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Transcript of Hearing - Day 1

Date: September 26, 2017

Case: Cellco Partnership d/b/a Verizon Wireless

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Conducted on September 26, 2017

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1	3
1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS	1 Rockville, MD
2 FOR MONTGOMERY COUNTY, MARYLAND	2
3 -----X	3 JOSEPH DAVIS
4 In Re: :	4 172 Tuckers Road
5 CELLCO PARTNERSHIP : Case No. CU-T-17-01	5 Pawley's Island, SC 29585
6 d/b/a VERIZON WIRELESS :	6
7 -----X	7 SUSAN LEE
8	8 VP West Montgomery County Citizens' Association
9 HEARING	9 12900 Circle Drive
10 Before Hearing Examiner Tammy Citramannis	10 Rockville, MD 20850
11 Rockville, Maryland	11
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16	16
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<p>6</p> <p>1 P R O C E E D I N G S</p> <p>2</p> <p>3 TAMMY CITRAMANNIS: Application of Cellco Partnership</p> <p>4 doing business as Verizon Wireless and East Gate Recreation</p> <p>5 Association, case number CU-T-17-01. The application is</p> <p>6 for conditional use for a telecommunications tower pursuant</p> <p>7 to the 2004 zoning ordinance, 59 73.1 and 59 352. They are</p> <p>8 seeking to install an 80 foot tower, telecommunications</p> <p>9 tower, and an equipment compact -- compound in the leased</p> <p>10 area on the property which is owned by East Gate. The</p> <p>11 property is located at 10200 Gainsborough Road, Potomac,</p> <p>12 Maryland, in the R200 zone and is identified as parcel C of</p> <p>13 Block J in the East Gate of Potomac Subdivision. The</p> <p>14 property has an existing special exception on it. It was</p> <p>15 granted in 1978 and modified in, I believe, 1980 and '83.</p> <p>16 That is case number S596. The special exception is to</p> <p>17 operate as a swimming/tennis club. In order for a</p> <p>18 conditional use to be permitted, the existing special</p> <p>19 exception must be modified. In September, the applicant</p> <p>20 filed a request. East Gate, the property owner, filed a</p> <p>21 request with the Board of Appeals who actually granted the</p> <p>22 special exception and under the old regulation is -- it's</p> <p>23 still within their purview. They filed a -- an</p> <p>24 administrative modification asking for an administrative</p> <p>25 modification of the existing one to allow this particular</p>	<p>8</p> <p>1 TAMMY CITRAMANNIS: You're representing?</p> <p>2 GREG DIAMOND: Celco partnership doing business as</p> <p>3 Verizon Wireless.</p> <p>4 TAMMY CITRAMANNIS: Okay.</p> <p>5 MS. CAPPIELLO: Good morning. My name is Elizabeth</p> <p>6 Cappiello. I'm with Baker Donaldson and I'm here on behalf</p> <p>7 of East Gate Recreation Association Inc., and our law</p> <p>8 offices are at 901 K Street Northwest, Suite 900,</p> <p>9 Washington, D.C. 20001.</p> <p>10 TAMMY CITRAMANNIS: Is Mr. Barnard not joining us?</p> <p>11 MS. CAPPIELLO: He is not here today, though he will</p> <p>12 be here tomorrow.</p> <p>13 TAMMY CITRAMANNIS: Okay.</p> <p>14 MS. CAPPIELLO: And I will not be.</p> <p>15 TAMMY CITRAMANNIS: Oh, okay. Tag team, okay.</p> <p>16 CHERYL WETTER: Cheryl Wetter, I'm here as a party of</p> <p>17 record. My address is 6 Snug Hill Court, Potomac, Maryland</p> <p>18 20854. I'm in opposition to the Celco tower.</p> <p>19 TAMMY CITRAMANNIS: Nice to put a face to the name.</p> <p>20 CHERYL WETTER: Lots of writings, right.</p> <p>21 TAMMY CITRAMANNIS: Yes.</p> <p>22 BILL CHEN: Good morning ma'am, Hearing Examiner. My</p> <p>23 name is Bill Chen and I'm legal counsel for Greer Delaforia</p> <p>24 (phonetic), Howard Finkel, Janine Resnick, Monica Finkel,</p> <p>25 (inaudible) Tedesco (phonetic), Annette Perwin (phonetic),</p>

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<p style="text-align: right;">9</p> <p>1 Dana Ettinger, GeraLynn Franchesini (phonetic) -- I 2 apologize for butchering the pronunciation -- and Jamie 3 Perry. My office is located at 200A Monroe Street, Suite 4 300, Rockville, 2850. 5 TAMMY CITRAMANNIS: Okay. Thank you. 6 MR. DAVIS: I'm Joseph Davis and my address is 172 7 Tuckers Road, Pawley's Island, South Carolina 29585. And 8 I'm here with the -- with Bill Chen in -- 9 TAMMY CITRAMANNIS: Oh, okay. 10 MR. DAVIS: -- in opposition 11 TAMMY CITRAMANNIS: You're not representing anybody? 12 MR. DAVIS: Correct. 13 TAMMY CITRAMANNIS: You're one of the experts. Okay. 14 I see we have a number of people in the audience. I'm not 15 -- just let me -- let me finish and then I will -- if I -- 16 if there's any questions. Individuals, I see that there is 17 a number of people. There should be a sign-up sheet over 18 here because you will be given an opportunity, if you are 19 interested in testifying, at the appropriate time I will 20 call people's names and you'll come up and give us your 21 testimony, your statements. Also, I wanted to just give a 22 brief description of what these proceedings are. I've 23 received a lot of letters of opposition. Read them all. 24 So I have a pretty good idea; some of the concerns, but you 25 have an opportunity today to repeat them on the stand. It</p>	<p style="text-align: right;">11</p> <p>1 You also have an opportunity to cross -- to ask questions 2 on cross examinations. For instance, when the applicant 3 puts on a witness, Mr. Chen, Ms. Wetter, are going to be 4 able to ask cross-examination questions, clarifications, 5 whatever. I will also allow the individuals in the 6 audience -- you all too can ask a question. Just a 7 reminder, it is an opportunity to ask a question that has 8 not been asked. If all the questions have been asked, it's 9 not your opportunity to make your statement. I know it 10 gets a little confusing for some people, but I will just 11 make sure that you understand that. I did want to ask if, 12 since we do have Mr. Chen who is representing nine of your 13 neighbors, if you have a question that he hasn't asked, 14 which I'm pretty sure he is going to be pretty thorough; if 15 he hasn't asked a question -- you have a reputation. If he 16 hasn't asked a question, we can do one of two things to 17 keep things going. You can either pass the question along 18 to Mr. Chen and if he is willing to ask it on your behalf, 19 that's great. Would that be a problem with you Mr. Chen? 20 BILL CHEN: No. 21 TAMMY CITRAMANNIS: Not at all. Then that way we can 22 keep things going. Again, your testimony will be of 23 another -- later in the proceeding. What's other -- we 24 have exhibits. If you have additional exhibits, they have 25 to be marked. If you're referring to an exhibit, I need --</p>
<p style="text-align: right;">10</p> <p>1 is quasi-judicial. And what does that mean? That just 2 means it's a little more informal than if you are at the 3 circuit court in front of another judge; however, we do 4 have formalities on how we proceed, which means we're -- 5 this is going to be in orderly proceeding. It's recorded. 6 We have a court reporter in the back. So thank you for 7 reminding me that you couldn't hear me because if you could 8 hear me, he probably couldn't hear me. There might be 9 other -- I don't know if he is recording through these or 10 has separate mics. Do you have separate mics or are you 11 recording to these? 12 COURT REPORTER: (Inaudible). 13 TAMMY CITRAMANNIS: Okay. So it's important that, 14 when you come to testify, all testimony comes from -- is 15 taken at the witness stand. I'm not going to take any 16 testimony from the audience. And why is that was? One, 17 it's not orderly and two, all testimony is under oath 18 meaning you're promising to tell the whole truth, nothing 19 but the truth. You are also subject to cross-examination. 20 All their witnesses are subject to cross-examination. You 21 would be subject to cross-examination. This is the 22 opportunity for your voice to be heard and you will be 23 heard. I promise you that, but we will follow in order 24 because, you know, we have two days in which to do all of 25 this. And right now, I think we're up to 200 exhibits.</p>	<p style="text-align: right;">12</p> <p>1 it's imperative that you refer to the correct exhibit 2 number. The basis for my decision is going to be what 3 happens here today. I do make the decision in the 4 conditional use. I make a recommendation in the special 5 exception. So, as you can see, we have all these mics. 6 They are very sensitive. The court reporter has asked me 7 to ask you to please state your name and if there is an odd 8 spelling, just go ahead and spell it for him. And I know 9 everybody is passionate about this. I ask that we have no 10 outbursts. You will have your opportunity to have your 11 voice be heard. We will take a break sometime before 12 lunch. We will take about an hour lunch. No more than an 13 hour lunch. And we will go until 6:00 this evening 14 depending on where we are in the proceedings. We can 15 certainly reevaluate that towards the afternoon. The order 16 of the proceedings, we're going to deal with preliminary 17 matters, opening statement if any of the parties of record 18 want to make them. Applicant will put on their case in 19 chief. The opposition, Ms. Wetter, and Mr. Chen will put 20 on their case; individuals; that's after Mr. Chen and Ms. 21 Wetter are done, that's when we will bring the audience in. 22 Applicant has a rebuttal. We'll do closing argument. So 23 court reporter, you can stay until 6:00, right? Okay. 24 What is a conditional use? We are here today on 25 application for conditional use which is statutorily --</p>

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<p>13</p> <p>1 which is a statutorily permitted use if certain general and 2 specific conditions are met. Those conditions are spelled 3 out in the zoning ordinance and in the report of the 4 amended Technical Staff Report. A conditional use used to 5 be called a special exception, but the term special 6 exception is really a misnomer, so it was changed to 7 conditional use in the 2014 zoning. It is not an exception 8 or variance from the zoning ordinance, nor a change in 9 zoning, but rather a conditionally permitted by the 10 ordinance if certain conditions are met. The applicants 11 have the burden of proving that they've met all those 12 conditions. My role is not to determine whether 13 telecommunication towers in general should be prohibited in 14 residential zoning. The zoning ordinance already allows 15 this use in the R200 zone as a conditional use. My role is 16 to determine whether the specific use proposed, i.e. the 17 construction and operation of the telecommunication tower 18 at this location within this neighborhood, will meet the 19 standards set forth in the zoning ordinance. Standards 20 both specific to this type of conditional use and standards 21 for conditional uses in general. The courts have said that 22 this is not a plebiscite. Meaning this is not a popularity 23 contest in the sense that those have the more on the side 24 for or against win. That's -- I am going to stick to the 25 criteria. That's all that I can consider. I'm glad that</p>	<p>15</p> <p>1 Susan Lee from the West Montgomery County Citizens' 2 Association. 3 TAMMY CITRAMANNIS: Where is she? 4 BILL CHEN: She is here. She prefers, I understand, 5 to sit back there. 6 TAMMY CITRAMANNIS: Oh, I'm sorry. 7 SUSAN LEE: (inaudible) 8 TAMMY CITRAMANNIS: Okay. Wait a minute. Wait a 9 minute. See that -- this is -- we have to make sure the -- 10 the court reporter can hear you. So we either have to -- 11 how about we move your -- the expert back a seat and have 12 Ms. Lee come take his place since she is a party of record. 13 And I do apologize. 14 SUSAN LEE: No, I did (inaudible) That's why I'm 15 (inaudible) 16 TAMMY CITRAMANNIS: Okay. Thank you Mr. Chen. 17 BILL CHEN: I just (inaudible). Excuse me. A 18 gentleman just informed me that he is with a civic 19 association apparently not involved with the East Gate. 20 And apparently, he wants, at some point, to testify. 21 TAMMY CITRAMANNIS: (Inaudible) 22 BILL CHEN: I just was -- 23 TAMMY CITRAMANNIS: Well -- 24 BILL CHEN: -- (Inaudible). 25 TAMMY CITRAMANNIS: -- He can testify at the</p>
<p>14</p> <p>1 everybody's here, but just so you understand. The issues 2 that are not before me, and I'm sure they will come up in - 3 - but -- and I have put these in my orders, in previous 4 orders where the issues have been raised. The issue 5 regarding environmental health issues related to the RF 6 emissions, I know there's a great deal of concern about 7 that. The FCC has sole jurisdiction over this issue and I 8 cannot base my decision on that. Issues relating to the 9 East Gate Board of Directors' actions, elections, decision- 10 making process, I've addressed this as well. This is a 11 matter for the circuit court, and in fact, I believe it was 12 -- a declaratory judgment was filed. That -- how they 13 acted is -- is not my -- part of my decision-making 14 process. While if you do, once I do make my decision, as I 15 said, everything is on the record so that you will have a 16 right to appeal it. Parties of record will have a right to 17 appeal it to the Board of Appeals for oral argument, but no 18 new evidence will be taken. It's on the record. With 19 that, I will go into preliminary matters. Do we have any 20 preliminary matters? 21 BILL CHEN: Just -- 22 CATHY BORTEN: We do. 23 BILL CHEN: -- this is not really a preliminary 24 matter, but Madam Examiner, what you should know is you 25 have another party of record present today and that is</p>	<p>16</p> <p>1 appropriate time. Okay. 2 CATHY BORTEN: We do have some preliminary matters if 3 you would -- 4 TAMMY CITRAMANNIS: Okay. 5 CATHY BORTEN: -- be willing to go to those. 6 TAMMY CITRAMANNIS: Okay. So identify just -- 7 CATHY BORTEN: Sorry -- 8 TAMMY CITRAMANNIS: Just so that he gets -- 9 CATHY BORTEN: Sure. Cathy Borten on behalf of Celco 10 -- 11 TAMMY CITRAMANNIS: Okay. 12 CATHY BORTEN: -- DBA Verizon Wireless, representing - 13 - I'm sorry, I already said that. So the first matter 14 would be, we have an outstanding motion to add Mr. Phillip 15 Savard, the photographer, which we filed a couple of weeks 16 ago and I know this last week, there were some responses 17 back and forth. We just wanted to get a ruling on that. 18 See if you wanted any further discussion 19 TAMMY CITRAMANNIS: Yes, I do you want further 20 discussion. And with regards to Mr. Chen, or -- you all 21 can tell me -- based on what I was reading in your motion, 22 you don't have a problem if Mr. Chen has his own expert, 23 but you don't want him to be able to produce any evidence. 24 CATHY BORTEN: What -- Madam Hearing Examiner, that 25 would be ideal. However, if -- if Mr. Chen is being</p>

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<p>17</p> <p>1 allowed to have an expert, bring in his or her own photo 2 simulations, is something that you feel is necessary in 3 order to allow Mr. Savard to testify, then we don't have a 4 problem with that. I would just note for the record, that 5 is you are aware, this proceeding isn't tied to the 6 stricter rules of evidence. It really is a question of 7 fairness, but again, if Mr. Chen's expert being allowed to 8 bring in photo sims is something you feel you need for him 9 to be able to do in order to allow Mr. Savard to testify, 10 we don't have a problem with that. 11 TAMMY CITRAMANNIS: Okay. Mr. Chen. 12 BILL CHEN: Thank you. Amazing how the word fairness 13 can be twisted. What -- my position and my clients' 14 position is very, very simple. The applicants filed photo 15 simulations months ago. In fact, I believe some were filed 16 with the original application. It's going on a year. They 17 need those photo simulations for their case. They are 18 normal types of evidence. They have never identified an 19 expert witness for those photo simulations until literally, 20 two weeks before the hearing. Now, they can't get those -- 21 well, Madam Examiner, you're the presiding -- the presiding 22 officer and obviously, this proceeding as you've explained, 23 is going to go the way you want it to go. However, my 24 clients' position is that those photo simulations cannot be 25 introduced in evidence unless there is a witness to</p>	<p>19</p> <p>1 tell you, in two weeks, we don't have an expert and I don't 2 anticipate that we will have an expert. 3 TAMMY CITRAMANNIS: So you will -- you're not -- you 4 don't want to put up -- put on an expert or you don't -- 5 you need -- 6 BILL CHEN: I don't have an expert. 7 TAMMY CITRAMANNIS: You don't have an expert. 8 BILL CHEN: Right. 9 TAMMY CITRAMANNIS: But that's because you didn't have 10 the -- and you can't get anybody or you're still looking? 11 BILL CHEN: Oh, we've been scrambling for the last two 12 weeks to find an expert they can do what has to be done to 13 present evidence before you. I mean, what you're talking 14 about is bringing somebody -- finding somebody who will do 15 it, number one. Number two, they would then have to come 16 out, take -- as I understand the technology of this -- take 17 photographs and go to the plans of what is being proposed. 18 And assuming they have the equipment, they then, as I 19 understand it, and I apologize because I'm -- I'm a lawyer. 20 I'm not a technician -- you can insert these proposed 21 structures into a photograph to scale. In fact, as I 22 understand the statement from Verizon, this gentleman that 23 they have, this is what he does. It's great. I've got to 24 find somebody and I don't have someone that I can present 25 on that issue.</p>
<p>18</p> <p>1 establish a foundation for the evidence to be subject to 2 cross-examination. So when Ms. Borten talks about 3 fairness, respectfully, she is not really using the word in 4 what I would consider to be the normal context because 5 until she identified an expert witness two weeks ago, in my 6 preparation for this hearing, I did take into consideration 7 the fact that, yes, they are photo simulations, but, hello, 8 where's the witness. So that brings us to the position 9 that my clients (inaudible). My clients do not have an 10 expert on this issue, okay. I've tried. I will tell you 11 that I contacted one individual who looked at the 12 application and felt they could not, given frankly, the 13 dearth of information, provide a photo simulation. So as I 14 sit here today, I don't have a photo simulation expert. I 15 think it's highly irregular to identify an expert for 16 evidence that was known. I mean, quite candidly, Ms. -- 17 Ms. Borten and Mr. Diamond, they do many of these cases. 18 To not know you need to have the person prepared for photo 19 simulations at the time you file the application, I find -- 20 I said -- in one of my papers I said perplexing. But the 21 bottom line on this is that I think that the applicants are 22 coming before you today with an expert literally, on the -- 23 pretty close to the evening before the hearing with an 24 expert that they had to know about that they needed this 25 expert. And my clients, as I sit before you today, I must</p>	<p>20</p> <p>1 TAMMY CITRAMANNIS: Okay. 2 BILL CHEN: And I guess to be square up responsible, I 3 thought I had, but my clients are prejudiced by not having 4 the ability 15, 14 days before the hearing, to, with a 5 counterpart. 6 TAMMY CITRAMANNIS: And I agree with you actually. I 7 agree with him on that point. You all have -- are 8 presenting, want to present an expert. You said you want 9 to present him as an expert, not just as a fact witness; 10 two different things. Had you produced that with your 11 prehearing statement -- I mean, there is a reason for that. 12 Just give me a moment. So we have one of two choices. He 13 is able -- he is given some more time to find an expert and 14 we set the hearing then for that particular thing. What's 15 that -- but with that is -- or the other option is, you 16 don't get to bring in your expert because you offered him 17 too late. I don't think that that is what would be in the 18 best interest or you -- you offer him strictly as a fact 19 witness and he cannot give any opinion. But I believe that 20 they are entitled to offer opposing expert testimony when 21 an issue that goes to the conditions. Okay. Ms. Lee, I'll 22 get you to check in a minute. I'm sorry. 23 CATHY BORTEN: Thank you, Madam Hearing Examiner. We 24 have no objection to setting in a separate hearing. We 25 don't want to delay this hearing, obviously, but --</p>

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<p>21</p> <p>1 TAMMY CITRAMANNIS: We're not delaying this --</p> <p>2 CATHY BORTEN: -- you know --</p> <p>3 TAMMY CITRAMANNIS: -- (Inaudible) tomorrow.</p> <p>4 BILL CHEN: Right.</p> <p>5 CATHY BORTEN: Thank you -- setting a separate date to</p> <p>6 have his expert come in and testify.</p> <p>7 TAMMY CITRAMANNIS: Okay.</p> <p>8 CATHY BORTEN: So my question would be then, would you</p> <p>9 want us to not bring -- have our expert testified today at</p> <p>10 all on that matter or we go ahead and we have another</p> <p>11 hearing date for Mr. Chen to bring in his expert?</p> <p>12 TAMMY CITRAMANNIS: Personally, I believe we should --</p> <p>13 you should put your case on to the end and we will set it</p> <p>14 in for his expert to testify and to cross-examine and we</p> <p>15 will limit it to that. The issue though, you need to waive</p> <p>16 the shot clock in order to do that.</p> <p>17 CATHY BORTEN: That's fine.</p> <p>18 TAMMY CITRAMANNIS: So I have -- the shot clock is</p> <p>19 waived.</p> <p>20 CATHY BORTEN: Yes.</p> <p>21 TAMMY CITRAMANNIS: We don't worry about the shot</p> <p>22 clock anymore.</p> <p>23 CATHY BORTEN: Understood.</p> <p>24 TAMMY CITRAMANNIS: That's -- okay. You're not in.</p> <p>25 You need to say yes.</p>	<p>23</p> <p>1 of his documents.</p> <p>2 BILL CHEN: Just for the record, Mr. Noonan is a very</p> <p>3 fine -- was a very fine gentleman. There was divine</p> <p>4 intervention and Mr. Noonan is no longer with us.</p> <p>5 TAMMY CITRAMANNIS: Oh, I'm sorry.</p> <p>6 BILL CHEN: And that is what -- the back story on</p> <p>7 that.</p> <p>8 TAMMY CITRAMANNIS: I thought he was on vacation.</p> <p>9 BILL CHEN: No, he's not.</p> <p>10 TAMMY CITRAMANNIS: I'm real sorry to hear that.</p> <p>11 BILL CHEN: But I -- I agree with Ms. Borten that</p> <p>12 certainly any -- we do not -- I will tell you, we do not --</p> <p>13 my clients do not intend to rely upon any information from</p> <p>14 Mr. Noonan. I know he did file a prehearing or the</p> <p>15 requisite summary of his opinions. That was another year</p> <p>16 ago I guess, or something like that. But certainly, I know</p> <p>17 that's in the record. We're not going to rely upon that.</p> <p>18 TAMMY CITRAMANNIS: Okay. So we'll strike --</p> <p>19 CATHY BORTEN: That would be 76Q and R, I believe.</p> <p>20 TAMMY CITRAMANNIS: Okay. (Inaudible).</p> <p>21 CATHY BORTEN: And then I believe Ms. Cappiello just</p> <p>22 has a preliminary matter as well.</p> <p>23 TAMMY CITRAMANNIS: Okay.</p> <p>24 MS. CAPPIELLO: Hi. Good morning.</p> <p>25 TAMMY CITRAMANNIS: Good morning.</p>
<p>22</p> <p>1 CATHY BORTEN: I said it for us.</p> <p>2 TAMMY CITRAMANNIS: Perfect.</p> <p>3 BILL CHEN: Madam Examiner, please, thank you very</p> <p>4 much. What I will do is at a break or at the end of</p> <p>5 today's proceedings; I'll confer with my clients and, you</p> <p>6 know, get back to you, but thank you very much.</p> <p>7 TAMMY CITRAMANNIS: And -- and with that too, I will</p> <p>8 also check with the office to get hearing dates so that --</p> <p>9 BILL CHEN: Thank you, very much.</p> <p>10 TAMMY CITRAMANNIS: And it will be limited to that.</p> <p>11 And I think that in fairness, that is really the way that</p> <p>12 we need to go. All right. And I --</p> <p>13 CATHY BORTEN: Madam Hearing Examiner, we do have one</p> <p>14 other preliminary matter and that's just that Mr. Chen had</p> <p>15 identified an expert in his original prehearing statement</p> <p>16 back, I think in December; Mr. Noonan, James T. Noonan.</p> <p>17 And it's our understanding that he will not be testifying.</p> <p>18 So we just wanted to move to strike from the record any</p> <p>19 documents submitted by or on behalf of Mr. Noonan and</p> <p>20 exclude any references to anything he may have testified to</p> <p>21 at the hearing.</p> <p>22 BILL CHEN: I don't have a -- I don't have a problem</p> <p>23 with that.</p> <p>24 TAMMY CITRAMANNIS: That's a very good point. Yes, we</p> <p>25 will -- he did officially withdraw himself, so should all</p>	<p>24</p> <p>1 MS. CAPPIELLO: Elizabeth Cappiello again on behalf of</p> <p>2 East Gate Recreation. I just wanted to address briefly, I</p> <p>3 know you said in your opening remarks that issues related</p> <p>4 to East Gate's corporate structure and its compliance with</p> <p>5 the bylaws are not at issue today in front of yourself.</p> <p>6 But we did file a motion in limine yesterday and I</p> <p>7 apologize for the late nature, but seeking a ruling to --</p> <p>8 to specifically exclude any evidence on those issues</p> <p>9 because those issues are before the Circuit Court currently</p> <p>10 and we don't think they are appropriate here. So --</p> <p>11 TAMMY CITRAMANNIS: So that case is still active?</p> <p>12 Okay.</p> <p>13 MS. CAPPIELLO: Yes, it's currently stayed, but yes.</p> <p>14 TAMMY CITRAMANNIS: Okay.</p> <p>15 BILL CHEN: But that --</p> <p>16 TAMMY CITRAMANNIS: All right. Well I need to give</p> <p>17 Mr. Chen an opportunity to respond since I -- what I -- I</p> <p>18 got them sometime yesterday afternoon.</p> <p>19 BILL CHEN: Thank you. I basically agree with Ms.</p> <p>20 Cappiello. And I don't think we had raised that particular</p> <p>21 issue in this proceeding. So on behalf of my clients, I</p> <p>22 heard your introductory also and bluntly, I have no</p> <p>23 problems with that position on behalf of my clients.</p> <p>24 TAMMY CITRAMANNIS: Miss Wetter, you want --</p> <p>25 CHERYL WETTER: I'm okay with that. It's in the</p>

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<p>25</p> <p>1 records.</p> <p>2 TAMMY CITRAMANNIS: Ms. --</p> <p>3 SUSAN LEE: No -- no issues. Thank you.</p> <p>4 TAMMY CITRAMANNIS: I don't think your mic is making</p> <p>5 any noise. Oh, there it is.</p> <p>6 SUSAN LEE: There it is.</p> <p>7 TAMMY CITRAMANNIS: Okay. You could just -- I</p> <p>8 apologize. We forgot Ms. Lee. If you could identify</p> <p>9 yourself.</p> <p>10 SUSAN LEE: I actually got (inaudible).</p> <p>11 TAMMY CITRAMANNIS: And --</p> <p>12 SUSAN LEE: Up close, closer, faster.</p> <p>13 TAMMY CITRAMANNIS: Yes.</p> <p>14 SUSAN LEE: My name is Susan Lee. I'm currently the</p> <p>15 vice president of the West Montgomery County Citizens'</p> <p>16 Association and I'll be presenting a statement on their</p> <p>17 behalf and I have no objection to the -- the issue at hand</p> <p>18 with regard to --</p> <p>19 TAMMY CITRAMANNIS: Okay.</p> <p>20 SUSAN LEE: -- the limitation.</p> <p>21 TAMMY CITRAMANNIS: Do you have -- did you -- did you</p> <p>22 state your address?</p> <p>23 SUSAN LEE: Oh, excuse me. 12900 Circle Drive,</p> <p>24 Rockville, Maryland 20850.</p> <p>25 TAMMY CITRAMANNIS: Thank you, Ms. Lee, and again I'm</p>	<p>27</p> <p>1 applicants, but my attitude on this is pretty much ad hoc.</p> <p>2 We'll take it as we go along, right.</p> <p>3 TAMMY CITRAMANNIS: Okay. Same with applicant?</p> <p>4 CATHY BORTEN: Yes, ma'am.</p> <p>5 TAMMY CITRAMANNIS: All right. I did want to ask; on</p> <p>6 the issue of the generator being a non -- being an inherent</p> <p>7 to use, I am -- want to take judicial notice of the fact</p> <p>8 that I could find no OZHA decisions since 2011 where a</p> <p>9 generator was a backup source. I'm throwing this out there</p> <p>10 because to me, that -- I don't know that I don't know the</p> <p>11 basis for Staff saying that it is an inherent adverse</p> <p>12 effect. So you have that and if you can find a case where</p> <p>13 we have dealt with a backup generator for a</p> <p>14 telecommunications tower, please bring it to my attention.</p> <p>15 Otherwise, I'm going to take judicial notice that we have</p> <p>16 not done that. We've only had battery backup. So I am</p> <p>17 definitely going to expect the parties to really address</p> <p>18 that issue because I don't have anything to support that it</p> <p>19 is inherent. Any questions on that? Okay. So let me see</p> <p>20 if -- real quick, make sure we've -- have we addressed all</p> <p>21 the preliminary issues for everybody at the table?</p> <p>22 BILL CHEN: (Inaudible).</p> <p>23 CATHY BORTEN: No. I'm sorry. Just a quick question.</p> <p>24 TAMMY CITRAMANNIS: Okay.</p> <p>25 CATHY BORTEN: We do have an affidavit of posting. I</p>
<p>26</p> <p>1 -- I apologize. Having no objection, the motion in limine</p> <p>2 will be granted and actually, technically, it's moot</p> <p>3 because I had already ruled on it, but this is just</p> <p>4 reaffirming while everybody is in the room, that issues</p> <p>5 regarding East Gate's corporate structure, their decisions,</p> <p>6 whether they properly elected the board, whether the board</p> <p>7 acted properly or not, issues before me while I know they</p> <p>8 are personal to the residents who live there, this is not</p> <p>9 the forum. There is another forum and it sounds like it's</p> <p>10 -- it's already in Circuit Court. So we have that</p> <p>11 clarified. Another thing is, do we have stipulation on the</p> <p>12 experts from the parties as to whether --</p> <p>13 BILL CHEN: Have you moved --</p> <p>14 TAMMY CITRAMANNIS: -- there is going to be --</p> <p>15 BILL CHEN: Have you moved -- pardon me. Have you</p> <p>16 moved beyond preliminary matters?</p> <p>17 TAMMY CITRAMANNIS: No, this is --</p> <p>18 BILL CHEN: (Inaudible). You want to just keep it --</p> <p>19 TAMMY CITRAMANNIS: This is a preliminary matter.</p> <p>20 BILL CHEN: Fine.</p> <p>21 TAMMY CITRAMANNIS: If you don't have any (inaudible),</p> <p>22 that's fine. We can go on. I just thought I would throw</p> <p>23 it out there.</p> <p>24 BILL CHEN: I would -- just on behalf of my clients,</p> <p>25 we've not had any conversations with counsel for the</p>	<p>28</p> <p>1 don't know if you like to handle that preliminarily --</p> <p>2 TAMMY CITRAMANNIS: Yes, I will. Believe it or not,</p> <p>3 that is on my list. I just overlooked it. It's at the</p> <p>4 top. Yes, so you do have an affidavit --</p> <p>5 CATHY BORTEN: Yes, ma'am.</p> <p>6 TAMMY CITRAMANNIS: -- of posting. Can I please have</p> <p>7 that? Did -- did Ms. Johnson stamp it? If not --</p> <p>8 CATHY BORTEN: She did not.</p> <p>9 TAMMY CITRAMANNIS: -- I'll stamp it. Okay.</p> <p>10 (inaudible)</p> <p>11 CATHY BORTEN: (Inaudible) yesterday.</p> <p>12 TAMMY CITRAMANNIS: And everybody, I am -- I am</p> <p>13 operating alone so we have to be very patient. If I ask</p> <p>14 you to stop because I've got to make sure -- yeah. Yeah.</p> <p>15 Mark it in.</p> <p>16 BILL CHEN: Exhibit number?</p> <p>17 TAMMY CITRAMANNIS: That's what I'm going to -- pull</p> <p>18 out my exhibit list. The last exhibit that I have on -- on</p> <p>19 the exhibit list that was presented to me yesterday, is</p> <p>20 Exhibit 200. So this would be Exhibit 201.</p> <p>21 SUSAN LEE: If I might point out, I just picked up the</p> <p>22 exhibit list today, this morning.</p> <p>23 TAMMY CITRAMANNIS: Correct.</p> <p>24 SUSAN LEE: And it has a -- 201 as the --</p> <p>25 BILL CHEN: Yeah.</p>

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<p>29</p> <p>1 SUSAN LEE: -- motion in limine. So it may be that --</p> <p>2 TAMMY CITRAMANNIS: Oh, thank you.</p> <p>3 SUSAN LEE: -- it should be --</p> <p>4 TAMMY CITRAMANNIS: We will make this 202. So you</p> <p>5 will have a more update exhibit list than I do. So the</p> <p>6 motion -- okay; 202. Thank you, Ms. Lee. Okay. So at</p> <p>7 this point, having no other preliminary matters --</p> <p>8 BILL CHEN: Madam Examiner?</p> <p>9 TAMMY CITRAMANNIS: Yes.</p> <p>10 BILL CHEN: I do. I have some preliminary matters.</p> <p>11 TAMMY CITRAMANNIS: Oh, okay. I thought you said you</p> <p>12 didn't. Sorry.</p> <p>13 BILL CHEN: No. I want to -- in part, what I'm about</p> <p>14 to address harkens to your earlier ruling on the motion in</p> <p>15 limine. Madam Examiner, you rendered an order. I don't</p> <p>16 know the exhibit number, but it's your order of -- and it</p> <p>17 dealt with one of the motions Ms. Wetter filed. It's your</p> <p>18 order of November 25, 2016, and it was -- it did a couple</p> <p>19 of things. You grant -- you granted the applicant's motion</p> <p>20 to amend the application, but also dealt with an issue</p> <p>21 raised by Ms. Wetter. And it was a -- at Page 5 you made a</p> <p>22 statement that precipitates the preliminary matter that I'm</p> <p>23 about to get into, if I may. On Page 5 you talk about</p> <p>24 there were some letters that come in about the authority to</p> <p>25 enter into the lease and you -- this is the earlier ruling.</p>	<p>31</p> <p>1 certainly, as you heard me earlier today, not merely do I</p> <p>2 abide by your ruling obviously, but I agree with that</p> <p>3 ruling. And what I'm putting on the record is the</p> <p>4 identification of issues that are in the circuit court</p> <p>5 proceeding. In that December 20 letter, it is not an</p> <p>6 assertion that you do have jurisdiction over any of them.</p> <p>7 It's a matter that's precipitated candidly by your sentence</p> <p>8 because I've not been in front of you beforehand and I'm</p> <p>9 not sure, because of that sentence, what you would want to</p> <p>10 consider. Now, today we've had much more clarification on</p> <p>11 it and I appreciate that, but just for the record, we have</p> <p>12 disclosed those things and enumerated them solely because</p> <p>13 of what you said in that order. And it's not an</p> <p>14 implication that we think that the jurisdiction is</p> <p>15 exclusively or properly before you on many of the matters</p> <p>16 that are in the lawsuit. I think we all agree they are</p> <p>17 not, but for clarification purposes, I've made this</p> <p>18 statement just to make sure that that is the reason why</p> <p>19 that information has been supplied to the hearing examiner.</p> <p>20 TAMMY CITRAMANNIS: Okay.</p> <p>21 BILL CHEN: That's number one. Number two, we object</p> <p>22 to any and all information pertaining to the support</p> <p>23 structure and related equipment and the enclosure because</p> <p>24 the applicants have refused to supply the information</p> <p>25 identified in my letters of July 26, August 7, and August</p>
<p>30</p> <p>1 TAMMY CITRAMANNIS: What's the number again?</p> <p>2 BILL CHEN: It is your -- I apologize. I don't have</p> <p>3 the exhibit number, but it's your order of November 25,</p> <p>4 2017. It's 63? Thank you. I can --</p> <p>5 TAMMY CITRAMANNIS: What's the title of the order?</p> <p>6 BILL CHEN: It's a long title. It's -- it is, Order</p> <p>7 Granting Applicant's Motion to Amend Application for</p> <p>8 Conditional Use and Order Denying Residents Request to</p> <p>9 Delay the Hearing. And in addressing the issue that you</p> <p>10 have already ruled upon, you say, none of the letters in</p> <p>11 opposition included evidence to show that Michael Farber</p> <p>12 did not have the authority to act on East Gate's behalf,</p> <p>13 including the authority to file the pending application for</p> <p>14 a conditional use. You then go on to say that you will</p> <p>15 address, at the hearing -- the motion is denied, but then</p> <p>16 you say, if evidence to the contrary is produced, it may be</p> <p>17 considered at the hearing. Candidly, that precipitated the</p> <p>18 content of my letter of December 20, which was a prehearing</p> <p>19 statement in which, frankly, I put everything in that</p> <p>20 letter that's before the court in the lawsuit, which has</p> <p>21 been voluntarily stayed. And I appreciate what you -- and</p> <p>22 I think you heard me -- your ruling earlier today. Just</p> <p>23 for the record, the -- that position or your statement in</p> <p>24 your order, as I say, precipitated my letter of the 20th</p> <p>25 with all of the information that's contained in it. And</p>	<p>32</p> <p>1 9. I, in my letters -- and you're nodding your head and I</p> <p>2 believe you that you've read them -- we had taken the</p> <p>3 position, my clients, that in order to adequately</p> <p>4 understand the construction, we needed that information and</p> <p>5 Ms. Borten has been very straightforward saying, we are not</p> <p>6 giving it to you. We don't have to. We are not giving it</p> <p>7 to you. Okay. That being the case, we object therefore,</p> <p>8 for the presentation of any such information in this</p> <p>9 proceeding. Thirdly, if I may --</p> <p>10 CATHY BORTEN: Well, can I --</p> <p>11 TAMMY CITRAMANNIS: Yeah, why don't we take it so that</p> <p>12 it's orderly.</p> <p>13 BILL CHEN: Fine. Fine.</p> <p>14 TAMMY CITRAMANNIS: And that way she can respond.</p> <p>15 BILL CHEN: Yep.</p> <p>16 TAMMY CITRAMANNIS: So which one are you responding</p> <p>17 to? The first one or the second one? Are you finished on</p> <p>18 the second one Mr. --</p> <p>19 BILL CHEN: Yes.</p> <p>20 TAMMY CITRAMANNIS: Ms. Borten.</p> <p>21 CATHY BORTEN: So -- sorry. As I think that we did</p> <p>22 explain in some of our responses, the issues related to</p> <p>23 structure and construction and loads and equipment, those</p> <p>24 are matters that come into the process at the building</p> <p>25 permit process. Those are not zoning questions. We will</p>

