 176:20, 176:22, 183:16, 187:3, 188:1, 190:16, 193:15, 196:5, 198:7, 199:7, 204:9, 205:14, 208:22, 210:8 catch 92:5 categories 171:18 category 200:8 caught 151:5 cause 195:7 cautionary 145:3, 148:6 center 23:8, 26:8, 29:14, 37:15, 37:19, 102:5, 140:12, 140:19, 151:18, 163:7, 168:6, 172:6, 184:7, 184:15, 185:2 century 141:4 certain 7:14, 9:3, 9:5, 9:8, 11:6, 41:15, 48:4, 102:15, 203:12 certainly 23:20, 28:15,</p>	<p>75:20, 77:1, 77:7, 79:16, 94:4, 145:1, 167:16 certificate 210:1 certify 210:2 cetera 12:9, 29:14, 34:4, 108:21, 113:15 cgo 182:17, 188:4, 188:5 chair 140:21, 141:1, 147:2 chance 19:14, 154:3, 154:9, 206:14, 208:17 change 57:16, 70:11, 74:5, 74:18, 74:21, 75:3, 75:13, 76:1, 76:3, 76:12, 76:13, 76:14, 77:16, 85:3, 85:9, 109:15, 110:15, 110:18, 110:19, 135:20, 136:17, 170:5, 190:19, 195:7, 196:7, 196:12, 198:11, 200:1, 202:19, 202:21, 204:3, 204:7, 204:11, 204:13, 204:14, 205:1, 205:3, 205:20, 206:1 changed 27:4, 67:21, 75:9, 85:16, 87:18, 88:1, 108:6, 205:4</p>
---	--	---	--

Transcript of Hearing
Conducted on March 1, 2023

<p>changes 75:19, 77:3, 77:10, 77:13, 81:13, 183:8, 194:11 changing 201:1 chapter 66:15, 68:9, 141:1 character 70:12, 74:5, 76:14, 84:14, 85:7, 108:7, 108:8, 110:19, 128:6, 128:15, 128:22, 179:12, 187:6, 195:9, 195:10, 198:11, 204:3 characterization 44:16, 45:5 characterize 41:18 characterized 79:9 charge 109:10 check 93:22 checking 97:3 chests 148:20 chief 101:21 children 126:19 chimed 14:17 choose 176:18 chose 105:10 christian 37:16, 53:13, 53:14, 53:15, 55:20, 56:22,</p>	<p>57:3, 57:4 church 37:17, 53:13, 53:15, 54:8, 55:19, 56:21, 57:2, 57:5, 88:13, 103:19, 148:14, 149:5 circuit 10:11 cite 66:15 cited 196:2, 198:8 citing 199:7 citizen 96:12, 111:18, 126:4 citizens 8:8, 12:4, 77:17 city 55:19, 56:21, 57:2, 57:4, 158:14 civic 150:3 claim 128:15, 144:8 claimed 147:9 claims 141:16, 195:13 clarification 27:1, 38:21, 56:20, 88:9, 133:14, 160:16 clarify 44:17, 136:16, 179:2 class 146:6 classification 66:19, 67:6, 199:14 cleanup 56:10, 57:7</p>	<p>clear 96:1, 111:20, 114:20, 146:5, 163:12, 205:10 clearly 80:18, 163:12, 187:2 client 15:13, 15:19, 16:1, 79:2, 79:22, 197:19, 202:10 client's 69:13 clients 16:10, 35:6 close 11:17, 16:12, 19:9, 32:10, 48:5, 49:20, 57:15, 57:21, 73:7, 134:16, 152:10, 158:22, 159:8, 177:1, 185:20, 207:3, 207:10, 208:18, 209:12 closed 207:18, 207:19, 208:2 closer 180:22 closes 9:12, 17:15, 59:7 closest 43:8, 47:8 closing 58:1, 153:13, 154:12, 157:12, 188:10, 188:19, 190:7, 206:7, 206:14, 206:15 club 140:22, 141:2, 147:3 cma 201:3</p>	<p>cms 194:4 coalition 106:14 code 65:8, 75:14 coherent 150:8, 150:16 coincidentally 33:8 colleagues 110:3, 110:11, 149:19, 193:14 collector 63:22, 67:3, 67:5 college 61:3, 99:22, 146:7 colloquially 183:5 colonel 37:20 color 42:5, 42:6, 42:13, 42:15 colors 42:1, 171:22 combs 106:8 come 6:4, 6:20, 7:15, 28:18, 68:13, 80:12, 88:4, 90:18, 122:4, 131:15, 132:14, 134:8, 151:19, 152:9, 152:22, 185:12 comes 46:12, 147:20 coming 7:3, 7:20, 41:11, 44:11, 49:9, 60:9, 101:19, 113:18, 140:4, 150:14, 168:22</p>
---	--	--	---

Transcript of Hearing
Conducted on March 1, 2023

<p>commend 107:17</p> <p>comment 86:8, 137:17</p> <p>comments 5:18, 33:1, 41:21, 111:7, 135:19, 159:4, 165:4, 165:6</p> <p>commercial 76:19, 175:21, 197:17, 203:17, 203:18</p> <p>commercially 75:6, 79:18, 84:17</p> <p>commission 116:14, 118:15, 141:3</p> <p>committee 100:10, 104:15, 106:3, 106:6, 106:8, 106:11, 106:12, 106:14, 109:5, 109:10, 109:12, 113:8, 113:9, 113:13, 113:22, 114:2, 120:6, 158:15</p> <p>committees 114:3</p> <p>common 55:18, 77:2</p> <p>commonizing 126:16</p> <p>commons 183:6</p> <p>communication 115:1</p> <p>communities 150:8, 173:19, 180:14</p> <p>community 10:5, 36:2, 72:15, 97:21, 99:10, 103:22, 104:3, 106:7, 107:6, 108:8,</p>	<p>109:2, 109:19, 109:22, 113:14, 115:9, 132:14, 134:3, 134:4, 134:10, 137:21, 138:11, 141:21, 144:10, 146:6, 146:10, 148:16, 163:10, 185:7, 185:15, 185:17, 197:10, 197:12</p> <p>community's 108:7, 141:11</p> <p>company 27:22, 146:3</p> <p>comparable 188:5, 188:6</p> <p>compensated 176:11</p> <p>compensation 141:6</p> <p>competent 20:10</p> <p>complete 8:22, 9:1, 30:20, 85:6</p> <p>completed 142:16</p> <p>completely 108:6</p> <p>completing 140:10</p> <p>complex 142:18, 166:9, 166:10, 175:2, 175:22, 197:1, 198:5</p> <p>compliance 102:3</p> <p>complies 202:13</p> <p>component 69:21</p> <p>comprehensive 190:20, 199:5</p> <p>comprised 109:5, 198:16</p> <p>comprises 114:1</p>	<p>conceptual 49:21, 142:3</p> <p>concerned 69:4, 78:22, 103:20, 126:4, 201:10</p> <p>concerning 43:22, 44:6, 117:6, 200:10, 200:11</p> <p>concerns 126:20</p> <p>conclude 150:4</p> <p>concluded 208:15</p> <p>concludes 9:12</p> <p>conclusion 5:13, 53:11, 80:13, 84:8, 199:8</p> <p>concrete 37:9</p> <p>condition 182:1</p> <p>conditions 52:19</p> <p>condominiums 30:21</p> <p>condos 30:21, 30:22</p> <p>conducted 108:18</p> <p>conferencing 66:4</p> <p>confirm 193:4</p> <p>conform 137:9</p> <p>confronted 133:6</p> <p>confused 26:3, 75:15, 88:1, 111:17, 192:4</p> <p>confuses 75:21</p>	<p>confusion 178:22</p> <p>congestion 103:20, 107:21</p> <p>connect 67:2</p> <p>connected 143:10, 187:8</p> <p>connection 141:17, 144:20</p> <p>connector 141:17, 142:16, 143:11</p> <p>consider 12:8, 22:10, 69:16, 70:6, 70:8, 81:4, 82:2, 83:5, 104:3, 104:14, 121:22, 163:15, 174:2, 174:3, 186:14, 195:15, 195:21, 202:16</p> <p>consideration 149:14, 149:15, 191:5</p> <p>considerations 149:18, 149:22, 191:21</p> <p>considered 80:10, 81:6, 82:4, 83:1, 103:10, 106:5, 191:1, 191:2, 191:9, 195:20</p> <p>considering 82:21</p> <p>consisting 202:22</p> <p>consists 76:4</p> <p>constantly 201:1</p> <p>constitutes 76:11, 80:14</p> <p>construct 179:18</p> <p>constructed 50:3, 90:5,</p>
---	--	---	---

Transcript of Hearing
Conducted on March 1, 2023

<p>90:10, 181:6 construction 90:7, 128:21 consultant 147:9, 182:7 consultant's 146:8 consultants 144:6 contact 17:20 contain 64:21, 68:8, 81:11 contemplated 201:4 contesting 144:9 context 28:17, 203:3 continuances 12:9 continue 6:9, 32:12, 68:21, 158:6 continued 126:5, 158:21 continues 143:6, 143:7 continuing 22:10 continuous 61:12 continuously 61:22 contract 202:9 contractor 140:18 contradictory 148:9 control 13:2, 102:7 conveyance 4:17, 55:14 conveyed 55:22 cool 91:3, 125:11,</p>	<p>130:4, 130:6, 130:7, 151:5 copied 92:22 copies 94:11 copy 40:9, 48:1, 92:9, 94:3, 94:15, 123:14, 139:22, 207:8 corner 23:5, 23:13, 37:7, 37:19, 37:21, 41:6, 41:7, 50:11, 50:12, 104:20, 142:19, 183:3, 203:7 corporate 61:17, 61:21 correct 28:19, 38:19, 39:16, 41:18, 43:14, 48:3, 48:16, 48:17, 71:13, 76:5, 76:8, 80:3, 83:10, 87:6, 94:22, 95:1, 117:20, 117:21, 135:6, 151:6, 151:13, 151:14, 165:1, 181:19, 182:3, 182:10, 207:13, 210:3 correctly 19:14, 136:8, 136:12 correspondence 15:11 corridor 100:2, 100:3, 102:22, 103:4, 106:20, 106:22, 129:4, 129:5, 132:15, 132:21, 179:13</p>	<p>corroborated 47:12 corroborates 23:20 costly 146:22 costs 126:16 cottage 55:19, 56:21, 57:2, 57:4 could 8:7, 8:8, 21:4, 21:9, 22:5, 24:15, 25:19, 28:4, 30:3, 32:22, 34:14, 35:15, 35:21, 36:19, 36:21, 40:1, 40:8, 40:11, 40:15, 49:7, 49:18, 50:5, 50:6, 67:21, 90:3, 90:5, 90:10, 94:14, 100:9, 102:10, 102:12, 102:16, 123:21, 123:22, 124:2, 130:3, 146:11, 146:12, 147:17, 152:2, 154:17, 154:22, 159:4, 159:7, 159:20, 163:21, 164:17, 166:2, 168:15, 170:21, 173:11, 182:6, 185:21, 189:7, 190:8, 191:12, 193:12, 207:14 could've 16:1 couldn't 7:3, 146:13 council 204:7 councilmanic 118:1, 118:17,</p>	<p>118:18 counsel 4:8, 8:2, 8:17, 8:18, 8:20, 9:18, 9:19, 9:21, 10:3, 10:9, 10:10, 14:7, 22:16, 46:8, 47:16, 48:11, 53:10, 60:15, 76:17, 79:4, 80:11, 81:1, 81:4, 81:16, 82:17, 82:21, 83:9, 83:14, 91:8, 96:17, 98:10, 109:22, 110:2, 110:4, 112:11, 114:10, 120:3, 120:10, 133:16, 135:14, 148:16, 151:2, 160:12, 163:17, 165:15, 178:19, 182:2, 191:6, 193:21, 194:9, 194:22, 195:13, 195:15, 195:19, 196:10, 202:21, 203:15, 205:2, 205:14, 205:17, 207:9, 210:7 counsel's 7:21 count 126:12 counted 73:21 counter 196:22 county 9:17, 61:17, 62:3, 77:2, 96:13, 106:14, 106:19, 109:3, 109:6, 110:9, 126:12, 140:17,</p>
---	---	--	---

Transcript of Hearing
Conducted on March 1, 2023

<p>141:3, 141:7, 143:14, 144:14, 146:3, 146:13, 146:15, 149:12, 151:19, 167:2, 167:4, 193:7, 201:15 county's 122:22 county-wide 46:21 countywide 126:8, 127:9, 184:17 couple 17:16, 165:12, 170:13 course 130:9, 142:15, 143:16, 151:13 court 10:11, 82:4, 82:16, 95:8, 186:22, 196:2, 196:3, 204:8, 204:9, 204:12 covered 158:10 create 64:10, 64:11, 65:5, 90:3, 128:17 created 27:14, 27:19, 27:21, 28:5, 32:16, 32:17, 38:16, 51:18, 51:20, 52:2, 109:4 credentials 44:18 credit 105:5, 129:6, 133:2, 151:17, 152:6, 152:9, 163:1, 170:9, 173:15, 182:22 criteria 48:22, 69:6</p>	<p>cross-examine 6:7, 46:12, 54:16, 208:1 cross-examined 146:5 cross-examining 178:3 crossing 143:7, 185:1 cry 109:18 cul-de-sac 37:11, 38:13 cul-de-sacs 34:12, 38:14 current 31:4, 47:3, 55:18, 61:18, 61:22, 67:14, 68:9, 99:6, 109:8, 110:8, 136:18, 186:20, 189:14, 199:14, 199:21 currently 66:22, 72:21, 108:4, 127:16, 129:12, 137:3, 137:4, 176:1 curriculum 44:20, 46:9 cusps 75:6 cut 51:15 cutoff 7:3, 7:7 cuts 150:15 cv 102:10, 102:15, 112:14</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>damaging 147:1 data 102:7, 140:11</p>	<p>date 7:7, 176:16 dated 31:5, 62:13, 62:17, 62:22, 63:1, 153:6 dates 7:1 david 14:5, 14:7, 158:2, 158:13, 189:1 davies 5:7 day 15:5, 111:6, 119:4, 209:1 days 9:15, 9:20, 17:16, 115:22 deadline 15:14 deadlines 16:5 dealing 114:12, 122:5 dealt 7:9 death 150:15 december 63:11 decision 9:13, 9:16, 186:22, 205:4, 205:15, 206:10, 207:8, 208:19, 209:11 decisions 196:3 deduce 191:12 deed 4:17, 55:14, 56:1 deemed 199:9 deeply 107:9</p>	<p>deficient 189:6 define 70:10, 167:6, 167:13, 167:21 defined 70:21, 76:10, 179:4, 180:15, 203:1 defining 179:1 definitely 54:17, 172:8 definition 73:13, 174:9, 174:10, 194:16, 196:16, 198:22, 203:2 degree 60:18, 61:2, 61:5, 185:8 delineated 35:9 delineating 49:22 demonstrated 204:17 dense 104:10, 107:15, 182:19 denser 38:14 densify 126:8 densities 79:11, 81:20, 83:3, 199:21 density 80:6, 105:9, 110:18, 110:21, 126:9, 126:15, 127:3, 127:19, 128:3, 136:7, 136:10, 137:11, 150:10, 169:14, 175:18, 175:19, 176:2, 176:15, 179:22, 183:11,</p>
---	--	---	---

Transcript of Hearing
Conducted on March 1, 2023

<p>183:16, 188:5, 188:6, 195:5, 197:20, 198:1, 198:17, 199:18, 199:19, 201:7 department 193:7, 201:15 depending 152:6 depends 134:17 depicted 31:2 depicting 43:20 depiction 38:1 depictions 34:6 deposition 4:9 deprive 204:16 deprived 204:16 describe 22:21, 24:15, 25:19, 36:18, 40:18, 42:5, 42:13, 50:7, 99:14, 99:15, 100:19, 103:1 described 96:16, 107:16 describes 197:2 describing 102:22 design 67:22, 91:13, 148:10, 150:8 designation 26:8 designed 66:19 designing 141:21 desire 141:12</p>	<p>detached 31:1, 107:14, 108:13, 127:19, 173:19, 194:7, 197:6, 200:4 determination 35:11, 43:21, 64:17 detrimental 143:13 develop 149:21, 176:18, 181:4, 181:18, 191:22, 202:10, 204:18, 204:20 developed 75:5, 107:6, 141:4, 183:8, 183:9, 185:8, 185:17 developer's 142:7, 146:3, 147:9, 148:21 developers 107:13, 108:21, 144:6, 150:7 developing 202:10 development 1:3, 5:5, 5:6, 13:20, 34:10, 34:17, 37:2, 50:19, 90:9, 91:14, 98:17, 106:22, 107:2, 107:9, 107:11, 108:22, 110:21, 114:11, 114:13, 116:14, 126:9, 128:18, 129:3, 132:16, 134:3, 141:4, 143:3, 147:4, 148:20, 148:22, 149:2, 150:10, 152:11, 162:22, 163:8, 169:14, 172:3, 174:18, 179:7,</p>	<p>183:6, 183:11, 191:18, 197:2, 197:21, 198:17, 200:12, 200:17, 201:7, 202:5, 202:11, 202:12, 203:8, 203:10, 203:19, 204:1 developments 137:11, 137:17, 149:13, 181:6, 197:7, 197:22, 198:2, 198:3, 198:20, 199:3 device 175:15 diagonally 86:22, 134:18 diamond 42:10 differ 49:8 difference 134:15 different 32:17, 52:7, 67:17, 74:2, 80:13, 86:14, 113:12, 155:13, 159:16, 171:18, 171:22, 185:16, 200:20 difficult 50:6, 90:7 difficulties 125:4 difficulty 141:20 digitally 121:13 diligence 107:18, 108:17 dimension 41:9 dimensional 41:8 dinner 149:9, 149:15</p>	<p>dire 46:13 direct 124:16, 138:3, 170:17 directed 11:5, 18:2, 205:17 direction 175:5 directly 90:4, 129:11, 184:6, 184:14 director 102:5 directors 99:1, 99:3, 99:5, 99:7, 107:3, 115:4, 115:6, 115:7 disadvantage 33:18 disagree 63:9, 63:18, 64:13, 69:7, 203:4 disagreement 69:9 disagrees 203:10 disapproval 126:21, 133:8, 193:8, 193:12, 201:19, 201:20, 202:2 disapprove 126:1, 127:1, 129:16 disclose 149:18 discouraged 63:22 discuss 49:19, 79:13, 109:22 discussed 80:10, 84:8, 108:14</p>
---	--	--	--