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<p>33</p> <p>1 have our engineer. He will be testifying to how a 2 structure such as this one is designed; how it is designed 3 to meet the construction and building codes of the county. 4 But a cell tower is not built before the hearing. It's not 5 physically designed before the hearing because there is no 6 way of knowing what conditions are going to be placed there 7 if you in fact have the approval. That all happens at the 8 building permit stage and it's the department building -- 9 sorry -- Department of Permitting Services that is charged 10 with looking at the structural soundness, the loads, the 11 wind, the -- all of those questions. And while we will 12 have testimony regarding how a monopole such as this is 13 designed, it -- the bottom line is it will have to comply 14 with all of the County construction codes, building codes, 15 in order to get a building permit. So that's when those 16 issues get addressed.</p> <p>17 BILL CHEN: Well, part of the problem with that 18 position is there is a setback issue in this case. They've 19 even asked for a waiver. The reason why you have setbacks 20 -- specific setbacks unique to this conditional use is the 21 very purpose that these things collapse and that happens. 22 That's why you have them. And that's why in the case of 23 this type of conditional use, that type of information is 24 important because it goes to the setback issue and why you 25 have setbacks. And in this particular case it's even worse</p>	<p>35</p> <p>1 it would be a factor in determining what the fall zone is 2 especially when you have other structures. So just so -- 3 let me -- let me clarify with what you are saying. You're 4 saying you want any information talking about the 5 structure, not to be referred to.</p> <p>6 BILL CHEN: Yeah, I --</p> <p>7 TAMMY CITRAMANNIS: I'm not sure how --</p> <p>8 BILL CHEN: Here's where the problem is, and it kind 9 of relates to the other expert. What I now understand is 10 we will hear probably a modicum of information from the 11 applicant about the structure during the course of the 12 hearing. Why couldn't that have been supplied in response 13 to my letters because for one thing, I have a witness to 14 this type of issue.</p> <p>15 TAMMY CITRAMANNIS: Well, that's good.</p> <p>16 BILL CHEN: And the witness needed that information, 17 wanted that information. And so I hope dearly that my 18 witness is nimble enough so that's they can hear this -- 19 certainly, you're going to hear this information. I know 20 that. And hopefully my witness is nimble enough to hear 21 that information and deal with the on-the-fly. And you 22 know, that's where I am on this.</p> <p>23 TAMMY CITRAMANNIS: Well, certainly if there is 24 additional information, that needs to be obtained, we'll 25 address it at that issue. But what I saw that you are</p>
<p>34</p> <p>1 because they are asking for a waiver of a setback. So 2 quite candidly, that's where we are in this. The reason 3 why I initially asked for that information goes to that 4 point.</p> <p>5 TAMMY CITRAMANNIS: So let me just understand. I 6 mean, on your position -- oh, I'm sorry Mr. Diamond.</p> <p>7 GREG DIAMOND: Just only -- Mr. Chen has asserted that 8 the reason there are setbacks is because of collapse. Mr. 9 Chen is not an engineer. In fact, there are zero lot line 10 setbacks in industrial zones. Mr. Chen is making this up 11 and doesn't have an engineer, I don't believe, in support 12 of that idea that setbacks are because of collapse issues.</p> <p>13 TAMMY CITRAMANNIS: Okay.</p> <p>14 GREG DIAMOND: I just thought I'd --</p> <p>15 BILL CHEN: We're not in an industrial zone, number 16 one. Number two, we already have supplied for the record, 17 and I do have a witness that will address the issue of 18 collapses and setbacks. So --</p> <p>19 TAMMY CITRAMANNIS: Okay. I did read the information. 20 I do agree that the -- the nuts and bolts of it is the 21 Department of Permitting, that stage. However, in this 22 stage, the one thing that -- I don't know somebody's going 23 to testify to this. I do believe that the -- there needs 24 to be a fall zone. I haven't seen any information with 25 regards to a fall zone and I do believe that the setbacks,</p>	<p>36</p> <p>1 asking for seems to be information that was related to the 2 next stage. However, generally, I think it is the 3 applicant's needs, as it goes to safety of what you're 4 proposing because you have -- it's not on a barren piece of 5 land. It's on a land that is used. It's in a parking lot. 6 It's near -- I don't know the distance between -- if it 7 falls none of that information was provided. And I do need 8 to see that information, hear that information, and 9 certainly, the opposition will have the opportunity to 10 challenge it. So I'm not sure I agree with you that you 11 are entitled to know the actual composition and all of 12 that. They're going to talk about the design. I realize 13 its custom, they said that it's going to be custom-made, 14 but there should be enough information to -- that they put 15 them somewhere else that it's either fiberglass or it could 16 be steel. And does it hold the antennas? Those are safety 17 issues that are relevant in this case.</p> <p>18 BILL CHEN: It seems to me that probably the most 19 expeditious way, and to keep his hearing on track is -- as 20 I said, I have a witness. And I sincerely hope that my 21 witness is nimble enough, and I think that is the right 22 word, to hear what's going to come out and deal with it at 23 the time.</p> <p>24 TAMMY CITRAMANNIS: Okay.</p> <p>25 BILL CHEN: Frankly, Madam Examiner, if I am informed</p>

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<p>37</p> <p>1 by my witness that they've not been able to deal with this 2 based upon hearing it for the first time at a hearing, I'll 3 raise that issue again, but right now, it seems to me to 4 keep us going and get going today, that the way to handle 5 this is at that point I'll deal with it with my expert. 6 Does that make sense to you? 7 TAMMY CITRAMANNIS: Yes, we will deal with that. Ms. 8 Wetter. 9 CHERYL WETTER: Could that information about the 10 building on that site, wherever they are going to claim the 11 site is going to be, also include whether there are -- they 12 can go deep enough with the footings for this fall -- to 13 prevent it from falling considering what is known about the 14 property? Because the property was dug down 22 feet. So 15 we are down into the streambeds there and we were told of 16 the time, that we had to sit -- 17 TAMMY CITRAMANNIS: Right. 18 CHERYL WETTER: Sit back. 19 TAMMY CITRAMANNIS: Yeah. 20 CHERYL WETTER: Can it include -- 21 TAMMY CITRAMANNIS: That is a cross examination 22 question that you could probe. 23 CHERYL WETTER: Okay. You don't need that as part of 24 the building? 25 TAMMY CITRAMANNIS: That is a question that you can</p>	<p>39</p> <p>1 to have been filed no less than five days before the 2 hearing and must be no more than 90 days old. Now, in this 3 particular case, you have a report from that organization 4 that was filed months and months ago. The problem -- 5 TAMMY CITRAMANNIS: (Inaudible) 29, 2016. 6 BILL CHEN: Thank you, very much. 7 TAMMY CITRAMANNIS: Okay. These dates are -- 8 BILL CHEN: That's not necessarily good. 9 TAMMY CITRAMANNIS: I know. 10 BILL CHEN: On June 29, 2017, this application was 11 amended. It was amended with a new tower proposed. It 12 would be now a camouflaged tower. It has not been reviewed 13 by that committee and I know there is a memo somewhere 14 involving the Staff of the Park and Planning Commission or 15 something that they sent back, that they don't think they 16 need to deal with this. Respectfully, I'm not aware of 17 anything in the zoning ordinance that allows a waiver by 18 even, by even the Transmission Facility Coordinating Group, 19 of its obligation to review an amended application. And 20 that is what you have in that amended application does have 21 engineering implications because it's higher now. And I 22 saw the memo and I'm not trying to be coy about it. I know 23 their position so I think I know how you are going to rule, 24 but I, for the record, my clients maintain that under the 25 zoning ordinance that type of report must be supplied</p>
<p>38</p> <p>1 ask what you've heard what their experts -- 2 CHERYL WETTER: Okay. 3 TAMMY CITRAMANNIS: -- have said. If it wasn't clear 4 enough, then you can ask the question and then if they have 5 an objection, they will object. If they don't, you know, 6 you will get your clarification. 7 CHERYL WETTER: Okay. Thank you. 8 TAMMY CITRAMANNIS: Okay. And I appreciate you doing 9 that. And he was getting a little antsy and the reason 10 why, is because it sounded like you were starting to 11 testify. 12 CHERYL WETTER: Okay. 13 TAMMY CITRAMANNIS: So but -- 14 CHERYL WETTER: Sorry, the first time. 15 TAMMY CITRAMANNIS: That I appreciate -- no -- no 16 problem. These are -- this is a -- this is a tough thing 17 to do and it's impressive that you came out. Did you have 18 any questions Ms. Lee? Okay. 19 BILL CHEN: One last matter. 20 TAMMY CITRAMANNIS: Okay. 21 BILL CHEN: My clients object to proceeding forward on 22 a stale recommendation from the Transmission Facility 23 Coordinating Group. Under the zoning ordinance, Section 59 24 3.5.2.C.2.b.i of the zoning ordinance, the recommendation 25 of the Transmission Facility Coordinating Group is required</p>	<p>40</p> <p>1 notwithstanding the fact that in the opinion of an 2 individual, that this type of amendment does not require -- 3 there is nothing in the zoning ordinance that authorizes 4 it. That's (inaudible). 5 TAMMY CITRAMANNIS: Okay. Ms. Borten. 6 CATHY BORTEN: There is nothing in the zoning 7 ordinance that requires that the Tower Committee 8 recommendation of approval be revived in any way. It was 9 provided timely. When the design of the pole was changed 10 from a bare pole structure, it was an 80-foot bare pole 11 structure. When that was redesigned to address community 12 concerns regarding screening, to a tree pole, the metal 13 structure of the monopole remained at 80 feet. And in 14 fact, Verizon Wireless dropped the, what we call the 15 centerline, of its antennas to 76 so that the top of the 16 antennas would not exceed the 80 feet. Now, there are 17 branches for the tree that go above that. Those are purely 18 decorative to give shape to the tree, as you will hear 19 testimony on. We did check with the Tower Committee and 20 asked -- in fact we resubmitted it and we were told by 21 Marjorie Williams of the Tower Committee, that it -- there 22 was no change to the engineering of the monopole and 23 therefore, we did not need to resubmit it. And with all 24 due respect, I think the Tower Committee knows the purview 25 of its review and what needs to come before it and it saw</p>

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<p>41</p> <p>1 no reason for that to be resubmitted. I also checked with 2 Mr. Estes at the Planning Commission last week after his 3 report came out, to confirm that he was not expecting that 4 we needed to file anything further because of that five day 5 requirement. So I wanted to make sure that by providing it 6 with the original application, that met that five day and 7 he agreed that it did. So I think an objection at this 8 point is disingenuous and without merit and we should be 9 allowed to proceed.</p> <p>10 BILL CHEN: Just in reply to that, yeah, I think it's 11 all well and good that two individuals think that the 12 zoning ordinance does not have to be complied with. The 13 zoning ordinance does not have any qualification to it. 14 The zoning ordinance is very clear. The language is not 15 ambiguous at all. It says that at least five days before 16 the hearing, there must be a recommendation from this 17 agency and that recommendation must be within 90 days and 18 that is not the case that you have, for whatever reason.</p> <p>19 TAMMY CITRAMANNIS: Either one of you have any points? 20 Okay. Anticipating this question, my review of the 21 legislative history is that the 90-day -- the report, can't 22 be more than 90 days when the application is filed. The 23 report was not more than 90 days old when the application 24 was filed on September 23, 2016. I did not find anything 25 that required a similar rule if amendments were made. The</p>	<p>43</p> <p>1 with you. I mean, I -- 2 TAMMY CITRAMANNIS: All right. 3 BILL CHEN: We've asserted the objection for the 4 record and we stand on it. 5 TAMMY CITRAMANNIS: Okay. Do either one of you have 6 anything? Is everybody good? We can close preliminary 7 matters for now? Okay. So this is -- the next step is, 8 you all are allowed -- can make an opening statement or you 9 can waive it and go -- we can go ahead and start your case. 10 What an opening statement is, is basically what you intend 11 to prove. It's not your opportunity to make a testimony. 12 Most -- most people waive it, but I have to give you the 13 opportunity. 14 BILL CHEN: Most people like that. 15 TAMMY CITRAMANNIS: Oh, no, no, no. No, sorry. I 16 should take that back. Attorneys, if you want to give an 17 opening statement -- 18 CATHY BORTEN: I'm prepared to make an opening 19 statement. 20 BILL CHEN: Then -- 21 CATHY BORTEN: If you prefer that we waive them -- 22 BILL CHEN: Then, by all means. 23 CATHY BORTEN: -- I can do that as well. 24 TAMMY CITRAMANNIS: No, no, no. If you want to, I 25 mean, it's your -- it's your proceeding. Please.</p>
<p>42</p> <p>1 zoning ordinance anticipates that you can file amendments 2 to an application. Certainly, if you find something to 3 support that Mr. Chen, by all means provide it. But I did 4 review the legislative history on that and my 5 interpretation from what I read is the intention was they 6 didn't want it to be more than 90 days old when the 7 application was filed, which would apply to the amendment. 8 So you -- you're certainly welcome to provide something 9 either, you know, during your proceeding, your -- your case 10 in chief. So with that -- 11 BILL CHEN: Just -- just for clarification. The -- 12 when was application filed? 13 TAMMY CITRAMANNIS: September 23, 2016, I believe was 14 the date. 15 BILL CHEN: I think the date of the report is March -- 16 TAMMY CITRAMANNIS: No, the date of the report is June 17 -- 18 BILL CHEN: Right. 19 TAMMY CITRAMANNIS: -- 29, 2016. They got in just 20 under the wire. 21 BILL CHEN: Right. Okay. 22 TAMMY CITRAMANNIS: Okay. So certainly if you can -- 23 BILL CHEN: No, I -- 24 TAMMY CITRAMANNIS: -- bring me something else. 25 BILL CHEN: Please, Madam Examiner, I'm not quarreling</p>	<p>44</p> <p>1 CATHY BORTEN: I never met a microphone I didn't like 2 so I will take the opportunity. 3 TAMMY CITRAMANNIS: Okay. So hopefully it's -- it's 4 not too long so we can -- 5 CATHY BORTEN: I'm just going to set out what we 6 intend to prove and -- and what the -- what the end result 7 should be. 8 TAMMY CITRAMANNIS: Okay. Great. 9 CATHY BORTEN: Thank you. So as -- as, Madam Hearing 10 Examiner, as you noted and as we set out in the application 11 as amended, the goal of the applicant today is threefold. 12 One, to obtain approval for the construction of a 13 telecommunications tower consisting of an 80-foot-tall 14 monopole concealed as a pine tree, which will be capable of 15 supporting antennas of two additional carriers. Two, the 16 grant of a waiver, the 80-foot setback on the southern side 17 of the property, which is the setback along Democracy 18 Boulevard, to allow the monopole to be sited in a location 19 that takes advantage of existing screening and additional 20 screening that will be added and is in a location that is 21 the farthest from the nearby residences. And three, the 22 modification of the existing special exception for the 23 community pool at the site which will not in any way affect 24 the operation of the existing special exception. As you've 25 noted, the proposed conditional use has been reviewed and</p>

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<p>45</p> <p>1 recommended for approval by the Montgomery County Tower 2 Committee and Planning Staff of the Montgomery County 3 Planning Department, which has recommended approval with 4 certain conditions; and we would just like to note that all 5 of the conditions are acceptable to the applicant. 6 Throughout the process of applying for the conditional use 7 and requesting a waiver, the applicant has worked with 8 Planning Staff to ensure that the elements of the 9 application met Staff's request with regard to screening, 10 landscaping, and elements of the waiver request. Although 11 there is no requirement in the zoning ordinance that the 12 proposed use be invisible or that it be screened, the 13 applicant has revised its design and application of from a 14 bare steel monopole with visible antennas, to a tree 15 monopole design where the steel of the monopole is covered 16 in material that looks like bark and where the antennas are 17 hidden under simulated pine tree branches. In addition to 18 the tower committee recommendation and the ability to 19 accommodate two co-locating carriers, the evidence 20 presented will show that the application meets all of the 21 general conditions of a conditional use and the special 22 conditions for approval of a telecommunications tower 23 through our expert land planner; that the facility will be 24 designed to meet all applicable provisions of the code 25 including how landscaping and screening will -- additional</p>	<p>47</p> <p>1 ask that you keep in mind that the relevant law on 2 conditional uses, formally known as special exceptions, 3 continues to be Mossberg vs. Montgomery County. With that 4 in mind, the crucial question set out as a guiding 5 principle in Mossberg is whether facts and circumstances 6 show that the proposed monopole at the proposed site in the 7 R200 zone would have any adverse effects above and beyond 8 those inherently associated with such a conditional use 9 irrespective of its location and zone. The evidence 10 presented will show that in fact, the proposed use will not 11 have any adverse effects above and beyond those inherent to 12 the use and we believe that you will be provided with 13 sufficient evidence to support a grant of the conditional 14 use, a grant of the waiver, and a recommendation to approve 15 the modification of the special exception. And we thank 16 you. 17 ELIZABETH CAPIELLO: Nothing from me. 18 TAMMY CITRAMANNIS: Mr. Chen, you're welcome to 19 (inaudible). 20 BILL CHEN: Well, just to -- 21 TAMMY CITRAMANNIS: Let Mr. Chen go first. 22 BILL CHEN: Just a footnote. Mossberg is one of the, 23 as I'm sure the Examiner knows, based decisions in Maryland 24 on the fact that this type of proceeding is a quasi- 25 judicial or adjudicatory hearing. What was not before the</p>
<p>46</p> <p>1 landscaping will screen. We'll address the parking issues, 2 the setback issues through our expert professional engineer 3 who will show that there is a need for the site in order to 4 address gaps in the coverage area to be served and that the 5 antennas proposed at the site will meet the guidelines 6 adopted by the FCC covering human exposure to 7 radiofrequency electric magnetic fields through the 8 testimony of our expert, Mr. Dugan, also a professional 9 engineer. And that the presence of the tower at the site 10 will not have negative influence on the value of adjacent 11 residential properties based on independent research 12 supplied by an expert in that field. Evidence will also be 13 presented explaining how the site was selected and the 14 visibility of the site based on the photo simulations. 15 Finally, evidence will be presented demonstrating that the 16 proposed use does not increase the intensity or change the 17 nature or character of the existing special exception use 18 at the property and that that modification can be granted. 19 I would just like to point out that the conditional use as 20 you noted, reflects a determination by the Montgomery 21 County Council, that certain uses may have inherent adverse 22 effects which are acceptable in specific zones if certain 23 standards are met. And again, as you noted, the 24 telecommunications tower is allowed as a conditional use in 25 the R200 zone. As we go through the hearing, I would just</p>	<p>48</p> <p>1 court in Mossberg and what now precipitates my comment is 2 Ms. Borten's last comment. In Montgomery County -- 3 TAMMY CITRAMANNIS: Is this -- just -- I don't want to 4 interrupt you, but this is an opening statement. 5 BILL CHEN: Yeah. Yeah. 6 TAMMY CITRAMANNIS: And -- 7 BILL CHEN: It's going right to that and it's short. 8 TAMMY CITRAMANNIS: It's what you intend to prove or - 9 - 10 BILL CHEN: Well, these conditional uses do not enjoy 11 any presumption of compatibility. And Mossberg did not 12 hold that and in fact, under the zoning ordinance, clearly, 13 explicitly there is no presumption of compatibility with 14 surrounding land use and that's all I have to say. 15 TAMMY CITRAMANNIS: Okay. Ms. Wetter, did you want to 16 say anything or wait until your testimony? (Inaudible). 17 Just because you're new at this. 18 CHERYL WETTER: Right. 19 TAMMY CITRAMANNIS: This is just an -- 20 CHERYL WETTER: Hopefully this is my last. 21 TAMMY CITRAMANNIS: Opportunity to say what you intend 22 to prove. You are going to give a statement, I know that. 23 You're not putting on any experts because you didn't 24 declare any and -- so it's up to you whether you want to do 25 that now, but I -- let's not make it testimony. It's just</p>

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13 (49 to 52)

<p>49</p> <p>1 -- or you can waive it and wait until you get to your 2 testimony. 3 CHERYL WETTER: Okay. I guess my only position would 4 be that we keep referring to this as R200 zoning, which it 5 is, but East Gate Recreational Association is not a 6 homeowners association. Is not a residential. It's a 7 voluntary thing. And my position is going to be that if 8 you lose members, the place will collapse basically. And 9 this is a voluntary association where you join because you 10 want to. If there is something there that makes people 11 leave it for another pool, then we have a problem. 12 TAMMY CITRAMANNIS: Okay. 13 CHERYL WETTER: And as a problem for Montgomery 14 County. So I just want to -- 15 TAMMY CITRAMANNIS: (Inaudible) 16 CHERYL WETTER: -- make clear that it's not -- we are 17 not trying to keep a tower out of our housing area. We are 18 trying to hold a pool together and that's my position. 19 Thank you. 20 TAMMY CITRAMANNIS: Okay. Take you Ms. Wetter. Ms. 21 Lee, anything? 22 SUSAN LEE: I waive my rights. 23 TAMMY CITRAMANNIS: All right. So with that being 24 said, we will turn it over to the applicant. Again, they 25 have the burden of proof so they are going to put on their</p>	<p>51</p> <p>1 (On the record.) 2 TAMMY CITRAMANNIS: Let's go back on the record and -- 3 is the court reporter ready? Okay. So we're back on the 4 record. Ms. Borten, did you have -- are you calling your 5 first witness? 6 CATHY BORTEN: Yes, thank you. I would like to call 7 Mr. Bill Landfair. 8 TAMMY CITRAMANNIS: Okay. Mr. Landfair. I need you 9 to raise your right hand. 10 BILL LANDFAIR: Yes. 11 TAMMY CITRAMANNIS: Do you solemnly promise to tell 12 the truth, the whole truth, and nothing but the truth 13 (inaudible) your testimony -- 14 BILL LANDFAIR: I do. 15 TAMMY CITRAMANNIS: -- under the penalty of perjury. 16 BILL LANDFAIR: I do. 17 TAMMY CITRAMANNIS: Okay. Great. State your name and 18 your address and then listen for Ms. Borten's questions. 19 You're sworn in. 20 BILL LANDFAIR: Okay. 21 TAMMY CITRAMANNIS: And -- 22 BILL LANDFAIR: My -- 23 TAMMY CITRAMANNIS: -- then we'll -- they'll be able 24 to -- 25 BILL LANDFAIR: Okay.</p>
<p>50</p> <p>1 witnesses and we'll go from there. So Ms. Borten. 2 CATHY BORTEN: Are you going to swear the individual - 3 - individual witnesses as they take the stand or -- 4 TAMMY CITRAMANNIS: Yes. 5 CATHY BORTEN: Okay. 6 TAMMY CITRAMANNIS: I will swear the -- in everybody 7 once you -- I think she set it up over here -- at the end. 8 That way everybody can see the witness. And we'll have to 9 make sure that -- 10 CATHY BORTEN: I'm going to need to move the easels I 11 think. 12 TAMMY CITRAMANNIS: Okay. 13 CATHY BORTEN: Down there. 14 TAMMY CITRAMANNIS: Oh, for -- 15 CATHY BORTEN: I've just got some large exhibits. 16 Unless they can testify at this end. 17 TAMMY CITRAMANNIS: I guess it doesn't really matter 18 where they testify just so long as they are at a mic and -- 19 when you say you have to move the easels -- 20 CATHY BORTEN: If he can be here and then -- 21 TAMMY CITRAMANNIS: Yes, let's just -- 22 CATHY BORTEN: The easels can be right here. 23 TAMMY CITRAMANNIS: Let's go off the record for a 24 second. I just want to -- 25 (Off the record.)</p>	<p>52</p> <p>1 TAMMY CITRAMANNIS: -- ask you questions. 2 BILL LANDFAIR: Can you hear me okay? Good. Okay. 3 My name for the record is Bill Landfair and I'm with VIKA 4 Maryland. I'm a land planner. Our address is 202 51 5 Century Boulevard, Suite 400, in Germantown Maryland. The 6 ZIP Code is 20874. 7 CATHY BORTEN: Mr. Landfair, thank you. I'm showing 8 you what's been previously marked as Exhibit 180C. Can you 9 identify that? 10 BILL LANDFAIR: Yes, that is my resume. 11 TAMMY CITRAMANNIS: Thank you. And looking at your 12 resume, can you just briefly tell us how long you were at 13 the Maryland National Capital Park and Planning Department? 14 BILL LANDFAIR: I was there for about 18 years. 15 CATHY BORTEN: And can you briefly describe your 16 duties? 17 BILL LANDFAIR: I worked primarily in revelatory 18 planning, so my duties included the review of zoning 19 applications as well as what were known as special 20 exception applications at the time, as well as variances. 21 CATHY BORTEN: And you said that you had the 22 opportunity to review and write reports on what are called 23 special exceptions at the time? 24 BILL LANDFAIR: Yes. 25 CATHY BORTEN: Yeah. Any estimate about how many</p>

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<p>53</p> <p>1 reports of the nature you worked on? 2 BILL LANDFAIR: Many hundreds. 3 CATHY BORTEN: Many hundreds. And can you briefly 4 describe what degrees you hold? 5 BILL LANDFAIR: Yes, I have a bachelor's degree in 6 political science and a master's degree in planning. 7 CATHY BORTEN: Have you been qualified as an expert in 8 land-use and planning before the Office of Zoning and 9 Administrative Hearings or other land-use bodies in 10 Montgomery County? 11 BILL LANDFAIR: I have. 12 CATHY BORTEN: Madam Hearing Examiner, Mr. Landfair's 13 resume was submitted with the original report and with his 14 amended report and with the prehearing statement. And I 15 would move to have Mr. Landfair qualified as an expert 16 witness in land planning. 17 TAMMY CITRAMANNIS: Any objection? 18 BILL CHEN: Just some voir dire, just a quick 19 question. Mr. Landfair, were you at any time within the 20 subdivision review division of the Maryland National 21 Capital Park and Planning Commission? 22 BILL LANDFAIR: No, I was not. 23 BILL CHEN: Okay. So your experience is limited to 24 zoning, review of zoning applications, special exceptions, 25 and variances as I understand it.</p>	<p>55</p> <p>1 for us? 2 BILL LANDFAIR: Yes, the property itself is located in 3 the northwest quadrant of Democracy Boulevard and 4 Gainsborough Road. It also has frontage along Snug Hill 5 Lane. The property, for the most part, is relatively flat 6 with respect to its topography. Although, along its west, 7 northern, and eastern sides, it does rise up rather steeply 8 so it gives the impression of a bowl. And along the 9 southern edge, along the Democracy Boulevard edge, there is 10 a substantial tree-line there that screens the property 11 from view, at least from Democracy Boulevard. The property 12 is improved with a community swimming pool. This would 13 include the swimming pool itself, a rather expansive deck, 14 some accessory buildings including the clubhouse and three 15 tennis courts. And there is also surface parking. The 16 access for the parking lot is off of Gainsborough. 17 CATHY BORTEN: And can you define the immediate 18 surrounding neighborhood that you studied for your report? 19 BILL LANDFAIR: Yes, we defined it as being bounded by 20 Windsor View Drive to the north, Democracy Lane to the 21 east, Cabin John Park to the south, and by Bucks Branch 22 Park to the west. 23 CATHY BORTEN: And can you describe the zoning and the 24 existing land uses within the neighborhood? 25 BILL LANDFAIR: The zoning within the defined</p>
<p>54</p> <p>1 BILL LANDFAIR: That's correct. 2 BILL CHEN: Thank you, very much. 3 BILL LANDFAIR: Yeah. 4 BILL CHEN: We have no problems recognizing Mr. 5 Landfair -- my clients, in that area he has identified. 6 TAMMY CITRAMANNIS: Okay. He's qualified. 7 CATHY BORTEN: Thank you. Mr. Landfair, are you 8 familiar with the subject property, the Site Plan, and the 9 proposed use of the property and the surrounding area? 10 BILL LANDFAIR: I am. 11 CATHY BORTEN: And did you prepare a land planning 12 report? 13 BILL LANDFAIR: I did. 14 CATHY BORTEN: I'm going to show you what's been 15 previously marked -- I accept two numbers on it based on 16 the exhibit list. It's 145B and 180B. Can I ask you to 17 identify that? 18 BILL LANDFAIR: Yes, that is the report revised June 19 12, 2017. 20 CATHY BORTEN: Thank you. I'm now showing you what's 21 been previously marked as Exhibit 145C. Can I ask you to 22 identify that? 23 BILL LANDFAIR: Yes, that is a plan titled Site Plan. 24 It's, as you note, Exhibit 145C. 25 CATHY BORTEN: Can you describe the subject property</p>	<p>56</p> <p>1 neighborhood is R200 and R90 and I would characterize it as 2 single-family in character. 3 CATHY BORTEN: Residential? 4 BILL LANDFAIR: Residential. 5 CATHY BORTEN: Do you know if there any other 6 conditional uses or special exception uses in the immediate 7 area? 8 BILL LANDFAIR: Just the one for the swimming pool. 9 CATHY BORTEN: So in your opinion, would you say this 10 is presently predominantly residential in character? 11 BILL LANDFAIR: Yes. 12 CATHY BORTEN: Just looking now at the general 13 conditions for all conditional uses, does this use require 14 any parking spaces? 15 BILL LANDFAIR: No, it does not. 16 CATHY BORTEN: And do you know if existing parking 17 will be affected by the proposed use? 18 BILL LANDFAIR: Yes, there are some parking spaces 19 being displaced. 20 CATHY BORTEN: And will those parking spaces be 21 relocated elsewhere on the property? 22 BILL LANDFAIR: Yes, they will be. 23 CATHY BORTEN: So will the overall number parking 24 spaces for the special exception use remain compliant? 25 BILL LANDFAIR: Yes, it will.</p>

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15 (57 to 60)

<p>57</p> <p>1 CATHY BORTEN: Is any outdoor lighting planned for 2 this facility? 3 BILL LANDFAIR: No. 4 CATHY BORTEN: Do you know the status of the special 5 exception in relation to this application for the 6 conditional use? 7 BILL LANDFAIR: Only in that there is a pending 8 modification to permit the proposed telecommunications 9 facility on the site and to acknowledge the changes to the 10 parking arrangement. 11 CATHY BORTEN: Under the zoning ordinance, can more 12 than one type of land-use exist on the same property? 13 BILL LANDFAIR: Yes. 14 CATHY BORTEN: How would you -- how would the two uses 15 exist at this site? And when I say the two uses, I mean 16 existing special exception for the pool and swim club and 17 the proposed telecommunications. 18 BILL LANDFAIR: Well, I think they can exist without 19 conflict. Obviously, the nature of the two uses is very 20 different. The community pool obviously has a lot of 21 activity associated with it, particularly in the season. 22 You have people coming and going. There is physical 23 activity on the property. There's lights. There is noise, 24 et cetera, emanating from the property. There is traffic 25 associated with the operation of the pool itself. With</p>	<p>59</p> <p>1 plan supports and upholds the existing 200 zone for the 2 property. A telecommunications facility is allowed as a 3 conditional use within that particular zone. The master 4 plan doesn't specifically anticipate the location of a 5 telecommunications facility for this site; however, we 6 believe that the use itself won't conflict with the 7 intended primary purpose of the property, which as I've 8 noted, is the community swimming pool. Further, we think 9 the facility will provide a benefit to the larger community 10 by providing cellular communication in an area where we 11 believe there is weak coverage. 12 BILL CHEN: Objection. Move to strike that. 13 BILL LANDFAIR: And it will also provide for co- 14 location. 15 TAMMY CITRAMANNIS: What -- what's the objection? 16 BILL CHEN: Testifying about need. He's a land 17 planner. He just -- (inaudible). 18 TAMMY CITRAMANNIS: I do need to hear it again. What 19 -- 20 CATHY BORTEN: I had asked Mr. Landfair -- 21 TAMMY CITRAMANNIS: What was the question? 22 CATHY BORTEN: -- to testify regarding conformance 23 with the master plan. 24 TAMMY CITRAMANNIS: Correct. 25 CATHY BORTEN: And he's explaining how he sees it in</p>
<p>58</p> <p>1 respect to the telecommunications facility though, it's a 2 much more passive use. It is located along the perimeter 3 of the property by intent. Its operations will be, for the 4 most part, out of the way, if you will, of those -- of the 5 swimming pool. The activity taking place on the 6 telecommunications facility is fairly minimal. There are 7 only a few visits per year to the site. It doesn't have 8 the type of activity associated with the pool. So we think 9 the two uses will actually co-locate quite nicely. 10 TAMMY CITRAMANNIS: Go ahead Ms. Borten. I again, I - 11 - really, I know that -- please, the witness is up here and 12 while that sounds like laughter, it can be intimidating. 13 Please do not have any outbursts. I appreciate that. 14 Thank you. Please go ahead, Ms. Borten. 15 CATHY BORTEN: Is the telecommunications tower allowed 16 as a conditional use in the R200 zone? 17 BILL LANDFAIR: Yes, it is. 18 CATHY BORTEN: And are you familiar with the master 19 plan covering the subject property? 20 BILL LANDFAIR: Yes, I am. 21 CATHY BORTEN: Will approval of the conditional use be 22 consistent with this master plan and conform to its 23 recommendations? 24 BILL LANDFAIR: I think so. The property is located 25 within the Potomac Sub-region Master Plan Area. The master</p>	<p>60</p> <p>1 conformance with the master plan. 2 BILL CHEN: (Inaudible). 3 CATHY BORTEN: I think he can certainly testify if 4 there is -- he's not getting into the technical need, but 5 he's indicating there is a need for this use and that's 6 just another element of its conformance with the master 7 plan. 8 BILL CHEN: I move to strike. 9 TAMMY CITRAMANNIS: Is that an expert opinion though? 10 CATHY BORTEN: I mean, we can ask him to withdraw that 11 part of his testimony. That's fine. 12 BILL LANDFAIR: I'll be happy (inaudible). 13 TAMMY CITRAMANNIS: Okay. Go on. 14 CATHY BORTEN: In your report, you do site certain 15 elements in the master plan and one of those items is that 16 the use would avoid an excessive concentration of special 17 exceptions -- 18 BILL LANDFAIR: Right. 19 CATHY BORTEN: -- along major transportation 20 corridors. 21 BILL LANDFAIR: Right. 22 CATHY BORTEN: In your professional opinion, what is 23 meant by excessive concentration? 24 BILL LANDFAIR: Right. Well, it's a somewhat 25 subjective question and it can vary. And it depends really</p>

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16 (61 to 64)