Transcript of Hearing
 Conducted on March 1, 2023

<p>discussing 91:19, 126:17, 208:4 discussion 40:12, 104:16, 113:22 disinterested 177:11 disparages 128:21 displayed 40:21, 134:21 disrespect 17:3 distance 10:13, 21:14, 23:12, 23:15, 24:22, 25:4, 41:12, 41:13, 43:7, 47:15, 48:13, 48:15, 52:8, 69:13, 69:20, 69:21, 87:19, 134:18, 187:5 distances 23:17, 47:7, 69:16 distinct 187:7 district 7:21, 9:18, 10:3, 10:9, 10:10, 46:8, 76:3, 76:17, 79:4, 80:11, 81:1, 81:4, 81:16, 82:4, 82:16, 82:17, 82:20, 83:9, 83:13, 117:20, 118:1, 118:11, 118:17, 118:18, 148:16, 170:20, 182:2, 191:6, 193:21, 194:9, 194:22, 195:13, 195:19, 196:9,</p>	<p>202:21, 203:15, 205:2, 205:17, 207:9 districts 116:16, 118:22 document 4:15, 4:18, 4:19, 4:21, 5:17, 6:10, 29:8, 36:5, 43:13, 44:6, 44:8, 44:11, 48:1, 51:18, 52:8, 52:10, 54:2, 89:13, 122:21, 123:3, 124:4, 209:5 documents 10:21, 17:17, 19:11, 46:22, 52:6, 59:13, 59:21, 130:12, 155:19 doing 16:17, 23:21, 50:6, 55:19, 109:19, 122:20, 123:21, 124:16, 150:2, 157:18, 159:16, 206:6, 208:6, 209:7 dominique 62:13, 107:16, 193:14, 201:14 done 16:22, 77:17, 80:9, 84:4, 114:18, 121:8, 138:13, 174:16, 205:21, 205:22 donut 79:10, 172:8 doreen 55:18 double 93:22, 201:8 doubling 201:8</p>	<p>down 23:4, 23:9, 37:12, 65:20, 70:17, 71:6, 71:7, 71:13, 71:14, 71:18, 71:19, 71:22, 86:11, 87:10, 100:1, 104:17, 109:20, 130:4, 150:14, 152:5, 161:17 downward 37:6 dr 3:9, 96:10, 97:9, 97:11, 98:3, 98:13, 101:12, 102:15, 111:4, 111:9, 111:15, 111:17, 112:7, 112:14, 115:22, 116:11, 117:19, 120:10, 120:16, 120:18, 126:2, 128:7, 129:13, 132:10, 158:8, 160:6, 160:15, 200:6 draw 33:11, 34:20, 40:15, 163:19 drawing 32:3, 33:12, 52:2, 63:7, 84:10, 87:8, 88:15, 142:3, 142:11, 200:19 drawings 87:8, 88:5 drawn 31:20 draws 36:6 drive 23:11, 23:19, 25:5, 35:4, 37:5, 37:12,</p>	<p>71:2, 71:17, 103:8, 103:15, 151:21, 179:6, 197:15 driveway 63:21, 64:10, 64:12, 64:21, 65:2, 89:22, 90:3 driveways 90:8 driving 21:14, 23:17, 24:19, 24:22, 25:4, 87:19, 135:3, 146:7 drug 101:22, 102:6, 134:9 drugs 102:8 due 119:15, 201:21 duly 98:4, 125:16, 131:21, 139:12, 162:4 during 9:8, 11:19, 15:11, 45:8, 55:8, 62:10, 77:12, 109:20, 147:6 duty 150:3 duvall 34:3 dwelling 128:3, 128:4, 142:1, 173:19, 179:19, 180:8, 180:12, 195:5 dwelling 31:1, 73:4, 89:15, 90:1</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>e-mail 15:11, 17:20,</p>
--	--	---	---

Transcript of Hearing
Conducted on March 1, 2023

<p>58:9, 93:18, 94:1, 94:7, 97:4, 121:7, 123:10, 123:11, 130:13, 130:18, 139:17, 207:4 e-mailed 92:8, 130:12 e-mails 11:5 each 19:2, 20:9, 108:14 earlier 41:21, 90:15, 132:11, 154:13, 168:16, 189:6 early 143:3 earth 25:21, 25:22, 26:1, 28:16, 30:15, 140:14 easement 55:22, 56:3 easier 36:13, 36:19, 142:13 easily 89:17, 138:20 east 71:22, 87:10, 88:11, 127:15, 143:3, 163:6, 168:7, 172:6, 179:7, 183:20, 184:4, 184:21 eastgate 23:8, 37:15, 37:18, 103:18 eastward 71:10 ecology 140:9 economically 204:16 ed 52:2, 64:22</p>	<p>edge 70:11 edmonston 62:6 educating 9:9 effect 29:7, 145:8 efforts 150:16 egress 91:15 either 66:20, 79:18, 84:16, 122:16, 157:6, 159:20, 196:7, 196:12 elaborate 33:5 elementary 143:22 else 17:4, 17:12, 93:19, 94:22, 119:21, 120:7, 120:21, 124:20, 132:19, 138:17, 146:2, 152:21, 157:22, 158:9, 158:13, 161:16 else's 123:12 employed 62:2, 62:6, 210:7 employees 109:8 enacted 47:4 enclaved 75:4, 79:17, 84:18 encourage 77:15, 200:3, 202:14, 202:15 encroachment 126:6 end 24:3, 58:11,</p>	<p>95:20, 145:19, 147:20, 147:22, 154:17, 176:4, 201:13 ending 143:8 engage 113:21 engaged 114:15 engages 106:14 engineer 62:7 engineering 146:3, 146:19 engineers 109:9 enjoy 85:19 enough 8:1, 156:1 ensure 110:4 enter 111:11 entered 155:8 enterprises 204:8 entire 40:9, 76:6, 76:9, 85:1, 115:9, 200:13, 203:1 entities 54:8, 56:1 entity 57:5, 96:15, 115:6, 162:14, 196:9 entrance 21:15, 23:7, 23:10, 23:13, 23:18, 24:20, 25:5, 34:9, 91:14, 103:10, 103:11, 103:12,</p>	<p>134:17, 134:20, 141:21, 181:2 entrances 35:4, 103:9 environment 134:5, 150:17 environmental 90:6, 108:19, 200:12 environs 106:4 epidemiology 100:8, 101:21 equate 134:20 equivalent 194:19 erco 147:4 erroneous 196:10, 196:12, 198:13 erroneously 195:14 error 199:10 escaped 30:20 especially 100:12 essentially 82:2 est 41:18 establishes 15:21 estates 72:13, 72:17, 100:13 estimation 108:7, 110:19, 194:18 et 12:9, 29:14, 34:3, 108:21, 113:15 evaluate 203:3</p>
--	--	---	--

Transcript of Hearing
Conducted on March 1, 2023

<p>even 10:7, 10:8, 12:4, 17:16, 28:12, 44:10, 46:1, 47:21, 49:16, 50:19, 70:14, 79:20, 89:12, 126:9, 162:21, 168:8, 181:7, 192:15, 196:13, 198:2, 198:21, 203:2, 204:5, 204:9, 204:22, 205:21, 205:22 evening 132:22, 146:6, 173:8 event 17:18 ever 62:2, 111:19, 122:15, 142:16, 143:10, 162:20, 183:17, 191:22 every 28:18, 64:5, 110:7 everybody 15:22, 36:13, 68:5, 78:16, 113:16, 122:15, 123:12, 147:22, 158:10 everyone 5:2, 6:1, 7:19, 8:11, 10:18, 15:8, 20:10, 59:6, 72:4, 101:14, 105:19, 124:14, 132:19, 147:20, 206:8, 206:13, 206:14, 208:17, 209:10 everything 7:17, 8:4, 34:1, 34:10, 35:15, 159:15,</p>	<p>207:13 evidence 9:3, 9:5, 9:6, 9:21, 10:2, 10:19, 10:22, 11:3, 11:10, 12:7, 20:11, 21:3, 24:2, 29:1, 58:22, 76:1, 80:7, 81:4, 81:7, 85:2, 142:1, 143:18, 144:8, 148:7, 170:3, 190:22, 191:4, 191:8, 191:11, 191:15, 193:1, 193:18, 195:17, 195:20, 196:6, 196:10, 196:12, 196:13, 201:22, 202:1, 202:19, 203:11, 204:2, 204:6, 205:1 evident 166:1 exacerbates 129:10 exact 23:21, 41:12, 41:14, 41:17 exactly 10:5, 58:16, 80:2 exacts 112:8 examination 3:2, 3:9, 3:14, 3:18, 4:1, 22:16, 60:15, 91:8, 98:10, 112:11, 124:17, 133:16, 135:14, 151:2, 160:12, 163:17, 165:15, 171:12, 176:12, 178:19, 182:12 examined 98:6, 125:18,</p>	<p>132:1, 139:14, 162:6 examiner's 21:4 examining 171:6 examples 148:4 except 49:13, 141:7, 175:17, 197:1, 198:4, 204:15, 208:15 exception 75:14, 79:17, 84:18, 144:10, 144:12, 144:17, 144:22, 146:1, 148:15, 148:17, 149:7 excited 106:20, 106:21, 109:22 exclude 31:10, 198:18 excluded 208:8 excuse 18:17, 28:10, 42:10, 47:6, 117:4, 166:19 executives 109:10 exercise 77:7, 134:9 exhibits 6:21, 18:18, 19:5, 19:12, 20:4, 20:6, 20:16, 20:21, 21:18, 28:6, 28:11, 31:10, 54:19, 87:16, 87:17, 111:10, 121:3, 121:4, 121:8, 130:16, 134:22, 153:2, 154:1, 180:11,</p>	<p>188:20, 206:10 exist 166:1, 180:3, 180:14 existence 190:22 existing 66:18, 83:3, 129:4, 129:11, 136:1, 137:9, 180:13, 195:16 exists 137:3, 137:4 exit 141:21 expand 194:16, 198:22 expansion 196:21 expect 6:7, 126:5, 176:14, 176:18 experience 23:21, 25:6, 34:2, 39:18, 39:19, 46:9, 61:8, 61:9, 61:11, 61:12, 112:15, 144:5, 148:14 experiencing 134:11 expert 5:13, 5:14, 33:20, 45:2, 46:7, 46:14, 52:5, 52:11, 100:3, 100:18, 101:1, 101:3, 101:16, 137:6, 137:8, 142:12, 145:3, 145:4, 145:19, 146:4, 171:1, 194:15, 195:21 expertise 100:7, 144:7, 146:6</p>
---	---	---	--

Transcript of Hearing
Conducted on March 1, 2023

<p>explain 8:7, 8:8, 18:22, 19:11, 20:12, 27:10, 29:14, 29:18, 30:3, 49:8, 64:19, 88:9, 116:6, 142:12, 164:17</p> <p>explained 16:8, 64:18, 74:22</p> <p>explaining 59:18</p> <p>explains 81:12</p> <p>explanation 49:19, 55:10</p> <p>explicit 64:4, 64:5, 64:21</p> <p>extend 36:18, 70:14, 143:1, 174:10</p> <p>extended 196:17</p> <p>extends 37:3, 37:5, 37:18, 41:5, 142:22</p> <p>extensive 62:7</p> <p>extent 27:3</p> <p>extents 36:17</p> <p>extremely 32:10</p> <p>eyes 202:7</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>fact 15:16, 32:15, 38:11, 40:9, 44:2, 46:3, 58:17, 59:1, 73:2, 75:6,</p>	<p>79:7, 79:10, 80:1, 83:4, 103:21, 104:14, 105:1, 106:7, 107:11, 115:5, 136:15, 142:2, 145:7, 188:8, 198:19, 199:1, 200:19, 201:21</p> <p>factors 150:9, 195:1</p> <p>facts 79:1, 79:3, 79:5, 80:14, 82:3, 82:15, 83:19, 84:7, 85:10, 85:15, 141:15, 190:22, 191:2, 191:5, 191:11, 191:14, 191:15, 195:16, 198:14</p> <p>factual 10:22, 11:6, 58:22, 85:4, 85:5, 199:8</p> <p>failed 195:15</p> <p>failure 204:15</p> <p>fair 23:16, 25:3, 26:11, 29:6, 30:11, 31:2, 156:1</p> <p>fairly 37:13</p> <p>fall 198:9</p> <p>falls 198:9, 198:10</p> <p>false 146:19, 146:21</p> <p>familiar 29:7, 36:16, 42:1, 62:12, 72:12, 72:18, 72:19, 72:20,</p>	<p>75:11, 77:6, 99:12, 99:13, 99:18, 99:21, 100:1, 101:4, 103:17, 103:19, 104:5, 104:6, 168:2, 168:14, 168:18, 170:17, 173:11, 173:12, 173:18, 174:8</p> <p>familiarity 40:11</p> <p>family 90:1, 90:9, 104:18, 108:1, 108:13, 127:19, 127:21, 128:13, 128:14, 128:16, 128:22, 141:19, 142:10, 142:14, 148:12, 173:19, 197:3, 198:1, 198:19, 199:2, 199:3, 200:4, 200:18, 201:7</p> <p>far 8:4, 70:14, 71:14, 78:22, 158:10, 173:21, 174:2, 174:3, 174:6, 193:12, 198:10, 203:7</p> <p>fatima 2:13</p> <p>favors 194:17</p> <p>feasible 67:3, 179:20, 179:21</p> <p>features 90:6, 187:6</p> <p>february 4:22, 19:9, 45:9, 49:20, 51:2, 55:16, 56:20, 59:15, 62:22, 63:12, 63:17, 75:10,</p>	<p>79:14, 106:9, 109:13, 115:21, 119:8, 120:7, 153:6, 155:18, 179:9, 180:10, 190:14, 201:14, 202:17</p> <p>federal 105:5, 109:8, 151:17, 152:6, 152:9, 163:1, 170:9, 173:15</p> <p>fee 55:22, 56:2</p> <p>feel 20:21, 109:3, 132:13</p> <p>feeling 150:3</p> <p>feet 41:9, 41:19, 43:20, 67:4</p> <p>felbrigg 98:15</p> <p>fellowship 37:16, 53:15, 55:20, 56:22, 57:3, 57:4</p> <p>felt 132:22, 163:4</p> <p>ferguson 3:2, 19:16, 19:19, 20:2, 20:5, 20:12, 20:22, 21:21, 22:1, 22:18, 24:15, 25:18, 26:11, 27:18, 29:3, 29:18, 30:2, 31:6, 33:4, 33:20, 34:1, 35:3, 35:11, 38:21, 39:17, 40:14, 40:18, 41:10, 43:3, 43:12, 43:13, 45:8, 45:22, 46:2,</p>
---	---	--	---

Transcript of Hearing
Conducted on March 1, 2023

<p>46:6, 46:13, 47:10, 49:1, 49:2, 49:19, 50:5, 51:4, 51:20, 52:5, 54:1, 54:11, 54:13, 54:15, 54:16, 55:8, 60:10, 60:13, 60:18, 66:11, 67:11, 69:7, 69:12, 78:4, 78:15, 79:1, 82:6, 82:7, 82:12, 82:15, 85:18, 85:20, 86:21, 92:6, 93:5, 93:20, 94:17, 171:1, 171:9, 178:8, 178:13, 178:21, 181:10, 181:14, 187:9, 188:13, 188:15, 188:18, 191:18, 193:19, 194:15, 195:22, 196:20, 201:18, 201:21, 203:4, 203:10 ferguson's 44:18, 44:20, 54:18, 77:20, 160:16, 172:7, 174:9, 193:10 few 6:3, 111:16, 112:7, 141:15, 178:21 fewer 180:9 field 104:12 fifteen 152:5 fighting 148:15, 149:7 fight 149:11</p>	<p>figure 85:13, 138:1, 142:6, 143:19 file 9:14, 9:15 filed 68:15 files 131:2 final 52:14, 89:19, 205:19 finally 129:10, 150:4, 191:17 financial 150:6, 210:8 find 32:20, 33:1, 74:20, 88:10, 92:21, 175:6, 193:17, 203:21, 203:22 finding 195:17 findings 203:20 finds 192:17, 192:18 fine 17:6, 118:8, 209:8, 209:10 finish 45:16, 45:17, 77:11, 78:16, 116:6, 144:20, 171:7 finished 12:18, 54:14, 94:18, 171:12, 188:17, 188:18, 205:7 firm 13:11, 38:15, 61:18, 61:19, 75:8, 96:5, 96:7, 185:8 firms 146:19</p>	<p>first 6:4, 18:16, 18:19, 19:16, 20:16, 21:10, 21:13, 45:9, 45:22, 59:18, 95:15, 98:4, 105:18, 106:18, 114:6, 114:7, 119:4, 125:16, 130:20, 131:21, 135:17, 139:12, 140:11, 153:4, 162:4, 167:21, 176:10, 192:14, 193:11 five 19:4, 86:14 five-mile 167:3 fix 5:8, 134:8 flawed 192:21 flight 140:19, 151:18 flips 138:20 floodplain 147:7, 180:3 flustered 149:8 focus 20:13, 108:13, 127:18, 194:7 focused 136:2 folder 90:21 folks 122:22, 159:9 followed 82:21 following 127:4 follows 98:6, 125:18, 132:1, 139:14,</p>	<p>162:6 food 163:6 foot 103:16 forbes 142:18, 142:20, 142:22, 143:2, 143:10 fords 50:13 foregoing 210:3 forest 181:1 forgive 209:2 form 61:22, 162:19 formal 114:21 forman's 115:18 former 87:16, 109:8, 158:13 formerly 55:2 forms 62:18 forth 10:17, 45:6, 79:3, 178:1 forty-eight 182:20 forty-one 153:19 forward 7:15, 52:22, 179:17 forwarded 63:3 found 186:9, 186:11, 186:14, 189:6, 199:12, 199:13 four 19:4, 25:1,</p>
---	--	---	--

Transcript of Hearing
Conducted on March 1, 2023

<p>92:1, 128:13, 138:22, 180:15 frankly 16:1, 192:15 frequent 129:6, 130:10 frequently 149:12, 185:14 friday 159:8, 159:15, 159:20, 207:4, 207:10, 209:13 friends 129:7 front 66:19, 129:11, 152:10, 172:4, 184:3, 184:16 frozen 72:4 ful 108:17 full 115:12, 151:5 fully 115:4 fulton 152:4 function 185:17 furious 128:19 further 32:4, 57:16, 60:10, 90:12, 111:8, 111:9, 149:8, 165:10, 168:8, 172:22, 175:10, 207:11 future 50:19, 55:10, 126:6, 136:18, 177:3, 199:20, 203:8</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gains 113:14</p>	<p>garden 163:5, 166:3, 166:6, 168:1, 172:11, 175:6, 180:20, 198:4 garden-style 175:3, 181:1 gardens 82:1 gas 133:1 gault 4:1, 18:2, 55:7, 55:11, 154:20, 159:22, 161:5, 161:7, 161:16, 162:3, 162:13, 163:19, 164:13, 165:9, 165:11, 165:18, 169:13, 171:15, 171:17, 172:22, 173:2, 173:3, 173:6, 173:7, 176:4, 176:8, 176:9, 177:1, 178:12 gault's 175:15, 180:19, 180:22, 182:15 gave 5:20, 62:7, 138:6, 165:7, 189:13 general 67:1, 99:19 generally 10:12, 52:12, 89:12, 99:14, 99:16, 208:1 generate 107:13 generic 26:22, 27:2 gentleman 86:16, 177:13 genuinely 132:14</p>	<p>geographic 140:14, 140:19 geographical 29:5 george's 14:9, 61:17, 96:13, 106:19, 140:17, 140:22, 143:14, 146:15, 147:2, 167:2, 167:4, 193:7, 201:15 getting 46:11, 115:5, 116:18, 150:13, 154:17, 201:13 giant 32:19, 163:6, 168:6 gilmore 13:18 gis 208:6 give 17:16, 19:14, 20:18, 38:1, 47:13, 48:1, 49:18, 65:10, 82:10, 117:13, 120:4, 129:21, 130:3, 132:2, 139:15, 145:15, 159:10, 162:7 given 39:18, 46:1, 76:13, 76:14, 84:11, 100:19, 140:7, 149:13, 149:16, 149:18, 149:22, 185:14, 190:15, 191:6 gives 32:1 giving 32:3, 85:20, 171:5 glad 12:2, 92:13</p>	<p>glen 30:19, 72:12, 72:17, 100:13 glendale 23:6, 38:15, 81:22, 98:16, 108:10, 127:6, 132:5, 132:11, 134:1, 180:16, 183:2, 183:6 global 102:1 go 5:22, 12:20, 18:16, 19:11, 21:9, 24:9, 24:12, 29:14, 36:22, 41:20, 45:14, 45:16, 48:13, 51:16, 53:21, 58:14, 64:19, 65:22, 68:7, 70:19, 71:6, 71:9, 86:11, 87:17, 87:20, 88:19, 89:7, 91:6, 93:5, 95:15, 97:6, 98:8, 102:10, 103:5, 103:18, 104:20, 105:12, 105:16, 112:10, 115:16, 116:20, 117:16, 118:8, 123:21, 132:6, 133:1, 134:19, 140:5, 145:19, 153:2, 153:6, 154:3, 154:7, 172:7, 178:18, 182:11, 183:19, 190:8, 197:13, 208:18 goal 57:17 goals 200:8 goddard 140:19, 151:18</p>
--	--	---	---