<p>61</p> <p>1 in terms of the types of uses we're talking about and we 2 are really speaking of conditional uses and whether or not 3 there is a proliferation of -- of these types of uses in an 4 area, particularly a residential area that might somehow 5 change the character or affect the character of that area 6 negatively. Certainly, there are areas in the county where 7 you have what one could consider to be an over 8 concentration or proliferation of certain types of uses in 9 residential neighborhoods, but these uses typically are 10 pretty benign in nature and so they are found to be 11 acceptable. In other places in the county where the 12 neighborhood is predominantly residential, it's been found 13 that even a few uses -- typically they might be office uses 14 for an example along a major corridor -- could lead to a 15 proliferation which changes or affects negatively the 16 character that area.</p> <p>17 CATHY BORTEN: Can you give an example of that?</p> <p>18 BILL LANDFAIR: Old Georgetown Road in Bethesda for 19 example, where over the years there's been a proliferation 20 of office uses. Notably, home occupation type uses, 21 medical practitioners' offices, and the like. And they've 22 been found to start to change that character of that 23 predominantly residential neighborhood. In this instance, 24 in this neighborhood, the two conditional uses that we 25 have, I don't believe they are changing or adversely</p>	<p>63</p> <p>1 CATHY BORTEN: And that included one or two other, we 2 will say benign special exceptions.</p> <p>3 BILL LANDFAIR: Yes.</p> <p>4 CATHY BORTEN: Does that change your opinion at all?</p> <p>5 BILL LANDFAIR: No, I don't think so. Even factoring 6 in that extended neighborhood boundary and those additional 7 conditional uses, I don't think in sum that they would add 8 up to a cumulative effect that adversely affects the 9 neighborhood.</p> <p>10 CATHY BORTEN: Will the proposed use be serviced by 11 adequate public services and facilities including schools, 12 police, fire protection, water, sanitary, sewer, public 13 road, storm drainage, and other public facilities?</p> <p>14 BILL LANDFAIR: Yes, I think so. Primarily, I think 15 what we are talking about is police and fire protection. 16 The site does have no need for water or sanitary sewer; 17 although those services are well provided for in the area. 18 Public roads are good and can certainly accommodate the 19 minimal traffic that we'll see to the site which is three 20 or four trips per year.</p> <p>21 CATHY BORTEN: I just want to call your attention to 22 Page 5 of your report. In that Section 5, did you identify 23 the actual stations for fire and police --</p> <p>24 BILL LANDFAIR: Yes, we did.</p> <p>25 CATHY BORTEN: -- emergency to show that it's served?</p>
<p>62</p> <p>1 affecting the neighborhood through an over concentration.</p> <p>2 CATHY BORTEN: So on -- in -- on that note, as 3 required under the code, would the proposed use be 4 harmonious with the character of this -- and not alter the 5 character of the surrounding area?</p> <p>6 BILL LANDFAIR: Yes, I believe so.</p> <p>7 CATHY BORTEN: Will the proposed use, when evaluated 8 in conjunction with existing and approved conditional uses 9 in any neighboring residential detached zone, increase the 10 number, intensity, or scope of conditional uses 11 sufficiently to affect the area adversely or alter the 12 predominantly residential nature of the area?</p> <p>13 BILL LANDFAIR: No, I don't think so. As has already 14 been noted, there is only one existing conditional use in 15 the neighborhood. That is the community pool that's 16 located on the subject property. And I believe adding this 17 additional conditional use for the telecommunications 18 facility won't create that problem.</p> <p>19 CATHY BORTEN: Are you familiar with the Staff Report?</p> <p>20 BILL LANDFAIR: Yes. Yes, I am.</p> <p>21 CATHY BORTEN: So would you agree that the 22 neighborhood looked at or the area looked at the Staff 23 Report was somewhat broader than the neighborhood that you 24 looked at?</p> <p>25 BILL LANDFAIR: Yes, it was.</p>	<p>64</p> <p>1 BILL LANDFAIR: Yes.</p> <p>2 CATHY BORTEN: Will a preliminary subdivision plan be 3 required here?</p> <p>4 BILL LANDFAIR: No.</p> <p>5 CATHY BORTEN: Can you explain what the inherent 6 adverse effects of the telecommunications tower are?</p> <p>7 BILL LANDFAIR: Sure. There are -- it's recognized I 8 should say that there are seven the commonly held 9 characteristics to consider when analyzing inherent or non- 10 inherent effects of a conditional use. These are size, 11 scale, scope, light, noise, traffic, and the environment. 12 As applied to a telecommunications tower or facility, the 13 Board of Appeals has found that the inherent physical and 14 operational characteristics are the antennas that are 15 installed on the structure; typically, the support 16 structure has a significant height. Number two, an 17 equipment platform or equipment cabinets, typically located 18 within an enclosed area. Visual impacts that are typically 19 associated with the height of the support structure. There 20 are recognized RF emissions by necessity. And then a small 21 number of vehicle trips for maintenance purposes over the 22 course of the year. And then generally there is also so 23 some form of backup power source, whether that's a battery 24 power source or generator.</p> <p>25 CATHY BORTEN: In your professional opinion, with that</p>

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17 (65 to 68)

<p>65</p> <p>1 in mind, are there any non-inherent adverse effects from 2 the proposed telecommunications tower at the site? 3 BILL LANDFAIR: No, I don't think so. I think what we 4 have here are all inherent, physical, and operational 5 characteristics. We have a pole that is 80 feet in height. 6 This is well below the maximum height allowed, which is 155 7 feet. In my opinion, it's also lower than what I've 8 typically seen in the past or what is even found elsewhere 9 in the larger Potomac sub-region. The RF emissions, 10 although they are a fact in terms of the operation of the 11 use, are not really a consideration for denial and will be 12 spoken to by our own technical expert. And we believe will 13 be in compliance with FCC requirements. I've mentioned the 14 fact that there will be a small number of vehicle trips and 15 this is only for occasional servicing. 16 CATHY BORTEN: In your professional opinion, will the 17 proposed use cause undue harm to the neighborhood as a 18 result of non-inherent adverse effects alone or the results 19 of the combination of inherent and non-inherent adverse 20 effects in these categories? And these are the categories 21 that are set out in the zoning ordinance. I apologize if 22 it's a little cumbersome; the use, peaceful enjoyment, 23 economic value or development potential of abutting and 24 confronting properties or the general neighborhood; 25 understanding the economic value is not something that</p>	<p>67</p> <p>1 TAMMY CITRAMANNIS: As a land planner, I'm sure he 2 knows whether they are allowed in this type of use. I'm 3 going to overrule that. 4 BILL LANDFAIR: My understanding is, yes, they are 5 found with this particular type of use and in fact, are 6 found with other types of conditional uses in residential 7 settings. 8 CATHY BORTEN: Does the presence of a generator here 9 substantially or at all change the nature or character or 10 intensity of these? 11 BILL LANDFAIR: No, I don't believe so. 12 CATHY BORTEN: Does the presence of a generator have 13 any effect on traffic or on the immediate neighborhood? 14 BILL LANDFAIR: No, I don't think so. 15 CATHY BORTEN: Would the approval of the conditional 16 use be compatible with the character of the residential 17 neighborhood you've identified? 18 BILL LANDFAIR: Yes. 19 CATHY BORTEN: Looking at the special conditions for 20 approval of a telecommunications tower, does this use meet 21 the definition of a telecommunications tower under the 22 zoning ordinance? 23 BILL LANDFAIR: Yes, it does. 24 CATHY BORTEN: Was a conditional use application 25 reviewed and recommended for approval by the Montgomery</p>
<p>66</p> <p>1 you're looking at (inaudible). 2 BILL LANDFAIR: Right. No, I don't believe it will be 3 disruptive with respect to any of those elements. 4 CATHY BORTEN: Is that based on the -- the elements 5 that are there that you already testify to? 6 BILL LANDFAIR: Correct. That's right. 7 CATHY BORTEN: And traffic noise, odor, dust 8 elimination -- I'm sorry, illumination or lack of parking; 9 any problems? 10 BILL LANDFAIR: Parking will not be an issue. There 11 is no illumination planned. I can't imagine there will be 12 any dust generated by this use at all. 13 CATHY BORTEN: All right. The health, safety, and 14 welfare of neighboring residents, visitors, or employees? 15 BILL LANDFAIR: I don't believe there will be any 16 adverse effects to those people. 17 CATHY BORTEN: With regard to the generator, is a 18 generator permitted in the zone? 19 BILL CHEN: Objection. 20 CATHY BORTEN: We're talking about the -- 21 BILL CHEN: No, excuse -- 22 CATHY BORTEN: -- inherent 23 BILL CHEN: Excuse me. This is land-use and I -- I 24 don't understand that this witness has any expertise 25 relative to generators.</p>	<p>68</p> <p>1 County Transmission Facility Coordinator Group? 2 BILL LANDFAIR: Yes, it was. 3 CATHY BORTEN: Did the group issue a recommendation? 4 BILL LANDFAIR: They did. 5 CATHY BORTEN: Are you aware of what their 6 recommendation was? 7 BILL LANDFAIR: It was for approval. 8 CATHY BORTEN: Is there a scenic setback indicated in 9 the master plan? 10 BILL LANDFAIR: No, there is not. 11 CATHY BORTEN: I'm going to show you what's been 12 marked as Exhibit 145F and ask you to identify that. 13 BILL LANDFAIR: The exhibit is titled, Setback 14 Exhibit. And so it reflects the proposed exhibits for the 15 facility; setbacks not just from the property line, but 16 also from nearby residences. 17 CATHY BORTEN: And looking at that plan, in terms of 18 the setbacks, is the proposed use it located to meet the 19 required setback of 300 feet from all existing dwelling 20 BILL LANDFAIR: Yes. 21 BILL CHEN: Hold on a minute. 22 TAMMY CITRAMANNIS: What's the objection? 23 BILL CHEN: I don't have an objection. 24 TAMMY CITRAMANNIS: Thank you. Proceed Ms. Borten. 25 CATHY BORTEN: All right. Is the proposed use, where</p>

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18 (69 to 72)

<p>69</p> <p>1 it is proposed --</p> <p>2 BILL LANDFAIR: Yes.</p> <p>3 CATHY BORTEN: -- located to meet the required setback</p> <p>4 of 80 feet from all property lines?</p> <p>5 BILL LANDFAIR: From three of the four property lines.</p> <p>6 From the north, east, and the west property lines. A</p> <p>7 waiver has been requested for the southern property line.</p> <p>8 CATHY BORTEN: What is the side street setback along</p> <p>9 Democracy Boulevard?</p> <p>10 BILL LANDFAIR: I believe it's 15 feet.</p> <p>11 CATHY BORTEN: And you mentioned the waiver that's</p> <p>12 being requested.</p> <p>13 BILL LANDFAIR: Right.</p> <p>14 CATHY BORTEN: If granted, with the rate -- the</p> <p>15 setback exceed the 15 foot building setback on that side of</p> <p>16 the property?</p> <p>17 BILL LANDFAIR: Yes, the setback is 28 feet and 11</p> <p>18 inches.</p> <p>19 CATHY BORTEN: So it would not be less than the 15</p> <p>20 foot setback?</p> <p>21 BILL LANDFAIR: No, it would not be.</p> <p>22 CATHY BORTEN: Is the setback for employment zones</p> <p>23 applicable here?</p> <p>24 BILL LANDFAIR: No.</p> <p>25 CATHY BORTEN: What is the maximum allowed height for</p>	<p>71</p> <p>1 it? You know, he is saying --</p> <p>2 CATHY BORTEN: In his professional --</p> <p>3 TAMMY CITRAMANNIS: He's --</p> <p>4 CATHY BORTEN: -- experience reviewing applications.</p> <p>5 TAMMY CITRAMANNIS: I'm going to overrule it. Go</p> <p>6 ahead.</p> <p>7 CATHY BORTEN: I'm sorry. Go ahead and finish.</p> <p>8 BILL LANDFAIR: So in the context of this particular</p> <p>9 application, for example, I did look around in the Potomac</p> <p>10 sub-region area at other tower facilities and took note of</p> <p>11 their respective heights and I think in every case they</p> <p>12 were 130 feet. I'm speaking of monopole at the Bullis</p> <p>13 School, the monopole at the VFW site on MacArthur</p> <p>14 Boulevard, and a monopole located at the Avenel Country</p> <p>15 Club.</p> <p>16 CATHY BORTEN: And those exceed 80 feet?</p> <p>17 BILL LANDFAIR: Yes, they do.</p> <p>18 CATHY BORTEN: Are those neighborhoods where you</p> <p>19 looked at these other poles also residential neighborhoods?</p> <p>20 BILL LANDFAIR: They are zoned residential.</p> <p>21 CATHY BORTEN: And it - at those other areas that you</p> <p>22 looked at, are you aware of whether there was another</p> <p>23 special exception or conditional use at the site in</p> <p>24 addition to the monopole?</p> <p>25 BILL LANDFAIR: All three of those locations have</p>
<p>70</p> <p>1 the structure in this zone?</p> <p>2 BILL LANDFAIR: 155 feet.</p> <p>3 CATHY BORTEN: And what is the height of the proposed</p> <p>4 structure?</p> <p>5 BILL LANDFAIR: Eighty feet.</p> <p>6 CATHY BORTEN: And I think you mentioned earlier, but</p> <p>7 I just want to recap. In your experience, is an 80-foot</p> <p>8 monopole an unusual height in any way?</p> <p>9 BILL CHEN: Objection.</p> <p>10 TAMMY CITRAMANNIS: What do you mean by unusual?</p> <p>11 CATHY BORTEN: I'll rephrase the question.</p> <p>12 TAMMY CITRAMANNIS: Okay.</p> <p>13 CATHY BORTEN: Have you seen heights 80 feet tall,</p> <p>14 monopole, in your experience working with review and</p> <p>15 recommendation of telecommunications towers?</p> <p>16 BILL LANDFAIR: In my experience, this is relatively</p> <p>17 low pole. Generally speaking, they are typically 100 feet,</p> <p>18 120 --</p> <p>19 BILL CHEN: Objection.</p> <p>20 BILL LANDFAIR: -- 130 feet --</p> <p>21 BILL CHEN: (Inaudible) isn't the question.</p> <p>22 BILL LANDFAIR: -- in height.</p> <p>23 CATHY BORTEN: I think that goes to exactly what I</p> <p>24 asked.</p> <p>25 BILL CHEN: No. He -- the question was, have you seen</p>	<p>72</p> <p>1 conditional uses; the Bullis School, Avenel Golf Course,</p> <p>2 and the VFW.</p> <p>3 CATHY BORTEN: Looking at screening, is the screening</p> <p>4 of the telecommunications tower required under the zoning</p> <p>5 ordinance?</p> <p>6 BILL LANDFAIR: No.</p> <p>7 CATHY BORTEN: Are there existing visual mitigation</p> <p>8 elements present here?</p> <p>9 BILL LANDFAIR: Yes.</p> <p>10 CATHY BORTEN: What would those be?</p> <p>11 BILL LANDFAIR: Primarily, first and foremost, the</p> <p>12 existing tree line along Democracy Boulevard, which is</p> <p>13 fairly substantial and along most of the entire frontage.</p> <p>14 And so it affords very good mitigation of the view of the</p> <p>15 structure.</p> <p>16 CATHY BORTEN: How about the topography of the area</p> <p>17 where the pole is proposed to be situated?</p> <p>18 BILL LANDFAIR: It's also at one of the lower</p> <p>19 elevations on the site. The elevation on the property does</p> <p>20 vary. For the most part, it's fairly flat, but it does</p> <p>21 rise up along the northern side as much as 30 feet. And so</p> <p>22 in addition to taking advantage of the existing tree line</p> <p>23 along Democracy Boulevard, we are proposing landscaping</p> <p>24 along that northern edge next to Snug Hill Lane. And the</p> <p>25 fact that we have an elevation change there, will allow us</p>

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19 (73 to 76)

<p>73</p> <p>1 to take best use of that landscaping so we will have one 2 effect, positive effect, in terms of mitigating the view of 3 the structure from -- 4 CATHY BORTEN: From the northern property line? 5 BILL LANDFAIR: -- Snug Hill Road. Correct. 6 CATHY BORTEN: Are any signs or illumination planned 7 for the tower structure? 8 BILL LANDFAIR: No. 9 CATHY BORTEN: And is Verizon Wireless proposing any 10 proposed outdoor storage of equipment? 11 BILL LANDFAIR: Well, there is -- there is the 12 operations area within that 20' x 30' enclosed compound and 13 there will be slats that will be installed through the 14 fencing that will help mitigate the view of what's taking 15 place in that compound, but there is a switching gear and 16 other equipment associated with the operation of the 17 structure. 18 CATHY BORTEN: Is that equipment in enclosed cabinets? 19 BILL LANDFAIR: Yes, it is. 20 CATHY BORTEN: With regard to the special exception 21 modification, you've testified that you are aware of the 22 special exception use of the property and you are aware 23 that there has been a request for modification. 24 BILL LANDFAIR: Yes. 25 CATHY BORTEN: And do you know the scope of the</p>	<p>75</p> <p>1 much more intensive activity taking place on the site, but 2 yet this activity I think won't be impacted adversely by 3 the telecommunications facility. So I think the two uses 4 can co-locate on this property pretty well. 5 CATHY BORTEN: If the proposed use manned? 6 BILL LANDFAIR: No, it's not. 7 CATHY BORTEN: Then I just -- to wrap up, in your 8 professional opinion, will the proposed conditional use as 9 described in the application as amended, be in substantial 10 conformance with the goals and recommendations of the 11 Potomac Sub-Region Master Plan and meet the general special 12 conditions that apply to telecommunications towers as 13 provided in the zoning ordinance in order to obtain 14 approval for the use? 15 BILL LANDFAIR: Yes, I think so, for the reasons I've 16 stated on the record. 17 CATHY BORTEN: I don't have any further direct 18 questions. I reserve for redirects. 19 TAMMY CITRAMANNIS: Mr. Chen. 20 BILL CHEN: Thank you. Sir, you -- your last -- one 21 of your last comments was that there was no adverse effect 22 on the operations of the pool. 23 BILL LANDFAIR: Mm-hmm (affirmative). 24 BILL CHEN: Where will the enclosure area be? 25 BILL LANDFAIR: It will be located along the southern</p>
<p>74</p> <p>1 modification? 2 BILL LANDFAIR: It's to acknowledge the proposed 3 application for the telecommunications facility and the 4 fact that there will be some minor changes to the parking 5 facility for the pool. 6 CATHY BORTEN: And based on your understanding of the 7 existing use and the proposed use, in your professional 8 opinion, will the requested modifications substantially 9 change the nature, character, or intensity of the existing 10 swimming pool use? 11 BILL LANDFAIR: No, I don't think so. 12 CATHY BORTEN: Can you just give a brief -- I think 13 you've already covered it but -- 14 BILL LANDFAIR: Yeah, I think the two uses, in my 15 opinion, will work well together. The location of this 16 particular facility is out of the way generally speaking, 17 from the pool operations. Yes, we are displacing a number 18 of parking spaces, but those spaces will be replaced. It's 19 not anywhere where there could be any kind of adverse 20 effect to the operation of the pool. It's not immediately 21 adjacent to the pool deck, for example. The operation of 22 the telecommunication facility, it's a very quiet, passive 23 use. There isn't a lot of traffic or really much traffic 24 at all associated with it. There is no lights or signage 25 that calls attention to it, whereas the pool itself has a</p>	<p>76</p> <p>1 perimeter of the property itself, the pool property, in an 2 area that is now occupied by parking spaces. 3 BILL CHEN: And is that area where the parking area 4 begins and where the entrance to the pool facility is? 5 BILL LANDFAIR: It's in close proximity, yes. 6 BILL CHEN: Yeah. Couple of feet? 7 BILL LANDFAIR: Twenty, 25 feet. 8 BILL CHEN: Okay. 9 TAMMY CITRAMANNIS: Mr. Chen, just so that I'm clear, 10 and in the right place, you're saying from the entrance 11 into the driveway? The distance? 12 BILL CHEN: No, I'm talking about the entrance way 13 into the pool itself. 14 TAMMY CITRAMANNIS: Oh, sorry. Okay. 15 BILL LANDFAIR: Where -- where I think members might 16 actually enter into the clubhouse area. 17 TAMMY CITRAMANNIS: Got it. Thank you. 18 BILL CHEN: And you're saying it's 20 feet from that 19 area? 20 BILL LANDFAIR: I'm guessing. I have a scale with me 21 so I could scale it out for you right now. 22 BILL CHEN: Yeah, want to do -- where -- and where -- 23 and in doing that, sir, could you please tell us where your 24 two points that you're starting from -- 25 BILL LANDFAIR: Sure.</p>

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20 (77 to 80)

<p>77</p> <p>1 CATHY BORTEN: Do you want someone --</p> <p>2 TAMMY CITRAMANNIS: Just --</p> <p>3 BILL LANDFAIR: So the (inaudible).</p> <p>4 TAMMY CITRAMANNIS: If he is going to identify</p> <p>5 something, I'm going to need him to use a -- a markers so</p> <p>6 that I know what there means and where here means.</p> <p>7 CATHY BORTEN: Should we do it (inaudible)?</p> <p>8 TAMMY CITRAMANNIS: So what color -- what marker -- do</p> <p>9 you have a marker Mr. Landfair?</p> <p>10 BILL LANDFAIR: I do, yeah.</p> <p>11 TAMMY CITRAMANNIS: Okay.</p> <p>12 BILL LANDFAIR: Do you want me to do this on the</p> <p>13 setback exhibit or on the actual Site Plan itself because -</p> <p>14 - maybe it doesn't make any difference.</p> <p>15 TAMMY CITRAMANNIS: Put it on the Site Plan.</p> <p>16 BILL LANDFAIR: Okay.</p> <p>17 TAMMY CITRAMANNIS: Or --</p> <p>18 BILL CHEN: Is it easier to maybe use a blue marker</p> <p>19 rather than black?</p> <p>20 TAMMY CITRAMANNIS: Yeah.</p> <p>21 BILL CHEN: Okay.</p> <p>22 TAMMY CITRAMANNIS: That's perfect. Yes. I agree</p> <p>23 with you Mr. Chen.</p> <p>24 BILL CHEN: Here, Mr. Landfair. Just give it back.</p> <p>25 TAMMY CITRAMANNIS: Okay. So what exhibit is this?</p>	<p>79</p> <p>1 CATHY BORTEN: Forty-two?</p> <p>2 BILL LANDFAIR: Forty-two.</p> <p>3 BILL CHEN: Now, where is that 42 distance, sir?</p> <p>4 BILL LANDFAIR: It's again, from the fence line</p> <p>5 enclosing the -- the compound for the telecommunications</p> <p>6 building (inaudible).</p> <p>7 BILL CHEN: May I approach?</p> <p>8 TAMMY CITRAMANNIS: Yes, please. Are you okay with</p> <p>9 that Mr. -- I need to see where he's marking.</p> <p>10 BILL CHEN: Sure.</p> <p>11 BILL LANDFAIR: This is the fence and then this is the</p> <p>12 sidewalk (inaudible).</p> <p>13 TAMMY CITRAMANNIS: Can you hear them?</p> <p>14 (Crosstalk)</p> <p>15 BILL LANDFAIR: Sorry.</p> <p>16 TAMMY CITRAMANNIS: You need to --</p> <p>17 BILL LANDFAIR: I'm sorry.</p> <p>18 TAMMY CITRAMANNIS: -- speak louder. Remember, the</p> <p>19 mic is your friend.</p> <p>20 BILL LANDFAIR: Yeah, you're right. Thank you. So</p> <p>21 I'm scaling it from the fence that encloses the</p> <p>22 telecommunications facility. I'm scaling across the</p> <p>23 driveway along the parallel to a parking space up to the</p> <p>24 sidewalk that actually leads up into the entrance area.</p> <p>25 BILL CHEN: And it's that area you've highlighted on</p>
<p>78</p> <p>1 CATHY BORTEN: This is C1, which is identified as</p> <p>2 145C. I'm sorry; C1 is the sheet number. It's 145C.</p> <p>3 TAMMY CITRAMANNIS: Okay. So Mr. Chen, you want to</p> <p>4 know -- just clarify your question now that he has --</p> <p>5 BILL CHEN: He --</p> <p>6 TAMMY CITRAMANNIS: You want to know the points on --</p> <p>7 BILL CHEN: Yes, the witness said that the enclosure</p> <p>8 area for the special exception was about 20 feet from the</p> <p>9 entrance into the pool area. And I had asked that if he</p> <p>10 would please mark that. Well, I didn't ask him to mark it,</p> <p>11 I asked if he could please identify where the endpoints of</p> <p>12 that 20 foot --</p> <p>13 TAMMY CITRAMANNIS: Okay.</p> <p>14 BILL CHEN: -- estimate.</p> <p>15 BILL LANDFAIR: Okay. As I've marked it on the plan -</p> <p>16 -</p> <p>17 CATHY BORTEN: 145C?</p> <p>18 BILL LANDFAIR: Correct, 145C.</p> <p>19 BILL CHEN: Is that in blue?</p> <p>20 BILL LANDFAIR: In blue ink. I've taken it from the</p> <p>21 fenced enclosure to the point that seems to be directly</p> <p>22 opposite of the entrance into the pool. In fact, I'm --</p> <p>23 it's not even up to the fence line. It's actually right up</p> <p>24 to the sidewalk that actually runs perpendicular to the</p> <p>25 parking spaces. That distance is 42 feet.</p>	<p>80</p> <p>1 this Exhibit 145C?</p> <p>2 BILL LANDFAIR: Correct, yes. And it scales -- I'm</p> <p>3 scaling it out at 42 feet.</p> <p>4 BILL CHEN: And it -- as I am viewing the highlighted</p> <p>5 area, it traverses through a parking spot itself. Is that</p> <p>6 right?</p> <p>7 BILL LANDFAIR: That's correct.</p> <p>8 BILL CHEN: So the direct line -- 40 some odd feet --</p> <p>9 BILL LANDFAIR: Right.</p> <p>10 BILL CHEN: Of the direct line would go from the fence</p> <p>11 straight through another parking space to the curb.</p> <p>12 BILL LANDFAIR: Correct. Now, there is a sidewalk</p> <p>13 that is one space removed from where I've drawn it that</p> <p>14 would actually probably extend the distance a little bit.</p> <p>15 And that's what most people would probably take as they are</p> <p>16 actually entering into the pool.</p> <p>17 BILL CHEN: And what is that distance then? Forty-two</p> <p>18 feet, did you say?</p> <p>19 BILL LANDFAIR: Forty-two feet.</p> <p>20 BILL CHEN: Forty-two feet. And of that 42 feet, how</p> <p>21 much of that 42 feet is the parking space that the line is</p> <p>22 traversing through?</p> <p>23 BILL LANDFAIR: That would be 18 feet.</p> <p>24 BILL CHEN: So you've got 18 feet for --</p> <p>25 BILL LANDFAIR: (Inaudible) 24.</p>

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21 (81 to 84)

<p style="text-align: right;">81</p> <p>1 BILL CHEN: -- A parking space and that leaves, 2 outside the fence and to that parking space, about 14 feet. 3 BILL LANDFAIR: No (inaudible). 4 BILL CHEN: Fifteen feet (inaudible). 5 BILL LANDFAIR: (Inaudible) 24 and 18 is going to be 6 42. 7 BILL CHEN: Yeah, so I'm going to take 18 from 42 -- 8 BILL LANDFAIR: That's 24. 9 BILL CHEN: Yeah, okay. And that 24 -- that 24 foot 10 wide space is for what purpose? 11 BILL LANDFAIR: That's for -- that the driveway -- 12 drive on. 13 BILL CHEN: The cars entering and exiting, is that 14 correct? 15 BILL LANDFAIR: Correct. That's right. 16 BILL CHEN: By the way, you've mentioned twice that, 17 in your professional opinion, one of the factors that go to 18 the compatibility of the most conditional use is that it's 19 on the perimeter of the property, is that correct? 20 BILL LANDFAIR: Correct. 21 BILL CHEN: So that -- do I take it then, in your 22 professional opinion, that locating this conditional use on 23 the perimeter is a factor in determining the compatibility? 24 BILL LANDFAIR: In terms of -- yes. In terms of how 25 we've located it, as has been stated on the record, there</p>	<p style="text-align: right;">83</p> <p>1 BILL LANDFAIR: There are certainly trees as part of 2 that tree line that are within the public right-of-way for 3 Democracy, that's correct. 4 BILL CHEN: Am I correct in understanding however, 5 that the dwellings in the East Gate of Potomac subdivision 6 are not outside that tree line is that correct? 7 BILL LANDFAIR: I believe so. 8 BILL CHEN: So that as far as this particular 9 subdivision, all of the dwellings in the subdivision where 10 the conditional use is proposed are not shielded from the 11 proposed condition used by virtue of that tree line? 12 BILL LANDFAIR: That's correct. 13 BILL CHEN: And you also noted that there is a steep 14 rise on the property on the northern side, is that correct? 15 BILL LANDFAIR: Primarily on the northern side, but 16 also to some degree on the east and west sides too. 17 BILL CHEN: Are you aware of any use to which that 18 area is being used by the residents of the subdivision? 19 BILL LANDFAIR: It's primarily just open landscaped 20 area. 21 BILL CHEN: Okay. That's your -- so that -- 22 BILL LANDFAIR: (Inaudible). 23 BILL CHEN: That's as far as you know about the use of 24 the area. 25 BILL LANDFAIR: Correct. Right.</p>
<p style="text-align: right;">82</p> <p>1 is a waiver that's been requested. And one of the grounds 2 for that waiver has to be that there are alternative 3 locations, locations where you could actually meet the 4 required setback on the property. And in fact, I believe 5 we have an exhibit with us here today that will show that 6 location. The -- the problem we had with that location was 7 that it brought it closer to the operations of the pool. 8 But it also brought more out into the open in terms of its 9 visibility from neighboring residences. It also made it 10 slightly closer to those neighboring residences, which was 11 a concern for us and we are sure the community as well. So 12 we felt in this instance, we have this substantial tree 13 line along the southern edge, along the perimeter if you 14 will. We want to take advantage of it. That's why we also 15 think the tree pole will work so well in this location. 16 BILL CHEN: But the bottom line is it has to be on the 17 perimeter. 18 BILL LANDFAIR: We think -- I mean, it could be 19 located further into the interior of the property. It -- 20 it could be made to work, but it would be more visible. 21 And of course, our concern, as is I think most everyone's 22 concern, it's how can we best mitigate the view of the 23 structure. 24 BILL CHEN: By the way, that tree line is along 25 Democracy, I think you said. Is that right?</p>	<p style="text-align: right;">84</p> <p>1 BILL CHEN: On Page 10 of your report, you list, as I 2 understand it, the physical and operational characteristics 3 that go to the inherent and non-inherent evaluation. You 4 list six there, but in your testimony this morning, you 5 said there were seven. I'm not -- this is not a trick 6 question. I'm not -- I'm just trying to understand. As I 7 counted the ones in your report, I got six, but I heard you 8 say seven. 9 BILL LANDFAIR: Right. 10 BILL CHEN: Am I missing one or -- 11 BILL LANDFAIR: No. There is the size, scale -- 12 BILL CHEN: Hang on a second. 13 BILL LANDFAIR: Yeah. I think I -- in terms of size 14 and scale, maybe I clumped them together little bit. I 15 mean, I noted antennas installed on or within a support 16 structure that may have a significant height. 17 BILL CHEN: Okay. So for -- 18 BILL LANDFAIR: (Inaudible). 19 BILL CHEN: Just so I'm clear, your first one is size 20 and scale? 21 BILL LANDFAIR: Right. Size, scale, and scope of the 22 -- the use. And this speaks to any conditional use. 23 BILL CHEN: Did you have anything to do with the 24 equipment platform and the equipment cabinets for this 25 conditional use?</p>

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22 (85 to 88)

<p>85</p> <p>1 BILL LANDFAIR: Can I speak to what constitutes them 2 or how they work? No, I can't. 3 BILL CHEN: And the location? 4 BILL LANDFAIR: Yes, only insofar as they are located 5 within the fenced enclosure -- 6 BILL CHEN: That's all you know about it. 7 BILL LANDFAIR: -- that would be about 35 feet. 8 Correct. 9 BILL CHEN: Okay. Apparently, you mentioned cabinets 10 before -- 11 BILL LANDFAIR: Right. 12 BILL CHEN: -- and generator. I take it that 13 information you received from some other witness. 14 BILL LANDFAIR: That's correct. 15 BILL CHEN: Okay. Okay. So you're not the right 16 person to make inquiry about these matters? 17 BILL LANDFAIR: No. 18 BILL CHEN: Okay. There are a couple of places in 19 your report, and this, Counsel, goes to an objection I 20 raised earlier about statements that you make about the 21 area has a need for such facility. I -- I take it to the 22 extent I raised that issue earlier and I think the examiner 23 sustained that this was -- 24 TAMMY CITRAMANNIS: Yeah, I did. 25 BILL CHEN: Okay. I take it then that the report</p>	<p>87</p> <p>1 TAMMY CITRAMANNIS: Correct. 2 BILL CHEN: Thank you. Parking. 3 BILL LANDFAIR: Parking. 4 BILL CHEN: As I understand your testimony, the 5 modification of the special exception will not change the 6 amount of off-street parking that will be provided, but it 7 will be relocated. 8 BILL LANDFAIR: Yes, it will be. 9 BILL CHEN: And where will it be relocated? 10 BILL LANDFAIR: It will be relocated to an area, I 11 believe -- 12 MALE VOICE: We can't hear him. 13 BILL LANDFAIR: I'm sorry. To an area adjacent to the 14 tennis courts. 15 BILL CHEN: It's in the area where the site begins 16 that steep sloping, is that correct? 17 BILL LANDFAIR: Correct. 18 BILL CHEN: By the way, as I understand the 19 application and the enclosure area, that with the approval 20 of this conditional use, the applicants, or certainly 21 Verizon, will have the authority to add two additional 22 carriers. Is that right? 23 BILL LANDFAIR: Correct. 24 BILL CHEN: And that also means that there is a change 25 in the enclosure area. Is that correct?</p>
<p>86</p> <p>1 should be likewise considered by the Hearing Examiner that 2 that type of statement does not go to the expertise of this 3 witness. Is that correct? 4 TAMMY CITRAMANNIS: In his report he -- 5 BILL CHEN: He made -- he makes statements about need, 6 yes. On Page 8 and Page 11, for instance, he states that, 7 comparable to what he was about to say in his testimony 8 about it, filling in a need for such facility and -- 9 BILL LANDFAIR: Gaps in service, I think it is. 10 BILL CHEN: Yeah. 11 CATHY BORTEN: We're not offering necessarily, Mr. 12 Landfair as an expert in that; it is part of the 13 information that he receives in analyzing the proposed use 14 -- 15 TAMMY CITRAMANNIS: Okay. 16 CATHY BORTEN: -- of the area. 17 BILL CHEN: So okay. 18 TAMMY CITRAMANNIS: Okay. 19 BILL CHEN: So accordingly -- 20 TAMMY CITRAMANNIS: Yes. 21 CATHY BORTEN: Our committee report (inaudible). 22 BILL CHEN: -- the Examiner's understanding of this 23 report -- 24 TAMMY CITRAMANNIS: Right. 25 BILL CHEN: -- is adjusted by that.</p>	<p>88</p> <p>1 BILL LANDFAIR: That's correct. 2 BILL CHEN: You've addressed that in your report as I 3 recollect. 4 BILL LANDFAIR: Right. 5 BILL CHEN: Tell us what will happen upon the addition 6 of their two additional carriers to that enclosure area. 7 BILL LANDFAIR: Right. That -- that enclosure will 8 expand further to the west. My understanding is that it 9 will not necessarily expand to a size that's double what it 10 is today, which is 20 feet by 35 feet, but that it will 11 have to expand in some amount to accommodate the cabinets 12 for those two additional arrays of antennas. 13 BILL CHEN: And I believe, in your report you 14 identified that size. Aren't I correct on that? 15 BILL LANDFAIR: I might have. 16 BILL CHEN: I thought you did. 17 BILL LANDFAIR: Yeah. 18 BILL CHEN: Thought I had (inaudible) marked. 19 BILL LANDFAIR: I'm thinking it was 20 feet by -- 20 BILL CHEN: (Inaudible) 21 BILL LANDFAIR: -- 25, 30 feet. 22 BILL CHEN: Give me one second. 23 BILL LANDFAIR: Okay. I'm fairly sure we have an 24 exhibit that actually shows that delineation. Yeah, it's - 25 - it doesn't give a (inaudible) though.</p>

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23 (89 to 92)

<p>89</p> <p>1 BILL CHEN: Give me one second. I apologize 2 (inaudible) Madam Examiner. Just give me -- 3 BILL LANDFAIR: It will be the same (inaudible). 4 BILL CHEN: I believe -- 5 BILL LANDFAIR: (Inaudible). 6 BILL CHEN: I believe -- 7 BILL LANDFAIR: Is the length of that I'm unsure of. 8 BILL CHEN: I think it's an additional 20 feet by 29 9 feet; does that sound right to you? 10 BILL LANDFAIR: That sounds about right, yeah. 11 CATHY BORTEN: What page are you referring to? 12 BILL CHEN: I'm looking at the justification. I 13 couldn't find it in this report. 14 CATHY BORTEN: Oh, okay. 15 BILL CHEN: But I -- I think it's in there somewhere, 16 but the witnesses just confirmed that I've got the right 17 numbers. 18 BILL LANDFAIR: I -- I think that's right. 19 BILL CHEN: And how many additional parking spaces 20 will it take out? 21 BILL LANDFAIR: At 29? Well, each parking space is 22 about 8½ feet in width. So it would be 8½ by 24 would be - 23 - at least four spaces I think would be affected. 24 BILL CHEN: Are those four spaces shown on exhibit -- 25 CATHY BORTEN: Objection. Just real quick. We have</p>	<p>91</p> <p>1 you finer details. You know, he has the overview. 2 BILL CHEN: So I can -- there will be somebody else 3 who I can get into -- 4 TAMMY CITRAMANNIS: That's what -- 5 BILL CHEN: -- and that type of stuff. 6 TAMMY CITRAMANNIS: Ms. Borten just -- 7 BILL CHEN: Okay. 8 TAMMY CITRAMANNIS: -- confirmed. 9 BILL CHEN: Well, it dovetails with the modification 10 of the special exception. That's -- that's why I -- 11 TAMMY CITRAMANNIS: Okay. 12 BILL CHEN: Where I was going with this. And this 13 tournament has been identified as the parking expert. 14 CATHY BORTEN: Where? 15 BILL CHEN: It's in their prehearing statement they 16 filed. It's where he's listed as William Landfair, VIK 17 LLC. And I -- and he goes on to say, Mr. Landfair will 18 testify that telecommunications tower use meets yada, yada, 19 yada. Specifically, he will provide testimony as to how 20 the use complies with sections 6.25 parking. I mean, that 21 -- 22 TAMMY CITRAMANNIS: And I think he did testify to 23 that. 24 CATHY BORTEN: He did. 25 BILL CHEN: Yeah, that's why I'm getting into this.</p>
<p>90</p> <p>1 the engineer -- 2 TAMMY CITRAMANNIS: Oh, okay. 3 CATHY BORTEN: -- who signed and sealed the plans and 4 he will be testifying to -- 5 TAMMY CITRAMANNIS: Okay. 6 CATHY BORTEN: -- the technicalities -- 7 TAMMY CITRAMANNIS: Yeah. 8 CATHY BORTEN: -- on the plan. 9 TAMMY CITRAMANNIS: Does that work? 10 BILL CHEN: Yeah, that -- that works for me. I -- 11 CATHY BORTEN: That's beyond -- 12 BILL CHEN: I just said he was testifying about these 13 matters and I think it's fair cross-examination, but 14 certainly if they 15 -- 16 BILL LANDFAIR: No, that's -- that's fine. 17 BILL CHEN: -- have another witness that has the 18 information, that's fine by me. 19 TAMMY CITRAMANNIS: Yeah, I -- 20 BILL LANDFAIR: I'm referencing the Site Plan. It 21 actually shows three spaces that are affected. 22 TAMMY CITRAMANNIS: Okay. 23 BILL LANDFAIR: Yeah. 24 TAMMY CITRAMANNIS: And I think that's -- that's a 25 good point that you have somebody else who can give -- give</p>	<p>92</p> <p>1 TAMMY CITRAMANNIS: (Inaudible). 2 BILL CHEN: Because with the expansion, it has an 3 implication -- 4 TAMMY CITRAMANNIS: But -- 5 BILL CHEN: -- for most of the parking spaces. 6 CATHY BORTEN: He's testified to whether this parking 7 required for the use which is what -- and he is testified 8 that there is no parking required -- 9 TAMMY CITRAMANNIS: Right. 10 CATHY BORTEN: -- for this use. Meaning, when you 11 apply for use, they may say to you, well, in order to serve 12 the use, you need to have this many parking spaces. That's 13 what he's testifying to. 14 TAMMY CITRAMANNIS: Okay. I mean -- 15 BILL CHEN: Well, just so I'm clear on this, because 16 as part of his direct testimony, he testified that on the 17 modification of the special exception, the only impact will 18 be to change the parking. 19 TAMMY CITRAMANNIS: Correct. He did say that. 20 BILL LANDFAIR: I did, yeah. 21 BILL CHEN: Now, where I'm trying to go with this, and 22 I think it's logical, is; okay, how many spaces are going 23 to be lost and where are they going to be located? 24 TAMMY CITRAMANNIS: I think that's -- yeah. 25 BILL CHEN: That's what I'm trying to get to.</p>

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24 (93 to 96)

<p style="text-align: right;">93</p> <p>1 TAMMY CITRAMANNIS: But I think he's (inaudible)</p> <p>2 BILL LANDFAIR: We would plan to --</p> <p>3 TAMMY CITRAMANNIS: (Inaudible).</p> <p>4 BILL LANDFAIR: Three -- three spaces, as shown on the</p> <p>5 Site Plan, would be affected. And I think our plan would</p> <p>6 be, when the time comes, to relocate those spaces to the</p> <p>7 area behind the tennis courts where we are already</p> <p>8 relocating the other parking spaces.</p> <p>9 BILL CHEN: Okay. Now, if I knew that and certainly</p> <p>10 if you have another witness that can address this, that's</p> <p>11 fine. But does the depiction on exhibit (inaudible). I</p> <p>12 apologize (inaudible) my site. I can't read it. Does the</p> <p>13 depiction of the parking space relocation on Exhibit 145C,</p> <p>14 which I understand is actually C1; does the depiction of</p> <p>15 the additional parking spaces over in that area in the</p> <p>16 north where the steep slope begins is that depiction of</p> <p>17 additional parking or relocated parking include the parking</p> <p>18 that would be lost by the expansion of the enclosure area?</p> <p>19 BILL LANDFAIR: It's showing eight spaces and there is</p> <p>20 a notation on the plan that says, new parking lot</p> <p>21 extension, eight new spaces. And I think it's implied that</p> <p>22 that would address the three spaces lost to future</p> <p>23 expansion for co—location as well as the four spaces that</p> <p>24 are affected by the use that we are discussing today.</p> <p>25 BILL CHEN: Okay. So it's your testimony that the new</p>	<p style="text-align: right;">95</p> <p>1 it's going to benefit primarily, the visitors to the pool</p> <p>2 -- it won't provide a lot of additional mitigation off-</p> <p>3 site, but it's really designed just as a further measure of</p> <p>4 mitigation of the cabinet area.</p> <p>5 BILL CHEN: I was a little bit confused in your report</p> <p>6 because I think you, at one place you said what you just</p> <p>7 say, but I thought in another place it sounded like you</p> <p>8 were -- they were alternating slats or (inaudible).</p> <p>9 BILL LANDFAIR: Well, by alternating, I mean the slabs</p> <p>10 when they're inserted into the chain-link; they are</p> <p>11 alternated between the links themselves.</p> <p>12 BILL CHEN: Ah, okay.</p> <p>13 BILL LANDFAIR: They are just simply slipped into the</p> <p>14 chain-link.</p> <p>15 BILL CHEN: Thank you.</p> <p>16 BILL LANDFAIR: And it's just suspended there.</p> <p>17 BILL CHEN: You also mentioned that there would be</p> <p>18 landscaping installed on the northern side.</p> <p>19 BILL LANDFAIR: Correct.</p> <p>20 BILL CHEN: What is being proposed?</p> <p>21 BILL LANDFAIR: I think we have a landscape plan.</p> <p>22 BILL CHEN: Oh, is that another -- wait a minute. Is</p> <p>23 that another witness?</p> <p>24 CATHY BORTEN: Mr. Siverling was going to testify --</p> <p>25 BILL CHEN: Fine. We can --</p>
<p style="text-align: right;">94</p> <p>1 located spaces take into consideration both the proposal</p> <p>2 with the 700 square foot enclosure, plus and including the</p> <p>3 expansion.</p> <p>4 BILL LANDFAIR: Correct.</p> <p>5 BILL CHEN: Okay. By the way, you talked about the</p> <p>6 road system around the conditional use.</p> <p>7 BILL LANDFAIR: Yes.</p> <p>8 BILL CHEN: There is a problem on Seven Locks Road</p> <p>9 isn't there, sir?</p> <p>10 BILL LANDFAIR: In terms of --</p> <p>11 BILL CHEN: Congestion --</p> <p>12 BILL LANDFAIR: -- congestion?</p> <p>13 BILL CHEN: -- going back to Montrose. That's pretty</p> <p>14 well known, isn't that right, sir?</p> <p>15 BILL LANDFAIR: Yes. Yes.</p> <p>16 BILL CHEN: Same thing on 270, which is just about two</p> <p>17 lights away.</p> <p>18 BILL LANDFAIR: Yes.</p> <p>19 BILL CHEN: By the way, you also mentioned that in</p> <p>20 this enclosure area, it's going to be a chain-link fence --</p> <p>21 BILL LANDFAIR: Correct.</p> <p>22 BILL CHEN: -- with slats.</p> <p>23 BILL LANDFAIR: Green slats, right, that are inserted</p> <p>24 into the chain links to help further mitigate the view of</p> <p>25 the equipment itself, the cabinets and such. Candidly,</p>	<p style="text-align: right;">96</p> <p>1 CATHY BORTEN: -- as he worked on that plan.</p> <p>2 BILL CHEN: We can deal with that.</p> <p>3 TAMMY CITRAMANNIS: Okay.</p> <p>4 CATHY BORTEN: Thank you.</p> <p>5 BILL CHEN: That's fine.</p> <p>6 BILL LANDFAIR: But it is located along the northern</p> <p>7 edge of the property.</p> <p>8 BILL CHEN: Okay, but the -- this other gentleman will</p> <p>9 address it. That's fine. You also testified that the</p> <p>10 modification of a special exception to permit another</p> <p>11 special exception on the same site, is authorized.</p> <p>12 BILL LANDFAIR: It's allowed, yes.</p> <p>13 BILL CHEN: Allowed. Where is that allowed?</p> <p>14 BILL LANDFAIR: I believe it's allowed under the</p> <p>15 zoning ordinance.</p> <p>16 BILL CHEN: Can you give us the provision?</p> <p>17 BILL LANDFAIR: Given time. I don't have my ordinance</p> <p>18 with me, but --</p> <p>19 BILL CHEN: Okay.</p> <p>20 BILL LANDFAIR: Yeah.</p> <p>21 BILL CHEN: Okay. I -- fine.</p> <p>22 TAMMY CITRAMANNIS: Where --</p> <p>23 BILL CHEN: I have no problem --</p> <p>24 TAMMY CITRAMANNIS: Where do you (inaudible).</p> <p>25 BILL CHEN: -- if the gentleman wants to get it and</p>

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25 (97 to 100)

<p style="text-align: right;">97</p> <p>1 just let us know through counsel, the specific section of 2 the zoning ordinance that he is relying upon. 3 TAMMY CITRAMANNIS: What page are you referring to? 4 BILL CHEN: Well, his testimony this morning was that 5 you can have two special exceptions on the same site. And 6 I just asked, what's the authority for that. And he said 7 -- 8 TAMMY CITRAMANNIS: Okay. 9 BILL CHEN: -- there is a provision in the zoning 10 ordinance. He doesn't have his ordinance with him right 11 now so I got him off-base. And I said, look, just provide 12 it and give it to counsel so we can have what that section 13 is. 14 TAMMY CITRAMANNIS: Okay. Thank you. You don't know 15 all the numbers of the zoning ordinance? 16 BILL LANDFAIR: Um -- 17 TAMMY CITRAMANNIS: If they add one more B 18 (inaudible). 19 BILL LANDFAIR: Yeah, yeah, it's -- I should because 20 it's -- the ordinance is a lot smaller than it used to be 21 and ironically, I think I knew the old ordinance better 22 than the new ordinance. But it's a lot of verbiage. A lot 23 of stuff. 24 BILL CHEN: What is the definition of the conditional 25 use that's before the examiner?</p>	<p style="text-align: right;">99</p> <p>1 off-site. 2 BILL CHEN: I'm -- I'm looking at I don't -- I suspect 3 you do not have the ordinance in front of you, but I just 4 want to make sure you and I and the zoning ordinance are in 5 accord. But as I read, and this is section, counsel, 6 3.5.2.C.I, entitled, defined. It says, as I understand it 7 -- 8 TAMMY CITRAMANNIS: You want to give it to him to read 9 it? 10 BILL CHEN: Sure. Mr. Landfair, do you mind? 11 BILL LANDFAIR: Yeah. 12 BILL CHEN: Limited capability; I'm handing you a copy 13 right off the Internet. Or the electronic version of the 14 new zoning ordinance, unfortunately. 15 BILL LANDFAIR: Right. 16 BILL CHEN: The section I just identified let me hand 17 it to you. And I think it contains the definition. And 18 what I'm interested in is what physically constitutes a 19 telecommunications tower conditional use. 20 BILL LANDFAIR: You want me to read it to you as 21 defined? 22 GREG DIAMOND: Objection. The ordinance speaks for 23 itself. 24 CATHY BORTEN: The ordinance speaks for itself. 25 BILL CHEN: Okay. Well-</p>
<p style="text-align: right;">98</p> <p>1 BILL LANDFAIR: What is the definition? 2 BILL CHEN: Yeah. 3 BILL LANDFAIR: For a telecommunications facility? 4 BILL CHEN: Yeah, what is -- what is it? What does it 5 consist of? What's the definition of this? Tell us what 6 it is. 7 BILL LANDFAIR: It is a facility that provides for 8 telecommunications. In other words, it includes -- 9 BILL CHEN: Let me -- let me help you for minute. 10 BILL LANDFAIR: -- in some elements -- 11 BILL CHEN: I'm not -- 12 BILL LANDFAIR: Right. 13 BILL CHEN: I'm not trying to trick you. I just 14 physically -- 15 BILL LANDFAIR: Right. 16 BILL CHEN: What does this conditional use consist of? 17 BILL LANDFAIR: Okay. It consists of antennas which 18 are affixed to a support structure and in addition, in 19 support of that support structure, there are cabinets and a 20 power source, a backup power source. The cabinets, the 21 power source, and the sort structure are typically located 22 within an enclosed, secured compound. Support structure 23 typically, it is a monopole type structure, but it can also 24 be other types of structures. In this case, it's a tree 25 pole for the purposes of further mitigating the view from</p>	<p style="text-align: right;">100</p> <p>1 TAMMY CITRAMANNIS: Yeah. 2 BILL CHEN: All right. Then, I'm looking at -- 3 (Crosstalk) 4 BILL CHEN: Somebody asked me and I was just trying to 5 make it easy. 6 TAMMY CITRAMANNIS: Yeah, but you are asking me to -- 7 CATHY BORTEN: Just testified to what's -- what has 8 been available. 9 TAMMY CITRAMANNIS: -- And define it. It is defined. 10 Is there a question about the definition for him? 11 BILL CHEN: Yeah, I do. Yeah, I do. Sure. 12 TAMMY CITRAMANNIS: (Inaudible) wants to verify or 13 have a different understanding. 14 BILL CHEN: I was just reacting to it. I thought it 15 was (inaudible), but that's okay. 16 TAMMY CITRAMANNIS: I did say it. 17 BILL CHEN: As I understand it, the conditional use 18 consists of the supporting structure and related equipment. 19 Is that right? 20 BILL LANDFAIR: Correct. 21 BILL CHEN: Okay. 22 BILL LANDFAIR: Yeah. 23 BILL CHEN: So we're not just talking about a tower or 24 a monopole, we are talking about the, quote, related 25 equipment.</p>

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26 (101 to 104)

<p>101</p> <p>1 BILL LANDFAIR: Yes.</p> <p>2 BILL CHEN: And that related equipment needs to be</p> <p>3 within an enclosed area.</p> <p>4 BILL LANDFAIR: Yes. Yeah.</p> <p>5 BILL CHEN: And you've identified that some of that</p> <p>6 equipment includes a generator in this case.</p> <p>7 BILL LANDFAIR: Or a power source. It's a generator</p> <p>8 in this instance, yes.</p> <p>9 BILL CHEN: Okay. And again counsel, this is not the</p> <p>10 right witness. No, I'll save it. But do you know the</p> <p>11 size.</p> <p>12 CATHY BORTEN: We don't know the questions.</p> <p>13 BILL CHEN: Okay.</p> <p>14 CATHY BORTEN: If you've got questions --</p> <p>15 BILL CHEN: Yeah, I've got --</p> <p>16 CATHY BORTEN: -- specifically about the generator, I</p> <p>17 have -- the engineer will testify regarding the generator.</p> <p>18 BILL CHEN: Okay. Let me see where this goes. You</p> <p>19 mentioned the generator.</p> <p>20 BILL LANDFAIR: Yes.</p> <p>21 BILL CHEN: Okay. What's the size of the generator?</p> <p>22 BILL LANDFAIR: I don't know.</p> <p>23 BILL CHEN: What are the other equipment that will be</p> <p>24 within the enclosed area?</p> <p>25 BILL LANDFAIR: Cabinets, switching gear for the tower</p>	<p>103</p> <p>1 asked, sir, because at Pages 16 and 17, you say that the --</p> <p>2 as shown, the submitted site plan, the equipment compound</p> <p>3 has sufficient area to accommodate all necessary equipment</p> <p>4 for the applicant and identifies an area for equipment for</p> <p>5 future carriers should any co-locate. I take it your --</p> <p>6 the basis for that statement is information you've obtained</p> <p>7 from someone else.</p> <p>8 BILL LANDFAIR: Correct.</p> <p>9 BILL CHEN: Did you have any involvement, sir, in</p> <p>10 preparing the request for the setback waiver?</p> <p>11 BILL LANDFAIR: Only in terms of general consultation</p> <p>12 with our legal counsel, but I did not prepare the actual</p> <p>13 waiver request. So I'm familiar with the waiver request.</p> <p>14 BILL CHEN: You are familiar with the waiver?</p> <p>15 BILL LANDFAIR: I am familiar with the waiver request.</p> <p>16 BILL CHEN: And I take it that was your input in</p> <p>17 assisting the applicant with the setback waiver request; it</p> <p>18 was telling them how to do it.</p> <p>19 (00:58:17) MR. SAVARD: Objection.</p> <p>20 BILL CHEN: Well, I'm just trying to --</p> <p>21 TAMMY CITRAMANNIS: Rephrase or --</p> <p>22 BILL CHEN: Okay. Can you tell us what -- what was</p> <p>23 your input in (inaudible)?</p> <p>24 BILL LANDFAIR: The input was consultation with</p> <p>25 Technical Staff and then also consultation in terms of</p>
<p>102</p> <p>1 itself.</p> <p>2 BILL CHEN: Do you know the sizes of any of those</p> <p>3 things?</p> <p>4 BILL LANDFAIR: We have exhibits that actually</p> <p>5 accurately define them. They're not -- they're not very</p> <p>6 large. They -- they are small cabinets, self-contained. I</p> <p>7 would guess they are maybe typically, five feet by six feet</p> <p>8 by three feet, but --</p> <p>9 TAMMY CITRAMANNIS: (Inaudible).</p> <p>10 CATHY BORTEN: I would rather not have Mr. Landfair</p> <p>11 testify if he can't answer the questions.</p> <p>12 TAMMY CITRAMANNIS: You don't need to be guessing.</p> <p>13 BILL LANDFAIR: Well, we have exhibits that I could</p> <p>14 refer to that would actually --</p> <p>15 BILL CHEN: But they're going to come in through</p> <p>16 another witness. Is that right?</p> <p>17 CATHY BORTEN: Yes.</p> <p>18 BILL CHEN: Okay. Did you have anything to do sir,</p> <p>19 with establishing the size of the enclosure areas?</p> <p>20 BILL LANDFAIR: No.</p> <p>21 BILL CHEN: Okay. Do you know, sir, what type of</p> <p>22 equipment will be located within the expanded enclosure</p> <p>23 area?</p> <p>24 BILL LANDFAIR: No.</p> <p>25 BILL CHEN: It's easy. Now, the last question I</p>	<p>104</p> <p>1 creation of exhibits that would clarify the waiver itself.</p> <p>2 And just general review and debate as to the merits of the</p> <p>3 waiver and how best to proceed with the waiver.</p> <p>4 BILL CHEN: What was your consultation with the Staff?</p> <p>5 And when you say staff, I presume you're talking about the</p> <p>6 --</p> <p>7 BILL LANDFAIR: Technical Staff --</p> <p>8 BILL CHEN: -- Technical Staff</p> <p>9 BILL LANDFAIR: -- Of the Planning Department, right.</p> <p>10 BILL CHEN: What was that consultation about?</p> <p>11 BILL LANDFAIR: That was a meeting with Staff to</p> <p>12 discuss --</p> <p>13 BILL CHEN: When?</p> <p>14 BILL LANDFAIR: I will have to defer to my legal</p> <p>15 counsel in terms of the date. It's been -- it's been</p> <p>16 months.</p> <p>17 TAMMY CITRAMANNIS: Before the amended application?</p> <p>18 BILL LANDFAIR: Before the amended application.</p> <p>19 BILL CHEN: Okay. Go ahead.</p> <p>20 BILL LANDFAIR: It was a meeting with Staff to discuss</p> <p>21 the merits of the waiver, whether the waiver was truly</p> <p>22 justified, and then if found to be justified and we decided</p> <p>23 to proceed with it -- in terms of how best to describe it</p> <p>24 both in terms of supporting documents and any plans or</p> <p>25 exhibits that would display it on a plan.</p>

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27 (105 to 108)

<p>105</p> <p>1 BILL CHEN: Did that meeting in any way involve the</p> <p>2 information that is contained in an email that Mr. Estes of</p> <p>3 the Staff has issued relative to what could be placed</p> <p>4 within the setback area?</p> <p>5 MR. SAVARD: Objection.</p> <p>6 BILL LANDFAIR: I don't know.</p> <p>7 GREG DIAMOND: He's asking him to comment on an email</p> <p>8 that --</p> <p>9 BILL LANDFAIR: I -- I --</p> <p>10 GREG DIAMOND: He doesn't have in front of him.</p> <p>11 BILL CHEN: Okay.</p> <p>12 BILL LANDFAIR: I'm not sure I've seen the email.</p> <p>13 TAMMY CITRAMANNIS: (Inaudible).</p> <p>14 BILL CHEN: Okay. Let -- let -- I'll get it.</p> <p>15 TAMMY CITRAMANNIS: Take a breath and --</p> <p>16 BILL CHEN: Yeah.</p> <p>17 TAMMY CITRAMANNIS: (Inaudible). Has it been marked?</p> <p>18 BILL CHEN: It's a sub exhibit of the August -- one of</p> <p>19 the August 25 letters, I believe. Give me a minute and</p> <p>20 I'll get it.</p> <p>21 TAMMY CITRAMANNIS: So your query is whether he was</p> <p>22 part of that email or that email was the result of --</p> <p>23 BILL CHEN: Yeah.</p> <p>24 GREG DIAMOND: Is his name on the email?</p> <p>25 BILL CHEN: Well, I'm -- I'm just trying to find out</p>	<p>107</p> <p>1 within the setback area on the side that has been depicted</p> <p>2 on the plants?</p> <p>3 BILL LANDFAIR: I don't think so.</p> <p>4 BILL CHEN: Okay.</p> <p>5 BILL LANDFAIR: I don't recollect --</p> <p>6 BILL CHEN: That's a good answer.</p> <p>7 BILL LANDFAIR: Yeah.</p> <p>8 BILL CHEN: I mean, if you weren't involved in that, I</p> <p>9 -- I --</p> <p>10 GREG DIAMOND: I object to the characterization of his</p> <p>11 answer as a good answer. It's a truthful answer.</p> <p>12 TAMMY CITRAMANNIS: Sustained.</p> <p>13 BILL CHEN: I -- I'll take a truthful, good answer.</p> <p>14 Actually, Madam Examiner, I must tell you, I don't think</p> <p>15 that this email appears to be identified in the submission.</p> <p>16 I'll double check it --</p> <p>17 TAMMY CITRAMANNIS: Okay.</p> <p>18 BILL CHEN: -- in the break, but --</p> <p>19 TAMMY CITRAMANNIS: Okay.</p> <p>20 BILL CHEN: -- I don't think it is identified. I --</p> <p>21 I've thought -- I would have thought it would have gone in</p> <p>22 with 179, Madam Examiner.</p> <p>23 TAMMY CITRAMANNIS: Okay. Well, we can check in after</p> <p>24 the break.</p> <p>25 BILL CHEN: Yeah, I --</p>
<p>106</p> <p>1 what happened at the meeting and what came out of the</p> <p>2 meeting.</p> <p>3 GREG DIAMOND: It's his -- is his name on the --</p> <p>4 BILL CHEN: I know he may not be on the email. That's</p> <p>5 not --</p> <p>6 CATHY BORTEN: That's hearsay.</p> <p>7 GREG DIAMOND: Why are you asking him about the email?</p> <p>8 BILL CHEN: Because I want to know if he had any input</p> <p>9 into the information contained in the email. He may not be</p> <p>10 on the distribution, but he (inaudible).</p> <p>11 GREG DIAMOND: Objection. Objection. Objection as to</p> <p>12 the cross-examination about an email that he wasn't sent.</p> <p>13 TAMMY CITRAMANNIS: Okay.</p> <p>14 BILL CHEN: I'm not cross -- I'm cross-examining about</p> <p>15 a meeting he had.</p> <p>16 TAMMY CITRAMANNIS: A meeting, but you are also</p> <p>17 referring to an email. I need a little bit more</p> <p>18 clarification as to the purpose of the email if he's not --</p> <p>19 BILL CHEN: I --</p> <p>20 TAMMY CITRAMANNIS: -- on it or drafted it or was</p> <p>21 present when it was sent or it came after a meeting or</p> <p>22 before meeting or after meeting. So --</p> <p>23 BILL CHEN: I can do it this way. I can do this way.</p> <p>24 Did the subject of your meeting with Staff include the</p> <p>25 consideration of what accessory equipment could be located</p>	<p>108</p> <p>1 TAMMY CITRAMANNIS: Check it during the break and</p> <p>2 we'll circle back for a moment.</p> <p>3 BILL CHEN: Great. I have no further questions.</p> <p>4 TAMMY CITRAMANNIS: Okay. Ms. Wetter, do you have any</p> <p>5 questions?</p> <p>6 CHERYL WETTER: Yes, I do.</p> <p>7 TAMMY CITRAMANNIS: Yeah, make sure you are -- court</p> <p>8 reporter, can you hear Ms. Wetter?</p> <p>9 CATHY BORTEN: Madam Hearing Examiner, I just have a</p> <p>10 question. Should we be doing redirect after the cross?</p> <p>11 TAMMY CITRAMANNIS: Yes. So --</p> <p>12 CATHY BORTEN: So they --</p> <p>13 TAMMY CITRAMANNIS: Well --</p> <p>14 GREG DIAMOND: Do you want it all?</p> <p>15 CATHY BORTEN: Or do you want it all --</p> <p>16 TAMMY CITRAMANNIS: I think we should wait.</p> <p>17 CATHY BORTEN: -- at the end?</p> <p>18 TAMMY CITRAMANNIS: I think we should do that.</p> <p>19 CATHY BORTEN: Okay.</p> <p>20 TAMMY CITRAMANNIS: Otherwise, we're going to go back</p> <p>21 and forth because I have to see if anybody in the audience</p> <p>22 -- and I'll get -- well, let's just keep it that way. You</p> <p>23 keep track of your questions and I'm going to let Ms.</p> <p>24 Wetter ask her questions and then ask Ms. Lee if she has</p> <p>25 any questions. And then if anybody in the audience is</p>

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28 (109 to 112)

<p>109</p> <p>1 thinking of a question now that you haven't heard, please 2 pass it to Mr. -- Mr. Chen. Okay, Ms. Wetter. 3 CHERYL WETTER: Cheryl Wetter. Mr. Landfair, in your 4 consultation with Park and Planning, what changed it in 5 their mind about being able to suddenly put parking spaces 6 where you're going to relocate? And let me back-step back 7 to 1975 and '76 when we did this originally. 8 CATHY BORTEN: Objection. 9 CHERYL WETTER: Yeah. 10 CATHY BORTEN: Mr. Landfair can't testify to what was 11 in Planning Staff's mind and there has been no testimony 12 that there was a discussion in that regard. 13 TAMMY CITRAMANNIS: Okay. And can you make the 14 sentence shorter. I mean, I'm -- what are you -- 15 CHERYL WETTER: Well, he said he -- that you had 16 discussions with Park and Planning over this land plan. 17 BILL LANDFAIR: Mm-hmm (affirmative). 18 TAMMY CITRAMANNIS: Was you answer yes? 19 CHERYL WETTER: And -- 20 BILL LANDFAIR: The answer was yes, sorry. 21 CHERYL WETTER: Okay. All right. Originally, we were 22 short on parking spaces and we had to configure a little 23 bit to get enough in based on having a membership of 350. 24 We tried to put them on extra spaces down below the tennis 25 --</p>	<p>111</p> <p>1 CHERYL WETTER: Nothing has changed since the original 2 exception? 3 BILL LANDFAIR: I -- and when you speak of the 4 original exception, you're speaking of the application for 5 the pool? 6 CHERYL WETTER: Yes. 7 BILL LANDFAIR: Okay. And I -- I just don't have that 8 kind of history in terms of -- 9 CHERYL WETTER: Okay. 10 BILL LANDFAIR: -- in the past what Staff has found 11 reasonable and objected to regarding parking. I just don't 12 have that -- 13 CHERYL WETTER: Is it possible then that we still 14 require the same number parking spaces, but if this doesn't 15 pass because they can't install them there, that this is 16 all for naught? Is it possible that you can't relocate 17 parking spaces? Are you aware that you can or possibly 18 cannot? 19 BILL LANDFAIR: In our opinion, there is nothing 20 preventing, physically the relocation the spaces. 21 CHERYL WETTER: What -- 22 BILL LANDFAIR: Staff could come back and suggest, no, 23 we object, but I don't know what the grounds of that 24 objection might be in terms of setbacks or land disturbance 25 or just the general proximity to neighboring properties. I</p>
<p>110</p> <p>1 CATHY BORTEN: Objection. She's testifying. 2 TAMMY CITRAMANNIS: You need to ask questions because 3 -- 4 CHERYL WETTER: Okay. 5 TAMMY CITRAMANNIS: -- I understand what you're trying 6 to do. 7 CHERYL WETTER: All right. 8 TAMMY CITRAMANNIS: But they have to be in the form of 9 a question. 10 CHERYL WETTER: So were you aware that we couldn't get 11 parking before? 12 TAMMY CITRAMANNIS: Okay. 13 CHERYL WETTER: Were you aware that we couldn't get -- 14 TAMMY CITRAMANNIS: That's (inaudible) not me. But 15 just -- I know it's difficult because you want -- 16 CHERYL WETTER: Sorry. 17 TAMMY CITRAMANNIS: -- to testify. This is questions 18 only. 19 CHERYL WETTER: Okay. Okay. I'm sorry. 20 TAMMY CITRAMANNIS: And you will be able to, when you 21 do give your testimony, add that information. So -- 22 CHERYL WETTER: Has something changed that allows now, 23 for parking spaces to be installed to the west of the 24 tennis courts? 25 BILL LANDFAIR: Not that I'm aware of, no.</p>	<p>112</p> <p>1 don't understand why they would have a problem with the 2 location of those spaces. 3 CHERYL WETTER: Are you aware that they originally did 4 have -- 5 BILL LANDFAIR: No. 6 CHERYL WETTER: -- an objection? 7 BILL LANDFAIR: No. 8 CHERYL WETTER: Okay. Is the land in your -- well, 9 let me go to another question. Is 24 foot allowable for 10 emergency vehicles -- 11 TAMMY CITRAMANNIS: Say that again. 12 CHERYL WETTER: -- to access the far end of the 13 property? Because you've now reduced the driveway to -- 14 TAMMY CITRAMANNIS: I didn't hear the amount. What -- 15 CHERYL WETTER: Twenty-four feet -- 16 TAMMY CITRAMANNIS: (Inaudible). 17 CHERYL WETTER: -- allowable, is that -- by land use, 18 is that acceptable for -- 19 BILL LANDFAIR: Twenty feet is the minimum. 20 CHERYL WETTER: Twenty feet is the minimum -- 21 BILL LANDFAIR: So 24 feet -- 22 CHERYL WETTER: Okay, thank you. 23 BILL LANDFAIR: -- is acceptable. Okay. And if 24 lighting is required, has anyone, in your knowledge 25 (inaudible).</p>

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29 (113 to 116)

<p>113</p> <p>1 CATHY BORTEN: Objection. He has testified that 2 lighting is not going to be required. 3 BILL LANDFAIR: (Inaudible). 4 TAMMY CITRAMANNIS: Well, let's just let her finish 5 the question because I think -- 6 CHERYL WETTER: All right. 7 (Crosstalk) 8 CHERYL WETTER: My question is, whether anybody has -- 9 TAMMY CITRAMANNIS: (Inaudible). 10 CHERYL WETTER: -- verified whether there will be 11 lighting required on this 80-foot pole. Has anyone 12 inquired as to whether there will be lighting required by 13 the FAA? 14 BILL LANDFAIR: I'm not aware of it. I will have to 15 defer to our engineer who could speak to that when -- 16 CHERYL WETTER: Okay. So at this point, you cannot 17 make a statement that lighting will not be required? 18 BILL LANDFAIR: That's correct. 19 CHERYL WETTER: Okay. And also, do you believe that 20 the -- is it true that the land is less stable after 21 digging out a facility? You refer to the facility's -- 22 CATHY BORTEN: Objection. 23 CHERYL WETTER: -- sight. 24 CATHY BORTEN: He is not testifying as an engineer. 25 TAMMY CITRAMANNIS: Sustained.</p>	<p>115</p> <p>1 the zoning hearing examiner and it is not. And that is -- 2 that is the foundation of the question. 3 CHERYL WETTER: That is not the foundation of my 4 question. 5 TAMMY CITRAMANNIS: Okay. It's -- 6 CHERYL WETTER: The foundation my -- 7 TAMMY CITRAMANNIS: My -- what I'm hearing, and then 8 we will decide on your objection; is that you're asking, is 9 this a factor, the fact that if you put the pole in, the 10 property use people are going to leave and then it's no 11 longer a swimming pool. Does he consider that to be in 12 inherent or non-inherent, adverse effect. 13 CHERYL WETTER: Correct. 14 TAMMY CITRAMANNIS: Did I get that right or -- 15 CHERYL WETTER: Correct. Right. Correct. 16 TAMMY CITRAMANNIS: Okay. And I think he said, no, 17 and I don't know that there is -- it is not a factor and I 18 don't know that there is anything more you can go beyond 19 that. 20 CHERYL WETTER: Well, only back to the land use as 21 proposed and approved by Montgomery County, that this was 22 to draw a community together and if -- if it does not, if 23 it is not allowed to do that anymore because people will 24 not stay here, do you see that -- 25 TAMMY CITRAMANNIS: I think that -- I think that that</p>
<p>114</p> <p>1 CHERYL WETTER: Okay. 2 TAMMY CITRAMANNIS: I'm not sure I've heard anything 3 about his knowledge regarding stability of the ground or 4 anything like that -- 5 CHERYL WETTER: Okay. 6 TAMMY CITRAMANNIS: -- and the land opening. 7 CHERYL WETTER: Okay. 8 TAMMY CITRAMANNIS: So that might be a question for 9 somebody else if it's relevant. 10 CHERYL WETTER: Okay. Would you consider it a non- 11 inherent, adverse effect if people left the pool facility 12 because of this tower and the pool failed? Would that be a 13 non-inherent, adverse effect to the community? 14 BILL LANDFAIR: No. 15 CATHY BORTEN: Objection. It would be -- I'm sorry. 16 I withdraw. 17 CHERYL WETTER: It would not be? 18 BILL LANDFAIR: I -- I don't understand the connection 19 in terms of -- of the non-inherent effect. In other words 20 -- 21 CHERYL WETTER: But is not necessarily something that 22 you immediately -- 23 GREG DIAMOND: So here is the basis of the objection. 24 The suggestion is the sustained -- the economic 25 sustainability of a pool is a relevant consideration for</p>	<p>116</p> <p>1 is an argument that you can make to me -- 2 CHERYL WETTER: Okay. 3 TAMMY CITRAMANNIS: -- that you think it is a non- 4 inherent adverse effect. He has said, no, and I -- I agree 5 with counsel that -- 6 CHERYL WETTER: Okay. 7 TAMMY CITRAMANNIS: -- that it's -- it is not a -- it 8 is not a factor, but it doesn't mean that you can't argue 9 it. 10 CHERYL WETTER: Okay. 11 TAMMY CITRAMANNIS: So -- 12 CHERYL WETTER: Somewhat traveling parallel to this, 13 when you referred to Bullis and Avenel on the third one on 14 that -- 15 BILL LANDFAIR: Yeah. 16 CHERYL WETTER: -- those are not seen as the same as a 17 voluntary community association that's been set aside. 18 CATHY BORTEN: Objection. That's testimony. 19 TAMMY CITRAMANNIS: Is that a question? Put it in the 20 form of a question. 21 CHERYL WETTER: Right. Do you see those as different 22 because they -- 23 BILL LANDFAIR: The nature of those three uses -- 24 CHERYL WETTER: Right. 25 BILL LANDFAIR: -- do I see them as similar to this</p>