Transcript of Hearing
Conducted on March 1, 2023

<p>goes 42:9, 179:17, 200:21</p> <p>going 5:22, 7:7, 8:6, 11:1, 11:10, 17:10, 17:17, 18:16, 19:15, 19:16, 20:3, 29:19, 31:19, 33:2, 41:11, 42:21, 45:12, 50:8, 53:1, 54:18, 58:9, 58:11, 58:20, 65:16, 78:1, 78:3, 81:18, 81:19, 81:21, 82:9, 83:2, 84:3, 95:19, 100:16, 105:12, 113:19, 113:20, 113:21, 115:17, 117:13, 120:2, 123:5, 128:5, 130:19, 132:7, 132:20, 137:14, 137:16, 144:15, 147:21, 153:6, 157:12, 158:3, 159:16, 160:8, 175:6, 176:21, 177:13, 177:22, 182:8, 188:22, 189:2, 189:4, 189:12, 190:3, 206:9, 206:10, 206:12, 206:22, 207:4, 208:19</p> <p>golf 130:9, 151:13</p> <p>good 5:2, 8:16, 12:11, 13:15, 15:5, 15:7, 21:22, 22:1, 24:21, 33:16, 38:1, 65:19,</p>	<p>70:6, 70:9, 70:10, 70:16, 71:1, 71:16, 71:18, 71:19, 97:12, 97:13, 97:14, 103:11, 104:20, 105:19, 108:22, 125:9, 132:4, 132:20, 142:19, 148:1, 149:9, 173:8, 178:14, 179:5, 181:2, 183:3, 193:15, 196:18, 197:22</p> <p>google 4:10, 4:11, 21:14, 23:1, 25:21, 25:22, 26:1, 28:16, 32:4</p> <p>gosh 78:7</p> <p>goto 34:19, 35:22</p> <p>gotten 41:22</p> <p>government 62:3</p> <p>grading 75:7</p> <p>grant 64:22, 204:14</p> <p>granted 136:17</p> <p>granting 144:11, 145:22</p> <p>grassroots 149:21</p> <p>great 8:12, 34:8, 36:22, 39:13, 87:21, 99:8, 99:11, 112:15, 147:19, 153:17, 153:19, 163:2, 174:16, 174:21</p> <p>greater 110:2, 183:12</p>	<p>green 87:1</p> <p>greenbelt 13:19, 23:4, 23:9, 37:14, 38:11, 70:2, 70:17, 70:19, 70:22, 71:6, 71:7, 71:13, 72:1, 87:1, 90:4, 91:15, 100:3, 100:13, 104:21, 106:19, 107:22, 129:13, 135:5, 141:18, 142:13, 142:19, 142:22, 143:1, 143:21, 158:14, 163:3, 163:10, 167:9, 167:17, 168:15, 169:21, 172:3, 173:13, 174:17, 175:5, 175:16, 179:8, 179:11, 179:13, 180:16, 180:17, 180:18, 180:21, 183:3, 184:8, 187:10, 187:14, 196:18, 197:2, 197:22, 198:4</p> <p>gregory 53:12</p> <p>grocery 133:2</p> <p>gross 180:1, 180:6</p> <p>ground 31:2, 31:20</p> <p>grounding 145:7</p> <p>grounds 27:17, 31:18, 32:15, 32:21, 44:15, 114:2, 143:19, 191:13, 191:16</p> <p>group 13:2, 119:17,</p>	<p>142:21, 147:2, 149:1</p> <p>groups 117:7</p> <p>guess 18:16, 87:18, 91:13, 117:12, 118:1, 134:17, 136:19, 154:16, 158:7, 181:17, 205:4, 205:16</p> <p>guidelines 109:7, 141:4</p> <p>guys 106:10, 109:19</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>half 47:14, 55:17, 105:18, 111:5, 174:1, 180:6</p> <p>hall 98:15</p> <p>hand 141:16, 141:22</p> <p>handling 75:8</p> <p>happen 92:4, 134:7, 183:18, 203:14</p> <p>happened 106:9, 120:6, 195:18</p> <p>happy 19:10, 100:18, 118:10, 124:12, 139:7</p> <p>hard 113:16</p> <p>harm 145:12</p> <p>harmonious 129:3</p> <p>hayes 53:12, 54:6, 57:3</p> <p>hazard 104:1, 105:3,</p>
--	--	--	---

Transcript of Hearing
Conducted on March 1, 2023

<p>108:5 hazards 104:1, 126:16 he'll 68:21 head 37:20, 163:7, 163:11 health 102:1, 102:3, 102:18, 104:11, 126:18, 143:13 hear 11:22, 12:13, 22:12, 27:13, 72:7, 78:7, 105:14, 124:19, 192:14, 207:18 heard 46:1, 106:16, 191:17, 193:6, 197:12, 206:3, 206:8 hearing 1:2, 2:1, 5:4, 5:10, 5:13, 5:16, 6:4, 6:8, 6:10, 6:11, 6:12, 6:13, 6:19, 7:4, 7:11, 9:19, 9:22, 12:12, 14:18, 15:19, 15:22, 17:4, 17:15, 18:19, 19:9, 21:4, 28:1, 33:19, 45:9, 49:20, 52:3, 53:11, 55:15, 56:20, 57:15, 57:21, 59:15, 77:6, 80:1, 92:9, 93:9, 105:19, 106:9, 109:13, 110:12, 110:13, 110:16, 111:7, 113:20, 114:4, 114:5,</p>	<p>114:6, 114:17, 115:20, 119:7, 120:7, 126:22, 145:1, 150:1, 157:8, 158:3, 158:6, 158:21, 159:1, 189:14, 190:15, 208:14, 209:15 hearings 6:14, 18:14, 106:9, 110:5 heart 83:16 heavy 103:16, 133:4 held 2:1, 5:15, 6:19, 15:22, 79:20, 84:19, 146:21, 196:4 hello 90:19, 124:22 help 20:13, 47:16, 88:9, 124:13, 128:16 helped 7:18, 30:18 helpful 172:21 here 8:8, 10:15, 13:19, 14:14, 14:15, 14:17, 17:12, 18:6, 19:20, 28:1, 28:22, 31:18, 32:2, 32:8, 32:18, 32:20, 34:1, 34:15, 36:8, 46:11, 48:16, 51:21, 52:9, 77:17, 89:11, 92:17, 94:20, 96:12, 99:22, 101:19, 103:6, 105:11,</p>	<p>106:1, 106:16, 112:17, 113:11, 113:12, 115:8, 124:20, 134:5, 134:6, 135:18, 141:9, 155:1, 158:9, 161:6, 161:11, 176:22, 194:20, 201:14, 206:20, 207:3, 209:13 hereby 210:2 hiatus 61:19 hide 199:1 hiding 22:5 high 34:3, 70:4, 105:9, 134:2, 150:10, 168:11, 169:14 high-rises 172:14 higher 66:18, 67:6, 110:18, 126:8, 126:15, 127:3, 136:10, 137:11, 188:5 highlight 23:4 highlighted 36:22 highway 67:1, 143:8 hire 126:8 historic 108:19, 200:6, 200:13 historically 194:2, 195:12 history 5:9 hoa 109:21, 111:19,</p>	<p>112:18, 112:22, 113:4, 113:6, 113:7, 114:9, 115:7, 116:13, 117:20 hoas 114:3 hold 62:19 hole 79:10, 172:7 home 98:20, 104:22, 107:5, 134:15, 151:22, 197:6, 197:7 homeowner 23:18, 96:15 homeowners 13:12, 21:16, 26:13, 31:21, 32:1, 32:7, 33:12, 33:13, 34:13, 43:8, 69:15, 69:17, 96:2, 96:6, 96:8, 97:20, 101:20, 106:2, 107:7, 108:1, 110:7, 110:14, 111:11, 113:10, 119:9, 121:2, 173:20, 197:8, 198:15, 198:18, 199:4 homes 34:12, 99:10, 104:18, 108:1, 128:14, 128:16, 141:19, 175:20 honestly 137:1 honor 48:17, 95:4, 95:5, 138:19 honorable 95:5, 127:1 hope 111:2</p>
---	---	--	--

Transcript of Hearing
Conducted on March 1, 2023

<p>hospital 81:22</p> <p>hour 20:9</p> <p>house 102:6</p> <p>housekeeping 54:11</p> <p>houses 148:12, 167:11</p> <p>housing 107:15, 128:17, 187:17</p> <p>howard 102:4</p> <p>however 43:14, 107:1, 114:8, 134:21, 143:17, 201:18</p> <p>hurlbutt 202:4</p> <p>hurwitch 124:21, 125:11, 125:15, 129:21, 132:10, 151:10</p> <p>hurwitz 106:17</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>idea 91:18, 151:20, 199:22, 201:6</p> <p>identification 24:11, 25:15, 39:7, 49:11, 53:4, 53:19, 56:15, 57:11, 59:4, 60:6, 139:3, 153:11</p> <p>identified 72:16, 72:22, 73:11, 109:12</p> <p>identify 8:2, 18:8, 40:11, 71:7, 146:12, 155:5</p> <p>identifying 71:6, 146:14</p>	<p>ignored 79:4</p> <p>ii 5:6, 13:20, 147:6</p> <p>illegal 102:7</p> <p>illustrate 93:10</p> <p>illustrated 42:2, 44:8</p> <p>illustrates 145:4</p> <p>illustrative 89:13, 93:8, 180:11, 181:5</p> <p>image 4:10, 4:11, 22:21, 23:1, 23:3, 24:16, 24:17, 26:6, 26:8, 26:10, 30:4, 31:4, 40:16, 40:17, 40:21, 41:22, 50:13, 50:15, 92:9</p> <p>images 140:13, 140:20</p> <p>imagine 134:12, 151:17</p> <p>immediate 79:9</p> <p>immediately 38:11, 70:2, 184:22, 198:21</p> <p>impact 50:2, 93:11, 106:4, 143:13, 144:12, 146:2</p> <p>impacts 50:18</p> <p>impede 203:8</p> <p>important 10:14, 111:2, 126:11, 127:14, 194:8, 202:3</p>	<p>imposed 163:8</p> <p>impossible 142:15</p> <p>impractical 141:19</p> <p>impressed 107:18</p> <p>impressive 112:14</p> <p>improper 78:6</p> <p>inability 66:13</p> <p>inaccurate 32:1, 191:14, 199:9</p> <p>incidents 133:6</p> <p>inclined 158:7, 159:6</p> <p>include 39:15, 126:14, 196:17, 196:18, 198:1, 199:21</p> <p>included 21:1, 45:21, 48:8, 49:22, 142:3, 208:8</p> <p>including 141:3, 197:4, 197:7, 201:8</p> <p>incomplete 141:17, 191:14, 199:9</p> <p>incongruent 128:16</p> <p>incorporated 13:12, 140:12</p> <p>incorporating 62:18</p> <p>increase 143:20, 144:2, 163:14, 176:17</p> <p>increased 133:3, 134:12, 136:7</p> <p>increases 126:18</p>	<p>increasing 176:14</p> <p>indeed 95:6</p> <p>independent 44:3</p> <p>independently 44:1</p> <p>indicate 30:8, 79:14, 87:11, 103:16, 181:9, 207:7</p> <p>indicated 41:9, 51:2, 77:21, 88:6, 110:3, 113:7, 119:12</p> <p>indicates 23:2, 23:12, 24:19, 24:21, 26:3</p> <p>indication 47:15</p> <p>indications 27:15, 32:17, 32:19</p> <p>indiscriminate 107:2</p> <p>individual 16:11, 111:18, 150:6, 196:4</p> <p>individual's 196:5</p> <p>individuals 6:12, 96:3, 96:17, 119:12</p> <p>indulge 134:9</p> <p>inevitably 64:7</p> <p>influence 179:11</p> <p>inform 110:5</p> <p>informal 115:1</p> <p>information 19:8, 19:10,</p>
---	---	--	---

Transcript of Hearing
Conducted on March 1, 2023

<p>39:15, 40:20, 56:19, 57:14, 57:20, 59:15, 60:8, 81:12, 117:1, 117:6, 118:7, 140:15, 140:20, 201:17, 207:12, 207:17, 210:6 infrastructure 128:5 ingrid 110:1 inhabitants 144:2, 144:4 insight 113:15 instance 70:2, 186:15 instead 30:7, 36:6, 77:14 institute 101:22 institutionally 79:18, 84:17 instructed 121:11 integrated 106:21 intended 17:3, 89:11 intense 105:9, 107:19, 195:4 intensive 128:1 intention 36:8 intentional 194:10, 201:4 interaction 187:7 interest 55:18, 109:6, 210:8 interested 110:6</p>	<p>interestingly 183:4 interim 5:21 interior 66:20, 67:3 interject 34:22, 46:10, 115:18, 157:4 international 102:2 interrupt 171:6 interrupted 143:4 interrupting 97:3 intersection 23:9, 67:4, 67:5, 184:8 intervenes 37:13, 37:15, 37:17 intervening 69:22, 187:6 introduced 24:2, 25:10, 25:19, 26:18, 29:1, 31:9, 43:5, 51:6, 157:5, 157:6, 157:9 introductions 12:19 invested 107:9, 110:8 investment 79:20, 84:19 investors 1:3, 5:5, 13:20 involved 107:7 issue 6:1, 16:7, 16:14, 52:8, 79:1, 107:21, 107:22, 149:10, 190:18</p>	<p>issues 44:10, 106:4, 114:11, 141:2 it'll 48:21, 92:20 item 49:8, 53:10 items 208:15 itself 44:9, 47:11, 72:19, 195:6</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>janine 1:22, 210:2, 210:14 january 109:21, 114:8, 114:9, 119:7 jay 18:13 jeremy 202:4 job 1:20, 8:21, 9:8, 174:16, 193:15 john 90:19, 101:19 joining 164:13 jon 3:18, 139:11, 207:16 jr 162:13 judgment 191:12 july 119:5 jurisdictions 46:8 justification 51:2, 81:13, 192:19</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>kansas 140:9, 140:13</p>	<p>keep 8:13, 110:11, 123:22, 160:9, 177:22, 189:16, 190:10, 192:1, 193:3, 201:4 keeping 177:14, 208:16 keeps 82:6, 148:11 keohane 52:2 key 127:13 kfc 32:18, 37:21 khan 27:22, 28:4 khan's 28:7 kind 27:15, 36:5, 36:9, 50:17, 51:19, 85:3, 102:13, 149:13, 150:13, 185:16, 193:20, 198:12, 208:6 king 143:7 kitchen 134:7 knew 7:2, 68:8, 149:3 knowing 150:2 knowledge 29:4, 31:22, 109:6, 181:15 knowledgeable 108:16 knows 17:12, 29:20, 86:11, 120:7 kramer 55:19</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>label 23:5, 23:12,</p>
---	---	--	---

Transcript of Hearing
Conducted on March 1, 2023

<p>30:10, 30:22 labeled 30:8, 38:13, 41:2, 42:4, 63:9 labels 31:3, 32:20 lack 80:13 ladies 149:1 lady 96:16 lake 37:11, 160:17, 181:1 lakeview 160:17, 161:2 land 1:3, 5:5, 5:14, 8:20, 13:19, 21:1, 26:21, 33:20, 36:4, 36:18, 39:18, 44:19, 44:21, 45:1, 45:2, 46:3, 52:6, 61:9, 61:20, 66:17, 70:12, 70:13, 74:3, 77:1, 77:16, 77:21, 78:5, 84:7, 84:9, 84:12, 84:14, 84:16, 104:6, 108:12, 110:17, 127:17, 129:4, 135:1, 135:4, 140:16, 141:2, 171:2, 177:1, 184:15, 194:6, 199:19, 199:20, 200:8, 203:2 landing 180:20, 181:3 landsat 140:11, 140:13 lane 130:4, 130:7,</p>	<p>132:5, 133:21, 162:13 language 67:11 lanham 23:9, 23:10, 37:6, 81:21, 103:9, 108:10, 127:6, 134:16, 141:18, 143:5 large 37:13, 128:14, 184:13, 198:16 larger 128:21 last 11:11, 15:11, 82:10, 123:13, 123:14, 170:13 late 200:15 later 55:5, 55:11, 92:19, 96:20, 176:16 law 7:2, 7:14, 20:9, 70:1, 75:3, 80:15, 141:20, 177:17, 198:7, 199:7, 202:13, 209:4 lay 30:18, 100:19, 101:3, 104:10, 137:5 layer 40:10, 43:15, 48:6 layout 89:14 lead 102:1, 146:22 learned 115:20 least 64:8, 67:4, 137:7, 149:9,</p>	<p>158:10, 188:22, 196:19, 197:3 leave 14:18, 81:19, 83:2, 94:17, 106:13, 141:12, 150:19, 158:2, 158:16, 159:6, 159:14, 180:7 leaves 180:5, 190:2 led 84:8, 102:2, 102:6, 195:19 leeway 116:8, 117:13 left 18:17, 23:3, 40:21, 161:22, 163:4, 188:21 legal 26:21, 57:16, 58:2, 59:6, 96:15, 144:16, 179:21, 187:1, 206:7, 206:16 legislative 196:9 less 76:6, 76:11, 84:22, 85:1, 99:17, 103:15, 181:8, 182:18, 185:21, 203:1 let's 16:13, 20:16, 55:2, 55:12, 62:11, 77:19, 78:12, 78:13, 78:16, 155:4, 176:8 letter 4:16, 4:20, 4:22, 10:20, 11:2, 11:17, 37:8, 37:18, 55:5, 55:9, 59:12, 153:5,</p>	<p>153:7, 153:14, 154:1, 154:7, 155:1, 155:9, 155:16, 157:4, 157:5, 157:9, 164:22, 165:6, 169:12, 192:3, 196:2, 198:8, 202:15 letters 12:3, 12:8, 26:6 letting 7:19 lidl 32:18, 163:2 lies 69:9 life 126:7, 126:14, 140:21, 150:9 light 41:5 lighting 206:11 lightly 181:2 likelihood 144:2 limit 20:8, 200:17 limits 41:3, 50:7, 72:18 line 23:4, 23:6, 37:4, 38:14, 41:5, 42:8, 42:18, 43:19, 48:12, 50:6, 71:3, 153:12, 154:20, 179:8 lines 164:19 link 14:16 links 122:16</p>
---	---	--	--

Transcript of Hearing
Conducted on March 1, 2023

<p>lis 68:8</p> <p>list 45:21, 117:9, 190:6</p> <p>little 24:18, 29:11, 31:5, 34:11, 38:14, 92:19, 111:17, 117:13, 129:15, 137:2, 138:3, 183:19, 187:19, 196:21, 206:8</p> <p>livable 126:7</p> <p>live 10:6, 10:12, 17:19, 91:3, 97:21, 105:10, 125:11, 129:5, 133:5, 134:16, 149:5, 151:11, 162:13, 170:7, 175:20, 176:1, 187:19, 188:2</p> <p>lived 99:19, 99:22, 101:4, 106:19, 138:11, 143:3, 149:4</p> <p>lives 10:5, 121:20, 158:14</p> <p>living 99:22, 103:6, 126:13, 128:13, 137:20</p> <p>llc 1:3, 5:6, 13:20</p> <p>located 27:20, 32:10, 36:10, 36:11, 41:3, 41:4, 67:4, 117:20, 117:22, 174:14, 197:11</p> <p>location 29:5, 30:13,</p>	<p>85:8, 93:10, 144:12, 144:13, 146:12, 150:12, 164:22, 203:6</p> <p>locations 26:12</p> <p>lockhart 62:13, 63:20, 65:11, 69:5, 75:10, 76:16, 193:14, 193:22, 194:5, 201:11, 201:14, 201:19, 202:3</p> <p>lockhart's 52:22, 64:13, 84:22, 107:16, 179:16, 202:17</p> <p>logo 37:21</p> <p>long 10:20, 35:13, 69:6, 98:18, 103:6, 138:10, 158:4, 171:21, 200:12, 209:1</p> <p>longer 55:2, 66:4, 152:8</p> <p>look 18:22, 81:21, 92:15, 92:20, 94:6, 94:7, 104:17, 118:10, 128:11, 142:11, 142:17, 154:17, 159:18, 163:5, 163:6, 167:9, 167:11, 168:15, 170:19, 173:14, 174:7, 175:4, 175:5, 189:10</p> <p>looked 43:15, 84:6, 84:7, 90:21, 91:11, 92:16, 100:12, 146:11</p> <p>looking 31:15, 42:4,</p>	<p>50:17, 89:17, 137:2, 170:8, 174:5, 174:11, 174:13, 175:15</p> <p>looks 28:13, 40:22, 49:16, 51:19, 94:17, 185:18, 188:17, 209:10</p> <p>lose 10:9, 127:14</p> <p>lot 10:16, 10:22, 36:13, 37:14, 41:7, 42:19, 43:1, 43:8, 47:8, 88:13, 111:5, 134:4, 134:6, 134:12, 151:21, 152:8, 179:15, 191:20</p> <p>lots 32:17, 32:19, 66:17, 73:15, 73:16, 73:17, 73:19, 79:17, 99:8, 99:12, 99:15, 127:21, 168:12, 198:16, 200:4, 200:18, 202:6</p> <p>lottsford 143:8</p> <p>love 132:14</p> <p>low 104:19, 104:21, 104:22, 105:1, 105:4, 108:12, 110:17, 110:21, 127:17, 127:19, 194:6, 197:17, 197:18, 197:20, 198:1, 198:4, 198:17, 199:18, 199:19, 200:8, 201:7, 203:18</p> <p>low-rise 175:3, 197:1</p>	<p>lower 26:7, 40:16, 175:18, 176:2, 183:16</p> <p>luck 24:21, 70:6, 70:9, 70:10, 70:16, 71:1, 71:16, 71:18, 71:19, 103:11, 104:20, 142:19, 179:5, 181:2, 183:3, 196:18, 197:22</p> <p>luna 37:9</p> <p>luther 143:7</p> <p>lying 54:19</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>ma'am 121:16, 130:14, 182:3, 188:16</p> <p>made 13:5, 43:12, 44:18, 77:10, 77:13, 78:4, 80:8, 80:17, 80:21, 81:14, 82:18, 85:9, 102:17, 111:19, 113:3, 114:16, 126:2, 127:12, 128:9, 128:13, 146:4, 146:19, 157:14, 165:4, 186:5, 192:18, 192:22, 193:1, 193:19, 193:21, 200:16, 202:17, 208:7</p> <p>madman 88:20</p> <p>mailing 45:21</p> <p>main 103:10, 134:19,</p>
--	--	---	--