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30 (117 to 120)

<p>117</p> <p>1 use?</p> <p>2 CHERYL WETTER: To East Gate.</p> <p>3 BILL LANDFAIR: No, I don't.</p> <p>4 CHERYL WETTER: Okay. So they are different</p> <p>5 situations.</p> <p>6 BILL LANDFAIR: Yeah.</p> <p>7 CHERYL WETTER: Okay. And when you referred to the</p> <p>8 inherent, adverse effects, and you just quickly went over</p> <p>9 RF emissions and I know this is not something we address,</p> <p>10 but the -- the FCC's guidelines for that, is that based on</p> <p>11 adults or is that based on children?</p> <p>12 CATHY BORTEN: Objection.</p> <p>13 BILL LANDFAIR: I can't speak on that.</p> <p>14 CATHY BORTEN: That goes beyond the scope.</p> <p>15 CHERYL WETTER: Okay. Okay.</p> <p>16 TAMMY CITRAMANNIS: Sustained.</p> <p>17 CHERYL WETTER: Okay. Okay. Let me see what else I</p> <p>18 have. Can you testify as to the stability of a tower with</p> <p>19 branches and without branches?</p> <p>20 CATHY BORTEN: Objection.</p> <p>21 CHERYL WETTER: Okay.</p> <p>22 BILL LANDFAIR: No.</p> <p>23 CHERYL WETTER: That's for someone else? Okay.</p> <p>24 (Crosstalk)</p> <p>25 CHERYL WETTER: So they did not to take into</p>	<p>119</p> <p>1 use, quasi-eleemosynary, I think is the term. That</p> <p>2 property is similar in size to the property of the pool</p> <p>3 here, but of course the nature of the VFW operations is</p> <p>4 somewhat different than the swimming pool. And I would say</p> <p>5 is a much more typically, passive type use than the</p> <p>6 community pool (inaudible).</p> <p>7 SUSAN LEE: All right. You know what the -- the base</p> <p>8 zoning is: are they R200?</p> <p>9 BILL LANDFAIR: They are -- they are residentially</p> <p>10 zoned. I might actually have the zoning in my notes here</p> <p>11 if you give me just one second. I'm sorry. I don't. I</p> <p>12 just know they are residentially zoned. I can confirm that</p> <p>13 for you.</p> <p>14 SUSAN LEE: That's all. Thank you.</p> <p>15 TAMMY CITRAMANNIS: Okay. So now would be an -- you</p> <p>16 have questions?</p> <p>17 BILL CHEN: Well, I've been handed --</p> <p>18 TAMMY CITRAMANNIS: People have passed their questions</p> <p>19 up to Mr. Chen?</p> <p>20 BILL CHEN: I -- I -- yeah. I've got --</p> <p>21 TAMMY CITRAMANNIS: Okay.</p> <p>22 BILL CHEN: Somebody handed me something.</p> <p>23 TAMMY CITRAMANNIS: Okay. So who's passed their --</p> <p>24 BILL CHEN: Well, I --</p> <p>25 TAMMY CITRAMANNIS: -- questions up to Mr. Chen?</p>
<p>118</p> <p>1 consideration or change anything when they changed the</p> <p>2 configuration of the pole?</p> <p>3 BILL LANDFAIR: I -- I understand the general</p> <p>4 principles of the construction, but I'm certainly not</p> <p>5 expert and I didn't speak to it in my testimony --</p> <p>6 CHERYL WETTER: Okay.</p> <p>7 BILL LANDFAIR: So I would rather our engineer --</p> <p>8 CHERYL WETTER: Okay.</p> <p>9 BILL LANDFAIR: -- could speak to it.</p> <p>10 CHERYL WETTER: Okay. That's fine. Okay. I don't</p> <p>11 have anything else. Thank you.</p> <p>12 TAMMY CITRAMANNIS: Okay. Ms. Lee, do you have any</p> <p>13 questions?</p> <p>14 SUSAN LEE: Just one follow-up. You just stated that</p> <p>15 the three other sites that were approved in the Potomac</p> <p>16 Sub-Region --</p> <p>17 BILL LANDFAIR: Yeah.</p> <p>18 SUSAN LEE: -- Bullis, the VFW and Avenel were not</p> <p>19 similar to this site. I wonder if you could expand upon</p> <p>20 that.</p> <p>21 BILL LANDFAIR: Well, in the case of Avenel and</p> <p>22 Bullis, the properties are significantly larger. The</p> <p>23 nature of the uses themselves; Bullis, of course, is a</p> <p>24 private educational institution. Avenel is a golf course</p> <p>25 and the VFW is a charitable, philanthropic institutional</p>	<p>120</p> <p>1 BILL CHEN: I may be able to short-circuit it if I</p> <p>2 may. They go to fuel and I'm not sure this is the right</p> <p>3 witness on fuel. Is that right?</p> <p>4 TAMMY CITRAMANNIS: They go to what?</p> <p>5 BILL CHEN: (Inaudible).</p> <p>6 GREG DIAMOND: It would be a fine issue for someone</p> <p>7 else.</p> <p>8 CATHY BORTEN: (Inaudible) for someone else.</p> <p>9 BILL CHEN: Gotcha.</p> <p>10 TAMMY CITRAMANNIS: Okay. So you will save those</p> <p>11 questions?</p> <p>12 BILL CHEN: Yes, ma'am.</p> <p>13 TAMMY CITRAMANNIS: Okay. And is there anybody else</p> <p>14 in the audience that has a question that you --</p> <p>15 MALE VOICE: These are for Mr. Chen. Bill, from</p> <p>16 (inaudible).</p> <p>17 BILL CHEN: Can I look at them for a minute to?</p> <p>18 TAMMY CITRAMANNIS: Yes, look at them for a moment and</p> <p>19 then once you're done with your direct, we will take a few</p> <p>20 minute break and we will figure out a time to do the lunch</p> <p>21 because my goal is that we will stay until 6:00 this</p> <p>22 evening. (Inaudible). Is that right? No? Not --</p> <p>23 BILL CHEN: (Inaudible).</p> <p>24 TAMMY CITRAMANNIS: Not the right witness?</p> <p>25 BILL CHEN: I have no -- I think -- let me, if I may,</p>

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31 (121 to 124)

<p>121</p> <p>1 since I've been handed then per your instruction 2 (inaudible). 3 TAMMY CITRAMANNIS: But you agreed. At the beginning 4 I asked and you said it was okay. Are you -- are you 5 deciding you don't want that job anymore? 6 BILL CHEN: That's okay. 7 TAMMY CITRAMANNIS: You're so well spoken. 8 BILL CHEN: Yeah, right. Why don't I just ask the 9 questions and if there is no objection -- 10 TAMMY CITRAMANNIS: Right. And if there is an 11 objection, then we will deal with it at that point. 12 BILL CHEN: Is the 24-foot driveway sufficient for 13 passing cars? 14 BILL LANDFAIR: Yes. 15 BILL CHEN: Why do you say that? 16 BILL LANDFAIR: The minimum county standard for two- 17 way movement is 20 feet. So I would suggest that 24 feet, 18 which is 4 feet wider than the county standard, is 19 sufficient. 20 BILL CHEN: Where will the service truck for the 21 conditional park if cars are parked in the adjacent spots? 22 CATHY BORTEN: Objection. 23 BILL CHEN: The adjacent spots -- 24 CATHY BORTEN: I think the engineer will testify to 25 that.</p>	<p>123</p> <p>1 a necessary part of that discussion, but he is not the 2 engineer who is designing the site, who is determining the 3 setbacks. He is not the -- and I didn't ask for his 4 opinion in that way. So I don't think that that -- 5 BILL CHEN: Well, I think there is another witness, 6 then I can go along with that. I will save this. The 7 engineer apparently is the one who should answer -- who 8 could answer the question. 9 TAMMY CITRAMANNIS: Well, yeah. I mean, the engineer 10 filled out the application. 11 BILL CHEN: Okay. 12 TAMMY CITRAMANNIS: I mean, I don't know that -- 13 BILL CHEN: I'm -- what I'm doing is marking questions 14 for -- 15 TAMMY CITRAMANNIS: I agree, but I'm just saying that 16 I'm not sure -- the relevancy of why it wasn't included. 17 It was ultimately included and amended. 18 CATHY BORTEN: And the motion is -- 19 TAMMY CITRAMANNIS: And the fact that it was omitted 20 in the beginning -- 21 BILL CHEN: Okay. 22 CATHY BORTEN: A motion to amend was granted. So -- 23 TAMMY CITRAMANNIS: Correct. So why it was -- 24 BILL CHEN: Well, this is not like -- 25 TAMMY CITRAMANNIS: No, no. And I'm just telling you</p>
<p>122</p> <p>1 BILL CHEN: -- adjacent to the enclosure? 2 TAMMY CITRAMANNIS: She is saying that the engineer 3 will be able to testify to that information. 4 BILL CHEN: Okay. So there's a follow up on that but 5 I think will -- 6 (Crosstalk) 7 BILL CHEN: Why wasn't a waiver requested in the 8 initial application? 9 GREG DIAMOND: Objection. 10 CATHY BORTEN: Objection. 11 TAMMY CITRAMANNIS: I don't know that this is the 12 person who -- so I'm going to sustain that. 13 BILL CHEN: Oh. If I may -- 14 TAMMY CITRAMANNIS: I mean -- 15 BILL CHEN: He did talk to -- 16 TAMMY CITRAMANNIS: -- do you think the land planner 17 knows? 18 BILL CHEN: Well, he did raise the issue of the waiver 19 and once he -- 20 TAMMY CITRAMANNIS: But the question is, why wasn't it 21 added in the original application. I don't know if he -- 22 CATHY BORTEN: Mr. Landfair is only discussing the 23 waiver in that that is part of the overall site plan. He 24 has testified that we meet the general and specific 25 conditions for the use and, as part of that, the waiver is</p>	<p>124</p> <p>1 so -- 2 BILL CHEN: But just for the record, okay, I must say 3 I think that this is a fair question. If this is not the 4 appropriate witness who would have the information to 5 answer the question, I'm fine with passing over this 6 witness as to this question. 7 TAMMY CITRAMANNIS: If there is a witness out there 8 that -- 9 BILL CHEN: Yeah. 10 TAMMY CITRAMANNIS: -- created that document and knows 11 the answer and you can tell me what the relevancy of it is 12 -- 13 BILL CHEN: I guess when we get to it, yes. 14 TAMMY CITRAMANNIS: That's then we will deal with it. 15 BILL CHEN: I -- 16 TAMMY CITRAMANNIS: But right now I don't think it's 17 relevant. 18 BILL CHEN: I -- I'm -- I'm with -- I appreciate this 19 witness does not have the basis to answer the question. 20 TAMMY CITRAMANNIS: And you -- yeah, they have several 21 witnesses on the list and I think they were pretty specific 22 about what they were going to testify. 23 BILL CHEN: Yeah, but it -- 24 TAMMY CITRAMANNIS: Mr. Landfair got to go first and 25 so --</p>

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32 (125 to 128)

<p>125</p> <p>1 BILL CHEN: In fairness to the --</p> <p>2 TAMMY CITRAMANNIS: Oh, no.</p> <p>3 BILL CHEN: -- person (inaudible).</p> <p>4 TAMMY CITRAMANNIS: I agree. Fairness to everybody.</p> <p>5 I'm just -- let's do it at the appropriate time.</p> <p>6 BILL CHEN: Doesn't the zoning and -- if I may then --</p> <p>7 TAMMY CITRAMANNIS: You can read the question and if</p> <p>8 it's objected to, we'll deal with it then.</p> <p>9 BILL CHEN: Exactly. Doesn't the zoning ordinance</p> <p>10 require a compound that accommodates equipment for three</p> <p>11 carriers, not just the -- of a future compound? Not just</p> <p>12 the ghost -- ghost -- ghost of a future compound?</p> <p>13 BILL LANDFAIR: The ordinance, no. But the carriers'</p> <p>14 needs would suggest that, yes, for security purposes and</p> <p>15 such, that they will want to have their own enclosed area</p> <p>16 to secure their equipment.</p> <p>17 BILL CHEN: The other carriers?</p> <p>18 BILL LANDFAIR: Correct. Right.</p> <p>19 BILL CHEN: So they won't be Verizon compound, it will</p> <p>20 be the compound of other carriers.</p> <p>21 BILL LANDFAIR: Correct. Correct.</p> <p>22 BILL CHEN: So instead of having Verizon making its</p> <p>23 trucks coming, there will be --</p> <p>24 CATHY BORTEN: Objection. He can't testify to what</p> <p>25 other carriers will or will not do (inaudible).</p>	<p>127</p> <p>1 have the additional two carriers?</p> <p>2 BILL LANDFAIR: I don't.</p> <p>3 BILL CHEN: Thank you. Other monopolies were stated to</p> <p>4 be taller in the area. Have those poles been enlarged</p> <p>5 since they have been installed?</p> <p>6 BILL LANDFAIR: I don't know the specific history of</p> <p>7 those monopolies so I can't speak to whether they been</p> <p>8 enlarged.</p> <p>9 BILL CHEN: There has been discussion in your</p> <p>10 testimony from you about the roads, traffic, dust, and</p> <p>11 whatnot, but never -- but there -- you have not discussed</p> <p>12 the construction phase of the installation of the</p> <p>13 conditional use and any disturbances that maybe associated</p> <p>14 with that. Do you have any information about that?</p> <p>15 BILL LANDFAIR: I don't, but we have a witness who</p> <p>16 will be able to speak to that.</p> <p>17 BILL CHEN: Okay.</p> <p>18 TAMMY CITRAMANNIS: Okay. Is that everybody's</p> <p>19 questions? Gentleman in the back, please come forward and</p> <p>20 tell me your name. You have a question to give Mr. --</p> <p>21 MR. PRIVET: Yes, my name is Alan Privet (phonetic).</p> <p>22 FEMALE VOICE: Do you want to (inaudible)?</p> <p>23 MR. PRIVET: Yes I live on Snug Hill Lane, 8310 Snug</p> <p>24 Hill Lane.</p> <p>25 TAMMY CITRAMANNIS: Do you have a question?</p>
<p>126</p> <p>1 BILL CHEN: Well (inaudible) let me get the question</p> <p>2 out.</p> <p>3 TAMMY CITRAMANNIS: Let me make sure. Is it -- are</p> <p>4 you saying his mic is on.</p> <p>5 FEMALE VOICE: I don't think your mic is on. Is it?</p> <p>6 BILL LANDFAIR: No, I think so.</p> <p>7 TAMMY CITRAMANNIS: Oh, there we go.</p> <p>8 BILL CHEN: There it is. Sorry.</p> <p>9 TAMMY CITRAMANNIS: You just needed to get a little</p> <p>10 closer.</p> <p>11 BILL LANDFAIR: Sorry.</p> <p>12 BILL CHEN: Wait a minute.</p> <p>13 TAMMY CITRAMANNIS: So what was the -- what's the</p> <p>14 question again Mr. --</p> <p>15 BILL CHEN: The question is, is that other maintenance</p> <p>16 vehicles will be coming to the site for the additional</p> <p>17 carriers and they are not Verizon people. And therefore,</p> <p>18 we don't have information about -- that's where this</p> <p>19 question is going.</p> <p>20 GREG DIAMOND: Exactly. Where is the question?</p> <p>21 That's a statement.</p> <p>22 BILL CHEN: Well, I guess there was a question. It</p> <p>23 was -- the objection was, and I said -- where I went with</p> <p>24 this was, we don't know -- or do you know what will be the</p> <p>25 maintenance activities of the increased enclosure when they</p>	<p>128</p> <p>1 MR. PRIVET: Yes (Inaudible).</p> <p>2 TAMMY CITRAMANNIS: You want to talk to Mr. Chen a</p> <p>3 second?</p> <p>4 MR. PRIVET: Yes.</p> <p>5 TAMMY CITRAMANNIS: That's fine.</p> <p>6 MR. PRIVET: He -- yes.</p> <p>7 TAMMY CITRAMANNIS: Yes, he wants to ask you to talk</p> <p>8 to him.</p> <p>9 TAMMY CITRAMANNIS: We have cross and then we will go</p> <p>10 off the record for a second.</p> <p>11 BILL CHEN: Yes.</p> <p>12 TAMMY CITRAMANNIS: Do you have a question for Mr.</p> <p>13 (inaudible)</p> <p>14 BILL CHEN: The gentleman has asked if I may ask a</p> <p>15 question on his behalf.</p> <p>16 TAMMY CITRAMANNIS: Okay. Perfect. Thank you, Mr.</p> <p>17 Privet.</p> <p>18 MR. PRIVET: Thank you.</p> <p>19 BILL CHEN: Mr. Landfair, can the 80 foot tower that</p> <p>20 you've identified, be increased in height?</p> <p>21 BILL LANDFAIR: Can it be potentially increased in</p> <p>22 height?</p> <p>23 BILL CHEN: Yes, sir.</p> <p>24 MS. DIAMOND: Objection. It's the wrong witness.</p> <p>25 TAMMY CITRAMANNIS: I -- I agree.</p>

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33 (129 to 132)

<p>129</p> <p>1 BILL CHEN: (Inaudible).</p> <p>2 TAMMY CITRAMANNIS: Sustained. You asked it. No, I</p> <p>3 appreciate you taking on the task.</p> <p>4 BILL CHEN: I'll write it down on this other list them</p> <p>5 with the appropriate witness is here, I'll ask him.</p> <p>6 TAMMY CITRAMANNIS: So with that, I'm going to go back</p> <p>7 over to the --</p> <p>8 BILL CHEN: Is that okay, Madam Examiner, that with</p> <p>9 these questions where it's been not the right witness --</p> <p>10 TAMMY CITRAMANNIS: Absolutely. Keep them. That</p> <p>11 really will help things go because then people don't have</p> <p>12 to rewrite them. Yeah, they can add to them, but that's</p> <p>13 okay. So we've had cross. Do you have any redirect?</p> <p>14 CATHY BORTEN: Just -- just one or two.</p> <p>15 TAMMY CITRAMANNIS: Famous last words.</p> <p>16 CATHY BORTEN: When attorneys say, I'll be brief --</p> <p>17 TAMMY CITRAMANNIS: I know.</p> <p>18 CATHY BORTEN: -- You know it's all over.</p> <p>19 TAMMY CITRAMANNIS: Or one more question.</p> <p>20 CATHY BORTEN: Mr. Landfair, you were asked a question</p> <p>21 regarding the properties on the site side of Democracy</p> <p>22 Boulevard and the tree line and whether those existing</p> <p>23 trees are shielding the pole in terms of the view for</p> <p>24 properties on that side of the Democracy.</p> <p>25 BILL LANDFAIR: Yes.</p>	<p>131</p> <p>1 CATHY BORTEN: In his expert --</p> <p>2 TAMMY CITRAMANNIS: It doesn't make sense. It's</p> <p>3 illogical. It could be wrong. Okay. All right. Okay.</p> <p>4 BILL CHEN: Well, in light of that last question, I</p> <p>5 have a question. I mean, very simply, the applicant has</p> <p>6 said that all these other sites are bounded by the</p> <p>7 residential, but that's not the issue. The issue is, has</p> <p>8 he measured the distances of those conditional uses to the</p> <p>9 nearest residential property?</p> <p>10 CATHY BORTEN: That's not --</p> <p>11 TAMMY CITRAMANNIS: All right. Yeah. It's --</p> <p>12 CATHY BORTEN: That's not what I asked. That's not</p> <p>13 the point.</p> <p>14 BILL CHEN: Okay.</p> <p>15 TAMMY CITRAMANNIS: And I don't think that's</p> <p>16 appropriate at this time. Any other -- Mr. Landfair.</p> <p>17 Okay. Thank you, Mr. Landfair.</p> <p>18 BILL LANDFAIR: Thank you.</p> <p>19 TAMMY CITRAMANNIS: You are dismissed.</p> <p>20 BILL LANDFAIR: Thank you.</p> <p>21 TAMMY CITRAMANNIS: Okay. So I think this is a good</p> <p>22 time; it's 12:15. We -- I'm not sure how we -- how long</p> <p>23 does -- who's your next witness?</p> <p>24 CATHY BORTEN: We were going to put Mr. Siverling, the</p> <p>25 engineer on; however, Mr. Savard is not available tomorrow</p>
<p>130</p> <p>1 CATHY BORTEN: Is that the reason why the monopole was</p> <p>2 redesigned to be a tree design?</p> <p>3 BILL LANDFAIR: Yes, to a large extent. So that it</p> <p>4 can fit within that tree line and be less -- less</p> <p>5 noticeable.</p> <p>6 CATHY BORTEN: And in terms of the Avenel and Bullis</p> <p>7 and VFW sites, are all of those sites, regardless of the</p> <p>8 size that the property is on, are they all bounded by</p> <p>9 single-family residential?</p> <p>10 BILL LANDFAIR: Yes.</p> <p>11 CATHY BORTEN: And in terms of the -- all three of</p> <p>12 those sites; Avenel, Bullis, and VFW, you testified that</p> <p>13 they all have more than one special exception use on their</p> <p>14 properties.</p> <p>15 BILL LANDFAIR: Yes.</p> <p>16 CATHY BORTEN: So would it be fair to say that if the</p> <p>17 zoning ordinance didn't allow for more than one special</p> <p>18 exception use on the property, that those sites couldn't</p> <p>19 have the two that they have there?</p> <p>20 BILL LANDFAIR: That's correct.</p> <p>21 BILL CHEN: Objection.</p> <p>22 TAMMY CITRAMANNIS: Is that an expert opinion?</p> <p>23 BILL CHEN: Yeah.</p> <p>24 TAMMY CITRAMANNIS: Or is that just his past knowledge</p> <p>25 or --</p>	<p>132</p> <p>1 so I think I'm going to take the photographer and then Mr.</p> <p>2 Siverling. Then after that, I've got Mr. Posilken, Mr.</p> <p>3 Dugan, and Mr. Steere.</p> <p>4 TAMMY CITRAMANNIS: Okay. I'm just trying to</p> <p>5 guesstimate the time. So that I say that we're going to</p> <p>6 take lunch in an hour and I don't want to do it in the</p> <p>7 middle of his testimony -- anybody's testimony or --</p> <p>8 CATHY BORTEN: Mr. Savard is a shorter -- he has</p> <p>9 shorter testimony than any of the others.</p> <p>10 TAMMY CITRAMANNIS: Okay.</p> <p>11 CATHY BORTEN: If that helps.</p> <p>12 TAMMY CITRAMANNIS: Is it --</p> <p>13 MR. DIAMOND: Are we taking lunch right now?</p> <p>14 TAMMY CITRAMANNIS: Well --</p> <p>15 MR. DIAMOND: Or later?</p> <p>16 TAMMY CITRAMANNIS: -- that's what I'm trying to</p> <p>17 decide because I also want to make it so that people -- the</p> <p>18 cafeteria is actually still open when we do go for a break.</p> <p>19 MR. DIAMOND: Oh, yeah. (Inaudible).</p> <p>20 CATHY BORTEN: That's fine.</p> <p>21 TAMMY CITRAMANNIS: Because I don't want to send</p> <p>22 people --</p> <p>23 CATHY BORTEN: That's fine.</p> <p>24 TAMMY CITRAMANNIS: -- out into Rockville to come back</p> <p>25 within an hour.</p>

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34 (133 to 136)

<p>133</p> <p>1 CATHY BORTEN: It's fine to break now.</p> <p>2 TAMMY CITRAMANNIS: We will start with an hour. Huh?</p> <p>3 CATHY BORTEN: We are fine to break now for lunch --</p> <p>4 TAMMY CITRAMANNIS: Okay.</p> <p>5 CATHY BORTEN: -- if that's your preference.</p> <p>6 TAMMY CITRAMANNIS: Okay. So why don't we do that?</p> <p>7 CATHY BORTEN: Sure.</p> <p>8 TAMMY CITRAMANNIS: I think that this might be a clean</p> <p>9 break. That way, everybody can actually find something to</p> <p>10 eat. We will resume at 1:15.</p> <p>11 MALE VOICE: You've had incidences where you go until</p> <p>12 like 1:00, 1:15.</p> <p>13 TAMMY CITRAMANNIS: It is 1:20. Everybody was</p> <p>14 supposed to be back by 1:15. Ms. Wetter is not here. She</p> <p>15 will join us when she gets here. So at this point, Ms.</p> <p>16 Borten, you are going to call your next witness?</p> <p>17 CATHY BORTEN: Yes, we would like to call Mr. Phillip</p> <p>18 Savard.</p> <p>19 PHILIP SAVARD: (Inaudible).</p> <p>20 TAMMY CITRAMANNIS: You can come here.</p> <p>21 PHILIP SAVARD: (Inaudible)</p> <p>22 (Crosstalk)</p> <p>23 TAMMY CITRAMANNIS: Just take the last chair and make</p> <p>24 sure your mic is on.</p> <p>25 PHILIP SAVARD: Hello. Hello. Red?</p>	<p>135</p> <p>1 digital imagery?</p> <p>2 PHILIP SAVARD: Yes.</p> <p>3 CATHY BORTEN: Can you explain that?</p> <p>4 PHILIP SAVARD: As far as we use pretty much digital</p> <p>5 from start to finish as far as that digital cameras and the</p> <p>6 computers and the Photoshop we do for the photo sims.</p> <p>7 CATHY BORTEN: And have you testified in other cases</p> <p>8 regarding digital imagery?</p> <p>9 PHILIP SAVARD: Yes.</p> <p>10 CATHY BORTEN: And would that be for carriers?</p> <p>11 PHILIP SAVARD: Yes, we've done photo -- we've done</p> <p>12 photo simulations for both sides, but I've testified for a</p> <p>13 carrier before, previous, yes.</p> <p>14 CATHY BORTEN: I'd like to move to qualify Mr. Savard</p> <p>15 as an expert in digital simulation photography.</p> <p>16 TAMMY CITRAMANNIS: Okay. Voir dire. Mr. --</p> <p>17 BILL CHEN: I'll except</p> <p>18 TAMMY CITRAMANNIS: You'll accept him. Ms. Lee? Does</p> <p>19 anybody know where Ms. Wetter is?</p> <p>20 (Crosstalk)</p> <p>21 TAMMY CITRAMANNIS: Okay.</p> <p>22 CHERYL WETTER: My dog expresses his appreciation.</p> <p>23 TAMMY CITRAMANNIS: Okay. We've asked to accept him</p> <p>24 as an expert in digital simulation. Does everybody over</p> <p>25 here agree? (Inaudible). You're okay for that. Okay.</p>
<p>134</p> <p>1 TAMMY CITRAMANNIS: Red.</p> <p>2 PHILIP SAVARD: Okay. Red.</p> <p>3 TAMMY CITRAMANNIS: Go figure. Okay.</p> <p>4 CATHY BORTEN: You want to swear him in?</p> <p>5 TAMMY CITRAMANNIS: Yes. Do you promise to tell the</p> <p>6 truth, the whole truth, and nothing but the truth when</p> <p>7 giving your testimony under the penalty of perjury?</p> <p>8 PHILIP SAVARD: I do.</p> <p>9 TAMMY CITRAMANNIS: Thank you. State your name and</p> <p>10 your address and then wait for Ms. Borten's questions.</p> <p>11 PHILIP SAVARD: My name is Philip Savard. Address,</p> <p>12 1770 Deamerlyn Drive, York, PA 17406.</p> <p>13 CATHY BORTEN: Mr. Savard, I'm going to show you</p> <p>14 what's been previously marked as Exhibit 192A. I'll ask</p> <p>15 you to identify that please.</p> <p>16 PHILIP SAVARD: Yes, this is my resume.</p> <p>17 CATHY BORTEN: What is your occupation?</p> <p>18 PHILIP SAVARD: Professional photographer, owner of</p> <p>19 ADGO photo.</p> <p>20 CATHY BORTEN: And how long have you been involved in</p> <p>21 professional photography?</p> <p>22 PHILIP SAVARD: I've been doing it actually, since</p> <p>23 '89. I have my associates agreeing and have been doing</p> <p>24 balloon flies and this type of work for close to 20 years.</p> <p>25 CATHY BORTEN: And do you have any specialty in</p>	<p>136</p> <p>1 CATHY BORTEN: Mr. Savard, where you're hired by</p> <p>2 (inaudible) and Associates in connection with this case?</p> <p>3 PHILIP SAVARD: Yes.</p> <p>4 CATHY BORTEN: And -- and in what capacity?</p> <p>5 PHILIP SAVARD: To perform a balloon test, do a drive</p> <p>6 test, in which we take the photographs, and complete the</p> <p>7 photo simulations.</p> <p>8 CATHY BORTEN: And did you prepare all the photo</p> <p>9 simulations for this case?</p> <p>10 PHILIP SAVARD: Yes.</p> <p>11 CATHY BORTEN: Okay. So up on the easel, I'm showing</p> <p>12 you what's been previously marked as Exhibits 145; we have</p> <p>13 H, I, J, and K on one side and L and M on the other side.</p> <p>14 And I'll ask you to identify those.</p> <p>15 PHILIP SAVARD: Yes, those were the photo simulations</p> <p>16 that I made.</p> <p>17 CATHY BORTEN: You prepared all of these?</p> <p>18 PHILIP SAVARD: Yes, correct.</p> <p>19 CATHY BORTEN: And what did you base the photos on?</p> <p>20 PHILIP SAVARD: We fly a five-foot helium balloon to</p> <p>21 the desired height and we base the simulations on the</p> <p>22 height of the balloon and the proposed structure that they</p> <p>23 are looking to put in there for proposal.</p> <p>24 CATHY BORTEN: So when the balloon is up, what are the</p> <p>25 steps that you take --</p>

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35 (137 to 140)

<p>137</p> <p>1 PHILIP SAVARD: Sure.</p> <p>2 CATHY BORTEN: -- after that?</p> <p>3 PHILIP SAVARD: Sure. So we get a location where the</p> <p>4 proposed site is going to be. We get a height of where</p> <p>5 it's going to be. We fly the balloon at that correct</p> <p>6 height. I leave -- it's a two man job. We leave an</p> <p>7 assistant with the balloon who is constantly measuring</p> <p>8 that. We use a laser rangefinder for that measuring. We</p> <p>9 keep in radio contact with that person so the -- so if</p> <p>10 there's any issues or anything like that, they can radio</p> <p>11 back to me. I drive around usually, within a -- it all</p> <p>12 depends on the topography, but it's usually a quarter mile,</p> <p>13 half a mile, within a mile radius of the site. And we are</p> <p>14 constantly looking for the balloon. I use a GPS in the</p> <p>15 vehicle to know which direction to look. Our goal is to</p> <p>16 try and find it everywhere we possibly can and keep it at</p> <p>17 the correct height. We really try and do this as</p> <p>18 accurately as we possibly can from start to finish. And</p> <p>19 once we see the balloon, we take a photograph of it. We</p> <p>20 submit those photographs to be selected for photo</p> <p>21 simulation. Once they are chosen, you can see we put a map</p> <p>22 in in the bottom quarter where the photograph was taken. I</p> <p>23 use a GPS receiver on the camera that puts the metadata</p> <p>24 into the actual digital file to prove where we photographed</p> <p>25 it from. That's how we get our location from where we shot</p>	<p>139</p> <p>1 tree pole visual that seen in these photos?</p> <p>2 PHILIP SAVARD: That was provided from -- by MRA.</p> <p>3 BILL CHEN: Say that again.</p> <p>4 PHILIP SAVARD: The --</p> <p>5 BILL CHEN: What's the name?</p> <p>6 PHILIP SAVARD: Morris, Ritchie, and Associates.</p> <p>7 Sorry.</p> <p>8 CATHY BORTEN: And when did you create this set of</p> <p>9 photo sims?</p> <p>10 PHILIP SAVARD: This --</p> <p>11 CATHY BORTEN: About when.</p> <p>12 PHILIP SAVARD: -- I believe it was about March 2016.</p> <p>13 CATHY BORTEN: And do you know if the model that's</p> <p>14 used, that MRA provided you is an actual tree or is another</p> <p>15 tree pole that's been used in the marketplace.</p> <p>16 PHILIP SAVARD: I believe it's a real photograph of</p> <p>17 another monopine somewhere else.</p> <p>18 CATHY BORTEN: But not an actual tree.</p> <p>19 PHILIP SAVARD: No, not an actual tree, no.</p> <p>20 CATHY BORTEN: Okay. So based on your knowledge of</p> <p>21 the site (inaudible) and the design, are these photos an</p> <p>22 actual representation of the proposed tree pole in the</p> <p>23 location as shown?</p> <p>24 PHILIP SAVARD: Yes.</p> <p>25 BILL CHEN: Objection. It's a -- he cannot testify</p>
<p>138</p> <p>1 it. Then we photo simulate in the structure. At this</p> <p>2 point, it was a tree pole.</p> <p>3 CATHY BORTEN: So I just -- since we are talk about</p> <p>4 them, I just want to make sure that we show everything. So</p> <p>5 -- then on the back we've got 145L, 145M, and the map. So</p> <p>6 are these part of that same set?</p> <p>7 PHILIP SAVARD: Yes, correct. We did those also.</p> <p>8 CATHY BORTEN: Once you provide the balloon fly photos</p> <p>9 to MRA --</p> <p>10 PHILIP SAVARD: Yes.</p> <p>11 CATHY BORTEN: -- what is the next step after that?</p> <p>12 PHILIP SAVARD: After we supply the balloon photos,</p> <p>13 they make their selection of which ones they would like to</p> <p>14 have made -- made into photo sims. And at that point, we</p> <p>15 make up the photo sim itself. So we take the photograph.</p> <p>16 We obviously name it. We put the map in the corner from</p> <p>17 where we photographed it from, which I think I mentioned,</p> <p>18 we have the GPS data build into each picture. Then we use</p> <p>19 the structure as -- in this case it, it's the monopine, or</p> <p>20 the tree pole, and we place in there to the correct height,</p> <p>21 correct width of the proposal of each job. So once we do</p> <p>22 that, then we send them the files for approval and then at</p> <p>23 that point, everything is -- you see it all together. We</p> <p>24 also do the map there with it.</p> <p>25 CATHY BORTEN: What did you use as the model for the</p>	<p>140</p> <p>1 that it's a simulation. That's not what I heard. It</p> <p>2 shouldn't even qualify. It's a singular --</p> <p>3 CATHY BORTEN: Is it an accurate representation.</p> <p>4 PHILIP SAVARD: It's as accurate as we -- yes.</p> <p>5 TAMMY CITRAMANNIS: Accurate representation of a photo</p> <p>6 sim.</p> <p>7 BILL CHEN: That's fine.</p> <p>8 PHILIP SAVARD: Yes, it is the --</p> <p>9 BILL CHEN: (Inaudible).</p> <p>10 PHILIP SAVARD: What you're looking at there is the</p> <p>11 correct height and the correct with and as far as I know,</p> <p>12 the correct structure that will be built there. And the</p> <p>13 photograph, the arrow where it's pointing from is taken</p> <p>14 from -- it's showing the correct location that I</p> <p>15 photographed it from as accurately as we possibly can do.</p> <p>16 TAMMY CITRAMANNIS: Okay.</p> <p>17 SUSAN LEE: Ms. Hearing Examiner -- I'm sorry. Just</p> <p>18 as a concerned citizen. Is there any way they could</p> <p>19 project those on the bigger screen? Because I can't</p> <p>20 imagine how any of us could sort of examine them and have</p> <p>21 everybody go up and look at them. Do they have -- do you</p> <p>22 have them electronically so, as he is discussing them, they</p> <p>23 could be projected in any fashion?</p> <p>24 CATHY BORTEN: No. They are part of the application</p> <p>25 and they are in the file.</p>

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36 (141 to 144)

<p>141</p> <p>1 TAMMY CITRAMANNIS: It's in the file. Certainly, if 2 you have a question, if you want to -- 3 SUSAN LEE: Well, as long as folks are allowed to come 4 up and look at them today because the -- you know, as long 5 as they are allowed to see them and see which ones are 6 which ones. 7 CATHY BORTEN: They are in the file and that's a 8 public file. 9 TAMMY CITRAMANNIS: Yeah. I do -- just for 10 clarification as to what is the letter numbers of the 11 exhibits. 12 CATHY BORTEN: Right. The views? 13 TAMMY CITRAMANNIS: (Inaudible) we didn't get any of 14 the views that Mr. Savard (inaudible) to identify them-- 15 CATHY BORTEN: Oh, I'm sorry. 16 TAMMY CITRAMANNIS: To identify them so that I know 17 because I don't think that -- were they marked in the 18 record with the letters? 19 CATHY BORTEN: The original set are marked with 20 individual numbers and letters; with the number with sub- 21 letters. The setback waiver se, I believe only have one 22 number for all of them. So would you like him to identify 23 each view -- 24 TAMMY CITRAMANNIS: Yes, please. 25 CATHY BORTEN: -- with a number? Okay. So, Mr.</p>	<p>143</p> <p>1 CATHY BORTEN: All right. I'm now showing you what 2 has been marked as 179. And I believe they are all under 3 A. Or do I identify those? 4 TAMMY CITRAMANNIS: (Inaudible). 5 PHILIP SAVARD: 179A. 6 TAMMY CITRAMANNIS: So when he does a view, we will 7 give it a letter. 8 CATHY BORTEN: Okay. They are all the same one -- 9 TAMMY CITRAMANNIS: They all the same -- 10 CATHY BORTEN: -- is what I'm saying. In the exhibit 11 list, I don't think these are broken out with subs. 12 TAMMY CITRAMANNIS: Yes, I believe that's correct, but 13 I like -- 14 CATHY BORTEN: You want him to identify -- 15 TAMMY CITRAMANNIS: -- to break them out. Yes. 16 CATHY BORTEN: Okay. Sure. 17 TAMMY CITRAMANNIS: So we'll -- 18 CATHY BORTEN: So if you can identify -- 19 PHILIP SAVARD: Sure. View 1 -- 20 CATHY BORTEN: Is 179A. 21 PHILIP SAVARD: -- is 179A. View 2 is also 179A, and 22 View 3 is also 179A. And View 4 is 179A and View 5 is 23 179A. 24 TAMMY CITRAMANNIS: Maybe I was unclear. We are going 25 to have to give it a letter. They are not all going to be</p>
<p>142</p> <p>1 Savard, can you identify this first -- 2 PHILIP SAVARD: It's that -- 3 CATHY BORTEN: -- view here? 4 PHILIP SAVARD: Yes, the first one is I, view one. 5 CATHY BORTEN: Can you maybe describe it? View one? 6 Okay, so if you look at the map -- 7 BILL CHEN: Can you identify the exhibit? Please 8 identify the exhibit. 9 CATHY BORTEN: 145. 10 PHILIP SAVARD: Yeah, Exhibit 145I. 11 CATHY BORTEN: I. Okay. And on the map, that's View 12 1. 13 PHILIP SAVARD: Correct. 14 CATHY BORTEN: And just -- 15 PHILIP SAVARD: And then View 2 is 145J. View 3 is 16 145K. View 14 -- I'm sorry, 145, is I. 17 CATHY BORTEN: Oh. 18 PHILIP SAVARD: That's an L, sorry. And 145, View 5, 19 is M as in Mary. 20 TAMMY CITRAMANNIS: Thank you. 21 CATHY BORTEN: And turning to 145M, is that a view of 22 the entrance to the East Gate Recreation Club? 23 PHILIP SAVARD: Yes, correct. 24 CATHY BORTEN: Okay. And is this the tree pole? 25 PHILIP SAVARD: Correct. Yes.</p>	<p>144</p> <p>1 A. 2 CATHY BORTEN: Oh, I'm sorry. 3 TAMMY CITRAMANNIS: Yes. 4 CATHY BORTEN: I was just going by what was in the 5 exhibit list. 6 TAMMY CITRAMANNIS: No (inaudible). That was a 7 mistake and that's why bringing up now -- 8 CATHY BORTEN: Okay. 9 TAMMY CITRAMANNIS: -- because when I go to write my 10 report, I can't have five A's. I could, but -- so if we 11 could just go ahead and mark those and then -- in numerical 12 order. 13 GREG DIAMOND: (Inaudible). You know what that is 14 (inaudible). 15 CATHY BORTEN: Okay. 16 GREG DIAMOND: Okay. 17 CATHY BORTEN: All right. So let's just finish this 18 part then. So can you identify -- 19 PHILIP SAVARD: Sure. 20 CATHY BORTEN: -- View 1? 21 PHILIP SAVARD: Sure. And Exhibit 179 View 1 is A. 22 CATHY BORTEN: Okay. 23 PHILIP SAVARD: View 2 is B, as in boy. View 3 is C. 24 CATHY BORTEN: Still 179. 25 PHILIP SAVARD: Still 179. View 4 is D, as in David.</p>

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37 (145 to 148)

<p>145</p> <p>1 And 5 is E as in elephant.</p> <p>2 TAMMY CITRAMANNIS: Thank you.</p> <p>3 CATHY BORTEN: And just to be clear, when we were</p> <p>4 looking at Exhibit 145M, can you tell me what this is that</p> <p>5 I'm pointing to?</p> <p>6 PHILIP SAVARD: Yes, that is the monopine, the</p> <p>7 structure that we put in there; photo simulated in.</p> <p>8 CATHY BORTEN: Okay.</p> <p>9 GREG DIAMOND: (Inaudible).</p> <p>10 CATHY BORTEN: All right. That will -- we will</p> <p>11 certainly do that. So actually, why don't you come up?</p> <p>12 PHILIP SAVARD: Sure.</p> <p>13 TAMMY CITRAMANNIS: Make sure you stay on your</p> <p>14 microphone.</p> <p>15 CATHY BORTEN: Or mine. Can you identify where the</p> <p>16 monopine is in each of the views?</p> <p>17 PHILIP SAVARD: Correct. We are on Exhibit 145, View</p> <p>18 I. This is our monopine here. View J, it is right here</p> <p>19 marked with a narrow. View 3 is K.</p> <p>20 TAMMY CITRAMANNIS: Wait 164 --</p> <p>21 BILL CHEN: So the Hearing Examiner needs to be a to</p> <p>22 see (inaudible).</p> <p>23 PHILIP SAVARD: Oh, I'm sorry. I'm sorry.</p> <p>24 TAMMY CITRAMANNIS: I also (inaudible).</p> <p>25 PHILIP SAVARD: I'm standing on the wrong side, I'm</p>	<p>147</p> <p>1 the west of Bucks Park Lane.</p> <p>2 PHILIP SAVARD: Yes, it's from this view.</p> <p>3 CATHY BORTEN: (Inaudible).</p> <p>4 PHILIP SAVARD: Yeah, sorry I should have -- I should</p> <p>5 show you on the map. That's easier to see. Sorry about</p> <p>6 that. Then View 4 is 145L and the mono pine is here in</p> <p>7 that photo was taken, View 4, right here on -- is it --</p> <p>8 Democracy just south of the site. Then View 5, 145M as in</p> <p>9 Mary. Here is our monopine here and that one was</p> <p>10 photographed from the entrance of the pool.</p> <p>11 MALE VOICE: (Inaudible) street address.</p> <p>12 PHILIP SAVARD: The street address.</p> <p>13 CATHY BORTEN: Gainsborough; is that Gainsborough</p> <p>14 Road?</p> <p>15 PHILIP SAVARD: Correct. I believe it's that. East</p> <p>16 East Gate.</p> <p>17 CATHY BORTEN: Okay. Thank you. All right. So I'm</p> <p>18 going to bring us back to 179. Did you prepare these</p> <p>19 photos?</p> <p>20 PHILIP SAVARD: I did, yes.</p> <p>21 CATHY BORTEN: And what did you base these photos on?</p> <p>22 PHILIP SAVARD: Same as we did before; the location.</p> <p>23 We were given a different location. We flew the balloon at</p> <p>24 the new location and we repeated the process as before. We</p> <p>25 did the -- we had two persons on the job. We have one</p>
<p>146</p> <p>1 sorry.</p> <p>2 TAMMY CITRAMANNIS: No, you're fine. But it's 145, A,</p> <p>3 B, C, or D; View 1 (inaudible).</p> <p>4 CATHY BORTEN: Okay. He can be more specific?</p> <p>5 TAMMY CITRAMANNIS: Because I think he was doing View</p> <p>6 J as opposed to --</p> <p>7 CATHY BORTEN: Oh, okay. Okay.</p> <p>8 PHILIP SAVARD: Sorry. Sorry. And I had my back to</p> <p>9 you too. I'm sorry. So View 1 --</p> <p>10 CATHY BORTEN: 145I.</p> <p>11 PHILIP SAVARD: 145I; and this is the structure of the</p> <p>12 monopine here. View 2, 145J, there's an arrow pointing at</p> <p>13 it there. View 3, 145 is K, and that is right here with an</p> <p>14 arrow pointing to it.</p> <p>15 TAMMY CITRAMANNIS: Can you describe that? Because</p> <p>16 the record is going to not know what you're talking about.</p> <p>17 PHILIP SAVARD: Yes.</p> <p>18 CATHY BORTEN: Why don't you describe where the view</p> <p>19 is from.</p> <p>20 PHILIP SAVARD: The view, middle of the photo and it's</p> <p>21 from the south. It's from the south neighborhood on 145K.</p> <p>22 GREG DIAMOND: What street?</p> <p>23 CATHY BORTEN: Which view is it? Three?</p> <p>24 PHILIP SAVARD: Three. Looks like Bucks Park.</p> <p>25 CATHY BORTEN: It's coming from the neighborhood to</p>	<p>148</p> <p>1 person staying at the -- the site to keep the height</p> <p>2 correct and I do but drive test same as before, same camera</p> <p>3 equipment with GPS locations. Putting the metadata in as</p> <p>4 before. And we submitted the photos to Morris Ritchie and</p> <p>5 Associates. They told me -- selected which ones to make</p> <p>6 photo simulations of and we used the same structure, the</p> <p>7 same monopine as before to make these photo simulations.</p> <p>8 CATHY BORTEN: And about when did you create these</p> <p>9 photo sims?</p> <p>10 PHILIP SAVARD: These were August of this year of '17,</p> <p>11 2017.</p> <p>12 CATHY BORTEN: All right. So I'm just going to have</p> <p>13 you do the same thing.</p> <p>14 PHILIP SAVARD: Sure.</p> <p>15 CATHY BORTEN: Can you name the street where it's</p> <p>16 (inaudible) from?</p> <p>17 PHILIP SAVARD: Yes, this is Exhibit 179. View 1 is</p> <p>18 A, and this is the monopine structure here. This</p> <p>19 photograph was taken just north of the property right here</p> <p>20 as View 1.</p> <p>21 CATHY BORTEN: Is that Snug Hill?</p> <p>22 PHILIP SAVARD: This is Snug Hill, correct. Yes.</p> <p>23 View 2 is letter B, as in boy. And this photograph was</p> <p>24 taken just at the entrance, north entrance of the</p> <p>25 neighborhood across the -- that is -- which (inaudible)</p>

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38 (149 to 152)

<p>149</p> <p>1 street is there. I don't know the name of that one, but 2 it's the view right here. Do you know what that -- 3 CATHY BORTEN: (Inaudible). 4 PHILIP SAVARD: (Inaudible). And View 2 -- 5 CATHY BORTEN: So that's what you did (inaudible). 6 PHILIP SAVARD: Yeah, I'm sorry. 7 CATHY BORTEN: Just to the northeast. 8 PHILIP SAVARD: Yeah, just to the northeast right 9 across from the property. View 3 is letter C and that was 10 taken just south of the intersection on the -- what is 11 this? 12 CATHY BORTEN: Gainsborough. 13 PHILIP SAVARD: Gainsborough. South of the property 14 on Gainsborough. And View 4 is letter D and that was taken 15 on the -- just south of the property on the main road, that 16 passes below it. It was Democracy and the monopine 17 structure is there with an arrow pointing to it. And then 18 this one is the entrance again, right at the swimming pool. 19 CATHY BORTEN: (Inaudible). 20 PHILIP SAVARD: The car entrance and that is View 5, 21 the letter E as in elephant. 22 CATHY BORTEN: And again, based on your knowledge of 23 the site and the balloon fly, are these photos an accurate 24 representation of the height and the width and the 25 location?</p>	<p>151</p> <p>1 BILL CHEN: How did you know to go to the new 2 location? 3 PHILIP SAVARD: They provided me with the new 4 location. 5 BILL CHEN: What do you mean by provided? On a map? 6 Did someone meet you on the site? 7 PHILIP SAVARD: Yeah, somebody meet -- met me on the 8 site and we also, we used coordinates -- 9 BILL CHEN: Okay. 10 PHILIP SAVARD: -- to get our precise location. 11 BILL CHEN: Is that in for both locations that you 12 utilize -- somebody met you on the site and said, this is 13 where the -- 14 PHILIP SAVARD: Yes, we always get there -- we usually 15 base it -- most jobs we do, we base it on coordinates, 16 longitude, latitude spots. 17 BILL CHEN: Okay. 18 PHILIP SAVARD: Besides the site plan. We go off the 19 site plan also. 20 BILL CHEN: Okay. So that as far as your depiction in 21 the simulations of the location of the tree, you are going 22 on where someone told you the tree would be. 23 PHILIP SAVARD: Yes. We normally work off of the site 24 plan. Correct. 25 BILL CHEN: Say that again. I'm sorry.</p>
<p>150</p> <p>1 PHILIP SAVARD: Yes, they are. 2 BILL CHEN: Of sims, simulated. 3 TAMMY CITRAMANNIS: Photo sims. 4 CATHY BORTEN: Simulated, yes. 5 TAMMY CITRAMANNIS: Right. 6 COURT REPORTER: Sorry. Mr. Chen, please turn on your 7 microphone. 8 CATHY BORTEN: And do you -- can you just clarify you 9 know the reason that the second set of photo sims was 10 conducted? 11 PHILIP SAVARD: Sorry. From what I understand, we 12 moved the location. I don't know. I don't know why they 13 moved it or -- 14 CATHY BORTEN: It was just to show -- 15 PHILIP SAVARD: Just -- yes, I was just -- yes. 16 CATHY BORTEN: (Inaudible). 17 PHILIP SAVARD: Just to show it from a different 18 location, correct. Yes. And that -- we've done -- you 19 know, that happens a lot and we've, you know -- 20 CATHY BORTEN: (Inaudible). That's all I have on 21 direct. 22 TAMMY CITRAMANNIS: Mr. Chen. 23 BILL CHEN: How did you know to go to the new 24 location? 25 PHILIP SAVARD: I'm sorry.</p>	<p>152</p> <p>1 PHILIP SAVARD: A site plan. 2 BILL CHEN: Okay. So someone met you at the site. 3 PHILIP SAVARD: Yes, correct. 4 BILL CHEN: And said, this location. 5 PHILIP SAVARD: Yes. 6 BILL CHEN: Okay. Did they also give you a site plan 7 customer because you just mentioned a site plan. 8 PHILIP SAVARD: We get both, correct. Yes. 9 BILL CHEN: They give you both? 10 PHILIP SAVARD: Ahead of time. We get that ahead of 11 time. Just then that gives me -- plus I -- 12 BILL CHEN: Gotcha. 13 PHILIP SAVARD: Starts off obviously with an address, 14 where to drive to, you know, and then we go from there. 15 BILL CHEN: And so I take it you eye ball the location 16 that you are standing with the location that shown on the 17 site plan. 18 PHILIP SAVARD: We do that, but we also have GPS 19 coordinates. So we are actually using, you know, a GPS 20 advice to give us the exact coordinates. 21 BILL CHEN: And was this an 80 foot monopole or an 89 22 foot monopole? 23 PHILIP SAVARD: This was -- we were photo simulating 24 the monopine at this point. 25 BILL CHEN: How tall?</p>

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<p>153</p> <p>1 PHILIP SAVARD: It was 84 to the top of the branches I 2 believe. 3 BILL CHEN: 84. So that -- excuse me. So in all 4 these photographs, it's my understanding that the -- I 5 think your terminology is model. Is that the term you 6 used? The model that you used? 7 PHILIP SAVARD: For. 8 BILL CHEN: This model was supplied you said, by MRA. 9 PHILIP SAVARD: Yes, the tree, correct. 10 BILL CHEN: Yeah. 11 PHILIP SAVARD: Which is a photograph. 12 BILL CHEN: Okay. And so as I understand your 13 testimony, the model or the tree (inaudible) -- 14 PHILIP SAVARD: Sure. 15 BILL CHEN: Is 84 feet high. 16 PHILIP SAVARD: Yes. 17 BILL CHEN: And how was the helium balloon tethered? 18 PHILIP SAVARD: With a winch. We tether it with the 19 winch. 20 BILL CHEN: And what does the tether consist of? 21 PHILIP SAVARD: It's a heavyweight with an actual, you 22 know, like a typical winch with a wheel. And it's tethered 23 to the ground with the weight so it obviously doesn't blow 24 away, and holds it down to the ground. 25 BILL CHEN: How is it connected to the balloon?</p>	<p>155</p> <p>1 BILL CHEN: Okay. 2 PHILIP SAVARD: Yeah. 3 BILL CHEN: Okay. And you say that you've done this 4 type of service for, looks like predominantly 5 telecommunications, communications (inaudible). 6 PHILIP SAVARD: Yes we've -- and we've also done them 7 over the years for -- we've done them for homeowners 8 associations. We've done them for -- you know, we just 9 honestly try and do it as fair as we possibly can. So we - 10 - our goal is to get an accurate representation of what 11 it's going to look like no matter who is hiring us or what 12 we are doing the job for. 13 BILL CHEN: I ask only because your resume only 14 identifies telecommunications providers. Who else did you 15 provide -- 16 PHILIP SAVARD: I -- it was literally 20 years ago and 17 I didn't want to put it on the statement. I wasn't sure 18 the name. You know, we've done it -- a lot of the times 19 it's an independent person coming to us, it's a 20 subcontractor or somebody else. So I -- a lot of times I 21 don't know who the chief person is. Sometimes attorneys 22 hire us. So, you know, a lot of times I don't even know 23 what the final carrier or whatever it's for. You know, 24 they hire us to come out to do an accurate simulation and 25 that's -- a lot of times, that's all we're told.</p>
<p>154</p> <p>1 PHILIP SAVARD: With a -- with a string. 2 BILL CHEN: What kind? 3 PHILIP SAVARD: It's Kevlar. We use a Kevlar string. 4 Lightweight, but strong. 5 BILL CHEN: And do you have data on the wind 6 conditions that were taken -- that existed at the time you 7 took the photographs at that location? 8 BILL CHEN: Yeah. It was relatively light winds and 9 that's why we have a person stay there. Before we take 10 each picture, we radio back with them to get the correct 11 height because obviously, balloons do move a little bit. 12 But that's why we -- we've always had a second person with 13 us. So they are there with us to read it. Yes, they stay 14 under the balloon and we use a laser rangefinder and they 15 read the height of the balloon, constantly reading that. 16 Before we take a picture, we radio back to them to make 17 sure it's at the correct type. 18 BILL CHEN: So that in this particular instance, that 19 rangefinder that your person on the ground was ranging it 20 at 84 feet. 21 PHILIP SAVARD: Correct. 22 BILL CHEN: What or who is Morris Ritchie and 23 Associates? 24 PHILIP SAVARD: They are, I guess the engineering 25 firm.</p>	<p>156</p> <p>1 BILL CHEN: But the -- what's shown on your resume or 2 your CV, is the last 20 years work. 3 PHILIP SAVARD: Correct. Most of them are for 4 telecommunication structures, but we've done them for 5 buildings and all different types of things. 6 BILL CHEN: How -- and as I understand it, you took a 7 -- some number of photographs and submitted them to the 8 engineering firm, Morris Ritchie and Associates. And they 9 in turn told you the ones, photographs, as to which they 10 wanted to have the simulation inserted. How many 11 photographs would you take that were not used for sims? 12 PHILIP SAVARD: I -- I don't remember. 13 BILL CHEN: Was there anything in common among all of 14 those that were not utilize for simulation? 15 PHILIP SAVARD: I don't believe -- I don't believe so. 16 BILL CHEN: And did you take any photographs looking 17 at the site from 8201 Snug Hill Lane? 18 PHILIP SAVARD: I don't recall actual addresses. We 19 pretty much go with, you know, longitude and latitude 20 points. 21 BILL CHEN: As identified by Morris Ritchie and 22 Associates. 23 PHILIP SAVARD: Well, no. When we're driving around, 24 we -- the pictures are recorded by actual longitude of the 25 coordinates. We don't look at actual mailboxes or street</p>

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40 (157 to 160)

<p>157</p> <p>1 addresses.</p> <p>2 BILL CHEN: Do you know where Snug Hill Lane is?</p> <p>3 PHILIP SAVARD: Yes, is the one just north of the</p> <p>4 site.</p> <p>5 BILL CHEN: And did you take any photographs from Snug</p> <p>6 Hill Lane directly towards the location?</p> <p>7 PHILIP SAVARD: Yes.</p> <p>8 BILL CHEN: Can you identify which photographs they</p> <p>9 were?</p> <p>10 PHILIP SAVARD: Sure. I'm sorry. That would be View</p> <p>11 1.</p> <p>12 TAMMY CITRAMANNIS: You can actually stand on that</p> <p>13 side so people --</p> <p>14 PHILIP SAVARD: Is that -- okay. Sorry.</p> <p>15 TAMMY CITRAMANNIS: -- can see you. I've got the</p> <p>16 photos.</p> <p>17 PHILIP SAVARD: This is exhibit (inaudible).</p> <p>18 TAMMY CITRAMANNIS: Just make sure you identify it so</p> <p>19 everybody knows what photo you are on.</p> <p>20 PHILIP SAVARD: Exhibit 145, View 1, letter I was from</p> <p>21 Snug Hill. And --</p> <p>22 BILL CHEN: You know that that's when you say on 145 -</p> <p>23 -</p> <p>24 GREG DIAMOND: Let him finish answering the question.</p> <p>25 CATHY BORTEN: Yeah.</p>	<p>159</p> <p>1 properties, so this tells us exactly the point of where the</p> <p>2 photo was taken.</p> <p>3 BILL CHEN: And did you take any from Snug Hill Court?</p> <p>4 TAMMY CITRAMANNIS: I think he just said he did.</p> <p>5 BILL CHEN: No, that's Lane.</p> <p>6 TAMMY CITRAMANNIS: Oh, Court (inaudible).</p> <p>7 BILL CHEN: Please. Please.</p> <p>8 PHILIP SAVARD: I'd have to look (inaudible).</p> <p>9 GREG DIAMOND: So the witnesses has testified that he</p> <p>10 didn't base the photos based on street names or addresses.</p> <p>11 So maybe (inaudible) --</p> <p>12 BILL CHEN: Objection. Objection.</p> <p>13 GREG DIAMOND: -- Identify where on the map.</p> <p>14 BILL CHEN: Well, I tried that before, but he did it -</p> <p>15 -</p> <p>16 TAMMY CITRAMANNIS: Okay.</p> <p>17 GREG DIAMOND: Well, you could go to the map and</p> <p>18 point.</p> <p>19 TAMMY CITRAMANNIS: One at a time speak. (Inaudible).</p> <p>20 BILL CHEN: I'm just asking --</p> <p>21 TAMMY CITRAMANNIS: You asked if he knew if he took</p> <p>22 any pictures from Snug Hill Court.</p> <p>23 BILL CHEN: Yes.</p> <p>24 PHILIP SAVARD: Yes, we just go by GPS locations.</p> <p>25 BILL CHEN: (Inaudible).</p>
<p>158</p> <p>1 BILL CHEN: I'm staying on I. He's moving to a</p> <p>2 different photograph.</p> <p>3 GREG DIAMOND: He's answering the question.</p> <p>4 PHILIP SAVARD: You -- well, you asked me which ones I</p> <p>5 photographed from Snug Hill.</p> <p>6 TAMMY CITRAMANNIS: Let him answer the question.</p> <p>7 BILL CHEN: Okay. Okay.</p> <p>8 TAMMY CITRAMANNIS: You can circle back.</p> <p>9 PHILIP SAVARD: Yes. So this is Exhibit 179A. View 1</p> <p>10 is A and that was also from Snug Hill.</p> <p>11 BILL CHEN: What is the address, if you know, on</p> <p>12 Exhibit 145I?</p> <p>13 GREG DIAMOND: Objection. Asked and answered already.</p> <p>14 He said he used GPS coordinates not street addresses.</p> <p>15 BILL CHEN: Well, I just asked if he knew.</p> <p>16 GREG DIAMOND: And it's been answered.</p> <p>17 (Crosstalk)</p> <p>18 TAMMY CITRAMANNIS: He did answer that already. He</p> <p>19 said he didn't.</p> <p>20 BILL CHEN: You don't have any addresses then?</p> <p>21 PHILIP SAVARD: We just have GPS locations.</p> <p>22 TAMMY CITRAMANNIS: Just GPS.</p> <p>23 BILL CHEN: (Inaudible). That works.</p> <p>24 PHILIP SAVARD: We find them more accurate because</p> <p>25 some addresses are really big and people have big</p>	<p>160</p> <p>1 PHILIP SAVARD: So I --</p> <p>2 BILL CHEN: Okay.</p> <p>3 PHILIP SAVARD: I don't write down street names. I go</p> <p>4 by actual data that gets recorded right into the photograph</p> <p>5 because a lot of places we go to don't have street</p> <p>6 addresses; rural areas, things like that. We go by exactly</p> <p>7 where the photo was taken from. If you look at my map, you</p> <p>8 will be of the exact pinpoints where the pictures were</p> <p>9 taken from.</p> <p>10 BILL CHEN: Okay. Okay. What's the total number of</p> <p>11 the photographs that you took for the assignment in, I</p> <p>12 guess it was March of this year, which are the photos that</p> <p>13 are --</p> <p>14 CATHY BORTEN: Objection. He asked and he already</p> <p>15 answered. He doesn't recall how many.</p> <p>16 PHILIP SAVARD: (Inaudible).</p> <p>17 BILL CHEN: I'll take that as answer. If he doesn't</p> <p>18 know, I'll take that. (Inaudible).</p> <p>19 PHILIP SAVARD: Yeah, I don't recall. It was 2016.</p> <p>20 So --</p> <p>21 BILL CHEN: Okay. Okay. How about in August of this</p> <p>22 year?</p> <p>23 PHILIP SAVARD: I would have to check my files.</p> <p>24 BILL CHEN: You don't know?</p> <p>25 PHILIP SAVARD: Yeah, I didn't -- I didn't bring that</p>

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<p>161</p> <p>1 info with me.</p> <p>2 BILL CHEN: Yeah, you just went with what the</p> <p>3 engineering firm told you to do.</p> <p>4 TAMMY CITRAMANNIS: Just for clarity, he said March</p> <p>5 2016 in his direct. It's 2017, is that correct?</p> <p>6 CATHY BORTEN: There are two separate sets. So no,</p> <p>7 the original set would have been in March of 2016 and --</p> <p>8 TAMMY CITRAMANNIS: Before you filed the application?</p> <p>9 CATHY BORTEN: We -- well, we filed application in</p> <p>10 September with a bare monopoly.</p> <p>11 TAMMY CITRAMANNIS: Right.</p> <p>12 CATHY BORTEN: Then we amended it in June.</p> <p>13 TAMMY CITRAMANNIS: Right.</p> <p>14 CATHY BORTEN: So yes, the amendment for the -- for</p> <p>15 this 145, would have been March 2017. That's correct.</p> <p>16 Then the next set for the setback waiver would be August of</p> <p>17 2017. There's three sets, but we're -- the bare monopoly</p> <p>18 is no longer a part of this.</p> <p>19 TAMMY CITRAMANNIS: Okay. Thank you for that</p> <p>20 clarification. I thought he had misspoke a year. I'm</p> <p>21 sorry Mr. Chen. Go ahead.</p> <p>22 BILL CHEN: When you used the term, correct height,</p> <p>23 you used the word correct when you --</p> <p>24 PHILIP SAVARD: Yes.</p> <p>25 BILL CHEN: I take it that's based upon the</p>	<p>163</p> <p>1 PHILIP SAVARD: No. Sure. We try and make it as</p> <p>2 accurately as possible.</p> <p>3 BILL CHEN: That's all I've got.</p> <p>4 TAMMY CITRAMANNIS: (Inaudible).</p> <p>5 CHERYL WETTER: With regard to any of the simulations,</p> <p>6 did you take any from Democracy Boulevard?</p> <p>7 PHILIP SAVARD: I believe that's the main road. We</p> <p>8 did. The road south of it. We go back --</p> <p>9 CHERYL WETTER: Sort of south and north. I just</p> <p>10 wondered if you took any (inaudible).</p> <p>11 PHILIP SAVARD: Yes, we did. This is Democracy here,</p> <p>12 View 4.</p> <p>13 TAMMY CITRAMANNIS: If you could just -- I'm just</p> <p>14 sorry. So I can hear to make sure I know (inaudible).</p> <p>15 PHILIP SAVARD: (Inaudible). Democracy Boulevard</p> <p>16 (inaudible).</p> <p>17 TAMMY CITRAMANNIS: And the exhibit number if you</p> <p>18 don't mind.</p> <p>19 PHILIP SAVARD: It's Exhibit 145 and Democracy is</p> <p>20 letter L, and that was the simulation here. And then this</p> <p>21 is Exhibit 179 and the Democracy photograph was taken, it's</p> <p>22 View 4, letter D.</p> <p>23 CHERYL WETTER: (Inaudible).</p> <p>24 TAMMY CITRAMANNIS: Redirect. Can you redirect?</p> <p>25 CATHY BORTEN: So --</p>
<p>162</p> <p>1 information you just gave us where you use somebody at the</p> <p>2 base --</p> <p>3 PHILIP SAVARD: Yes.</p> <p>4 BILL CHEN: -- with a device that can tell you how</p> <p>5 high --</p> <p>6 PHILIP SAVARD: Yes, it's called a laser rangefinder.</p> <p>7 BILL CHEN: Yeah. Okay. That's how you determine how</p> <p>8 correct it is.</p> <p>9 PHILIP SAVARD: Correct, yes.</p> <p>10 BILL CHEN: Okay. When you also said width, what does</p> <p>11 that mean?</p> <p>12 PHILIP SAVARD: Because obviously, the width of the</p> <p>13 structure would be visually important to -- to show</p> <p>14 correctly, to show accurately. You could have a structure,</p> <p>15 the structure, or any structure, to the correct height, but</p> <p>16 if you don't -- if you don't simulate it to the right</p> <p>17 width, doesn't visually represent what is going to</p> <p>18 proposedly look like.</p> <p>19 BILL CHEN: So when you say with, you're talking about</p> <p>20 the width of the --</p> <p>21 PHILIP SAVARD: Of the branches, yes.</p> <p>22 BILL CHEN: Okay.</p> <p>23 PHILIP SAVARD: In this instance, branches, yes.</p> <p>24 BILL CHEN: Okay. That's -- I just wanted to make</p> <p>25 sure I understand what you're referring to.</p>	<p>164</p> <p>1 TAMMY CITRAMANNIS: Oh, I'm sorry.</p> <p>2 CATHY BORTEN: Oh.</p> <p>3 TAMMY CITRAMANNIS: I forgot. Do you have questions</p> <p>4 of individuals?</p> <p>5 BILL CHEN: I -- someone came to me with a list and I</p> <p>6 said --</p> <p>7 TAMMY CITRAMANNIS: (Inaudible).</p> <p>8 BILL CHEN: I was listening and they went away.</p> <p>9 TAMMY CITRAMANNIS: So now it's time for --</p> <p>10 BILL CHEN: I -- I don't know --</p> <p>11 TAMMY CITRAMANNIS: -- any individual questions. Does</p> <p>12 anybody have any that they can pass to Mr. Chen in this</p> <p>13 regard?</p> <p>14 MALE VOICE: There is a list of questions here. There</p> <p>15 is a whole list.</p> <p>16 BILL CHEN: I've got a bunch of questions Madam</p> <p>17 Examiner.</p> <p>18 TAMMY CITRAMANNIS: Okay. Just as them and if there</p> <p>19 is an objection --</p> <p>20 BILL CHEN: Yeah.</p> <p>21 TAMMY CITRAMANNIS: -- address it then.</p> <p>22 BILL CHEN: I hope I can understand the handwriting.</p> <p>23 Do you have a photo simulation of the tower at maximum</p> <p>24 height and with the proposed maximum extended base?</p> <p>25 GREG DIAMOND: Objection.</p>

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<p>165</p> <p>1 CATHY BORTEN: Objection.</p> <p>2 GREG DIAMOND: I don't know that means.</p> <p>3 TAMMY CITRAMANNIS: Relevance?</p> <p>4 BILL CHEN: Well, and all -- in (inaudible) fairness</p> <p>5 to the individual, and I don't know who it is, but I think</p> <p>6 if there is going to be a maximum height of this tower,</p> <p>7 then that's a relevant question.</p> <p>8 TAMMY CITRAMANNIS: Do you have that?</p> <p>9 PHILIP SAVARD: It's at --</p> <p>10 CATHY BORTEN: What -- what was it again? I'm sorry.</p> <p>11 BILL CHEN: What is the maximum height? It's showing</p> <p>12 --</p> <p>13 TAMMY CITRAMANNIS: Do you have a photo sim showing</p> <p>14 the maximum height that I guess the tower could potentially</p> <p>15 be, 155? I guess --</p> <p>16 CATHY BORTEN: We wouldn't --</p> <p>17 PHILIP SAVARD: No, they're not -- this was the site</p> <p>18 that's being submitted for the height.</p> <p>19 BILL CHEN: It's fair to say it's 84 feet for all of</p> <p>20 them.</p> <p>21 PHILIP SAVARD: Yes.</p> <p>22 BILL CHEN: Is that right?</p> <p>23 PHILIP SAVARD: Yes. Yes. The height --</p> <p>24 BILL CHEN: You don't have any others of a different</p> <p>25 height?</p>	<p>167</p> <p>1 set -- because we always adjust for branches. So --</p> <p>2 CATHY BORTEN: No, I'm not talking about the branches</p> <p>3 right now. Just the bare pole that was --</p> <p>4 PHILIP SAVARD: Yeah, but to the top.</p> <p>5 CATHY BORTEN: So that was an 80 foot pole?</p> <p>6 PHILIP SAVARD: Yes.</p> <p>7 CATHY BORTEN: And the branches extended about 84 or</p> <p>8 83 (inaudible).</p> <p>9 PHILIP SAVARD: Yes, because the monopole is inside of</p> <p>10 the --</p> <p>11 GREG DIAMOND: The antennas.</p> <p>12 CATHY BORTEN: The antennas, I'm sorry.</p> <p>13 PHILIP SAVARD: Yeah, the antennas.</p> <p>14 CATHY BORTEN: Did I say branches? Antennas.</p> <p>15 TAMMY CITRAMANNIS: This is direct so why don't you</p> <p>16 let --</p> <p>17 CATHY BORTEN: Okay.</p> <p>18 TAMMY CITRAMANNIS: Just ask him the question and let</p> <p>19 his answer be the answer.</p> <p>20 CATHY BORTEN: With the monopole, you had mentioned 84</p> <p>21 feet.</p> <p>22 PHILIP SAVARD: Yes.</p> <p>23 CATHY BORTEN: Is the 84 feet actually what went to</p> <p>24 the bare pole?</p> <p>25 PHILIP SAVARD: No, the -- I believe the bare pole was</p>
<p>166</p> <p>1 PHILIP SAVARD: No, that was -- that's not what's</p> <p>2 being proposed.</p> <p>3 CATHY BORTEN: Can I -- can I clarify one point? And</p> <p>4 I would normally just wait until redirect, but in order to</p> <p>5 avoid sort of a lot of misinformation to these questions,</p> <p>6 can I clarify something about the height with the witness</p> <p>7 just so that there is no confusion? At this -- I'm going</p> <p>8 to do it on redirect I just --</p> <p>9 BILL CHEN: Go ahead. (Inaudible).</p> <p>10 TAMMY CITRAMANNIS: Okay.</p> <p>11 CATHY BORTEN: (Inaudible) by doing it. Thank you.</p> <p>12 TAMMY CITRAMANNIS: (Inaudible).</p> <p>13 CATHY BORTEN: Okay. So Mr. Savard, did you take</p> <p>14 three sets of photo sims?</p> <p>15 PHILIP SAVARD: We --</p> <p>16 CATHY BORTEN: All together.</p> <p>17 PHILIP SAVARD: Yes.</p> <p>18 CATHY BORTEN: From the beginning of time.</p> <p>19 PHILIP SAVARD: Yes.</p> <p>20 CATHY BORTEN: And the first set of photo sims, was</p> <p>21 that a bare pole?</p> <p>22 PHILIP SAVARD: That was, correct.</p> <p>23 CATHY BORTEN: Was that set of photo sims originally</p> <p>24 showing antennas that went up to about 84 feet?</p> <p>25 PHILIP SAVARD: I believe that one, they -- the first</p>	<p>168</p> <p>1 80 and with the branches added, it always adds an extra</p> <p>2 height to the structure because it's concealed inside of</p> <p>3 there. You know what I mean?</p> <p>4 CATHY BORTEN: Right.</p> <p>5 PHILIP SAVARD: We --</p> <p>6 CATHY BORTEN: So the branches are extending beyond</p> <p>7 the 80 foot pole.</p> <p>8 PHILIP SAVARD: Yes, correct.</p> <p>9 CATHY BORTEN: Okay.</p> <p>10 PHILIP SAVARD: And that's what we have to show.</p> <p>11 TAMMY CITRAMANNIS: I'm just going to go ahead and let</p> <p>12 them ask their questions because I told them they could ask</p> <p>13 the questions and if -- if they go too far afield, we all</p> <p>14 adjust it at that point.</p> <p>15 GREG DIAMOND: Can we try just one more --</p> <p>16 TAMMY CITRAMANNIS: Just one more --</p> <p>17 GREG DIAMOND: -- question?</p> <p>18 TAMMY CITRAMANNIS: That's clarifying question.</p> <p>19 GREG DIAMOND: Is there any possibility you're</p> <p>20 confusing 80, 84, and 89? Just because a lot of numbers</p> <p>21 have been thrown around and we want to make sure that you</p> <p>22 are talking about the right heights that you took the</p> <p>23 photos.</p> <p>24 PHILIP SAVARD: Sure. No. From what I understand, I</p> <p>25 believe the top of the branches are at 84 feet and the</p>