Transcript of Hearing
Conducted on March 1, 2023

<p>192:2 mainly 157:5 maintain 195:11 maintained 61:19, 195:11, 203:19 maintaining 199:21 majority 197:6 make 7:8, 8:3, 8:22, 10:22, 12:16, 13:22, 35:10, 36:13, 43:21, 44:2, 54:7, 81:16, 90:6, 92:17, 92:19, 93:22, 95:11, 113:5, 122:15, 128:15, 135:18, 141:7, 141:18, 142:9, 144:20, 152:8, 156:7, 164:3, 187:6, 194:9, 194:22, 205:7, 205:14, 206:4 makes 141:14 making 8:22, 11:5, 64:16, 80:22, 93:18, 135:20, 144:6, 146:17, 170:4, 177:8, 193:5, 199:11, 205:13 manage 147:15 manipulate 201:1 many 11:14, 28:6, 45:3, 72:21, 73:3, 73:9,</p>	<p>73:15, 73:16, 73:17, 77:8, 99:8, 101:5, 105:9, 106:11, 107:6, 107:11, 109:8, 116:18, 128:8, 129:7, 140:15, 140:22, 141:14, 142:17, 143:9, 151:18, 151:22, 154:6, 198:5, 199:3 map 4:10, 4:11, 4:14, 22:5, 28:13, 31:20, 32:15, 32:20, 33:5, 33:8, 36:3, 36:7, 39:14, 46:21, 47:3, 57:19, 76:2, 77:15, 81:11, 81:18, 103:7, 108:11, 126:10, 127:1, 127:7, 127:9, 134:21, 141:9, 143:17, 146:8, 146:14, 150:15, 168:16, 179:2, 179:17, 184:3, 184:17, 189:4, 189:15, 189:18, 190:18, 191:7, 192:9, 199:5, 201:20, 202:20, 203:20, 208:11 maps 21:14, 23:1, 32:4, 88:6, 207:17, 208:3 maran 158:2, 158:13, 159:3, 190:3, 207:4, 207:11 maran's 189:1 march 1:4, 5:4,</p>	<p>113:18, 114:6, 114:18, 114:19, 210:15 mark 3:2, 130:16 marked 18:20, 19:5, 24:10, 24:13, 25:14, 30:3, 39:6, 39:9, 49:10, 53:3, 53:18, 56:14, 57:10, 59:3, 60:5, 138:22, 139:2, 146:15, 153:10 marketplace 82:1 martin 30:21, 31:1, 143:7 mary 3:14, 5:6, 113:10, 121:18, 131:4, 131:20 maryland 2:14, 61:7, 91:4, 98:16, 116:13, 118:14, 125:12, 129:4, 129:5, 130:8, 130:9, 141:1, 143:4, 151:13, 162:14, 196:3, 204:9 master 49:22, 50:7, 50:9, 50:18, 57:18, 67:1, 79:12, 81:5, 81:17, 82:21, 126:9, 142:5, 142:8 material 179:11 matter 6:9, 8:9, 13:13, 83:17,</p>	<p>95:16, 96:9, 100:5, 137:18, 143:22, 144:18, 177:15, 202:8 matters 12:9, 12:20, 20:9, 28:18, 62:8, 106:22 mature 102:19 maureen 5:3 max 183:12 maximize 150:5, 150:8, 150:11 maximum 128:2, 180:7, 191:20, 195:5 maybe 5:10, 12:19, 35:5, 87:22, 88:15, 113:11, 122:2, 123:11, 158:16, 181:15 mayor 204:7 mcdonald's 32:18 mcneil 5:3, 14:1, 17:4, 105:20, 119:1, 127:1 mean 16:7, 26:20, 46:11, 47:2, 49:5, 49:7, 66:22, 80:5, 86:11, 108:1, 119:11, 128:22, 137:5, 145:6, 145:16, 163:11, 167:2, 174:19, 181:14, 186:3, 187:5, 188:2, 208:12 meaning 207:8</p>
--	---	---	--

Transcript of Hearing
Conducted on March 1, 2023

<p>means 9:1, 111:4, 135:22, 158:6, 158:18, 166:6, 183:14</p> <p>measure 152:2</p> <p>measured 52:9</p> <p>measurement 44:3, 180:5</p> <p>measuring 41:11, 41:12</p> <p>medical 102:4</p> <p>meet 177:17</p> <p>meeting 6:2, 7:13, 11:13, 17:5, 34:19, 35:22, 106:13, 109:21, 113:3, 113:17, 113:18, 114:9, 117:7, 119:5, 158:9, 190:14</p> <p>meetings 114:8</p> <p>meets 48:21</p> <p>member 109:11, 110:1, 110:3, 120:5, 121:18, 121:21</p> <p>members 47:10, 104:15, 106:8, 106:12, 114:1, 114:22, 115:8, 115:14, 148:16, 200:9</p> <p>memorandum 62:12, 75:10, 107:17, 155:17, 155:18, 201:16, 202:4, 202:18</p> <p>memorandums 155:16, 193:22, 200:10</p>	<p>memory 68:14, 171:20, 184:2</p> <p>memos 108:15</p> <p>memphis 102:17</p> <p>mennonite 55:19, 56:21, 57:2, 57:5</p> <p>mention 186:5</p> <p>mentioned 12:2, 34:16, 101:13, 112:17, 172:11, 179:15, 181:19, 182:14, 185:7, 200:6, 209:4</p> <p>mentions 191:19</p> <p>merely 52:9, 56:3, 76:18, 111:5, 203:16</p> <p>met 5:21, 69:6</p> <p>metrics 30:7</p> <p>metro 81:22</p> <p>mf 142:8, 170:20</p> <p>mic 8:13, 97:3</p> <p>michael 27:22</p> <p>mid 38:16, 185:8</p> <p>middle 50:14, 50:15, 66:13</p> <p>might 20:13, 65:19, 87:22, 92:6, 134:1, 134:18, 142:11, 151:17, 152:1, 161:16,</p>	<p>190:4, 208:1</p> <p>mile 166:12, 167:16, 174:1, 174:4, 175:5</p> <p>mileage 151:21</p> <p>miles 13:18, 23:14, 24:22, 134:21, 151:22, 152:3</p> <p>mind 36:8, 123:20, 124:15, 177:14, 203:18</p> <p>mindful 108:18, 108:21</p> <p>mine 80:1</p> <p>minimize 150:11</p> <p>minute 5:22, 13:1, 22:11, 49:1, 68:13, 71:17, 105:18, 155:3, 160:4, 205:12</p> <p>minutes 25:2, 152:3, 152:5, 185:21</p> <p>mischaracterizat- ion 44:17</p> <p>mischaracterize 80:22</p> <p>mislabeled 146:9</p> <p>misleading 146:22</p> <p>misnomer 8:20</p> <p>miss 130:4</p> <p>missed 79:3</p> <p>mistake 57:16, 63:8, 63:9, 78:22,</p>	<p>82:18, 190:19, 191:8, 191:13, 193:21, 194:9, 194:22, 198:12, 199:9, 199:13, 200:1, 204:7, 205:1, 206:2</p> <p>mistaken 67:22, 196:10</p> <p>mmcbbc 193:8</p> <p>mmcppc 117:1, 202:7</p> <p>moment 16:6, 29:10, 46:10, 65:10, 72:3, 72:10, 79:21, 85:7, 101:12, 131:2</p> <p>momentarily 26:2</p> <p>monday 16:3</p> <p>monkton 162:14</p> <p>monuments 103:9</p> <p>more 7:20, 8:11, 19:10, 27:2, 29:11, 30:8, 34:5, 35:6, 41:12, 56:10, 57:7, 57:22, 70:11, 75:16, 77:17, 87:12, 89:17, 100:18, 110:5, 124:12, 124:14, 126:15, 126:19, 128:8, 136:2, 136:7, 143:21, 144:3, 144:12, 154:20, 163:22, 182:5, 187:8, 188:6, 201:8, 203:13, 209:8</p> <p>morning 5:2, 8:16,</p>
---	--	---	--

Transcript of Hearing
Conducted on March 1, 2023

<p>12:11, 13:15, 21:22, 22:1, 28:2, 97:12, 97:13, 97:14, 105:19, 105:21, 112:13, 113:1, 125:9, 164:14, 168:17, 171:21, 178:14 mosaic 185:14, 185:16, 185:18 most 37:6, 37:14, 38:2, 41:6, 91:18, 103:11, 107:19, 128:1, 150:9, 150:19, 195:4, 197:21 motion 8:3, 13:22, 14:13 motivation 176:20, 177:7, 177:18 move 16:13, 25:9, 26:17, 51:5, 69:9, 84:3, 86:15, 115:15, 124:13 moved 61:17, 98:21, 132:11, 140:17, 142:18, 142:21 moving 54:15, 72:5, 123:22, 137:10 much 10:21, 16:15, 17:7, 25:8, 32:4, 41:20, 46:5, 55:1, 85:16, 89:8, 98:9, 100:8, 107:13, 111:4, 116:8, 127:3, 129:14, 131:11,</p>	<p>133:3, 138:16, 140:18, 143:21, 144:3, 145:22, 165:3, 165:9, 175:18, 179:14, 181:10, 192:8, 192:12, 206:2 multifamily 73:3, 73:4, 73:8, 75:13, 75:16, 87:4, 89:14, 103:22, 107:15, 108:3, 127:4, 136:7, 167:11, 167:18, 167:19, 167:22, 168:21, 170:12, 170:17, 174:20, 183:7, 183:9, 184:17, 198:3 multiple 108:2, 180:13 municipal 109:9 municipality 62:3 must 10:1, 10:12, 11:13, 64:7, 196:6 mute 132:19 muted 8:15, 133:11, 152:19, 182:3, 188:13 mxt 183:10 myself 22:4, 22:10, 43:15, 47:9, 105:17, 161:14, 161:20</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>nagle 13:11, 96:7 name 5:7, 12:22,</p>	<p>13:10, 14:3, 19:14, 30:19, 56:22, 90:19, 97:18, 105:22, 123:12, 125:7, 125:10, 140:8, 146:11, 162:7, 162:9 named 61:16 nasa 32:19, 34:3, 105:5, 129:6, 151:16, 163:1, 170:9, 173:15 nasa-related 105:6 nate 13:17, 72:5 national 101:21, 101:22, 102:5, 116:13, 118:14 nature 57:22, 126:7, 154:12 nd 62:22, 63:12, 63:17, 75:10, 202:17 neal 20:16, 20:18, 20:20, 40:1, 40:16, 49:12, 53:6, 87:16, 122:17, 123:17, 130:15, 130:17, 131:1, 163:20, 163:22, 164:8 near 41:18, 50:21, 150:11, 151:12, 154:17, 166:11, 166:18, 166:20 nearby 30:12 nearly 138:12</p>	<p>necessarily 52:4, 137:18, 145:6 necessary 29:1, 108:22, 206:8 need 12:7, 14:15, 20:22, 29:11, 29:14, 39:8, 39:10, 44:10, 48:12, 60:8, 85:12, 90:2, 108:2, 110:1, 122:22, 123:10, 128:11, 131:2, 150:12, 152:22, 156:16, 159:19, 167:13, 180:2, 207:10, 208:1, 209:6 needed 7:3, 14:17, 79:11 needs 10:19, 80:6, 126:12, 142:17, 186:1, 205:18 neighbor 53:13, 126:5 neighborhood 7:12, 7:13, 17:19, 25:7, 26:4, 26:20, 27:3, 30:13, 32:8, 32:9, 33:3, 33:7, 33:22, 47:22, 48:15, 69:18, 70:11, 70:15, 71:3, 71:11, 72:16, 72:22, 73:1, 73:4, 73:10, 73:13, 73:18, 74:5, 75:20, 76:7, 76:10, 79:10, 80:6, 83:6,</p>
--	---	---	--

Transcript of Hearing
Conducted on March 1, 2023

<p>84:5, 84:6, 85:2, 85:3, 96:13, 100:11, 101:4, 102:22, 103:3, 103:21, 104:3, 104:13, 106:6, 110:20, 117:6, 119:5, 126:13, 128:7, 128:15, 129:1, 146:7, 149:4, 149:5, 174:9, 174:10, 176:15, 179:1, 179:3, 179:4, 179:12, 180:15, 186:9, 186:10, 186:12, 186:15, 186:16, 190:13, 194:16, 195:8, 195:9, 195:11, 196:8, 196:17, 196:21, 197:12, 197:17, 198:12, 199:1, 203:1, 204:3, 208:6, 208:9 neighborhoods 81:19, 83:3, 126:7, 126:17, 199:22 neighbors 128:20 neither 179:21, 210:7 net 180:1, 180:2, 180:7, 181:8 neuroscience 110:10 never 7:18, 12:4, 65:3, 139:5, 142:9, 146:20, 169:3, 201:4 new 8:7, 8:17, 30:15, 39:5, 39:9, 40:7,</p>	<p>64:3, 67:12, 67:14, 68:6, 68:16, 68:17, 88:16, 109:1, 124:1, 136:6, 141:4, 183:8, 190:6, 201:22 next 16:13, 24:13, 25:16, 28:8, 29:12, 29:13, 119:21 nice 103:3, 149:17 nicely 148:19 nickname 162:12 night 123:14 none 10:19, 27:7, 49:14 nonprofessional 140:21 nonresidential 128:18 noon 158:4 normally 138:2, 145:18, 160:11, 206:7 north 37:4, 38:8, 38:11, 70:18, 70:22, 127:15, 135:4, 142:22, 167:9, 172:3, 175:4, 179:8, 179:10, 180:16, 180:18, 183:22, 185:6, 187:14 northeast 41:6, 86:22, 147:7, 203:7 northeastern 37:19 northern 24:20, 25:5,</p>	<p>26:9, 38:4, 38:10, 38:12, 38:22, 184:4 northwest 35:5, 50:11, 50:12 notary 2:13 notations 40:17, 40:19, 41:22 note 17:9, 27:8, 31:17, 33:19, 35:14, 44:15, 52:15, 110:22, 115:19, 194:8, 199:17, 202:3 noted 18:3, 20:8, 34:9, 35:12, 76:16, 194:2, 196:1, 205:18 notes 164:3 nothing 98:5, 125:17, 131:22, 139:13, 162:5, 194:14, 194:21, 196:11, 199:11 notice 6:13, 6:18, 6:22, 15:15, 15:20, 47:17, 116:14, 116:17, 119:2, 190:11, 190:15 noticed 106:12, 121:17, 129:13, 159:17 notification 118:15, 118:17 notifications 119:10 notified 45:10, 117:7, 117:9</p>	<p>notifying 119:7 noting 27:16 notwithstanding 83:4, 83:7, 200:15 november 62:13, 62:17, 63:1, 63:14, 63:15, 155:17, 193:13 number 11:5, 18:7, 29:15, 51:7, 63:9, 92:5, 152:3, 179:20 numbers 67:16, 67:17, 67:21, 87:18, 88:1 numerous 46:7, 46:8 nursing 104:22, 197:6 nylen 13:18</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>o'malley 13:18 oath 22:2, 22:10, 178:16 object 7:11, 9:3, 9:5, 16:6, 24:5, 32:14, 32:21, 44:11, 45:4, 45:15, 49:5, 51:10, 51:13, 51:22, 78:1, 78:4, 86:7, 100:16, 110:14, 115:17, 128:19, 129:2, 137:14, 144:16, 157:4, 158:20, 176:21,</p>
---	--	---	---

Transcript of Hearing
Conducted on March 1, 2023

<p>181:16, 206:13, 208:12 objected 109:14, 109:18 objection 16:16, 17:10, 17:11, 18:1, 24:6, 24:7, 25:11, 25:12, 27:8, 27:10, 27:16, 28:3, 29:8, 31:13, 31:17, 39:5, 43:11, 44:14, 44:16, 45:13, 51:12, 51:17, 52:5, 52:11, 52:12, 53:2, 53:16, 56:8, 56:12, 57:6, 57:9, 59:19, 60:3, 82:5, 83:15, 85:17, 90:22, 116:19, 116:21, 118:3, 118:5, 118:8, 119:11, 145:14, 157:13, 159:14, 177:13, 177:20 objections 27:5, 153:22 objects 15:13, 49:2 obtained 16:2, 61:2, 73:7, 117:1 obvious 149:19 occasions 9:2, 9:4, 9:6 occupancy 75:17 occupants 108:4 occur 71:12 occurred 74:18</p>	<p>october 155:16, 156:8, 156:10 offer 9:6, 145:5 offered 137:7, 201:22 offering 35:14, 55:9 offers 141:15 offhand 86:8 office 10:18, 11:13, 102:6, 104:19, 107:17, 108:16, 184:16, 197:18 officer 11:12, 107:16 offices 13:18 official 106:1 officially 13:16 often 47:18 oftentimes 132:22 oh 8:11, 12:15, 14:8, 17:2, 18:4, 21:11, 31:12, 38:17, 39:13, 40:5, 53:21, 54:12, 54:17, 60:1, 68:6, 69:1, 71:21, 72:2, 78:7, 80:8, 91:22, 92:11, 95:16, 97:19, 99:21, 102:16, 121:3, 121:14, 122:8, 123:13, 131:15, 140:1, 154:3, 154:7,</p>	<p>157:11, 161:9, 169:8, 169:17, 169:19, 173:4, 206:12 old 67:15, 68:15, 79:22, 102:18 older 172:16, 172:17 on-conducted 142:17 on-connected 142:21 once 92:18, 113:19, 181:18, 201:19 one 7:20, 8:11, 10:16, 12:2, 18:7, 19:2, 19:4, 20:9, 20:18, 21:10, 24:13, 28:5, 28:8, 29:12, 29:13, 39:12, 41:21, 48:9, 48:21, 49:2, 52:15, 52:19, 55:4, 55:17, 56:3, 62:5, 62:22, 72:2, 75:4, 75:12, 75:15, 75:16, 79:12, 79:17, 79:19, 80:22, 82:10, 87:8, 87:15, 87:19, 88:5, 88:9, 89:1, 89:14, 91:18, 95:4, 95:9, 104:15, 106:7, 106:12, 109:17, 110:12, 111:14, 114:12, 117:5, 118:18, 119:6, 124:1, 130:20, 132:18, 134:20, 134:22,</p>	<p>135:12, 141:16, 142:17, 144:10, 145:22, 146:11, 148:4, 148:5, 148:22, 153:4, 153:21, 154:19, 155:5, 155:13, 159:21, 160:5, 160:6, 163:22, 164:4, 169:5, 171:15, 173:4, 175:8, 181:13, 183:20, 189:6, 190:13, 192:7, 194:4, 195:2, 197:1, 198:4, 203:17 one-acre 198:16 one-mile 10:13 ones 29:12, 35:10, 122:17, 127:13, 149:19, 175:21 online 58:10, 131:7, 158:1, 158:11, 206:14 only 8:18, 9:21, 10:2, 12:5, 12:8, 16:8, 20:7, 52:21, 75:12, 75:22, 79:15, 81:18, 84:22, 85:1, 85:2, 121:9, 160:22, 166:8, 166:10, 169:8, 169:15, 169:16, 194:17, 202:18, 205:13, 208:14 open 5:16, 18:17, 67:20, 122:21, 122:22, 123:5, 131:2, 150:20,</p>
--	--	---	---

Transcript of Hearing
Conducted on March 1, 2023

<p>159:7, 159:15, 183:21, 183:22, 184:9, 188:21, 190:3, 200:5, 208:16 opening 11:2 operated 76:19, 203:17 operating 57:1 opinion 36:3, 73:1, 73:2, 73:11, 100:19, 104:10, 137:8, 179:20, 193:13, 194:19, 198:7 opponents 179:15 opportunity 11:7, 45:8, 46:1, 54:16, 58:13, 65:19, 105:20, 111:1, 125:10, 158:5, 159:11, 192:14 oppose 124:20, 141:9, 147:4 opposed 19:15, 90:15, 120:21, 124:16, 124:21, 130:6, 138:7, 152:21 opposite 50:12, 150:12 opposition 9:4, 11:15, 112:22, 125:22, 195:3 oral 9:17 order 122:10, 123:21, 196:22 ordinance 6:15, 8:21,</p>	<p>15:17, 44:9, 64:3, 64:4, 64:20, 64:21, 65:10, 66:16, 67:14, 68:6, 68:9, 68:15, 75:3, 77:4, 181:15, 183:7, 183:8, 189:15, 190:12 organization 72:18, 72:19 original 33:19, 202:2 originally 147:5, 164:6 other 6:12, 7:1, 17:17, 19:4, 33:17, 35:19, 42:9, 46:8, 47:10, 52:6, 64:6, 65:1, 71:8, 71:22, 79:13, 82:22, 85:10, 85:11, 86:17, 93:11, 95:10, 96:17, 109:9, 114:11, 118:18, 118:22, 119:12, 120:11, 120:12, 120:20, 121:1, 138:2, 141:22, 143:6, 144:13, 145:7, 145:9, 146:10, 146:13, 146:20, 149:11, 157:2, 159:9, 163:13, 166:16, 166:20, 175:2, 175:5, 175:8, 177:10, 181:6, 182:22, 183:21, 184:6, 186:4, 188:12, 189:10, 200:9, 206:3 others 6:3, 17:19,</p>	<p>19:18, 20:13, 45:3, 82:2, 85:12, 86:11, 113:11, 121:19, 123:18, 129:15, 140:15, 150:14 otherwise 20:3, 141:8, 210:9 out 6:13, 6:17, 7:20, 31:3, 33:9, 39:17, 40:8, 48:4, 54:19, 79:22, 85:13, 92:22, 100:10, 111:5, 112:16, 122:10, 123:21, 134:19, 138:1, 138:20, 146:10, 149:9, 150:2, 155:19, 201:6 outcome 210:9 outline 34:15, 35:21 outlined 40:22, 42:10, 42:19, 50:16 outlines 59:13, 164:19 outside 47:22, 134:10, 186:10, 186:11, 186:16, 192:16 over 26:7, 26:9, 37:19, 37:21, 39:5, 50:6, 56:3, 63:4, 67:15, 70:16, 70:19, 103:13, 103:14, 103:18, 105:10, 159:14, 179:9, 185:12, 185:18, 188:1, 197:10, 209:15</p>	<p>overlapping 142:4 overlay 4:14, 28:13 overrule 17:10, 29:10, 53:2, 120:2 overruled 101:8 own 34:2, 59:7, 61:19, 100:19, 118:17, 137:19, 144:8, 164:20, 185:15 owned 55:7, 55:17, 79:18, 79:22, 84:17, 162:15, 162:16 owner 55:6, 57:1, 136:18, 177:1, 202:8, 204:16 owners 5:12, 55:18, 108:21, 150:6 ownership 56:2, 71:11, 81:8, 84:7 owns 162:14</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>page 3:2, 3:9, 3:14, 3:18, 4:1, 4:9, 21:13, 24:13 pages 1:21, 21:12, 102:10, 138:22, 154:6 paid 145:5, 145:7, 145:8 paragraph 4:12, 26:4 parallel 37:5</p>
--	---	--	---

Transcript of Hearing
Conducted on March 1, 2023

<p>parcel 55:15, 55:17, 76:18, 203:16</p> <p>parcels 168:13</p> <p>pardon 70:8, 100:14</p> <p>parishioners 149:16</p> <p>park 5:16, 6:9, 52:14, 99:22, 108:1, 116:13, 118:15, 134:5, 146:19, 159:17, 184:15</p> <p>parking 87:10, 88:6, 88:13, 89:11, 89:16, 89:17, 89:18, 91:15, 91:16, 103:22, 105:2, 107:21, 108:3, 129:11, 129:12, 133:4, 133:5</p> <p>parks 118:21</p> <p>parse 100:10</p> <p>part 23:3, 26:8, 26:9, 32:7, 34:12, 38:3, 38:16, 46:21, 47:1, 47:2, 49:4, 69:17, 92:19, 93:18, 100:11, 107:12, 151:19, 155:20, 163:3, 163:9, 177:21, 180:4, 197:16, 197:22, 205:2</p> <p>participate 114:5</p> <p>participated 162:17</p>	<p>particular 11:20, 15:21, 29:3, 29:5, 35:10, 43:21, 44:6, 44:8, 44:11, 46:14, 46:17, 46:20, 76:13, 84:5, 108:20, 128:9, 139:4, 145:5, 170:18, 208:3</p> <p>particularly 65:3, 108:18, 179:12</p> <p>parties 95:10, 193:6, 206:4, 210:8</p> <p>party 7:4, 8:19, 9:7, 9:13, 9:14, 13:13, 15:14, 15:17, 18:13, 28:1, 60:15, 90:20, 91:8, 96:9, 98:10, 112:4, 124:7, 135:14, 160:12, 165:15</p> <p>past 7:10, 7:18, 63:4, 77:7, 106:20, 194:22</p> <p>pasted 93:1</p> <p>patches 30:15</p> <p>path 86:12</p> <p>pattern 84:14, 200:2</p> <p>patterns 84:7, 84:9, 84:13, 85:15, 194:12</p> <p>penn 71:3, 179:7</p> <p>people 7:3, 11:14,</p>	<p>77:5, 103:21, 105:1, 113:11, 113:12, 114:1, 134:4, 134:5, 134:8, 134:9, 145:18, 148:18, 149:11, 149:12, 149:20, 177:15, 177:16, 197:9, 197:12</p> <p>people's 8:17, 8:18, 8:19, 53:10, 120:3, 120:10</p> <p>perception 32:2, 32:3, 36:9, 108:5</p> <p>perfect 122:14</p> <p>perhaps 41:19, 142:11, 176:17</p> <p>periods 119:4</p> <p>permit 75:8</p> <p>permits 75:7</p> <p>permitted 118:16, 128:2, 195:5</p> <p>person 6:17, 10:1, 10:7, 10:9, 15:18, 16:11, 16:13, 17:13, 17:14, 17:20, 101:3, 109:14, 145:4, 150:2, 159:10, 177:11, 207:7</p> <p>personally 28:20, 37:12, 146:18</p> <p>persons 6:5, 6:12, 6:18, 7:15, 15:17, 16:2,</p>	<p>16:9, 16:10, 189:2, 189:3, 207:6</p> <p>perspective 24:18, 26:5, 27:4, 30:6, 30:7, 69:19</p> <p>pertain 191:7</p> <p>petitions 196:4, 196:5</p> <p>pg 25:22, 28:16, 39:19, 40:10, 40:11, 40:20, 41:8, 42:2, 47:15, 48:1, 48:13, 140:15, 168:16, 175:15</p> <p>ph 18:10, 30:17, 30:19, 34:3, 52:22, 53:12, 57:17, 62:13, 65:3, 71:2, 72:12, 104:12, 106:17, 122:16, 128:19, 135:1, 140:8, 140:11, 147:4, 158:2, 162:12, 177:15, 202:4, 209:1</p> <p>phoned 80:1</p> <p>photograph 29:2, 29:5, 43:11</p> <p>physical 72:18, 180:12</p> <p>physician 104:20</p> <p>picture 169:4, 169:7, 169:12, 169:14</p> <p>piece 76:17</p> <p>piggyback 12:1, 176:19</p>
---	---	--	--

Transcript of Hearing
Conducted on March 1, 2023

<p>pike 150:14</p> <p>place 6:17, 11:14, 136:4, 141:8, 146:2</p> <p>placed 150:20, 182:1, 202:7</p> <p>places 187:7</p> <p>plan 30:7, 49:22, 50:7, 50:18, 51:19, 57:18, 57:19, 67:1, 67:2, 79:12, 81:5, 81:17, 82:21, 89:13, 93:5, 93:8, 108:11, 110:8, 110:16, 127:7, 127:17, 142:4, 142:5, 142:8, 142:10, 150:8, 190:20, 194:5, 199:17</p> <p>planned 50:9, 66:18, 66:21, 110:4, 150:16</p> <p>planner 33:21, 39:18, 44:19, 44:21, 45:2, 46:3, 61:9, 61:16, 62:13, 193:13, 201:14, 203:2</p> <p>planners 108:16, 108:17</p> <p>planning 5:14, 5:17, 6:9, 10:21, 14:9, 14:16, 21:1, 26:21, 52:6, 52:14, 60:19, 61:20, 62:1, 62:8,</p>	<p>63:10, 67:22, 70:13, 74:3, 80:15, 100:9, 106:3, 107:16, 107:17, 108:16, 109:5, 109:7, 110:2, 110:4, 113:9, 114:11, 116:14, 118:15, 118:21, 119:16, 120:6, 125:22, 126:21, 128:9, 128:10, 137:18, 141:10, 146:20, 158:15, 159:18, 171:2, 184:15, 187:3, 189:14, 193:7, 193:11, 193:16, 199:12, 199:13, 199:18, 200:9, 200:13, 201:15, 204:20</p> <p>plans 55:10, 126:9, 177:3, 181:5</p> <p>plat 36:3</p> <p>please 8:4, 17:18, 24:13, 24:15, 25:16, 25:19, 30:3, 32:12, 36:14, 82:11, 82:15, 86:15, 91:1, 98:13, 99:14, 103:1, 132:19, 164:17, 167:6, 179:2, 199:17</p> <p>pleasure 7:22, 21:4</p> <p>plenty 138:6</p> <p>pleva 177:14</p> <p>plus 106:20</p> <p>pma 74:14, 74:19</p>	<p>point 5:10, 6:5, 10:16, 12:16, 32:8, 32:14, 33:16, 34:8, 34:9, 43:20, 46:14, 48:14, 51:10, 61:21, 67:4, 68:7, 81:2, 90:5, 99:17, 110:7, 119:8, 134:20, 144:16, 144:21, 145:2, 147:19, 160:16, 205:19, 207:18, 207:20, 208:2</p> <p>pointed 146:10, 198:3</p> <p>pointing 41:1</p> <p>points 126:2, 127:12, 128:9, 134:19, 192:2</p> <p>policy 57:17, 81:12, 102:7</p> <p>pollution 126:19</p> <p>pond 37:10, 37:13, 184:7, 184:8</p> <p>portion 26:10, 40:16, 55:21, 135:4</p> <p>position 21:5, 113:3, 113:6, 194:17</p> <p>possible 64:10, 64:11, 68:20, 69:5, 78:13, 79:17, 91:13, 203:10</p> <p>possibly 16:2, 88:14</p> <p>post 7:13, 113:20</p>	<p>posted 34:1, 119:13, 190:12</p> <p>posting 119:3, 119:6</p> <p>postings 119:10</p> <p>potential 89:14, 89:15, 89:17, 141:17, 142:4, 142:12</p> <p>potentially 11:2</p> <p>potomac 38:12</p> <p>powerpoint 159:18, 189:13</p> <p>practical 191:20</p> <p>practice 61:16, 76:21, 77:2, 77:13, 77:21, 78:5</p> <p>practicing 61:20, 61:22</p> <p>preapplication 7:12, 117:6, 190:13</p> <p>precedent 150:13</p> <p>precondition 143:16</p> <p>predicate 199:8</p> <p>predominant 70:12</p> <p>prefer 155:10</p> <p>prefiled 18:18</p> <p>preliminarily 19:5</p> <p>preliminary 12:17, 12:20, 13:22, 14:13</p> <p>preparation 43:16, 90:21</p> <p>prepare 28:11, 28:20,</p>
---	--	--	---

Transcript of Hearing
Conducted on March 1, 2023

<p>43:13, 43:16, 43:18, 44:2, 89:13 prepared 20:17, 29:2, 47:9 prescription 65:2 presence 133:3 present 12:7, 46:2, 52:2, 77:5, 77:12, 105:21, 111:10, 121:11, 121:12, 148:4 presentation 186:6, 189:13 presented 148:8, 207:17 preservation 108:19, 200:5, 200:7, 200:13 preserve 16:20, 128:6 preserved 79:11 president 96:10, 97:20, 99:6, 101:20, 102:3, 107:2, 112:19 presumably 23:7, 90:4 presume 99:19 presumed 81:3 presumption 79:8, 80:4, 80:12, 80:17, 80:21, 81:1, 83:8, 195:22 presumptions 81:15 presumptuous 33:2 pretty 152:10</p>	<p>prevent 191:21, 200:17 previous 18:14, 26:5, 28:9, 28:10, 30:6, 91:12, 93:9 previously 59:22 primary 195:2 prince 14:9, 61:16, 96:12, 106:19, 140:17, 140:22, 143:14, 146:15, 147:2, 167:2, 167:4, 193:7, 201:15 principal 14:7, 70:1, 79:7 principally 69:21, 69:22 principle 83:2 principles 79:13 printed 148:19 printout 21:13 prior 52:7, 74:18, 114:4, 127:8, 189:15 private 126:15 pro 209:8 probability 143:22 probably 7:10, 10:10, 11:16, 35:22, 55:4, 73:7, 107:7, 134:7, 134:20, 158:2</p>	<p>problem 20:3, 89:22, 134:11, 142:6 problems 126:18, 129:9, 142:2, 144:6 procedural 6:1, 12:9 proceed 66:10, 95:18 proceeding 11:20, 23:8 proceedings 210:4 proceeds 9:10 process 8:18, 9:10, 16:8, 77:16, 110:2, 110:7, 111:2, 118:19 processes 109:7 processing 75:8 produced 191:4, 204:6 professional 60:21, 146:17, 146:18, 148:6, 149:19 professionally 148:19 proffer 9:3, 9:4, 124:13 proffering 100:22, 101:2, 101:15 profits 126:15 prohibited 69:6 prohibition 64:4, 64:5, 64:8, 64:21 prohibitions 65:6</p>	<p>prohibitive 63:22 promote 128:16 proper 190:15, 202:12 properties 43:6, 44:7, 44:8, 47:19, 47:21, 71:7, 72:21, 73:3, 73:5, 73:10, 75:1, 75:4, 75:16, 82:22, 85:11, 108:2, 127:16, 164:20, 166:11, 171:19, 172:4, 173:12, 174:12, 175:17, 179:10, 183:1, 187:10, 194:1, 194:18, 196:15, 196:17, 199:16 proposed 50:8, 66:17, 86:20, 91:14, 91:16, 91:18, 107:19, 128:1, 132:16, 152:11, 175:18, 180:12, 195:3, 204:1 pros 107:11 protected 80:7 protection 114:15 protective 107:1, 114:15 proven 206:1 proves 204:10 provide 52:16, 111:7, 142:10, 150:7, 204:22, 206:13 provided 21:2, 59:21,</p>
--	---	--	--

Transcript of Hearing
Conducted on March 1, 2023

<p>76:1, 141:13, 146:4, 146:14, 148:13, 162:20, 190:11, 202:19 provides 8:21, 15:17, 132:13, 143:18 providing 144:7, 193:1, 203:11 proximate 37:7, 37:14, 38:3, 41:7, 187:8 proximity 70:11, 185:20 public 2:14, 9:10, 12:3, 64:12, 65:5, 90:3, 90:8, 90:9, 101:19, 102:18, 110:6, 143:13 pull 18:21, 20:17, 49:13, 53:6, 65:9, 65:16, 87:16, 122:17, 130:16, 130:17, 130:19 pulled 67:19 pulls 56:17 purchaser 202:9 purpose 26:3, 56:1, 132:12, 150:5, 150:7, 200:3 purposes 26:21, 79:12, 79:20, 84:20, 179:1 pursuant 2:13, 68:15, 190:11 put 5:11, 7:1, 8:5,</p>	<p>10:14, 10:20, 11:4, 11:10, 11:11, 19:17, 20:10, 20:12, 20:15, 21:17, 34:16, 49:7, 54:20, 58:5, 93:9, 121:9, 184:16, 203:13, 208:22 putting 45:5, 148:12</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>qualifications 46:13 qualified 46:7, 52:5, 100:20 quality 126:6, 126:14, 145:2, 150:9 quarter 114:7, 141:5 quarterly 114:8 question 14:20, 35:20, 36:8, 45:22, 51:21, 64:3, 70:14, 75:20, 82:7, 82:11, 86:14, 89:19, 90:16, 93:15, 93:19, 114:4, 114:17, 117:14, 119:22, 121:15, 121:17, 135:13, 138:1, 138:2, 141:12, 144:13, 146:2, 160:5, 160:7, 160:15, 160:22, 171:15, 173:5, 175:13, 177:7, 181:13, 181:17, 182:6, 182:8, 186:2, 207:14</p>	<p>questioned 148:22 questioning 68:21 questions 5:15, 11:22, 20:1, 54:14, 55:16, 56:7, 60:10, 60:13, 85:18, 85:21, 86:17, 90:13, 103:6, 111:8, 111:9, 111:15, 111:16, 112:7, 120:11, 120:12, 129:19, 133:13, 138:14, 138:17, 149:8, 150:20, 150:21, 152:14, 152:17, 165:10, 165:11, 171:2, 171:10, 172:21, 172:22, 173:3, 175:9, 175:11, 176:5, 178:22, 181:11, 182:5, 188:12 queue 129:15 quick 90:22, 157:4, 178:8, 178:21 quite 16:1, 34:6, 36:16, 47:20, 137:1, 192:15 quorum 113:4</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>radius 107:10, 167:3 railroad 71:4, 72:1, 143:5, 143:6, 179:8 raise 208:1</p>	<p>raised 5:15 raises 149:10 range 200:12 rather 77:4 rawlings 122:16, 123:17, 139:17 rd 201:14 reach 38:22, 206:10 read 10:21, 12:4, 97:15, 100:4, 100:8, 105:18, 147:16, 148:2, 148:5, 206:9 reading 67:13 reads 124:15 ready 87:17, 130:16 real 7:2, 90:22, 146:22, 157:4, 178:8 realized 6:2 really 7:8, 7:18, 18:21, 18:22, 20:8, 36:7, 46:11, 48:16, 50:21, 54:10, 58:11, 93:12, 105:8, 105:21, 106:21, 107:18, 111:1, 126:11, 128:11, 129:16, 152:7, 154:2, 156:16, 163:2, 173:22, 177:15, 203:14</p>
--	--	---	--