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<p>169</p> <p>1 monopole itself was going to be 80. The bare pole was only 2 80 and then we -- we took the photos and the second 3 simulation we did at the same height as we did the first 4 tree. 5 CATHY BORTEN: Thank you. 6 BILL CHEN: The next question is; how do you propose 7 to camouflage the maximum height? I think that goes back 8 to 155. So, is it okay -- 9 TAMMY CITRAMANNIS: Yeah. 10 BILL CHEN: Thank you, ma'am. At what height was the 11 camera from the ground when each photo was taken and used 12 to make a sim? 13 PHILIP SAVARD: We always do eye level. We always 14 photograph it from my level. 15 BILL CHEN: Okay. And what is -- what height does 16 that answer? 17 PHILIP SAVARD: Six-foot. 18 BILL CHEN: Thank you. Did you take the original 19 photo sims of the monopole for the application submitted on 20 September 23, 2016? 21 PHILIP SAVARD: We did do the original ones, yes. 22 BILL CHEN: Were you contacted by a resident about 23 your photo simulations of the monopole not being accurate? 24 PHILIP SAVARD: I don't believe so. 25 BILL CHEN: Did you correct the -- okay. So you never</p>	<p>171</p> <p>1 with the branching. 2 TAMMY CITRAMANNIS: Is that a question? 3 SUSAN LEE: I -- 4 TAMMY CITRAMANNIS: (Inaudible). 5 SUSAN LEE: You based it on your 84 feet, is that 6 correct? 7 PHILIP SAVARD: I based it on whatever documentation I 8 got from Morris Ritchie. So -- 9 SUSAN LEE: But you just testified -- 10 PHILIP SAVARD: And I don't -- 11 SUSAN LEE: -- that it was 84. Eighty-four feet you 12 said. 13 TAMMY CITRAMANNIS: Right. He did. 14 PHILIP SAVARD: And we don't -- I don't have it right 15 in front of me so if I'm getting my numbers mixed up, I -- 16 we could check the form because I -- back in the office, I 17 did it on the exact number that they told me to do it at. 18 CATHY BORTEN: Just one moment (inaudible). 19 PHILIP SAVARD: Sure. Whatever the documentation 20 shows is what we -- 21 CATHY BORTEN: Mr. Savard, I'm showing you what has 22 been marked as Exhibit 145E. 23 TAMMY CITRAMANNIS: E as in elephant? 24 CATHY BORTEN: E as in elephant. And it is titled, 25 Elevation and Details. Everything --</p>
<p>170</p> <p>1 received a complaint that your photo sims were not 2 accurate? 3 PHILIP SAVARD: I don't believe so, no. 4 BILL CHEN: That's fine. Did you undertake any survey 5 or investigation to ascertain the number of deciduous trees 6 on all sides? 7 PHILIP SAVARD: We don't deal with any arborist or 8 tree. 9 BILL CHEN: Again, you just take a photograph -- 10 PHILIP SAVARD: I did, yes. 11 BILL CHEN: -- at the time you're told to take the 12 photograph. 13 PHILIP SAVARD: Correct. 14 BILL CHEN: So is it accurate to state then, that the 15 only image in the photo sims that is not an image of a 16 real, live piece of vegetation is the model. 17 PHILIP SAVARD: Yes, everything -- we don't add 18 anything else, other trees or cover anything like that, no. 19 BILL CHEN: Okay. Thank you. 20 SUSAN LEE: Just one follow-up based on those 21 statements (inaudible). 22 TAMMY CITRAMANNIS: Then after this, it's (inaudible). 23 SUSAN LEE: Because there isn't -- there has been a 24 discussion of an 80-foot tree, and 84 foot one with the 25 branches, but the application indicates that will be 89</p>	<p>172</p> <p>1 BILL CHEN: 145E (inaudible). 2 CATHY BORTEN: 145E as an elephant. 3 BILL CHEN: Thank you. 4 CATHY BORTEN: Have you seen this before? 5 PHILIP SAVARD: Yes. 6 CATHY BORTEN: And this was given to you by Morris 7 Ritchie and Associates? 8 PHILIP SAVARD: Yes, that's what we base our -- 9 CATHY BORTEN: Okay. So you based your photo sims -- 10 did you base your photo sims on this? 11 PHILIP SAVARD: Correct, yes. 12 CATHY BORTEN: Okay. Can you come up and -- 13 PHILIP SAVARD: Sure. 14 CATHY BORTEN: -- Identify the height here for us, 15 please? 16 PHILIP SAVARD: Yes. 17 CATHY BORTEN: Make sure the Hearing Examiner 18 (inaudible). 19 PHILIP SAVARD: Sure. So we basically -- this is what 20 I -- this is what I'm provided before I make the 21 simulation, okay. And the number here is the number on the 22 top of the branch of the proposed monopine. And this is 23 the number that we get off of and I do apologize if I was 24 getting confused because there was two different structures 25 throughout the year. The 89 foot is the top of the highest</p>

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<p>173</p> <p>1 branch. So I do correct myself on that. I do apologize, 2 but this is the exact drawing that I went off of and that's 3 what we based our photo simulations on. Yes, so sorry 4 about those numbers there. 5 CATHY BORTEN: So just to be very clear, the photo 6 sims that you testified to earlier -- 7 PHILIP SAVARD: Yes. 8 CATHY BORTEN: -- Those were based on (inaudible). 9 PHILIP SAVARD: Those were based on that exact drawing 10 that I received from them, correct. 11 CATHY BORTEN: Okay. I have nothing -- I have nothing 12 further at this time. 13 BILL CHEN: I would like some -- in light of the 14 changed testimony, I become entitled to some further 15 examination on this line. 16 TAMMY CITRAMANNIS: You can do it on the changed 17 testimony. 18 BILL CHEN: What type of device, sir, do you use to 19 calibrate the height of the model when you take this sim? 20 PHILIP SAVARD: You mean the -- what type of 21 rangefinder do we use? 22 BILL CHEN: Yes, whatever it is. 23 PHILIP SAVARD: Yeah. No. It's got a laser 24 rangefinder and it's made by Nikon and we use that to read 25 the height of the balloon.</p>	<p>175</p> <p>1 the tree for the 89 feet. 2 BILL CHEN: Where is your record that said 89? 3 PHILIP SAVARD: We do -- I mean, it shows up in the 4 rangefinder when we photograph it. 5 BILL CHEN: How do you crank out 89 feet on the -- 6 PHILIP SAVARD: With the winch. We use the winch. 7 BILL CHEN: Is there a number on the winch that says 8 89 feet? 9 PHILIP SAVARD: That's what we use the rangefinder 10 for; so that gives us more accuracy than an actual 11 measuring stick or tape measure would. 12 BILL CHEN: Okay. So you just keep on winding the 13 winch until the rangefinder says you are at a number. 14 PHILIP SAVARD: Correct. And then we put the balloon 15 at the correct location. 16 BILL CHEN: Okay. 17 TAMMY CITRAMANNIS: I have a few clarifying questions. 18 PHILIP SAVARD: Sure. 19 TAMMY CITRAMANNIS: With regards to the density of the 20 tree, I noticed that in your sims, the tree -- the branches 21 are very dense, whereas this is less dense. How do you -- 22 how is the model picked? Because there are -- they are 23 different. You can definitely see the center of the pole 24 here, but yet your pictures show it very dense. So how you 25 decide that?</p>
<p>174</p> <p>1 BILL CHEN: Okay, good. So that what you're doing is 2 fitting in the model to -- the photograph of the height 3 that the helium balloon is at. 4 PHILIP SAVARD: Yes, the balloon is like a measuring 5 stick. 6 BILL CHEN: Gotcha. 7 PHILIP SAVARD: So we use that to measure the height 8 to give us a visual from the -- like I said, the six-foot 9 perspective of where I'm standing. That gives me the 10 height where, to when I go back to the office and we make 11 the photo simulation -- 12 BILL CHEN: You just fit it in. 13 PHILIP SAVARD: -- we use the balloon as a -- 14 basically a measuring stick. 15 BILL CHEN: Yeah. 16 PHILIP SAVARD: Yes. 17 BILL CHEN: You take the model that you are given and 18 you just -- 19 PHILIP SAVARD: Correct. 20 BILL CHEN: -- put it in at that height. 21 PHILIP SAVARD: You got it. Yes. 22 BILL CHEN: Okay. And what was the height of the 23 tether in this case that you used? 24 PHILIP SAVARD: The balloon, the five-foot helium 25 balloon. So the top of the balloon would show the same as</p>	<p>176</p> <p>1 PHILIP SAVARD: We use the actual photograph of a tree 2 that they were proposing to use. I'm guessing, but I 3 believe that one is just to show what's inside. It's more 4 of a drawing, an engineering drawing. 5 TAMMY CITRAMANNIS: Okay. 6 PHILIP SAVARD: Kind of a -- what do they call it more 7 a breakaway kind of a thing. But no, what we used as a 8 real -- 9 TAMMY CITRAMANNIS: A real tree? 10 PHILIP SAVARD: That exists somewhere else, correct. 11 TAMMY CITRAMANNIS: But a tree that nonetheless is 12 supposed to be somewhat be replicated on the site. 13 PHILIP SAVARD: Yes, it -- yes. 14 TAMMY CITRAMANNIS: And with regards to the -- the two 15 -- you did three photo sims, but the two -- the one that's 16 the alternate site deals with the setback and the -- I 17 don't -- the 145 and (inaudible). How come the views are 18 not identical? How come it's not apples to apples, instead 19 you have different views on the different ones? 20 PHILIP SAVARD: When you move something, you're going 21 to see it in different locations. So if something was 22 moved, it's going to be seen through different vantage 23 points. So we are -- we try and photograph it from where 24 we can see it from is what we -- 25 TAMMY CITRAMANNIS: But why didn't you photograph it</p>

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<p>177</p> <p>1 from-- so you could match it up even though you could add 2 another view so that everybody knows what it looks like in 3 both locations from, for instance View 1. I'm just -- do 4 you know what I'm (inaudible). 5 PHILIP SAVARD: Yes. No, I understand. 6 TAMMY CITRAMANNIS: Because I note that the dot moved 7 (inaudible) and that the views were different. 8 PHILIP SAVARD: Basically, we try to photograph it 9 where we can see it from. So if we didn't -- if we don't - 10 - didn't take a picture from another location, it means 11 that it couldn't be seen. So by moving that, the distance, 12 there was different places that it can be seen, you know, 13 from its location. 14 TAMMY CITRAMANNIS: Okay. That's all. Do my 15 questions generate any questions? 16 CATHY BORTEN: No. We're fine. 17 BILL CHEN: Just tacking on to -- from the Examiner's 18 questions -- it is to me, right? 19 TAMMY CITRAMANNIS: Yeah, yeah. 20 BILL CHEN: Nonetheless, you could take photos of the 21 new location from the locations that you used for the prior 22 set. You could have. 23 PHILIP SAVARD: Could have, yes. 24 BILL CHEN: Okay. And that goes to your question. 25 Also, so that -- as I understand what you're saying, the --</p>	<p>179</p> <p>1 PHILIP SAVARD: Or -- that's all. I don't know. 2 BILL CHEN: Okay. So you just utilize the photograph 3 of a -- it was an actual tree you are saying. 4 PHILIP SAVARD: No, an actual tree pole. 5 BILL CHEN: Okay. 6 PHILIP SAVARD: A man-made tree pole. 7 BILL CHEN: And then the engineering firm gave you -- 8 PHILIP SAVARD: Correct. 9 BILL CHEN: -- that photograph. 10 PHILIP SAVARD: Yes. 11 BILL CHEN: And that's what you used? 12 PHILIP SAVARD: Correct. 13 BILL CHEN: Thank you. 14 TAMMY CITRAMANNIS: Ms. Wetter? 15 CHERYL WETTER: Cheryl Wetter. To continue the 16 Hearing Examiner's question, how far is Site 2 from Site 1? 17 Twenty-five feet? Twenty feet? 18 PHILIP SAVARD: I didn't -- I didn't actually measure. 19 We just go out and put in the -- they'd have -- you'd have 20 to look at the site plan and check with the -- 21 CHERYL WETTER: I think -- can we do that? Because I 22 believe it's a very, very -- to get back to your question 23 as to why they weren't taken from the same place. 24 TAMMY CITRAMANNIS: Well, I think he just said why 25 they weren't taken. It doesn't sound -- yeah, I think that</p>
<p>178</p> <p>1 in looking at these simulated photos, the tree that is in 2 those simulations, is a tree that you chose. 3 PHILIP SAVARD: No, it was a tree I was provided. 4 BILL CHEN: And that is by the engineering firm. 5 PHILIP SAVARD: Correct. 6 BILL CHEN: They gave you an image to put in there. 7 PHILIP SAVARD: Correct. 8 BILL CHEN: And that is not necessarily the same image 9 that is going to be the actual tree. 10 PHILIP SAVARD: I -- I -- 11 CATHY BORTEN: The engineer will testify about that. 12 BILL CHEN: I mean -- 13 CATHY BORTEN: He doesn't know that. 14 PHILIP SAVARD: Yeah, that's -- 15 CATHY BORTEN: He's given the materials from the 16 engineer. 17 TAMMY CITRAMANNIS: I think he is -- 18 BILL CHEN: Well, then let him answer that. 19 TAMMY CITRAMANNIS: I think he's (inaudible). 20 PHILIP SAVARD: Yes, I was given -- I was given the -- 21 a real photograph of a real, pre-existing monopine or tree 22 pole that exists somewhere else, is what I believe they 23 were proposing for the site, but I don't know what will be 24 built. 25 BILL CHEN: Okay.</p>	<p>180</p> <p>1 he -- he said why they were taken. They followed GPS or -- 2 PHILIP SAVARD: Well, some of them were. We shot one 3 from the entrance and the southern location was shot there. 4 But with the tree cover, if you're not going to see it, you 5 know, that little bit, couple of branches in the way -- our 6 goal is to try and see the balloon and try and photograph 7 it where you can see it is what we are trying to do. So 8 moving at that location can make a big difference in being 9 able to see the different spots. So we -- our goal is to 10 try and photograph the balloon where we can see it from. 11 TAMMY CITRAMANNIS: But -- okay. So you want to go 12 where you can see it, but if it's at the alternate 13 location, how does that go to increased or decreased 14 visibility if it's not taken at the same position as the 15 proposed view? 16 PHILIP SAVARD: Yeah. It all -- like I said, it all 17 depends on location. Sometimes it's more visible. 18 Sometimes it's less visible. So I -- and I can't really 19 testify if the first one was more visible or not. So I 20 don't know which -- which site would be more visible for 21 each location. Some of it probably was more visible. 22 Other ones, it was probably less visible. 23 TAMMY CITRAMANNIS: Okay. Ms. (inaudible). Anything 24 else? All right. Thank you, Mr. Savard. Let's see; your 25 next witness.</p>

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<p>181</p> <p>1 CATHY BORTEN: I call Mr. Brian Siverling. 2 TAMMY CITRAMANNIS: How do you say that? 3 CATHY BORTEN: Siverling. 4 BRIAN SIVERLING: Siverling. 5 TAMMY CITRAMANNIS: Siverling, okay. 6 BRIAN SIVERLING: I'll spell it for you. 7 TAMMY CITRAMANNIS: All right. Do you promise to tell 8 the truth, the whole truth, and nothing but the truth in 9 your testimony under penalties of perjury? 10 BRIAN SIVERLING: I do. 11 TAMMY CITRAMANNIS: Just state your name and your 12 address and listen for Ms. Borten's questions. 13 BRIAN SIVERLING: My name is Brian Siverling; S, as in 14 Sam, I-V, as in Victor, E-R-L-I-N-G. I'm a professional 15 engineer registered in the state of Maryland. I'm a 16 partner at Morris and Ritchie Associates. And we are the 17 engineering firm that prepared the site plan documents for 18 this zoning case. 19 CATHY BORTEN: (Inaudible). I'm showing you what's 20 been marked as Exhibit 180D. Can you identify that please? 21 BRIAN SIVERLING: Yes, that's my professional resume. 22 CATHY BORTEN: Okay. Can you briefly describe your 23 work in the wireless communications industry? 24 BRIAN SIVERLING: I've been working in the wireless 25 industry since 1998. Our firm has engineered thousands of</p>	<p>183</p> <p>1 all of them so that we can just get them all identified for 2 the record. This is 145D. Can you identify that? 3 BRIAN SIVERLING: Yes, those are some additional 4 details that basically blow up, enlargements of some of the 5 specific information on C1. 6 CATHY BORTEN: Okay. 7 TAMMY CITRAMANNIS: Hold on a second. Whoever's cell 8 phone is ringing, please take it outside. 9 BILL CHEN: I'm sorry. I thought I turned it off. 10 I'm sorry. 11 TAMMY CITRAMANNIS: Okay. We all get one. Because 12 mine will start ringing. Okay. I'm sorry Ms. Borten 13 (inaudible). 14 CATHY BORTEN: That's all right. Can you identify 15 what's been marked as 145E? 16 BRIAN SIVERLING: Yes, that's our sheet C3. It's an 17 elevation of the proposed monopine and some additional 18 details on the antenna and fencing. 19 CATHY BORTEN: And 145F. 20 BRIAN SIVERLING: Yes, that C4. That's a setback 21 exhibit. Do you want to go into detail on that or do you 22 just want to -- 23 CATHY BORTEN: No, we'll get there. 24 BRIAN SIVERLING: Okay. 25 CATHY BORTEN: I'm just going to identify them now so</p>
<p>182</p> <p>1 cell sites since that time for a variety of different 2 carriers; Verizon Wireless, AT&T, Sprint, Nextel. So we -- 3 we basically have a full-service firm where we can provide 4 all the engineering needed on the structural and mechanical 5 -- I'm sorry. Excuse me. Structural and civil side of a 6 project. 7 CATHY BORTEN: So when working for Verizon Wireless, 8 you do -- can you just identify the type of work that you 9 do for them? 10 BRIAN SIVERLING: We do site development, survey, 11 structural engineering. 12 CATHY BORTEN: And did you prepare, sign, and seal the 13 zoning drawings for this case? 14 BRIAN SIVERLING: I did. 15 CATHY BORTEN: I would like to move to have Mr. 16 Siverling qualified as an expert as a professional 17 engineer. 18 BILL CHEN: I have no problem recognizing the 19 gentleman as a civil engineer. 20 CATHY BORTEN: All right. I'm showing you -- let me 21 get this first -- what's been marked as 145C (inaudible). 22 Can you identify that? 23 BRIAN SIVERLING: Yeah, that's our -- the site plan 24 that we prepared for this application. 25 CATHY BORTEN: Okay. I'm going to take you through</p>	<p>184</p> <p>1 that they are all on record. And 145G, can you identify 2 that? 3 BRIAN SIVERLING: That's our landscape plan, L1. 4 CATHY BORTEN: All right. Can you briefly explain the 5 difference between zoning drawings that are this exhibit 6 and construction drawings? 7 BRIAN SIVERLING: Sure. For one, the construction 8 documents would include electrical and mechanical drawings 9 associated with the services going to the site. In 10 addition, our site plan would be developed into a grading 11 plan that would have more detail on the proposed parking 12 area such as pavement sections and things like that, that 13 would -- that really aren't required for zoning document. 14 CATHY BORTEN: So are the construction drawings more 15 fleshed out with those construction details? 16 BRIAN SIVERLING: Absolutely. They're a more detailed 17 set of documents. 18 CATHY BORTEN: All right. So has the actual tower 19 proposed for this site been designed at this point? 20 BRIAN SIVERLING: No, it has not been designed yet. 21 CATHY BORTEN: So when does that happen? 22 BRIAN SIVERLING: That is typically happening -- after 23 a zoning approval Verizon will contact several tower 24 manufacturers and receive bids on the proposed type of 25 tower that they want to construct at a particular site.</p>

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<p>185</p> <p>1 CATHY BORTEN: Okay. What would you expect the 2 diameter to be at the base and at the top of the tree pole 3 of the type that's proposed here? 4 BRIAN SIVERLING: Based on my experience on an 80 foot 5 pole of this nature, the top diameter of the trunk or the 6 tree form is 28 to 30 inch diameter. The base would be 7 closer to 54 to 56, somewhere in there, inch diameter. 8 CATHY BORTEN: And how would it typically be anchored? 9 BRIAN SIVERLING: Well, all these monopole structures 10 are essentially cantilevered structures. There is a -- at 11 the base section of the tower, there is a heavy baseplate 12 that is attached to the structure and then that has holes 13 for anchor bolts. One other thing I want to point out, 14 this tower has -- one of the other things -- components 15 that's involved with designing a tower is you have to have 16 a geotechnical study to determine what type of foundation 17 you would put to support -- to accurately support the 18 structure. That has not been done yet either. Again, that 19 is a building permit requirement and something that the 20 tower manufacturers would require to allow them to design 21 the foundation for whatever structure they're building. 22 CATHY BORTEN: And will the monopole be designed to 23 current and relevant building code standards? 24 BRIAN SIVERLING: Absolutely. Part of our documents, 25 our construction documents, will specify the tower needs to</p>	<p>187</p> <p>1 fence compound. This particular site will require -- 2 obviously the large circular feature is the centerline of 3 the -- or the tower footprints. We are assuming this will 4 be a caisson foundation. It's the typical foundation for 5 this type of structure. If the geotechnical conditions 6 show otherwise, there are other options. And then we have 7 an equipment pad that will have a generator as well as 8 we're showing two equipment cabinets with the potential of 9 adding a third just as future growth. We don't know what 10 the future holds for -- you know, (inaudible). 11 CATHY BORTEN: And I just want to clarify. That was 12 Exhibit 145D. I think I referenced it as C2. Will backup 13 batteries be used at the site? 14 BRIAN SIVERLING: Yes, the -- there is -- will be a 15 cabinet for batteries. The final configuration may be a 16 single cabinet with batteries and radio equipment and it or 17 it may be two separate cabinets. 18 CATHY BORTEN: And will there be a backup generator at 19 the site? 20 BRIAN SIVERLING: Yes. There is a generator planned 21 for the site and it's the element the farthest to the left 22 within the compound. 23 CATHY BORTEN: Can you explain the relationship 24 between how the batteries and the generator, sort of what 25 their roles are?</p>
<p>186</p> <p>1 be designed for IBC 2015, which is the prevailing code here 2 in Montgomery County. 3 CATHY BORTEN: And would the -- a monopole of this 4 nature typically be constructed in order to address ice and 5 wind conditions? 6 BRIAN SIVERLING: Absolutely. That's another -- there 7 is, as part of IBC 2015, there is a standard TIA 222, which 8 is referenced in the code, which is the standard used to 9 design all antenna supporting structures, self-supporting 10 or otherwise. In that standard, every jurisdiction, every 11 location has specific wind speeds, ice conditions that each 12 structure would have to be designed for. 13 CATHY BORTEN: Can you just clarify for the record, 14 for those that don't know, what is IBC? 15 BRIAN SIVERLING: I'm sorry. International building 16 code. 17 CATHY BORTEN: Right. So will the -- there will be 18 ground equipment at the site? 19 BRIAN SIVERLING: There will be ground equipment. 20 CATHY BORTEN: How is that contained? 21 BRIAN SIVERLING: That is enclosed within a fenced 22 compound. (Inaudible). 23 CATHY BORTEN: Yeah. Showing you what's been marked 24 as Exhibit C2. Does that show the compound? 25 BRIAN SIVERLING: Yes, that's an enlargement of the</p>	<p>188</p> <p>1 BRIAN SIVERLING: Sure. The backup system for the 2 telecommunications equipment is the -- there is batteries 3 that are -- it's an instantaneous backup. So there's never 4 -- so you lose power in your house. There's always -- you 5 don't have that with the battery assembly. It's 6 automatically DC current is fed into the equipment. The 7 purpose of the generator is not to power the equipment 8 directly. It's too re-energize the batteries. So the 9 system -- the cell site is actually running off the 10 batteries if you lose direct power to the site. 11 CATHY BORTEN: So is that something that only happens 12 in emergency situations? 13 BRIAN SIVERLING: Absolutely. The only need for that 14 would be if we lose the direct power to the site. 15 CATHY BORTEN: And what type of a generator is it? 16 BRIAN SIVERLING: It's a diesel generator. 17 CATHY BORTEN: And is a diesel generator permitted 18 under the code? 19 BRIAN SIVERLING: Yes, I believe it is. 20 CATHY BORTEN: And is the generator something that 21 gets handled at permit stages? 22 BRIAN SIVERLING: Yes, the specifications and all of 23 the documentation associated with the generator is 24 submitted for review at building permit. 25 CATHY BORTEN: And how --</p>

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<p>189</p> <p>1 BRIAN SIVERLING: It's part of the electrical 2 equipment. 3 CATHY BORTEN: Okay. Sorry. And how often is the 4 generator actually run? 5 BRIAN SIVERLING: Well, in order -- like any motorized 6 piece of equipment, it has to be energized occasionally, 7 otherwise when you want it to go on, it won't. So it's 8 typically exercised, I believe, once a month. 9 CATHY BORTEN: And is that something that can be done 10 remotely? 11 BRIAN SIVERLING: Yes, it's done remotely from the 12 switch station out of Verizon's switch facilities. 13 CATHY BORTEN: And can the testing be done at a time 14 that would be convenient for, say the recreation club? 15 BRIAN SIVERLING: Absolutely. And that's just 16 something that Verizon could work out with the landlord, 17 but it can be exercised really anytime. 18 CATHY BORTEN: I'd like for you to briefly describe 19 the tree pole design. I think we've got it still up here. 20 So that shown on Exhibit 145E. Okay. Can you just give a 21 brief description of what 145E shows? 22 BRIAN SIVERLING: Sure. 145E, it's our C3 sheet. 23 It's part of the zoning documents submitted for this 24 application. We're showing an elevation of the proposed 25 structure with the lighter, kind of shaded vegetation in</p>	<p>191</p> <p>1 CATHY BORTEN: I'm just trying to get at; was he 2 provided the image? 3 BRIAN SIVERLING: Oh, absolutely. 4 CATHY BORTEN: Yes. 5 BRIAN SIVERLING: Yes. 6 CATHY BORTEN: Okay. What will the centerline of the 7 Verizon Wireless antennas be in this design? 8 BRIAN SIVERLING: We are proposing 76 feet. 9 CATHY BORTEN: And can you just explain what a 10 centerline is? 11 BRIAN SIVERLING: A centerline is really the center 12 radiation elevation for the antennas. The antennas can 13 vary. Sometimes they are 4 feet tall. Sometimes they are 14 8 feet tall. Ideally, you have that same radiation point 15 for all of your antennas. So that's kind of just the 16 midpoint of the antennas. 17 CATHY BORTEN: And the height of the monopole 18 structure inside of the tree? 19 BRIAN SIVERLING: The structure itself, we'll call it 20 the trunk for lack of a better term, is 80 feet tall. 21 CATHY BORTEN: And how far above the monopole 22 structure or the trunk with the tree branches extend 23 maximum? 24 BRIAN SIVERLING: We are proposing nine feet to the 25 very tip of the highest branch elevation.</p>
<p>190</p> <p>1 the back is -- a judge to make a representation of the 2 current trees along Democracy Boulevard that run up along 3 the parking area for the swim club. 4 CATHY BORTEN: And is this the design that you 5 provided to Mr. Savard for the photo simulations? 6 BRIAN SIVERLING: This is an example of a tree pole. 7 What I provided to Mr. Savard for the photo sims was a 8 image provided to me through Verizon Wireless, through 9 Saber Industries who is a leading tower manufacturer. This 10 is actually a tower that they have designed and the image 11 was created that well, it wasn't created, but the image was 12 (inaudible) Verizon for another site. They were going to 13 do a tree pole on Congressional Country Club, on the 14 grounds of Congressional Country Club. And this was the 15 pole that was going to be built there, but that site never 16 got built. 17 CATHY BORTEN: So not for the photo sims, but just for 18 the purposes of preparation. Was this provided to Mr. 19 Savard? Just the schematic of this? 20 BRIAN SIVERLING: Well, not theirs, but the -- 21 CATHY BORTEN: Something like this. 22 BRIAN SIVERLING: The image of that, the pole that we 23 are trying to -- that we are proposing to put in place, 24 this is similar. It's not -- this isn't an image. This 25 was a drawing by (inaudible).</p>	<p>192</p> <p>1 CATHY BORTEN: So that would take the top to what 2 height? 3 BRIAN SIVERLING: Eighty-nine feet. 4 CATHY BORTEN: And why do the branches extend 5 approximately nine feet above the trunk monopole structure? 6 BRIAN SIVERLING: Well, gives the -- it gives the 7 tower manufacturer an opportunity to taper the top and 8 better conceal the antennas at the highest rad center. 9 CATHY BORTEN: I'm going to show you what has been 10 marked and identified as 145G. I think this is the one. 11 Is this the landscape plan? 12 BRIAN SIVERLING: Yes, it is. 13 CATHY BORTEN: And can you explain what this is 14 illustrating? 15 BRIAN SIVERLING: Well, what we're trying to do is 16 provide some additional screening for the tower structure. 17 Up on the north side of the property currently, the area 18 that we are showing additional landscaping is pretty much 19 wide open. There is -- there aren't -- there isn't any 20 planting there. And after submitting our original plans to 21 Montgomery County, the planning -- the planners came back 22 and said, well, can we put some additional screening on the 23 site to help obscure the view. So that's basically what we 24 are doing and we added the highs. They are quite large 25 plantings, the initial -- proposing quite large plantings</p>

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<p>193</p> <p>1 to provide that screening as quickly as possible.</p> <p>2 CATHY BORTEN: And how are those plantings ultimately</p> <p>3 chosen?</p> <p>4 BRIAN SIVERLING: Well, we (inaudible) landscape</p> <p>5 architect in our firm that made a selection and those</p> <p>6 selections were agreed-upon with the county.</p> <p>7 CATHY BORTEN: So did the Planning Staff have input on</p> <p>8 those plantings?</p> <p>9 BRIAN SIVERLING: They did. They came back and asked</p> <p>10 us to increase the size of the original plantings and we</p> <p>11 could only make them so big because nurseries that we</p> <p>12 talked to nurseries in the local area to make sure we get</p> <p>13 the sizes that were submitted and they are available.</p> <p>14 CATHY BORTEN: Given the topography and the plantings</p> <p>15 that you're talking about, are the plantings sitting -- how</p> <p>16 are the plantings sitting in terms of height in relation to</p> <p>17 the pole?</p> <p>18 BRIAN SIVERLING: The plantings will be above the</p> <p>19 compound area. And as has been described earlier, there is</p> <p>20 quite a difference in elevation from Snug Hill Lane down to</p> <p>21 the parking area of the swim club. And you can see the</p> <p>22 topography lines. It's quite steep there.</p> <p>23 CATHY BORTEN: All right. (Inaudible). All right</p> <p>24 because I'm going to show you what's been marked as 145 --</p> <p>25 no, that's not it. C4 (inaudible) C4. 145F as in Frank.</p>	<p>195</p> <p>1 have. And that's -- this is where the second -- or the</p> <p>2 third set of photo sims were taken (inaudible).</p> <p>3 CATHY BORTEN: Okay.</p> <p>4 SUSAN LEE: Could I go up and have him show me that</p> <p>5 closer?</p> <p>6 TAMMY CITRAMANNIS: Yeah. Do you mind Ms. Borten?</p> <p>7 CATHY BORTEN: No, that's fine.</p> <p>8 TAMMY CITRAMANNIS: Just so she can see for a second.</p> <p>9 CATHY BORTEN: Yeah.</p> <p>10 BRIAN SIVERLING: I can highlight it if that will</p> <p>11 help.</p> <p>12 TAMMY CITRAMANNIS: Actually, you can do it when it's</p> <p>13 returned to --</p> <p>14 SUSAN LEE: Okay.</p> <p>15 TAMMY CITRAMANNIS: -- cross examination. Otherwise,</p> <p>16 we're going to get --</p> <p>17 BRIAN SIVERLING: Since I'm up, can I just highlight</p> <p>18 it (inaudible)?</p> <p>19 TAMMY CITRAMANNIS: If they want to highlight it.</p> <p>20 BRIAN SIVERLING: Okay.</p> <p>21 CATHY BORTEN: That's fine.</p> <p>22 TAMMY CITRAMANNIS: Just identify that that's what</p> <p>23 you're doing.</p> <p>24 BRIAN SIVERLING: I'm just highlighting the area that</p> <p>25 -- on the site that meets both the residential 300 foot</p>
<p>194</p> <p>1 I think you've identified this previously.</p> <p>2 BRIAN SIVERLING: Correct. That's the setback</p> <p>3 exhibit. Okay.</p> <p>4 CATHY BORTEN: So why was this drawing created?</p> <p>5 BRIAN SIVERLING: Well, the question came up; where</p> <p>6 can we put the tower if we met both the 300 foot setback to</p> <p>7 a residential structure and the one to one setback for the</p> <p>8 tower structure.</p> <p>9 CATHY BORTEN: And can you walk us through what --</p> <p>10 actually, if you can get up --</p> <p>11 BRIAN SIVERLING: Sure.</p> <p>12 CATHY BORTEN: -- And make sure that you can be heard</p> <p>13 and seen and explain where the alternate location that</p> <p>14 needs the setback is and what it does in terms of --</p> <p>15 BRIAN SIVERLING: Sure. Well --</p> <p>16 CATHY BORTEN: Distance around (inaudible).</p> <p>17 BRIAN SIVERLING: Well, the challenge we had here is</p> <p>18 we had to be 300 feet from a residential dwelling and 80</p> <p>19 feet from a property line. So there is a small rectangular</p> <p>20 area. Is not quite a rectangle, but it's hatched in here.</p> <p>21 This is the only area on the site that meets both of those</p> <p>22 criteria. As you can see, it runs right across the</p> <p>23 entrance to the pool and clubhouse as well as the entrance</p> <p>24 to the tennis courts. So that was the purpose of the --</p> <p>25 creating the exhibit was to show what possibilities we</p>	<p>196</p> <p>1 setback and the one to one setback for that.</p> <p>2 CATHY BORTEN: Stay here.</p> <p>3 BRIAN SIVERLING: Okay.</p> <p>4 GREG DIAMOND: On exhibit number --</p> <p>5 BRIAN SIVERLING: Exhibit 145F.</p> <p>6 CATHY BORTEN: (Inaudible) all right. So if we</p> <p>7 compare exit 140 -- sorry. Exhibit 145C, which is the site</p> <p>8 plan --</p> <p>9 BRIAN SIVERLING: Correct.</p> <p>10 CATHY BORTEN: -- to 145F, which is the setback</p> <p>11 exhibit, can you -- I don't -- I'm not sure if you did it</p> <p>12 previously, but can you identify the difference in the</p> <p>13 distance and the location towards the homes?</p> <p>14 BRIAN SIVERLING: Sure.</p> <p>15 CATHY BORTEN: How does it work best for you?</p> <p>16 BRIAN SIVERLING: I think the easiest way to do it</p> <p>17 would be to just compare the two, the setbacks from the two</p> <p>18 sides.</p> <p>19 FEMALE VOICE: (Inaudible).</p> <p>20 BRIAN SIVERLING: My bad. Sorry. So when we looked</p> <p>21 at this site, our intent was to get as far away from the</p> <p>22 residential site, the residential dwellings, as we could.</p> <p>23 So if we start at -- with the original for the exhibit, or</p> <p>24 the site -- excuse me -- the site plan, Exhibit 145C, this</p> <p>25 is the site plan that was submitted for the special</p>

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50 (197 to 200)