Transcript of Hearing
Conducted on March 1, 2023

<p>rear 37:14</p> <p>reason 6:3, 7:14, 10:6, 19:1, 105:11, 131:1, 143:9, 183:17, 206:11</p> <p>reasons 127:5, 133:8, 195:2</p> <p>rebut 178:10</p> <p>rebuttal 20:1, 181:12</p> <p>recall 46:2, 171:1, 178:7</p> <p>receive 116:14, 116:17, 118:15, 118:16, 118:20</p> <p>received 154:5, 154:9</p> <p>receiving 49:21, 75:7, 141:6, 193:10</p> <p>recent 91:19, 104:15, 150:20</p> <p>recently 149:6, 154:2</p> <p>recite 68:9</p> <p>recognize 14:8, 149:2, 164:14</p> <p>recommend 133:7</p> <p>recommendation 52:15, 52:21, 110:17, 126:1, 141:11, 202:2, 205:14</p> <p>recommendations 57:17, 193:17, 199:20</p> <p>recommended 52:19, 193:8,</p>	<p>193:12, 201:19</p> <p>recommends 108:12, 127:17, 194:6, 199:17</p> <p>recorded 8:12, 36:4, 36:17, 37:7, 66:5, 210:4</p> <p>recording 66:4, 210:6</p> <p>records 36:5, 36:18, 165:4, 192:4</p> <p>rectangles 89:16</p> <p>red 34:17, 40:22, 42:10, 42:21, 50:16, 164:19</p> <p>redeveloped 183:15</p> <p>redirect 120:17, 120:19</p> <p>refer 30:17, 65:7, 172:11, 187:12, 192:2</p> <p>referenced 55:8</p> <p>referencing 179:16</p> <p>referred 44:19, 46:3, 100:2, 100:6, 165:19, 187:9</p> <p>referring 62:15, 63:11, 72:14, 87:12, 167:8, 169:18, 169:20, 170:1, 175:8, 184:1, 186:10</p> <p>reflect 31:4, 77:20, 102:14</p> <p>reflects 196:14</p> <p>refresh 68:14, 184:2</p>	<p>regarding 27:3, 41:21, 66:13, 144:16, 191:18</p> <p>regards 36:10</p> <p>register 118:14</p> <p>registered 116:12, 116:16, 116:22, 118:20</p> <p>registration 118:19</p> <p>regular 151:19</p> <p>regularly 28:15</p> <p>reiterate 110:20</p> <p>reject 150:18</p> <p>related 20:11, 210:7</p> <p>relates 57:17</p> <p>relationship 38:2, 52:10, 56:21, 57:19, 59:1, 91:17</p> <p>relatively 185:20, 209:12</p> <p>releases 9:16</p> <p>relevance 144:18</p> <p>relevant 43:11, 43:20, 47:5, 101:18</p> <p>reliance 195:1, 198:13</p> <p>relied 82:17, 191:14, 196:10, 196:13</p> <p>rely 52:6, 108:3</p> <p>relying 79:6, 82:3, 83:19, 142:1</p>	<p>remain 68:1</p> <p>remains 89:20</p> <p>remarked 149:9</p> <p>remember 87:9, 94:1</p> <p>remind 72:14</p> <p>reminded 92:13</p> <p>remotely 2:1</p> <p>renaming 31:12</p> <p>renumber 190:5</p> <p>repeat 163:22</p> <p>repeating 193:3</p> <p>replacement 48:9, 48:10</p> <p>report 4:13, 19:3, 19:21, 19:22, 21:1, 30:18, 43:16, 49:4, 51:1, 52:22, 62:16, 62:19, 63:2, 63:12, 63:13, 75:2, 79:14, 109:13, 155:8, 155:12, 179:16, 191:19</p> <p>report's 63:8</p> <p>reported 113:19</p> <p>reports 106:6, 113:14, 156:11</p> <p>represent 8:19, 9:9, 13:8, 16:9, 42:16, 96:4, 96:8, 96:11,</p>
---	--	--	---

Transcript of Hearing
Conducted on March 1, 2023

<p>96:14, 96:16, 96:21, 150:14 representation 23:16, 25:4, 26:12, 29:6, 30:11, 41:17 representative 106:1, 109:16, 109:17, 111:18, 115:11, 180:13 represented 90:17, 120:22 represents 5:11, 13:11, 42:6, 96:6, 115:7 request 9:14, 9:17, 24:2, 109:15, 110:15, 110:16, 125:20, 127:2, 132:3, 132:8, 135:20, 138:7, 152:21, 157:7, 158:22, 162:19, 176:2, 192:8, 193:9, 200:11, 201:21 requested 19:8, 53:10, 54:5, 56:10, 56:19, 57:15, 57:20, 58:3, 59:15, 137:12, 168:19 require 145:16, 194:13 required 6:15, 7:17, 9:14, 11:17, 19:22, 65:5, 108:19, 119:3, 149:17, 204:13, 204:14, 205:2, 205:5, 205:13, 205:20, 205:21 requirement 187:1</p>	<p>requirements 68:1, 144:11, 144:17, 145:22, 177:17, 190:11, 198:10, 204:4 research 102:3, 102:7, 140:12 reserved 56:4 reside 132:5, 134:2, 134:6 resided 98:19 residence 142:8 residences 79:19, 128:22 resident 96:12, 101:19, 106:18, 201:7 residential 65:3, 79:10, 80:5, 81:19, 83:3, 83:6, 84:19, 90:9, 104:18, 107:20, 108:12, 110:17, 127:3, 127:8, 127:17, 128:2, 134:10, 142:12, 142:14, 143:20, 144:1, 144:3, 167:18, 167:19, 167:22, 185:13, 194:6, 195:4, 197:3, 198:1, 199:18, 199:19, 199:22, 200:4, 200:8 residentially 79:21 residents 109:1, 109:6, 126:12, 126:13, 129:12, 133:5, 134:12, 136:7,</p>	<p>143:14 resolved 16:7 respect 15:16, 76:14, 84:6, 85:12, 108:8, 119:15 respectfully 17:1, 45:6, 202:15 respond 11:8, 33:1, 93:6 response 201:16 responsible 146:20 rest 139:16, 140:18 retail 174:20, 197:18 retained 4:8, 76:20, 96:3, 127:8, 195:14 return 150:6 returned 61:21 revenue 107:13 review 5:17, 19:21, 81:9, 81:14, 110:7, 154:9, 202:5 reviewed 52:10, 63:5, 108:14, 141:13 reviews 108:18 revised 4:13, 14:21, 19:2, 19:21, 48:1, 49:3 rezone 76:17, 127:2, 127:10, 129:10,</p>	<p>192:9, 203:16 rezoned 83:2, 191:9 rezoning 93:4, 133:8, 143:12, 162:19, 190:18, 190:21, 191:3, 191:13, 191:16, 196:6 richmond 27:21, 28:4 right 6:20, 7:3, 12:15, 12:17, 15:1, 16:16, 16:18, 16:21, 18:4, 18:15, 20:4, 21:7, 21:11, 22:2, 22:7, 22:12, 22:14, 22:19, 26:10, 37:8, 40:6, 46:16, 48:20, 50:14, 58:18, 59:7, 60:9, 66:3, 67:17, 68:19, 70:17, 71:10, 72:2, 74:6, 76:12, 76:22, 78:19, 84:1, 84:10, 85:11, 86:1, 86:8, 86:17, 87:2, 87:5, 87:7, 88:3, 89:1, 93:18, 94:8, 94:18, 94:22, 95:21, 96:14, 96:20, 101:2, 101:6, 112:19, 113:1, 122:13, 124:8, 136:3, 136:9, 136:11, 139:19, 145:16, 148:3, 152:10, 155:21, 160:20, 161:6, 166:4,</p>
--	---	--	---

Transcript of Hearing
 Conducted on March 1, 2023

<p>166:9, 169:10, 170:6, 171:4, 172:4, 172:13, 173:13, 175:7, 177:22, 178:5, 182:9, 182:11, 185:1, 188:7 right-of-way 50:1, 56:5, 66:21, 66:22, 142:5, 148:11 rise 104:19, 104:21, 104:22, 105:1, 197:17, 197:18, 198:4, 203:18 river 147:8 riverdale 147:5 rm 110:15 rmf 50:20, 72:21, 107:19, 108:6, 128:1, 129:3, 129:10, 135:21, 142:4, 143:12, 150:10, 168:13, 175:18, 175:22, 176:1, 179:17, 182:17, 182:18, 182:19, 183:4, 183:11, 183:16, 184:17, 188:3, 191:10, 192:10, 194:13, 194:14, 195:4, 197:5, 201:5, 201:9 road 21:16, 23:4, 23:9, 23:10, 24:21, 37:6, 37:15, 38:11, 50:3, 66:20, 66:22, 67:2, 70:2, 70:6, 70:9, 70:10,</p>	<p>70:16, 70:17, 70:19, 70:22, 71:1, 71:6, 71:7, 71:13, 71:16, 71:18, 71:19, 72:1, 87:1, 88:7, 88:8, 90:3, 90:4, 90:8, 91:4, 91:15, 98:15, 100:13, 103:11, 103:12, 104:20, 104:21, 107:22, 125:11, 130:6, 130:7, 135:2, 135:4, 135:5, 141:18, 142:9, 142:13, 142:16, 142:19, 143:1, 143:5, 143:8, 143:11, 143:21, 148:11, 151:5, 163:4, 163:10, 167:9, 167:17, 168:15, 169:21, 172:3, 173:13, 174:17, 175:5, 175:17, 179:5, 179:8, 179:11, 179:13, 180:17, 180:18, 180:21, 181:2, 183:3, 184:8, 185:1, 187:10, 187:14, 196:18, 196:19, 197:3, 197:22, 198:1, 198:4 road's 90:7 roads 90:10, 114:2, 146:9 roadside 108:3 roadway 50:7, 50:9, 50:18, 66:18,</p>	<p>66:21, 67:5, 70:4 roadways 66:14 robinson 3:5, 3:7, 3:18, 4:4, 90:19, 90:20, 91:1, 91:3, 91:7, 91:10, 92:4, 92:8, 92:12, 92:15, 92:22, 93:2, 93:13, 93:16, 93:17, 93:22, 94:10, 106:16, 122:20, 123:2, 123:7, 123:13, 124:1, 124:3, 138:21, 139:7, 139:9, 139:11, 140:5, 144:19, 145:2, 145:20, 145:21, 147:11, 147:12, 147:13, 147:14, 147:18, 148:3, 150:22, 151:1, 152:18, 153:15, 175:12, 175:14, 176:5, 176:6, 176:12, 176:13, 177:6, 177:10, 177:19, 178:2, 178:4, 182:6, 182:9, 182:10, 182:12, 182:13, 186:3, 186:7, 186:17, 207:14, 207:16, 207:21, 208:5, 208:21, 209:3, 209:7 robinson's 130:18, 140:3, 144:16 rochee 3:14, 113:10, 121:18, 124:4, 124:10, 124:18,</p>	<p>131:5, 131:9, 131:20, 132:18, 133:18, 133:19, 133:20, 135:17, 136:15, 137:17, 138:9, 138:16, 138:18, 201:9 rockville 105:10, 204:7 role 8:9, 99:4, 107:2 ros 87:1, 184:9 roughly 26:5, 34:2, 34:6, 50:14 route 24:19, 142:8, 143:5 routes 141:21 rr 42:6, 75:9, 76:20, 79:9, 79:16, 80:5, 83:7, 84:16, 89:20, 89:21, 110:15, 127:2, 127:8, 127:10, 127:16, 135:21, 141:12, 141:20, 142:10, 143:12, 144:10, 144:13, 146:11, 146:13, 146:14, 150:19, 163:7, 163:8, 163:13, 172:9, 175:17, 185:9, 185:11, 185:15, 185:20, 185:21, 191:7, 192:10, 194:2, 194:3, 195:14, 196:16, 198:16, 199:14, 200:3, 200:14, 201:5, 203:20, 204:21</p>
--	--	---	---

Transcript of Hearing
Conducted on March 1, 2023

<p>rsf-a 175:20 rule 15:21, 52:14 run 103:13 running 23:4, 50:13 runs 50:10, 71:2 rural 127:8, 136:2, 150:17, 183:21, 183:22 rylyns 204:8</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>safe 132:17 safety 104:1, 105:3, 108:4, 143:13, 163:3 said 8:1, 11:21, 12:2, 12:6, 15:16, 22:12, 26:20, 58:21, 63:16, 71:5, 75:11, 75:22, 76:6, 76:9, 80:20, 83:22, 84:21, 85:4, 85:5, 90:14, 104:17, 105:3, 105:22, 106:10, 107:5, 109:4, 109:11, 112:3, 116:11, 117:8, 118:5, 120:5, 148:11, 149:3, 154:4, 156:9, 157:11, 157:15, 159:8, 164:14, 169:19, 173:11, 196:15, 200:14, 204:9, 204:12,</p>	<p>210:4 sake 31:8 same 11:4, 23:21, 24:17, 26:5, 28:3, 28:15, 31:13, 32:7, 32:9, 33:3, 33:7, 33:8, 44:3, 44:15, 57:5, 58:20, 69:17, 69:18, 82:6, 142:9, 142:20, 151:10, 176:16, 181:6 sanction 146:16 sanders 37:20 satellite 140:13, 140:20 satisfaction 141:7 satisfy 196:22, 204:4 save 95:19, 188:10, 190:3 saves 209:7 saw 46:3, 54:6, 106:16 say 5:7, 7:19, 17:20, 20:14, 20:15, 22:12, 24:3, 26:14, 30:14, 42:15, 45:18, 47:2, 58:20, 79:2, 101:20, 102:15, 102:16, 102:19, 104:9, 105:18, 105:19, 106:18, 107:8, 109:19, 110:11, 115:10,</p>	<p>121:2, 123:7, 128:8, 130:10, 132:7, 132:17, 132:20, 133:7, 134:1, 134:16, 135:17, 137:4, 164:3, 174:18, 176:9, 188:21, 190:7, 206:8, 206:13, 206:21, 208:17 saying 7:5, 17:2, 48:16, 82:17, 119:8, 122:22, 148:20, 150:4, 159:21, 171:8, 182:4, 188:14, 189:19, 203:9, 209:2 says 11:18, 20:9, 23:6, 79:2, 103:7, 116:12, 154:11, 195:22, 202:18, 203:15 scale 27:15, 33:9, 38:13 scary 133:6, 137:2 scenario 105:9 scheduled 158:4 scholar 102:17 school 102:18, 168:11 science-related 105:7 sciences 102:6 scientific 100:7 scope 138:3 scratch 163:7, 163:11</p>	<p>screen 22:6, 22:19, 31:15, 34:20, 121:6, 161:8 seabrook 81:22, 108:10, 127:6, 129:6 sean 12:22, 13:10, 121:18 searching 94:8 second 6:8, 6:11, 20:18, 65:15, 66:1, 87:15, 111:14, 117:5, 119:6, 132:18, 153:21, 159:21, 176:3, 190:14, 190:17 secondarily 180:10 seconds 111:3 section 52:20, 52:21, 65:8, 66:16, 66:21, 107:21, 202:5, 204:4 sectional 57:19, 76:2, 81:11, 81:18, 108:11, 126:10, 127:7, 127:9, 150:15, 191:7, 202:20 sections 52:15, 65:16, 68:22 sector 57:18, 57:19, 108:10, 110:8, 110:16, 127:7, 127:17, 194:5, 199:17 security 105:3, 107:22,</p>
--	--	--	---

Transcript of Hearing
Conducted on March 1, 2023

<p>108:5, 132:13, 175:1 see 6:21, 14:17, 22:2, 22:3, 22:18, 27:15, 30:14, 34:10, 36:3, 38:11, 40:8, 41:22, 42:21, 45:7, 47:16, 47:18, 48:14, 55:2, 58:17, 62:11, 69:8, 72:5, 72:6, 87:18, 103:6, 106:8, 106:17, 106:21, 113:10, 113:12, 118:10, 119:13, 119:21, 123:4, 131:2, 137:10, 144:17, 145:11, 152:20, 158:8, 158:12, 161:8, 161:10, 161:12, 161:14, 161:16, 161:18, 161:20, 161:21, 163:5, 163:6, 166:2, 170:9, 170:12, 171:21, 174:5, 176:8, 193:12, 205:22 seeing 25:20, 40:18, 137:5, 174:6 seek 150:9 seem 79:1, 166:6 seems 69:7, 157:6, 162:16, 163:12, 178:22, 185:19 seen 89:17, 119:18 segment 23:6, 143:2,</p>	<p>175:17 segments 142:17, 142:21, 143:10 sell 176:18 send 5:18, 6:17, 58:8, 122:12, 122:15, 123:17, 123:18, 190:5, 207:4 sending 88:20 sends 6:13, 38:13, 94:2 senior 102:17, 109:9, 180:19, 180:20, 187:16 seniors 187:19 sensitive 107:1 sent 12:6, 14:16, 18:19, 93:22, 94:10, 94:11, 122:21, 123:13, 123:14, 124:1 separate 155:11 separately 155:10 separation 44:4 serenity 132:13 seriously 109:11 serve 98:22 served 99:2 service 66:20, 67:2 set 5:16</p>	<p>sets 150:13, 202:6 setting 76:13 seven 19:4, 114:1, 132:12, 138:12 several 77:5, 81:21, 95:10, 158:21, 200:8 severe 107:20 severn 23:9, 23:10, 37:6, 103:10, 134:17, 135:2, 135:4, 141:18, 143:5 shall 66:19, 66:22, 67:2 share 113:19, 113:21 shared 47:9 shawn 208:22 she'll 122:4 shopping 23:8, 37:15, 37:19, 129:7, 168:6, 172:5, 184:7, 184:15, 185:2 short 9:11, 143:2, 160:9, 192:1, 198:10 shorter 134:18 shortly 48:11, 209:12 should 10:5, 11:9, 15:22, 24:3, 26:14, 29:20,</p>	<p>35:10, 45:10, 52:16, 55:4, 58:8, 59:17, 94:17, 101:20, 102:19, 105:17, 120:21, 127:14, 131:13, 146:1, 156:1, 163:9, 163:12, 170:5, 171:14, 174:6, 176:17, 191:9, 196:17, 203:14, 207:19, 208:2 should've 90:14, 117:9, 144:12, 205:17 shoulder 129:13 shouldn't 55:1, 172:9, 177:22 show 33:5, 33:8, 48:10, 55:21, 56:2, 56:22, 87:11, 89:11, 148:22, 169:14, 191:5, 198:10, 200:21 showed 21:2, 34:15, 87:10, 91:13, 134:21, 148:10, 148:18 showing 21:8, 22:22, 25:18, 29:16, 30:2, 43:6, 47:3, 47:5, 48:3, 52:16, 53:8, 53:12, 196:7 shown 22:18, 30:4, 34:3, 49:13, 66:22, 91:18, 181:5, 199:10 shows 21:14, 29:12,</p>
---	---	---	--

Transcript of Hearing
Conducted on March 1, 2023

<p>29:13, 86:21, 89:14, 169:15, 169:16, 191:9, 196:11 shut 65:20 side 20:9, 21:3, 40:21, 41:1, 71:22, 87:10, 88:11, 138:2, 143:6, 163:4, 172:3, 175:4, 175:16, 179:10, 180:16, 180:18, 184:3, 184:4, 187:13, 187:14 sides 78:17 sierra 140:22, 141:2, 147:3 sight 127:14, 179:6 sign 115:10, 119:13 signature-mig2k 210:10 significant 76:11, 76:12, 195:7 silence 182:5 similar 30:5, 31:18, 31:19, 44:4, 185:18 similarly 143:11, 186:15 simple 55:22, 56:2, 143:22 simply 143:19 since 7:11, 8:11, 21:18, 61:12, 74:8, 74:14,</p>	<p>75:20, 76:1, 99:3, 99:20, 100:12, 123:11, 151:17, 191:2, 202:19 single 76:2, 90:1, 90:9, 104:18, 107:22, 108:13, 127:18, 128:13, 128:14, 128:16, 128:21, 141:19, 142:10, 142:14, 148:12, 173:19, 197:3, 198:1, 198:19, 199:2, 199:3, 200:4, 200:17, 201:6, 202:20 single-family 30:22, 107:14, 194:7, 197:6 sir 24:9, 42:12, 49:15, 60:19, 62:11, 63:14, 68:16, 68:18, 69:20, 70:13, 70:19, 71:20, 72:13, 72:14, 73:16, 74:9, 74:11, 74:13, 74:16, 74:21, 75:15, 75:21, 77:11, 80:16, 81:6, 82:3, 84:3, 84:11, 85:12, 85:14, 87:3, 87:13, 90:2, 91:6, 92:1, 95:7, 117:16, 152:15, 167:5, 174:2, 182:20, 183:18, 187:3, 187:18 site 26:6, 29:12, 29:13, 33:22,</p>	<p>49:22, 51:19, 76:19, 93:5, 107:11, 108:20, 128:4, 142:2, 142:4, 146:2, 177:15, 179:19, 191:21, 194:18, 203:17, 204:1 sitting 9:18 situation 144:8, 145:10, 201:2 situations 146:18, 147:1 six 19:4, 91:21 six-year 61:19 size 99:15 skeet 29:13 sketch 91:12 skew 36:9 skewed 32:2 skilled 108:15 skip 4:1, 18:2, 55:7, 154:20, 159:22, 162:3, 162:13 slide 25:16 slightly 50:14, 180:22 slop 103:18 slowly 87:20 sma 74:10, 79:4, 81:10, 108:11, 110:17, 127:17,</p>	<p>128:20, 150:20, 162:18, 194:6, 198:6, 199:6, 201:3 small 175:17 smaller 115:6 smart 202:11 smattering 105:5, 105:6 society 102:2, 147:4 solely 6:14, 56:4 solid 108:22 some 7:1, 23:2, 36:5, 40:17, 47:21, 48:15, 51:19, 61:16, 71:11, 75:14, 88:3, 90:5, 91:16, 99:17, 106:11, 106:15, 111:10, 113:10, 114:15, 116:8, 127:12, 129:7, 131:1, 133:6, 149:13, 178:22, 182:17, 186:14, 189:4, 193:20, 197:17, 198:12, 206:11 somebody 27:21, 35:16, 58:13, 104:11, 119:17 somehow 194:17, 200:16 someone 10:2, 18:6, 19:3, 35:13, 94:7, 119:21, 161:15 something 6:15, 7:1,</p>
--	--	---	---

Transcript of Hearing
 Conducted on March 1, 2023

<p>18:20, 34:17, 45:18, 52:16, 88:2, 99:17, 117:8, 136:6, 163:13, 190:4, 201:3, 207:22, 208:3 sometime 12:3 somewhat 31:18 sorry 5:7, 21:11, 23:19, 30:16, 32:11, 32:12, 40:3, 42:14, 42:17, 50:1, 53:15, 58:14, 58:19, 60:21, 67:11, 68:6, 70:20, 73:13, 78:8, 80:8, 86:20, 88:19, 93:21, 97:2, 122:8, 122:10, 132:6, 138:20, 139:20, 154:3, 154:4, 157:14, 161:7, 165:5, 167:10, 169:6, 172:19, 173:4, 180:7, 185:11, 188:13, 188:14, 189:21, 198:9, 201:12 sort 7:6, 33:18, 41:13, 54:11, 137:22, 154:12 sound 15:7 sounds 119:18, 137:16 source 24:18, 27:13 south 38:8, 71:1, 127:15, 143:1,</p>	<p>143:7, 163:4, 168:8, 175:16, 175:19, 187:13 southeast 35:5, 50:11, 71:3 southeastern 37:21 southern 180:4 space 140:19, 151:18, 183:21, 183:22, 184:9 spaces 200:5 span 115:21 speak 11:19, 19:18, 36:14, 44:9, 47:11, 53:14, 54:7, 114:22, 116:4, 118:21, 119:12, 120:7, 125:10, 158:5, 158:16 speaker 8:14 speaking 8:12, 87:13, 99:15, 111:18, 111:20, 112:22, 187:3, 192:17 speaks 10:4 special 75:14, 144:9, 144:11, 144:17, 144:22, 146:1, 148:15, 148:17, 149:7 specific 30:9, 76:3, 87:12, 114:17, 202:22, 208:15 specifically 18:2, 28:17,</p>	<p>44:6, 63:20, 81:21, 114:17, 114:21, 202:18 specified 44:21 specify 82:15 speculate 119:20 speculated 79:20 speculation 83:10, 176:22 spent 140:18 spoke 132:10 spoken 65:11, 160:6 spot 34:2 spring 91:3, 125:11, 130:4, 130:6, 130:7, 151:5, 196:5 springfield 103:12 square 42:21 stack 168:1 stacked 170:20 staff 4:13, 5:17, 19:2, 19:3, 19:21, 35:20, 40:4, 49:4, 52:14, 62:15, 62:19, 63:2, 63:8, 63:12, 110:1, 128:9, 128:10, 155:8, 155:12, 156:8, 156:11, 179:16, 189:13, 191:19, 193:7, 193:12,</p>	<p>199:12, 199:13, 200:9, 200:14, 204:20, 209:16 staff's 14:20, 63:10, 126:1, 126:21, 193:16 stake 80:15 stakeholders 110:6 stan 8:16 stand 132:9, 148:21 standards 191:18 standing 109:12, 113:8 stanley 30:20, 31:1 start 6:2, 8:6, 19:16, 67:19, 131:13, 153:4 state 2:14, 10:5, 11:13, 14:3, 15:12, 16:16, 17:11, 67:1, 69:5, 91:1, 96:1, 97:18, 98:13, 103:8, 125:7, 128:12, 179:3 stated 15:10, 15:15, 15:20, 32:5, 44:15, 63:21, 74:4, 75:11, 78:5, 113:2, 128:7, 133:9, 193:22, 194:5, 200:6, 201:10, 201:12, 202:14, 204:19 statement 11:2, 13:4,</p>
--	--	--	---

Transcript of Hearing
Conducted on March 1, 2023

<p>51:1, 64:14, 65:12, 76:8, 77:20, 78:4, 78:16, 83:12, 85:1, 85:4, 85:5, 85:6, 97:16, 103:4, 114:16, 124:13, 124:15, 169:7, 169:9, 192:19, 202:16, 203:5, 206:5 statements 83:13, 95:11, 115:18, 146:19, 193:11, 202:16, 206:4 states 66:17 stating 112:21, 197:19 statistical 140:10 statutes 109:7 statutory 64:8, 65:1 stay 65:20 still 7:7, 13:22, 22:2, 39:8, 39:10, 47:5, 57:1, 61:16, 89:22, 97:3, 122:5, 122:20, 124:10, 129:6, 137:22, 142:20, 178:16, 199:1, 204:18, 204:19, 204:20 stipulate 32:5, 32:6, 32:14 stipulation 179:9 stop 102:11</p>	<p>stopping 133:1 store 133:2 storm 184:7 story 9:11, 166:7, 172:13 straight 30:7 stream 30:16, 30:17, 71:2, 143:3, 179:6 street 38:12, 64:12, 65:5, 66:20, 67:3, 103:22, 105:2, 105:4, 105:6, 160:17, 161:2, 163:1, 170:7, 173:12, 173:15, 175:21, 182:21 streets 36:22, 63:22, 104:17 strengthen 109:2, 208:7 strike 31:9, 39:11, 86:8 striking 31:11 strong 140:9, 204:5, 204:6 strongly 107:8, 109:3, 128:19, 129:2, 129:16, 132:9, 133:7 structures 129:8, 181:4 studied 104:11 study 40:10, 102:5,</p>	<p>102:7, 144:7 style 166:3, 166:6, 172:11, 198:4 subdivision 23:11, 23:14, 24:21, 26:9, 26:14, 30:10, 36:17, 37:7, 38:15, 38:22, 41:7, 43:1, 64:4, 64:5, 64:20, 65:4, 65:9, 66:16, 67:12, 67:14, 200:12 subdivisions 74:2 subject 10:13, 23:2, 23:5, 23:13, 23:17, 24:20, 25:4, 26:7, 26:13, 30:9, 32:9, 36:10, 36:11, 37:8, 37:17, 37:20, 37:21, 38:3, 40:20, 40:22, 41:2, 41:3, 41:4, 41:6, 42:5, 42:9, 43:7, 47:20, 50:15, 50:19, 70:3, 71:12, 75:5, 76:15, 79:8, 79:15, 83:5, 84:15, 88:12, 89:15, 89:20, 103:13, 104:7, 108:12, 127:2, 127:9, 127:10, 127:14, 127:18, 129:12, 134:15, 150:19, 180:4, 186:13, 194:1, 194:3, 194:6, 195:14,</p>	<p>196:14, 197:11, 198:20, 198:21, 199:15, 199:16, 199:19, 200:15, 200:18, 203:7 submit 6:10, 11:17, 59:7, 159:3, 159:16, 189:1, 189:6, 189:9, 189:20, 207:5 submitted 9:22, 17:18, 19:4, 48:22, 59:14, 62:12, 108:15, 162:19, 192:3, 192:20, 195:20, 196:19, 200:9, 200:19, 200:21, 201:16, 201:17, 202:3, 207:11 submitting 189:17 subsequent 18:19, 191:1 substantial 74:4, 74:21, 196:6, 196:12, 198:11, 204:2, 204:6, 204:11, 205:1, 206:1 substantially 181:8 substantive 70:3, 70:7, 70:9, 90:6, 186:12 subtract 180:2 suburban 150:16 suffice 17:21 sufficient 20:10, 83:21, 119:14, 133:5, 187:5, 191:4,</p>
---	--	---	--

Transcript of Hearing
Conducted on March 1, 2023

<p>204:2 suhar's 28:19, 33:1, 39:5, 43:10, 86:7, 122:7, 137:16, 157:4, 157:18 summarize 21:5, 192:2 summarizing 206:16 super 22:7, 22:14 superimposed 26:2, 26:7 supermarket 105:4 supervisor 202:4 support 11:15, 44:14, 55:9, 106:15, 125:22, 126:2, 126:21, 141:10, 141:15, 144:8, 148:22, 149:21, 163:14, 165:1, 170:3, 170:5, 193:2, 193:18 supported 148:20, 196:6, 199:4, 208:10 supporting 110:8, 177:5, 210:6 supportive 107:8 supports 109:1, 128:14 suppose 47:14 supposed 87:11, 150:11 supposedly 142:5, 149:20 supreme 196:3, 204:9 sure 8:22, 13:3,</p>	<p>15:4, 27:11, 44:19, 49:2, 54:7, 60:9, 65:7, 65:11, 65:17, 69:1, 78:18, 87:11, 93:22, 96:5, 112:9, 113:5, 114:14, 122:15, 125:3, 128:13, 153:3, 156:7, 160:10, 164:3, 166:22, 167:12, 168:4, 171:16, 178:9, 188:7, 188:8, 209:5 surhan 209:1 surprised 100:11 surround 30:9, 104:6 surrounded 175:16, 194:1, 196:15 surrounding 44:7, 47:21, 79:16, 84:15, 84:16, 128:5, 128:18, 141:11, 143:21, 198:20, 198:21 surroundings 79:9, 83:5 surrounds 174:6, 174:15 sustain 83:18, 86:3, 177:13 swath 106:5 swear 92:18, 97:18, 125:8, 147:20 swore 139:5 sworn 33:20, 97:9,</p>	<p>98:4, 125:16, 131:21, 139:12, 162:4 systematics 140:8 systems 140:15, 140:20</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>table 134:7 take 47:17, 55:1, 58:11, 68:12, 79:1, 105:17, 158:3, 161:17, 182:18, 186:4, 186:8 taken 23:1, 24:17, 26:4, 111:5, 114:18 takes 6:16, 109:10, 151:22, 152:2, 152:3, 152:4, 152:7 taking 112:16 tale 145:3, 148:6 talk 57:4, 119:2, 171:2 talked 8:4, 42:17, 109:19, 119:16, 208:14 talking 36:1, 44:5, 46:16, 65:6, 85:16, 100:17, 149:10, 167:4, 167:7, 167:12, 167:14, 190:17 talks 164:21 tan 42:6</p>	<p>tank 102:1 team 27:21, 47:10 technical 4:13, 14:20, 19:2, 49:4, 62:15, 62:19, 63:2, 63:8, 100:2, 108:15, 125:4, 155:8, 155:12, 156:8, 156:10 technology 87:21 tell 12:5, 21:18, 105:13, 105:16, 122:4, 125:20, 130:20, 132:3, 132:8, 132:11, 162:10, 166:14, 176:10 telling 39:15, 40:4, 40:7, 147:21 ten 41:19, 92:7, 152:5 ten-mile 106:5, 107:9 tenant 55:17 tensions 129:11 term 8:19, 26:22 terms 15:21, 208:8 terrace 180:17, 187:11, 187:13 testified 29:7, 33:21, 35:3, 53:12, 54:6, 69:12, 69:15, 73:12, 73:14, 75:17,</p>
---	--	--	--

Transcript of Hearing
Conducted on March 1, 2023

<p>80:18, 81:3, 85:7, 86:21, 90:2, 98:6, 115:22, 116:21, 125:18, 129:14, 132:1, 139:14, 162:6, 166:15, 169:5, 180:10, 185:11 testifies 31:22 testify 6:6, 17:13, 19:20, 20:5, 21:19, 29:4, 29:17, 29:18, 35:7, 35:17, 39:18, 43:19, 55:11, 64:15, 73:21, 86:12, 89:12, 98:4, 101:3, 120:22, 122:3, 124:3, 124:5, 125:1, 125:16, 131:10, 131:21, 139:6, 139:7, 139:12, 145:8, 145:9, 148:17, 149:12, 149:20, 152:22, 155:2, 159:22, 162:4, 179:22, 206:15 testifying 52:9, 169:1, 169:13, 177:2 testimony 21:1, 27:3, 43:12, 44:10, 45:6, 50:22, 51:3, 52:7, 52:11, 55:8, 58:12, 74:1, 75:2, 79:15, 84:11, 91:12, 92:8, 92:18, 92:19, 93:1, 98:8, 100:17,</p>	<p>100:22, 101:16, 112:13, 116:1, 116:6, 120:15, 137:7, 138:7, 139:21, 141:6, 142:3, 142:6, 144:20, 145:3, 145:6, 145:12, 145:15, 147:16, 147:22, 148:4, 148:13, 158:1, 158:17, 160:16, 165:5, 165:6, 171:5, 178:10, 189:1, 191:17, 192:20, 197:13, 206:9, 207:5, 208:14 text 77:3, 77:14 texts 115:5 th 4:22, 30:21, 30:22, 63:1, 63:12, 113:18, 114:6, 114:19, 153:6, 156:8, 156:10 thanks 133:12 themselves 8:2, 132:19 theoretical 180:8 therefore 10:14, 43:19, 80:6, 186:11, 191:8 thereof 38:3 they'd 207:7 thicker 37:4 thing 8:11, 11:4, 12:2, 20:7,</p>	<p>23:21, 33:17, 38:7, 58:18, 58:21, 176:16 things 12:5, 110:11, 110:12, 124:14, 128:8, 134:6, 156:8, 182:22, 188:22, 193:3, 197:20 think 7:10, 8:1, 8:14, 12:19, 13:17, 15:20, 16:16, 25:22, 30:17, 31:7, 32:16, 34:7, 35:5, 35:15, 35:21, 36:12, 38:1, 38:21, 42:16, 46:9, 47:5, 47:16, 49:6, 50:21, 63:12, 69:7, 76:11, 79:7, 82:8, 87:22, 94:10, 94:16, 100:20, 101:18, 102:1, 103:15, 112:15, 116:12, 117:19, 124:7, 126:11, 127:13, 128:11, 128:18, 132:19, 133:10, 136:1, 137:13, 139:18, 144:21, 147:15, 148:1, 151:4, 153:1, 158:4, 158:9, 159:19, 160:3, 162:20, 163:3, 166:5, 167:13, 167:16, 169:5, 169:15, 170:19, 170:20, 170:22, 173:14, 174:16, 175:4, 186:1, 189:16, 190:15,</p>	<p>192:4, 196:20, 205:18, 205:22, 208:16, 208:20, 209:6 thinking 20:11, 83:9, 196:1, 208:5 third 5:4, 6:10, 6:11, 83:11 thirdly 110:22 thirty-four 51:9 thirty-nine 192:6, 192:7 thomas 1:22, 3:9, 94:12, 96:10, 97:9, 97:11, 97:19, 98:3, 98:13, 100:17, 101:12, 102:15, 105:22, 111:4, 111:9, 111:15, 111:17, 112:7, 112:14, 115:22, 116:11, 120:10, 120:16, 120:18, 126:2, 128:7, 129:13, 132:10, 158:8, 158:12, 160:6, 160:15, 200:6, 210:2, 210:14 thought 33:16, 80:8, 88:14, 97:3, 115:8, 121:10, 157:11, 172:20 thousand 73:7, 150:15 three 5:10, 19:4, 29:11, 62:13, 71:17, 73:5, 73:6, 75:1, 82:22, 84:11,</p>
--	--	---	---

Transcript of Hearing
Conducted on March 1, 2023

<p>103:9, 110:11, 110:12, 127:4, 141:1, 166:6, 172:13, 188:22 three-mile 23:14 three-minute 65:19, 103:7, 103:15, 154:16 three-story 172:12, 172:16 through 19:11, 20:4, 50:1, 50:10, 59:19, 62:1, 71:2, 77:3, 87:17, 90:21, 91:11, 98:8, 100:5, 103:5, 124:16, 141:5, 146:7, 153:2, 154:3, 179:6 throughout 208:13 thrust 126:8 tight 119:16 tilted 30:6 time 7:10, 7:15, 7:20, 7:21, 8:3, 12:16, 17:7, 20:8, 20:10, 25:1, 34:14, 45:22, 46:12, 46:14, 48:8, 62:1, 62:10, 79:4, 81:9, 82:10, 82:17, 83:9, 83:11, 96:20, 111:10, 111:12, 112:16, 115:21, 129:14, 132:17, 135:18, 142:15, 164:1, 182:9, 190:14,</p>	<p>190:22, 191:3, 191:6, 192:10, 193:11, 196:1, 204:12 timed 13:16, 105:17 times 9:8, 46:7, 84:11, 158:22 tines 41:1 today 5:3, 5:4, 6:10, 10:4, 10:8, 10:15, 11:10, 11:12, 11:16, 11:17, 12:7, 17:7, 17:13, 17:15, 17:18, 58:11, 69:12, 77:18, 96:11, 112:16, 112:18, 114:22, 121:11, 126:17, 135:18, 141:6, 159:7, 169:1, 198:2, 200:16, 200:21, 206:20 together 108:14, 113:17, 151:11 told 80:14, 83:20, 168:20 took 11:14, 92:10 tool 41:8, 41:12, 43:15 tools 28:15 total 73:15, 73:17, 73:20, 136:19 toward 70:16, 137:11, 197:10, 205:17 towards 37:6, 50:11</p>	<p>town 62:6, 62:7, 175:20, 183:5 townhouse 168:1, 174:20 townhouses 30:15, 30:21, 73:22, 168:7, 168:9, 170:20, 183:5, 197:4 tracking 113:13 tracks 106:3, 113:9, 143:5, 143:6 tract 180:6, 180:7 trade 56:22 traffic 23:7, 70:4, 103:20, 104:1, 126:16, 129:8, 143:20, 152:7 transcribed 1:22, 210:5 transcriber 210:1 transcript 1:1, 21:2, 210:3 transit 66:21, 150:11 transition 128:17 transparency 110:2 transparent 110:5 transportation 52:20, 52:21, 200:11 trap 29:13 travel 23:15, 25:1, 132:21 travels 132:15</p>	<p>traverse 103:12 trees 34:11, 37:4, 38:15, 200:5 trend 77:7, 110:20, 128:21, 137:10 trends 79:3, 84:4, 85:15, 137:9, 137:17, 191:2, 194:12, 195:16 tricks 41:15 tried 100:8, 100:10, 115:18, 189:5, 198:18, 198:22 troubling 32:21 true 11:7, 176:5, 176:6, 193:4, 210:3 trust 5:8 truth 98:5, 125:17, 131:22, 139:13, 147:21, 162:5 try 9:3, 15:13, 50:7, 123:1, 158:22, 192:1, 194:16, 196:22 trying 33:2, 33:11, 71:7, 85:13, 88:10, 113:5, 119:2, 125:2, 135:7, 137:22, 141:7, 152:20, 159:10, 175:13, 193:17, 195:2, 196:20, 199:1, 201:1, 203:12 turned 79:22, 161:11</p>
---	--	--	--

Transcript of Hearing
Conducted on March 1, 2023

<p>twice 13:17, 190:12, 193:9</p> <p>two 19:4, 21:12, 28:8, 28:10, 38:14, 41:13, 56:1, 62:21, 63:9, 79:17, 79:19, 83:1, 110:15, 119:4, 134:19, 164:19, 172:12, 172:13, 183:4, 183:5, 183:20, 196:2</p> <p>type 73:19, 145:5, 165:19, 167:19, 181:5, 189:4</p> <p>types 99:12, 128:17, 146:21, 180:12</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>u-turn 152:9, 152:10</p> <p>ultimately 127:20</p> <p>unchanged 81:20, 83:3</p> <p>uncomfortable 133:1</p> <p>under 22:2, 22:10, 30:15, 30:21, 31:1, 47:3, 68:16, 89:19, 178:16, 183:7, 186:20, 203:2, 203:9</p> <p>underlying 31:4</p> <p>underneath 91:16</p> <p>understand 7:6, 10:19, 15:15, 44:5, 54:12, 100:9,</p>	<p>107:12, 121:14, 129:8, 136:1, 136:8, 136:16, 137:1, 137:15, 145:14, 163:13, 177:6, 177:19, 186:21, 187:1</p> <p>understanding 118:16, 135:8, 136:12, 157:19</p> <p>understood 12:21, 13:6, 33:10, 54:22, 205:16</p> <p>underway 115:20</p> <p>unfortunately 64:2, 146:8, 146:16, 158:13</p> <p>unidentified 8:14</p> <p>union 105:5, 129:7, 133:2, 151:17, 152:6, 152:9, 163:1, 170:9, 173:15, 182:22</p> <p>unison 132:10</p> <p>unit 167:22, 180:12</p> <p>units 73:8, 107:14, 108:13, 127:4, 127:19, 127:20, 128:3, 128:4, 136:20, 142:1, 142:12, 142:14, 143:20, 143:22, 144:1, 144:3, 167:18, 167:20, 169:3, 179:19, 180:8, 183:7, 183:10, 191:20, 194:7, 195:6, 203:13</p> <p>university 61:2, 61:7,</p>	<p>102:4, 102:17, 130:9, 140:9, 140:12, 151:13</p> <p>unless 10:11, 20:5, 181:20, 182:1</p> <p>unsupported 146:17, 200:2</p> <p>until 11:22, 15:19, 17:14, 24:3, 54:21, 55:5, 95:20, 119:5, 143:4, 158:4, 159:7, 159:15, 171:11, 207:3, 207:5</p> <p>updating 140:14</p> <p>updates 108:7</p> <p>uphold 110:16</p> <p>upper 26:10, 161:20</p> <p>upward 41:1</p> <p>urban 60:18, 102:1, 102:2, 104:10, 104:11, 104:14, 150:16</p> <p>urbanistity 104:12</p> <p>urbanization 104:12</p> <p>urge 126:22, 129:16</p> <p>use 8:20, 29:20, 33:20, 36:21, 41:14, 45:2, 46:3, 61:9, 76:3, 76:19, 77:1, 77:3, 77:14, 77:15, 77:16, 77:22, 78:5, 84:7,</p>	<p>84:9, 84:13, 84:14, 85:8, 103:11, 108:12, 110:17, 127:18, 140:16, 141:2, 189:16, 194:6, 199:19, 199:20, 200:8, 202:21, 203:17, 203:18, 204:17</p> <p>uses 30:9, 30:12, 31:4, 70:12, 71:11, 104:6, 129:4</p> <p>using 41:8</p> <p>usually 172:11</p> <p>utilities 109:9</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>value 109:2, 176:17</p> <p>variation 64:6</p> <p>variations 64:22, 200:4</p> <p>variety 183:13, 185:16</p> <p>various 9:7, 10:17, 113:9, 193:6</p> <p>vehement 159:14</p> <p>verbal 192:20, 193:10</p> <p>verify 28:5, 39:21</p> <p>verse 66:15, 68:10</p> <p>versus 7:20, 196:5, 204:8</p> <p>via 202:4</p> <p>viable 204:17</p>
---	---	--	--

Transcript of Hearing
Conducted on March 1, 2023

<p>vibrancy 174:16</p> <p>vibrant 162:22, 163:9, 170:14, 172:3, 174:18</p> <p>vice 102:3</p> <p>vicinity 69:18, 108:10, 127:7, 177:1, 197:9</p> <p>videos 113:20</p> <p>view 30:5, 37:11</p> <p>virtual 1:2, 6:14, 6:16, 6:22</p> <p>virtue 121:20</p> <p>visibility 134:2</p> <p>visit 134:4</p> <p>visited 33:21</p> <p>visitors 134:8</p> <p>vista 82:1, 143:8</p> <p>vitae 44:20</p> <p>vitality 163:3</p> <p>vocation 101:13</p> <p>voice 111:1, 111:21, 125:21, 126:4</p> <p>voicing 165:1</p> <p>void 48:10, 48:21</p> <p>voir 46:13</p> <p>volume 70:5</p>	<p>vote 11:15, 113:4, 114:4, 114:17, 114:21, 115:14, 115:16</p> <p>voted 11:14</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>wait 11:22, 13:1, 22:11, 24:3, 35:16, 45:11, 49:1, 55:4, 55:12, 65:15, 87:20, 97:22, 155:3, 160:4, 171:11, 171:14, 176:3, 205:12</p> <p>waiting 48:9, 124:3</p> <p>walk 98:8, 134:18, 185:21, 197:10, 197:15</p> <p>walkup 172:16</p> <p>want 5:7, 6:1, 7:8, 8:3, 12:20, 14:13, 15:12, 17:6, 17:11, 17:20, 19:14, 20:14, 20:15, 24:4, 29:9, 40:15, 41:20, 45:17, 51:15, 58:13, 77:19, 80:21, 83:16, 86:12, 93:21, 95:14, 95:15, 95:18, 103:1, 103:8, 105:13, 105:18, 106:18, 107:8, 107:17, 110:20, 110:22, 114:14, 121:5, 122:12, 131:8,</p>	<p>135:17, 136:16, 148:2, 156:7, 158:1, 162:10, 164:3, 177:12, 188:19, 189:2, 189:9, 189:19, 190:7, 192:13, 194:15, 194:20, 201:2, 202:11, 203:13, 205:7, 206:3, 207:6, 208:17</p> <p>wanted 16:19, 17:12, 19:1, 54:7, 58:5, 96:19, 151:15, 155:7, 158:15, 159:9, 176:4</p> <p>wanting 126:13</p> <p>wants 20:3, 122:4, 174:9, 189:1, 207:5</p> <p>war 147:6</p> <p>warner 14:1, 14:5, 14:7, 14:9, 14:11, 14:15, 14:20, 15:2, 15:4, 15:7, 63:3</p> <p>warrant 190:21</p> <p>waste 17:7</p> <p>watched 162:22</p> <p>watching 80:2</p> <p>water 184:7, 201:6</p> <p>watershed 147:3</p> <p>watson 110:1, 110:3, 114:10, 117:19</p>	<p>watts 146:7</p> <p>way 15:19, 33:6, 34:16, 39:17, 41:12, 46:11, 50:16, 113:16, 121:9, 141:5, 145:9, 150:1, 159:20, 191:22, 206:22</p> <p>ways 86:14, 126:14</p> <p>we'll 7:21, 65:22, 93:18</p> <p>we're 7:4, 31:11, 31:15, 33:17, 36:1, 44:5, 45:12, 46:11, 46:16, 48:9, 48:20, 58:11, 60:7, 88:10, 94:17, 95:19, 110:11, 113:19, 113:21, 114:12, 114:13, 114:15, 116:18, 117:11, 118:20, 119:2, 122:5, 124:3, 125:2, 134:11, 167:13, 176:22, 185:13, 188:17, 188:18, 190:17, 195:9, 195:16, 202:10, 206:6</p> <p>we've 8:4, 16:18, 18:20, 19:5, 47:17, 109:19, 126:5, 149:9, 158:10, 158:20, 183:20, 185:19, 192:14</p> <p>wednesday 159:7</p> <p>week 5:20, 11:11,</p>
---	--	---	--

Transcript of Hearing
Conducted on March 1, 2023

<p>63:4 weeks 5:10 weigh 110:6 weight 145:15 welcome 135:11, 138:15 welfare 143:14 went 59:19, 70:14, 70:16, 70:18, 71:9, 148:15, 179:9, 186:22 weren't 6:3, 33:18, 45:9 west 37:10, 38:6, 38:9, 41:4, 70:22, 71:12, 127:15, 163:5, 165:21, 166:16, 168:7, 168:8, 172:6, 179:5, 180:19, 181:2, 182:15, 184:3 westward 70:16, 71:9, 196:18 wetland 147:10, 147:12 wetlands 169:2 whatever 6:3, 7:14, 122:21, 133:2, 182:19 whatsoever 59:1, 195:20, 201:22 whenever 130:19 whereupon 98:2, 125:14, 131:19, 139:10,</p>	<p>162:2 whether 11:14, 35:20, 39:21, 44:21, 55:16, 83:21, 111:17, 150:2, 190:19 white 102:6, 196:5 whole 48:14, 58:18, 62:1, 98:5, 113:5, 125:17, 131:22, 139:13, 148:18, 162:5, 186:14 wider 185:19 willing 32:13 wingate 13:12, 21:15, 23:11, 23:14, 23:18, 23:19, 24:20, 25:5, 26:8, 26:9, 26:13, 26:14, 29:12, 29:13, 30:10, 30:13, 31:21, 31:22, 32:2, 32:4, 32:7, 33:11, 33:13, 33:14, 34:9, 34:11, 34:15, 34:17, 35:4, 35:7, 35:17, 36:9, 36:17, 37:2, 37:3, 37:5, 37:7, 37:14, 38:2, 38:10, 38:16, 38:18, 38:22, 41:7, 43:1, 43:8, 47:7, 47:8, 69:15, 69:17, 96:2, 96:6, 96:8, 97:20,</p>	<p>97:21, 98:16, 98:20, 99:9, 99:10, 99:12, 100:9, 101:19, 103:7, 103:8, 104:16, 106:2, 106:4, 107:3, 107:5, 107:7, 107:10, 107:12, 109:3, 109:4, 109:5, 109:21, 110:13, 111:11, 111:19, 112:18, 112:22, 113:4, 113:8, 113:12, 121:2, 121:19, 121:20, 121:21, 126:18, 158:14, 161:3, 167:17, 173:19, 186:11, 197:7, 198:15, 198:18, 199:4 wish 102:12, 163:15 wished 5:18 wishes 152:21 withdraw 118:8, 157:13, 181:16 within 9:15, 10:12, 41:3, 41:7, 41:18, 43:8, 48:15, 57:17, 57:18, 67:3, 72:15, 72:22, 73:10, 73:18, 75:5, 99:9, 107:9, 161:2, 166:12, 167:2, 167:16, 181:22, 185:20 without 33:12, 36:20, 47:15, 85:10, 134:3, 142:1,</p>	<p>193:1, 203:11 witnesses 5:12, 9:7, 10:17, 19:17, 95:3, 120:21, 121:1, 145:19, 157:2, 178:6, 182:5, 188:18, 192:15 woman 114:10 wonderful 48:11 wondering 54:1, 54:13, 91:17, 117:8, 138:5 wood 30:16, 30:19, 71:2, 143:2, 179:6 woodland 180:20, 181:3 woods 23:3, 99:22 woodview 30:17 word 26:6, 41:2, 123:2, 123:3, 196:21 words 37:9, 177:10, 184:6, 186:4 work 49:6, 61:8, 61:14, 61:18, 113:13, 209:8 worked 61:15, 140:11, 147:3, 151:17 working 140:19 works 48:18, 113:9, 113:16 world 6:16, 6:22,</p>
--	--	--	---

Transcript of Hearing
Conducted on March 1, 2023

<p>104:13, 146:22, 147:6, 206:22 worship 103:18 worth 7:10 would've 7:16, 119:18 wouldn't 67:17, 71:14, 92:16, 102:15, 134:7, 147:16, 176:18, 176:19, 204:13 wow 161:13 write 130:4, 158:17, 189:3 writes 9:12 writing 58:5, 58:14, 196:19, 197:4 written 9:14, 103:4, 139:22, 159:3, 190:8, 192:16, 192:20, 193:10 wrong 5:7, 170:21</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yeah 13:7, 13:9, 21:20, 32:13, 47:8, 52:20, 53:22, 54:17, 62:21, 63:18, 66:9, 67:19, 69:3, 73:20, 77:8, 87:4, 89:1, 92:22, 99:17, 104:4, 104:8, 112:5, 116:11, 118:4, 118:6, 118:13, 121:12, 123:4,</p>	<p>139:7, 144:21, 147:15, 152:8, 156:6, 156:15, 157:10, 157:19, 158:12, 161:4, 161:18, 165:12, 165:22, 166:1, 166:5, 166:17, 168:2, 168:20, 169:15, 173:14, 175:4 year 114:7, 180:3 years 101:5, 106:20, 132:12, 138:12, 140:22, 141:1, 151:18, 162:16, 170:13, 198:5 yellow 23:6 yesterday 15:11, 59:14 yield 179:22, 180:8, 181:7, 203:12 yonette 3:9, 96:10, 97:9, 97:19, 98:3, 105:22 young 96:16 yourself 18:8, 53:11, 126:22</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>zaller 13:11, 96:8 zhe 6:13, 59:21, 121:8 zma 1:3, 125:22, 133:8, 148:8, 150:13, 150:18, 162:18 zma- 5:5</p>	<p>zone 42:7, 42:13, 42:16, 43:2, 79:9, 107:19, 108:6, 127:3, 127:8, 127:10, 128:1, 135:21, 141:12, 141:20, 144:10, 146:13, 150:19, 170:20, 181:22, 182:2, 183:4, 183:10, 183:11, 183:12, 184:17, 185:20, 185:22, 188:9, 191:7, 192:10, 195:4, 195:14, 200:3, 204:21 zoned 50:20, 72:21, 79:16, 80:5, 84:16, 87:1, 89:21, 127:4, 127:16, 129:3, 168:12, 168:13, 172:9, 175:20, 176:1, 182:16, 182:17, 183:20, 183:21, 183:22, 184:9, 184:13, 184:20, 185:9, 185:10, 185:11, 185:15, 188:3, 188:4, 194:2, 194:3, 194:14, 196:16, 197:4, 197:5 zones 39:15, 40:12, 40:14, 41:21, 42:1, 47:5, 48:2, 87:4, 107:20, 128:2, 146:11, 146:14, 183:13, 185:16, 186:13, 189:4, 195:5 zoom 33:9, 34:20,</p>	<p>40:8, 40:16, 48:4 zoomed 39:17</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p>00 132:16 001 1:3, 5:5, 141:10 01 132:20 09 203:16</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1.1 23:14 1.3708 203:16 1.3709 76:4, 76:18, 202:22 1.9 24:22 10 62:14, 62:17, 63:1, 63:14, 63:15, 65:19, 117:10, 155:17, 156:8, 193:13 100 162:16, 180:3 10203 162:15, 169:20 10205 162:15, 169:21 112 3:11 11201 132:5, 133:21 12 136:20, 175:22, 183:11, 183:12, 183:16, 184:17 12.43 127:21</p>
---	--	--	--

Transcript of Hearing
Conducted on March 1, 2023

<p>133 3:15 135 3:16 139 4:21 15 63:12, 113:18, 114:6, 114:19, 119:5, 119:6, 152:3, 185:21 151 3:19 153 4:22 160 3:12 16006 162:13 163 4:2 165 4:3 17 210:15 176 4:4 178 3:6 183 3:7 19 155:16, 156:10 193 100:3, 106:20, 129:4, 129:5, 132:15, 132:21, 133:4, 135:5 1975 140:11 1976 140:17, 142:19 1980 38:16, 143:4, 185:9 1987 61:13 1988 107:6</p>	<p>1989 61:17 1993 194:3 1994 98:20, 98:21, 99:20 1999 61:20, 143:4 1e1 204:4</p> <hr style="width: 50%; margin: 0 auto;"/> <p style="text-align: center;">2</p> <hr style="width: 50%; margin: 0 auto;"/> <p>2, 648.64 41:9, 43:20 2.17 127:20 20 115:22, 175:18, 176:1, 182:17, 182:18, 183:4, 197:5, 201:9 200 67:4 2000 141:3 2005 61:20 2008 162:17 2010 74:8, 75:20, 79:12, 108:9, 127:6, 162:18, 194:3, 195:19, 198:6 2012 99:3 2021 74:15, 127:9, 194:4 2022 1:3, 5:5, 47:4, 62:14, 62:17, 63:14, 74:15, 119:5, 119:6, 141:10, 155:16, 155:17, 193:13</p>	<p>2022001 125:22 2023 1:4, 5:4, 109:21, 114:8, 114:9, 119:7, 119:8, 142:20, 155:18, 210:15 21 3:3, 189:12 212 1:21 22 62:22, 63:12, 63:17, 75:10, 155:18, 194:4, 202:17 23 4:10, 201:14 24 4:11 241100 68:2 24120 68:1 24121 66:16 250 181:7 256 99:10, 107:5, 115:9, 198:16 26 127:21, 141:19, 142:13, 143:21, 144:3, 151:9 2604 91:3, 125:11 27 204:4 28 4:22, 153:6 29 18:18</p> <hr style="width: 50%; margin: 0 auto;"/> <p style="text-align: center;">3</p> <hr style="width: 50%; margin: 0 auto;"/> <p>30 4:10, 4:11,</p>	<p>9:15, 9:20, 18:20, 21:10, 21:12, 24:10, 24:14, 25:14, 50:1, 87:17, 87:19, 87:20, 88:19, 91:20, 91:22, 119:4, 180:9 31 4:12, 18:20, 20:17, 21:6, 21:7, 25:19, 26:18, 29:15, 31:10, 31:12, 39:5, 39:6, 92:21 32 18:20, 29:15, 29:19, 30:3, 30:5, 31:12, 31:13, 31:15, 39:9, 40:2, 40:7, 48:8, 48:21, 86:21, 87:22 33 4:13, 18:20, 31:10, 39:9, 49:3, 49:9, 49:10, 155:13, 180:9 34 4:14, 18:20, 28:12, 39:14, 40:2, 48:22, 49:2, 49:14, 51:7, 51:8, 53:2, 53:3, 87:17, 89:7, 92:3, 93:9 340 50:1, 90:5, 93:11, 180:5 35 4:15, 19:2, 53:7, 53:17, 53:18, 102:10,</p>
--	--	--	--

Transcript of Hearing
Conducted on March 1, 2023

<p>190:3 36 4:16, 19:5, 49:13, 49:14, 49:17, 55:3, 55:12, 60:8, 88:17, 88:19, 88:21, 163:20, 164:2, 169:9 360 102:2, 204:4 3601 204:4 37 4:17, 53:7, 53:8, 55:13, 56:14, 88:16, 88:18 38 4:12, 4:18, 55:2, 56:17, 57:10, 88:16, 164:5, 169:9, 192:5 39 4:19, 55:13, 57:13, 59:3</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 117:20 40 4:20, 50:9, 52:17, 56:16, 59:11, 60:5, 60:8, 106:20, 168:20, 177:15, 177:16, 182:19, 200:17 41 4:21, 57:12, 65:19, 130:19, 139:1, 139:2, 153:18 42 4:22, 19:5, 59:10, 130:20, 153:8, 153:10,</p>	<p>155:4, 156:17, 169:8 422 55:15 43 155:6, 169:6 45 9:20 450 180:8 48 4:13, 50:20, 72:21, 107:19, 108:6, 110:15, 127:4, 128:1, 128:3, 129:3, 129:10, 135:21, 142:4, 142:8, 143:12, 150:10, 168:13, 168:21, 169:6, 179:17, 188:3, 191:10, 192:10, 194:13, 194:14, 195:4, 195:5, 201:5 484619 1:20 493 130:8</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>52 4:14 53 4:15 55 188:1 56 4:16, 4:17 564 143:5 57 4:18 59 4:19 596 128:4, 136:20, 142:1, 142:12,</p>	<p>143:20, 144:1, 169:3, 179:18, 180:8, 191:20</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>60 3:4, 4:20</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7 132:16</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>80 185:15 8111 98:15 8th 11:11, 19:9, 45:9, 49:20, 51:2, 55:16, 56:20, 59:15, 75:2, 79:14, 106:9, 109:13, 115:21, 120:7, 179:9, 179:22, 180:11, 190:14</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>90 111:2 91 3:5 98 3:10</p>	
---	--	---	--