<p>197</p> <p>1 exception here. There we have, and for all intents and 2 purposes, we will focus on the community to the north, 3 east, and west. There is a lot of tree buffer here on The 4 Moxie, but anyway. So to the east, the closest residential 5 dwelling to the proposed location is 375 feet, plus or 6 minus. To the north, the closest lot, or the closest 7 dwelling, is 358 feet 3 inches. To the east, it is 372 8 feet 9 inches plus or minus. To the south, it's 304 feet 4 9 inches. That was the closest one. So we are for the way 10 to the east, north, and west. If we looked up at the tower 11 where it meets the ones one setback for the structure 12 height, now we're looking at -- it could be as close as 300 13 feet, but we can put it anywhere in this area assuming it 14 would function. But we are over 300 feet. So we go from 15 373, to 300. We go to 358 to 300, and 372 to 300. So it 16 is -- it does move up. Further on, then it goes to 356 to 17 the dwelling to the south. 18 CATHY BORTEN: So looking again at this Exhibit 145F, 19 with the equipment portion of the facility have to be cited 20 near the pole? 21 BRIAN SIVERLING: It's best to have it directly 22 adjacent to the pole. It doesn't have to be. Always see, 23 if you are to put the tower somewhere in that sliver of 24 land, the equipment would probably still need to go in the 25 -- you know, take a couple of parking spots, but it would</p>	<p>199</p> <p>1 BRIAN SIVERLING: Correct. 2 CATHY BORTEN: And are you showing the equipment to 3 still remain along the Democracy Boulevard side of the 4 parking lot? 5 BRIAN SIVERLING: Yes, I would -- I would say that 6 still the best place for it. 7 CATHY BORTEN: And if you did this, would you have to 8 dig underground? 9 BRIAN SIVERLING: Yes, we would have to run 10 (inaudible) from the equipment over to the tower. 11 CATHY BORTEN: So from an engineering standpoint, does 12 the equipment have to be sited right next to the pool? 13 BRIAN SIVERLING: No, it does not. There are ways 14 around it. 15 CATHY BORTEN: All right. So I want to talk about 16 parking. I think I'm going to grab C1 again. Is that 17 what's right there? 18 BRIAN SIVERLING: Yes. 19 CATHY BORTEN: All right. So I'm putting backup 145C, 20 the site plan. (Inaudible). Since you designed the site 21 plan, can you explain how many spots are going to be taken 22 up by the proposed facility, how those are going to be made 23 up, and what it does to the overall parking requirements 24 for the special exception? 25 BRIAN SIVERLING: Right. The original special</p>
<p>198</p> <p>1 have to go underground. The cabling, all the conduits, 2 would have to go underground to the tower. 3 CATHY BORTEN: So just to be clear. This alternative 4 location would be viable even if the equipment had to be 5 located on the other side of the parking lot. 6 BRIAN SIVERLING: Yes. You -- you could do it if 7 there is -- I mean, if you -- 8 CATHY BORTEN: What would that involve? 9 BRIAN SIVERLING: To install it there? Well, it would 10 be -- obviously, your foundation would have to go in there. 11 It probably would impact, looking at the location layout; 12 it's going to impact some parking spaces because the base 13 of the foundation is going to be bigger than what we 14 probably have there area-wise. 15 CATHY BORTEN: For the pole with equipment? 16 BRIAN SIVERLING: No, no. For the pole. 17 CATHY BORTEN: Now, I'm talking about the equipment. 18 BRIAN SIVERLING: Oh, the equipment. 19 CATHY BORTEN: Here, we just -- if I'm looking at this 20 Exhibit 145F -- 21 BRIAN SIVERLING: Right. 22 CATHY BORTEN: -- You're showing the pole to be 23 located somewhere -- 24 BRIAN SIVERLING: Somewhere in there. 25 CATHY BORTEN: -- In this highlighted, hatched area.</p>	<p>200</p> <p>1 exception required 79 spaces. It's a little confusing on 2 how we get there, but bear with me for a moment. Verizon 3 is only going to build (inaudible) that they need. They're 4 not going to build for future carriers. They don't control 5 that land. That will be a deal between future carriers and 6 the landlord, not Verizon Wireless. Verizon will control 7 the tower. So the compound has projected that we are 8 taking four spaces. Okay. In order to replace the spaces, 9 we have to build them somewhere. So this -- we are 10 proposing to build this -- the new spaces over here. To 11 get there, you lose three because you need (inaudible) to 12 get there, right. So we are up to seven. We are proposing 13 to add eight. Primarily, just because it's symmetric. 14 That may look a little off if you do three. We only have 15 to do seven, but we will throw in eight. So you get 80 16 spaces (inaudible). Say you have the proposed -- the 17 expansion area. We are anticipating taking three more 18 spaces for two carriers, okay. So remember, we are on one. 19 So we are at 80. And if -- and if they build this, they're 20 going to have to come in and build two more spaces. But we 21 trying to minimize the impact of this area so we don't want 22 -- we don't need to build everything out with the hopes 23 that another carrier is going to come. They may not. We 24 don't -- we don't know what their coverage needs are in the 25 area and things like that. So that's how we get back to</p>

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51 (201 to 204)

<p>201</p> <p>1 the baseline of 79 spaces.</p> <p>2 CATHY BORTEN: So in talking about the potential for</p> <p>3 expansion for co-located, is the monopole structure itself</p> <p>4 designed to account for potential co-locators?</p> <p>5 BRIAN SIVERLING: Yes, the county does require you to</p> <p>6 provide at least, on the size pole, at least two more co-</p> <p>7 locations. And you -- the reason you do that, you want</p> <p>8 that tower -- you don't want to have to modify the</p> <p>9 structure if you get another carrier coming in. You want</p> <p>10 (inaudible). The county wants people to co-locate. They</p> <p>11 don't want to have, you know, towers popping up everywhere</p> <p>12 for a single -- single carrier. So yes, it will be</p> <p>13 designed for --</p> <p>14 CATHY BORTEN: For how many more?</p> <p>15 BRIAN SIVERLING: Up to two.</p> <p>16 CATHY BORTEN: Just one moment. Thank you. So we</p> <p>17 just were -- we were going through the possible alternate</p> <p>18 location and a sigh on the property that would me all the</p> <p>19 setbacks. And I believe you testified that you could</p> <p>20 technically place the bowl and that alternative location to</p> <p>21 meet the setbacks. Are there any operational or other</p> <p>22 sorts of reasons that make that location not preferable</p> <p>23 with regard to the existing use?</p> <p>24 BRIAN SIVERLING: Well, certainly, it would have -- I</p> <p>25 believe it would have a bigger impact on communication</p>	<p>203</p> <p>1 conditional use, is that right?</p> <p>2 BRIAN SIVERLING: I believe that's correct, yeah.</p> <p>3 BILL CHEN: And it's a telecommunications conditional</p> <p>4 use.</p> <p>5 BRIAN SIVERLING: Yes.</p> <p>6 BILL CHEN: And what does a telecommunications</p> <p>7 conditional use consist of?</p> <p>8 BRIAN SIVERLING: Whatever the -- whatever's in the</p> <p>9 ordinance. I'm not sure.</p> <p>10 BILL CHEN: Okay. You don't know what the ordinance</p> <p>11 defines it to be?</p> <p>12 BRIAN SIVERLING: I don't have it verbatim, no.</p> <p>13 BILL CHEN: Okay. For the purposes of my questioning,</p> <p>14 please assume that a conditional use for a</p> <p>15 telecommunications tower under the zoning order, consists</p> <p>16 of the supporting structure and related equipment. That's</p> <p>17 in quotes.</p> <p>18 BRIAN SIVERLING: Okay.</p> <p>19 BILL CHEN: Now, in this particular case, you have</p> <p>20 related equipment as well as the monopole or the supporting</p> <p>21 structure, right?</p> <p>22 BRIAN SIVERLING: Correct.</p> <p>23 BILL CHEN: And can you tell us what is the smallest</p> <p>24 amount of area that that conditional use requires?</p> <p>25 BRIAN SIVERLING: In terms of --</p>
<p>202</p> <p>1 traveling through, accessing the tennis courts or the pool.</p> <p>2 You would certainly have to position that so that you still</p> <p>3 -- you don't impact that function or the function of the</p> <p>4 tennis courts or the pool.</p> <p>5 CATHY BORTEN: And what about the underground?</p> <p>6 BRIAN SIVERLING: Well, that's going to be a</p> <p>7 construction issue. You know, once it's in, it's in, but</p> <p>8 that would -- is just another -- another wrinkle you would</p> <p>9 have to address.</p> <p>10 CATHY BORTEN: And then just to be clear, that site on</p> <p>11 the property in the alternate location, is that the site</p> <p>12 that Verizon Wireless is proposing or are they proposing</p> <p>13 the site on Democracy?</p> <p>14 BRIAN SIVERLING: We are proposing the site to the</p> <p>15 south side of the parking area, yes.</p> <p>16 CATHY BORTEN: As shown on --</p> <p>17 BRIAN SIVERLING: As shown on Exhibit 145C.</p> <p>18 CATHY BORTEN: And that's the -- is that -- that's the</p> <p>19 location that requires the waiver?</p> <p>20 BRIAN SIVERLING: That's great.</p> <p>21 CATHY BORTEN: Just one moment. That's all I have at</p> <p>22 this time.</p> <p>23 TAMMY CITRAMANNIS: Mr. Chen.</p> <p>24 BILL CHEN: Thank you, Madam Examiner. Sir, as I</p> <p>25 explained, you are aware you are testifying in support of a</p>	<p>204</p> <p>1 BILL CHEN: Square footage. Land area on this</p> <p>2 property.</p> <p>3 GREG DIAMOND: I'm going to object and here's the</p> <p>4 reason. Verizon Wireless is proposing the structure, not a</p> <p>5 theoretical structure. Unless Mr. Chen can --</p> <p>6 BILL CHEN: I'm talking --</p> <p>7 GREG DIAMOND: -- lay a foundation for --</p> <p>8 TAMMY CITRAMANNIS: Let him finish.</p> <p>9 GREG DIAMOND: -- why a theoretical structure ought to</p> <p>10 be analyzed, then only the application that is pending</p> <p>11 ought to be cross-examined.</p> <p>12 BILL CHEN: Excuse me. I'm not talking about</p> <p>13 theoretical. I'm talking about this particular</p> <p>14 application. What is the smallest area being proposed by</p> <p>15 Verizon for the compound area in this application?</p> <p>16 GREG DIAMOND: Objection.</p> <p>17 TAMMY CITRAMANNIS: (Inaudible) size the compound area</p> <p>18 is.</p> <p>19 BILL CHEN: The smallest --</p> <p>20 GREG DIAMOND: That's the -- that's what's proposed.</p> <p>21 BILL CHEN: That's what's proposed.</p> <p>22 TAMMY CITRAMANNIS: So the question is, you're asking</p> <p>23 what size -- was the size of the compound area.</p> <p>24 BILL CHEN: The smallest if they're going to -- the</p> <p>25 smallest that they can have for this operation.</p>

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52 (205 to 208)

<p>205</p> <p>1 CATHY BORTEN: That's not a relevant question.</p> <p>2 GREG DIAMOND: Could or what's being actually applied</p> <p>3 for?</p> <p>4 TAMMY CITRAMANNIS: First of all, one person can</p> <p>5 object and argue and one person can speak at the same -- by</p> <p>6 themselves because otherwise, I can assure you it's not</p> <p>7 coming across very clear back there.</p> <p>8 GREG DIAMOND: (Inaudible).</p> <p>9 TAMMY CITRAMANNIS: And he's going to (inaudible) it</p> <p>10 up. No. So the question is -- rephrase your question and</p> <p>11 then --</p> <p>12 BILL CHEN: Well, yeah, I thought it was helping</p> <p>13 Verizon, but I guess I'm not. What I would like to know,</p> <p>14 is under the proposal that is before the Hearing Examiner</p> <p>15 that's been shown on the plans that you've given us; I</p> <p>16 think C1 shows and I believe C4 --</p> <p>17 BRIAN SIVERLING: But an enlargement on C2</p> <p>18 (inaudible).</p> <p>19 BILL CHEN: Yeah, that's right. What is the smallest</p> <p>20 area that would be necessary for that propose conditional</p> <p>21 use?</p> <p>22 BRIAN SIVERLING: Well --</p> <p>23 BILL CHEN: It's at 700 -- to help you, they are</p> <p>24 saying 700 square foot right now.</p> <p>25 BRIAN SIVERLING: Right.</p>	<p>207</p> <p>1 for two additional carriers.</p> <p>2 BILL CHEN: And so that, assuming this is granted,</p> <p>3 that can happen. We don't know when it will happen, but it</p> <p>4 can happen. We don't have to come back to the Hearing</p> <p>5 Examiner or anything like that. It will be approved for --</p> <p>6 yeah, three carriers.</p> <p>7 BILL CHEN: Okay. And I believe your plans also show</p> <p>8 an area for a compound for the two additional carriers.</p> <p>9 BRIAN SIVERLING: We do.</p> <p>10 BILL CHEN: Okay. And how much is that area, sir? I</p> <p>11 think it's 20 by 29. Does that sound right?</p> <p>12 BRIAN SIVERLING: I don't think that's -- I think</p> <p>13 that's too big.</p> <p>14 BILL CHEN: Okay. I'm just going by what I --</p> <p>15 BRIAN SIVERLING: It's definitely 20, but this is 35.</p> <p>16 We don't have dimension on here. I don't have a scale with</p> <p>17 me. (Inaudible).</p> <p>18 BILL CHEN: The land planner may.</p> <p>19 (Crosstalk)</p> <p>20 TAMMY CITRAMANNIS: Okay. Okay. We're still on</p> <p>21 record.</p> <p>22 BRIAN SIVERLING: Yeah, (inaudible) feet.</p> <p>23 BILL CHEN: So it's 20 by 29.</p> <p>24 BRIAN SIVERLING: Yes.</p> <p>25 TAMMY CITRAMANNIS: You said 29?</p>
<p>206</p> <p>1 BILL CHEN: Okay. Can it be done any smaller than 700</p> <p>2 square foot?</p> <p>3 TAMMY CITRAMANNIS: You want to know if the compound</p> <p>4 could be reduced --</p> <p>5 BILL CHEN: Yeah.</p> <p>6 TAMMY CITRAMANNIS: -- And still satisfy --</p> <p>7 BILL CHEN: What they want. What Verizon wants.</p> <p>8 TAMMY CITRAMANNIS: (Inaudible).</p> <p>9 BRIAN SIVERLING: Well, this was the layout that was</p> <p>10 approved. I mean, we submit this stuff for Verizon. This</p> <p>11 is what they approved. And can you tweak it here and</p> <p>12 there? Sure.</p> <p>13 BILL CHEN: Thank you.</p> <p>14 BRIAN SIVERLING: But the essence of it is, that's the</p> <p>15 size of they would prefer.</p> <p>16 BILL CHEN: So therefore, for the purposes of the</p> <p>17 evaluation that the Hearing Examiner is going to have to go</p> <p>18 through, Verizon is proposing 700 square foot for its</p> <p>19 monopole and related equipment.</p> <p>20 BRIAN SIVERLING: That's what this is. If that's what</p> <p>21 that adds up to be submitted, yes, that's what we're --</p> <p>22 BILL CHEN: Thank you. Okay. In addition, by virtue</p> <p>23 of an approval of this application, two additional carriers</p> <p>24 can be included on the monopole.</p> <p>25 BRIAN SIVERLING: That's great. It will be designed</p>	<p>208</p> <p>1 BRIAN SIVERLING: Correct.</p> <p>2 TAMMY CITRAMANNIS: Okay.</p> <p>3 BILL CHEN: And directing your attention to the</p> <p>4 sliver, the hatched area on, I think it C1. Is it -- and I</p> <p>5 apologize --</p> <p>6 BRIAN SIVERLING: C4 I believe.</p> <p>7 BILL CHEN: C4. I'm sorry.</p> <p>8 BRIAN SIVERLING: (Inaudible).</p> <p>9 BILL CHEN: Yeah.</p> <p>10 TAMMY CITRAMANNIS: Can you identify the number</p> <p>11 (inaudible)?</p> <p>12 BRIAN SIVERLING: 145F.</p> <p>13 TAMMY CITRAMANNIS: Thank you.</p> <p>14 BILL CHEN: Now, that area within that hatched area,</p> <p>15 the sliver, currently is developed isn't that correct?</p> <p>16 BRIAN SIVERLING: Yes, it is.</p> <p>17 BILL CHEN: And what's in that area right now?</p> <p>18 BRIAN SIVERLING: Well, there is a sidewalk to the</p> <p>19 entrance of the pool. There is some (inaudible) running</p> <p>20 along a part of the fence to the tennis courts. Then there</p> <p>21 is a -- as some parking spaces here as well.</p> <p>22 BILL CHEN: Is what -- is there a Pepco utility box</p> <p>23 there possibly? Do you know?</p> <p>24 BRIAN SIVERLING: We don't identify out, but there</p> <p>25 could be. The probably is some type of electrical service</p>

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53 (209 to 212)

<p>209</p> <p>1 coming into the property.</p> <p>2 BILL CHEN: So that walk area is right into the main</p> <p>3 entrance of the swimming pool facility.</p> <p>4 BRIAN SIVERLING: I believe so, yes.</p> <p>5 BILL CHEN: And how would the supporting structure and</p> <p>6 related equipment fit within that area</p> <p>7 BRIAN SIVERLING: The related equipment wouldn't fit</p> <p>8 in that area. This is just for the setback for the power</p> <p>9 structure.</p> <p>10 BILL CHEN: Okay. Does that also include the</p> <p>11 expansion would not be able to fit in there as well?</p> <p>12 BRIAN SIVERLING: Expansion in terms of equipment?</p> <p>13 BILL CHEN: Yeah, this 20 by 29 foot.</p> <p>14 BRIAN SIVERLING: Yeah, you couldn't put any equipment</p> <p>15 -- basically any equipment in there. I mean, we're just</p> <p>16 looking at the tower setbacks.</p> <p>17 BILL CHEN: Okay. Do you know what type of equipment</p> <p>18 the additional carriers would want to include within the</p> <p>19 enclosure area?</p> <p>20 CATHY BORTEN: Objection. He is not -- he doesn't</p> <p>21 know what carriers (inaudible).</p> <p>22 BILL CHEN: But wait a minute. Let me try</p> <p>23 (inaudible).</p> <p>24 CATHY BORTEN: They all have different equipment.</p> <p>25 TAMMY CITRAMANNIS: (Inaudible) what they would need</p>	<p>211</p> <p>1 with other carriers and what they generally would use.</p> <p>2 BILL CHEN: Okay. With a have a generator?</p> <p>3 BRIAN SIVERLING: Some do. Some don't.</p> <p>4 BILL CHEN: Could they have some form of backup power</p> <p>5 like you've described for the Verizon antennas?</p> <p>6 BRIAN SIVERLING: Typically, they all have some type</p> <p>7 of backup.</p> <p>8 BILL CHEN: Okay. And it might be batteries. It</p> <p>9 might be a generator. It might be a combination as you</p> <p>10 described earlier for Verizon.</p> <p>11 BRIAN SIVERLING: Correct.</p> <p>12 BILL CHEN: Okay. As I understand your testimony, the</p> <p>13 actual tower to be used for this site, has not yet been</p> <p>14 designed.</p> <p>15 BRIAN SIVERLING: That's correct.</p> <p>16 BILL CHEN: So at this point in time, no one knows</p> <p>17 what the camouflaged monopole will look like.</p> <p>18 BRIAN SIVERLING: The intent and the reason we use</p> <p>19 what Sabre Industries provided us as an image, is that the</p> <p>20 intent would be that is what Verizon would end up -- they</p> <p>21 would go to Sabre and have the tower (inaudible).</p> <p>22 BILL CHEN: But you don't know what it will be yet.</p> <p>23 BRIAN SIVERLING: Excuse me.</p> <p>24 BILL CHEN: But you don't know what is going to be.</p> <p>25 BRIAN SIVERLING: I don't know the exact, specific</p>
<p>210</p> <p>1 (inaudible).</p> <p>2 BILL CHEN: I've asked a very simple question.</p> <p>3 Counsel doesn't know what he's going to say. Maybe she</p> <p>4 does and wants to put words in his mouth, but it's a simple</p> <p>5 question.</p> <p>6 TAMMY CITRAMANNIS: Okay. Everybody is entitled to</p> <p>7 object, but I can only hear one person at a time and we are</p> <p>8 going to keep this smooth and orderly. No need to get</p> <p>9 upset with each other. Okay. So your question is; what</p> <p>10 equipment would go --</p> <p>11 BILL CHEN: (Inaudible).</p> <p>12 BRIAN SIVERLING: You wouldn't know what they would</p> <p>13 put in, but what would they need to put in.</p> <p>14 BILL CHEN: Yeah. I thought the question was pretty</p> <p>15 straightforward. Does he know what equipment the</p> <p>16 additional carriers would want to include in the enclosed</p> <p>17 area?</p> <p>18 TAMMY CITRAMANNIS: Versus need.</p> <p>19 BILL CHEN: I didn't say need.</p> <p>20 TAMMY CITRAMANNIS: Want is --</p> <p>21 BILL CHEN: I asked what they would want to put in</p> <p>22 there. That's all. He may not know. I don't know.</p> <p>23 TAMMY CITRAMANNIS: I would think (inaudible) carrier.</p> <p>24 BRIAN SIVERLING: We don't know. I don't know the</p> <p>25 specific equipment. We based the size on our experience</p>	<p>212</p> <p>1 design of the tower, no.</p> <p>2 BILL CHEN: Okay. And is the top of the 80 foot pole,</p> <p>3 that 28 to 30 inches, is that definitive that we can rely</p> <p>4 on your testimony today that the top will be 28 to 30</p> <p>5 inches?</p> <p>6 BRIAN SIVERLING: In my professional opinion, yes. I</p> <p>7 think that's an accurate estimation.</p> <p>8 BILL CHEN: And the base will be no more than 54 to 56</p> <p>9 inches.</p> <p>10 BRIAN SIVERLING: In my opinion, based on our</p> <p>11 experience with these types of structures, I would say that</p> <p>12 is a close approximation.</p> <p>13 BILL CHEN: And there will be a heavy baseplate with</p> <p>14 holes for anchor bolts.</p> <p>15 BRIAN SIVERLING: Absolutely.</p> <p>16 BILL CHEN: And how big is that base, heavy baseplate</p> <p>17 and what does it consist of?</p> <p>18 BRIAN SIVERLING: Well, again, it's designed by the</p> <p>19 tower manufacturer, but it can be -- it's really each</p> <p>20 manufacturer has its own protocol on how it designs their</p> <p>21 baseplates and it can be a circle, can be a hexagon, it</p> <p>22 could be any different configuration depending on how they</p> <p>23 want to anchor the anchor bolts.</p> <p>24 BILL CHEN: So as of today, we do not know even for</p> <p>25 Verizon's monopole supporting structure, we do not know</p>

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<p>213</p> <p>1 what the baseplate size will be. 2 BRIAN SIVERLING: That's correct. 3 BILL CHEN: Or what it will even consist of. 4 BRIAN SIVERLING: That's correct. 5 BILL CHEN: But we know they are going to have to have 6 a baseplate. 7 BRIAN SIVERLING: It will have to be -- have a base 8 pay and it will have to be designed to the industry 9 standards and code requirements. 10 BILL CHEN: Probably based on the design too. 11 BRIAN SIVERLING: That is part of -- well, correct. 12 BILL CHEN: Okay. 13 BRIAN SIVERLING: The design -- still, whatever 14 design, whatever image it is, it still has to meet the 15 criteria of -- for the loading conditions as to withstand. 16 BILL CHEN: And will that baseplate rest on earth? 17 BRIAN SIVERLING: No. 18 BILL CHEN: What will it rest on? 19 BRIAN SIVERLING: Typically, it doesn't rest on 20 anything. It rests on -- the anchor bolts have a double 21 nut system. They -- the recommendation is actually not for 22 any type of ground or anything between the baseplate and 23 the foundation. Anchor bolts will project into the 24 foundation at the prescribed length depending on the forces 25 required.</p>	<p>215</p> <p>1 BRIAN SIVERLING: Yeah. 2 BILL CHEN: In your experience for a monopole of 80 3 foot as you've described, what is the size of the caisson? 4 BRIAN SIVERLING: Will again, the geotechnical 5 parameters will dictate this, but what we've depicted on 6 there, I think is a 7 to 8 foot diameter caisson. The 7 depth of it would be strictly depended on -- 8 BILL CHEN: The geotechnical information. 9 BRIAN SIVERLING: -- The geotechnical information. 10 BILL CHEN: Have you read the opinion of the board of 11 appeals on the special exception that was granted for the 12 site back in, I think it was '78? 13 BRIAN SIVERLING: I'm somewhat familiar with it. I 14 didn't read the entire thing. 15 BILL CHEN: Do you recall there was some concern there 16 about the fact that the site has some issues with, I think 17 construction material, the material that was used for -- 18 disposed at the site? 19 BRIAN SIVERLING: No, I'm not aware of that. 20 BILL CHEN: Okay. 21 CATHY BORTEN: Objection. Relevance. Where we going? 22 TAMMY CITRAMANNIS: (Inaudible). 23 BILL CHEN: This is very relevant to -- 24 TAMMY CITRAMANNIS: Overruled. 25 BILL CHEN: Oh. In your setback -- could you got your</p>
<p>214</p> <p>1 BILL CHEN: What does the foundation consist of? 2 BRIAN SIVERLING: As I mentioned earlier, the most 3 prevalent form a foundation for monopole is a caisson, 4 which is basically a cylinder of concrete that long and is 5 round, project into the ground. As I mentioned earlier, 6 the geotechnical study has not been completed on this. So 7 that will dictate the type of foundation that will be used 8 for this type of structure. 9 BILL CHEN: Is the caisson of a larger diameter and 10 circumference than the monopole itself? 11 BRIAN SIVERLING: Absolutely. 12 BILL CHEN: Is there some correlation or size 13 differential that is a minimum required size differential 14 depending on the height of the monopole? 15 BRIAN SIVERLING: There is no minimum. Honestly, at 16 seven of concrete cover to -- per code to secure the anchor 17 bolts, but again, it's very much dictated on the 18 geotechnical profile underneath the tower and the base 19 circumference of the structure itself. Obviously, the 20 anchor bolts go outside. The bolt circle for the anchor 21 bolts is larger than the base of the tower. 22 BILL CHEN: Will that caisson fit within the sliver? 23 BRIAN SIVERLING: Possibly. 24 BILL CHEN: Depending on how big a caisson they want 25 to use.</p>	<p>216</p> <p>1 setback exhibit just for a second, sir? 2 BRIAN SIVERLING: All right. 3 BILL CHEN: Is that it right there? 4 BRIAN SIVERLING: That's it right there. 5 BILL CHEN: In my -- may I approach Madam Examiner? 6 TAMMY CITRAMANNIS: Yes. And when you say that's it 7 there, tell me what that (inaudible). 8 BILL CHEN: Yeah. And I'll try to (inaudible) -- 9 BRIAN SIVERLING: Exhibit (inaudible) C. 10 TAMMY CITRAMANNIS: Okay. 11 BILL CHEN: -- Microphone. 12 BRIAN SIVERLING: Or, I'm sorry. That's -- 13 BILL CHEN: Sir, as I am reading the exhibit here, it 14 looks like your take -- you're dimensioning off the center 15 of the monopole for your measurements. Am I mistaken about 16 that? 17 BRIAN SIVERLING: On this exhibit? 18 BILL CHEN: Well -- 19 BRIAN SIVERLING: No, not at all. 20 BILL CHEN: Maybe it's the -- if I may. Yes. 21 BRIAN SIVERLING: On our original site plan -- 22 BILL CHEN: Yes. 23 BRIAN SIVERLING: -- Yes, (inaudible). 24 BILL CHEN: So -- 25 TAMMY CITRAMANNIS: Which one away on now?</p>

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<p>217</p> <p>1 BRIAN SIVERLING: Now we are on Exhibit 145C.</p> <p>2 BILL CHEN: This may be my ignorance, but in</p> <p>3 determining the distance for setback, are you measuring</p> <p>4 therefore from the center of the monopole as part of that</p> <p>5 setback distance?</p> <p>6 BRIAN SIVERLING: We always take the measurement from</p> <p>7 the centerline of the pole, yes.</p> <p>8 BILL CHEN: Okay. And in this particular case, the</p> <p>9 setback that we are talking about is a zoning ordinance</p> <p>10 setback. Is that right, sir?</p> <p>11 BRIAN SIVERLING: Yes.</p> <p>12 BILL CHEN: Okay. Is there a reason why you did not</p> <p>13 measure the setback of the monopole from the surface of the</p> <p>14 monopole rather than the center of it?</p> <p>15 BRIAN SIVERLING: For -- just -- I got into this</p> <p>16 business, we've always done it from the centerline of the</p> <p>17 pole. We don't know what the outside edge -- well, if you</p> <p>18 want to say what the circumferences, we don't know what</p> <p>19 that exact measurement (inaudible).</p> <p>20 BILL CHEN: Well, I'm not concerned about the</p> <p>21 circumference. I'm just saying that when you're talking</p> <p>22 about a setback distance for a structure, that -- well, let</p> <p>23 me -- in my simplistic thinking I guess. If you're talking</p> <p>24 about a setback for a house --</p> <p>25 BRIAN SIVERLING: Sure.</p>	<p>219</p> <p>1 GREG DIAMOND: But the pole structure that's being</p> <p>2 constructed is 80 feet tall.</p> <p>3 TAMMY CITRAMANNIS: Right. And your question is --</p> <p>4 BILL CHEN: Is if you include --</p> <p>5 TAMMY CITRAMANNIS: The branches.</p> <p>6 BILL CHEN: -- the branches. Has he done -- has he</p> <p>7 done an analysis?</p> <p>8 TAMMY CITRAMANNIS: I'm going to allow it.</p> <p>9 BRIAN SIVERLING: Well, we haven't moved the tower.</p> <p>10 BILL CHEN: The question is, sir, have you done an</p> <p>11 analysis as to whether an 89 foot tall support structure,</p> <p>12 including the faux branches, would satisfy setbacks on this</p> <p>13 property?</p> <p>14 BRIAN SIVERLING: We have not. If you -- however, we</p> <p>15 used 80 feet with a very narrow area, but at 89, that area</p> <p>16 will go away.</p> <p>17 BILL CHEN: You've done thousands of these. Isn't</p> <p>18 that right, sir?</p> <p>19 BRIAN SIVERLING: Yes.</p> <p>20 BILL CHEN: How many of those thousands have had a</p> <p>21 setback area that is, that you have characterized as you</p> <p>22 have, a sliver?</p> <p>23 BRIAN SIVERLING: We don't -- we don't do thousands --</p> <p>24 I mean, we don't all do towers. So this probably been a</p> <p>25 handful.</p>
<p>218</p> <p>1 BILL CHEN: -- You go from the property line to the</p> <p>2 wall, the outside wall. You don't go to the dining room,</p> <p>3 okay. You go to the outside wall. And this particular</p> <p>4 case, my inquiry is, as I understand the exhibit that you</p> <p>5 just shown us C1, which is 140 --</p> <p>6 BRIAN SIVERLING: 5C.</p> <p>7 BILL CHEN: Thank you, very much. As I understand it,</p> <p>8 for the purposes of the setback of the monopole in this</p> <p>9 case, as I understand your testimony, the measurement is</p> <p>10 being taken to the center of the monopole rather than the</p> <p>11 surface of the monopole.</p> <p>12 BRIAN SIVERLING: That's correct.</p> <p>13 BILL CHEN: Now, let me ask you this question. Have</p> <p>14 you done any analysis of the setback requirements for this</p> <p>15 site if the monopole was deemed to be an 89 foot tall</p> <p>16 superstructure or support structure?</p> <p>17 GREG DIAMOND: Objection. There's no foundation for</p> <p>18 that question.</p> <p>19 BILL CHEN: Huh? We -- two witnesses ago, they were</p> <p>20 talking about 89 feet.</p> <p>21 GREG DIAMOND: So the -- it's very clear that the pole</p> <p>22 is 80 feet tall and there are attachments to the pole --</p> <p>23 TAMMY CITRAMANNIS: Right.</p> <p>24 GREG DIAMOND: -- fake branches that go to 89 feet.</p> <p>25 TAMMY CITRAMANNIS: Right.</p>	<p>220</p> <p>1 BILL CHEN: Okay. In Montgomery County, with an area</p> <p>2 setback permissible of this (inaudible) have you done any?</p> <p>3 BRIAN SIVERLING: We have not.</p> <p>4 BILL CHEN: Okay. And I assume, they given the</p> <p>5 setback requirements of the zoning ordinance and given the</p> <p>6 physical size of this site, it's actually pretty narrow</p> <p>7 when it comes right down to it in order to have a</p> <p>8 telecommunications tower conditional use here with the</p> <p>9 setback requirements.</p> <p>10 BRIAN SIVERLING: That was the purpose of the setback</p> <p>11 exhibit, yes.</p> <p>12 BILL CHEN: To have it, you need a waiver.</p> <p>13 BRIAN SIVERLING: Mm-hmm (affirmative).</p> <p>14 TAMMY CITRAMANNIS: I'm pretty sure the answer was,</p> <p>15 yes.</p> <p>16 BRIAN SIVERLING: I'm sorry. Yes.</p> <p>17 BILL CHEN: Oh. That quite steep area to the rear,</p> <p>18 have you that's where the parking spaces would go. I take</p> <p>19 it you've not done any analysis as to how the change in</p> <p>20 elevation and as the barrier relates to proposed parking.</p> <p>21 Is that right?</p> <p>22 BRIAN SIVERLING: Well, where we are proposing the</p> <p>23 parking is not -- it's not steep.</p> <p>24 BILL CHEN: Okay. So you're not --</p> <p>25 BRIAN SIVERLING: The elevation changes start beyond</p>

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<p>221</p> <p>1 where we are proposing the parking spaces. 2 BILL CHEN: Okay. It's at the base end of the steep 3 part of the site. 4 BRIAN SIVERLING: Yeah, it's on the existing parking 5 lot. 6 BILL CHEN: And on the landscaping across the top of 7 that edge, help me for a minute. What is being proposed to 8 install? 9 BRIAN SIVERLING: The actual -- 10 BILL CHEN: Yeah. 11 BRIAN SIVERLING: -- elements? We have a planting 12 scheduled. 13 BILL CHEN: I understand. 14 BRIAN SIVERLING: Exhibit 145G. 15 BILL CHEN: Is that L1? 16 BRIAN SIVERLING: L1 -- 17 BILL CHEN: Yeah, thank you. 18 BRIAN SIVERLING: (Inaudible). We've got planting 19 scheduled. Let's see; I'll use the common name because my 20 Latin is not real good. We've got three green mountain 21 sugar maples planted (inaudible). Three willow oak, also 22 at a 4 inch caliper. There is eight Eastern red cedar 23 planted at 8 to 10 feet. And 11 Miss Helen American holly 24 (inaudible) 8 to 10 feet. In addition, we note the mature 25 height, mature spread. For the green mountain sugar maple,</p>	<p>223</p> <p>1 BILL CHEN: (Inaudible) 18 months? A few years? 2 BRIAN SIVERLING: I don't know what the terms of the 3 agreement or. 4 TAMMY CITRAMANNIS: Is it in the -- 5 CATHY BORTEN: The condition of the special exception 6 -- 7 (Crosstalk) 8 TAMMY CITRAMANNIS: It's one of the conditions. And 9 remember, if you put it in there (inaudible). 10 BILL CHEN: Do you know the highest point on the pole 11 at which there will be an antenna? 12 BRIAN SIVERLING: 76 feet. 13 BILL CHEN: And -- 14 BRIAN SIVERLING: For the (inaudible) 76 feet. 15 BILL CHEN: Yes. You said the centerline was 76 feet 16 (inaudible). 17 BRIAN SIVERLING: Yeah, and we are assuming an 8 foot 18 antenna. 19 BILL CHEN: Gotcha. Okay. I don't have any further 20 questions. 21 TAMMY CITRAMANNIS: Okay. Ms. Wetter. Is your mic 22 on? (Inaudible). 23 CHERYL WETTER: Cheryl Wetter. 24 TAMMY CITRAMANNIS: Thank you. 25 CHERYL WETTER: Okay. The first question is, have you</p>
<p>222</p> <p>1 the mature height is 40 to 50 -- I'm sorry, 40 to 60 feet. 2 Mature spread, 25 to 45 feet. The willow oak, mature 3 height 40 to 75 feet. Mature spread, 25 to 50 feet. The 4 Eastern red cedar, mature height 30 to 65 feet. Mature 5 spread, 10 to 20 feet. And the Miss Helen American holly, 6 mature height, 15 to 25 feet. Mature spread, 10 and 18 7 feet. 8 BILL CHEN: And how long will it take for those 9 maturity conditions to occur? 10 BRIAN SIVERLING: I'm not a landscape architect. I 11 would say the maples could be 30 years. I don't know. 20 12 to 30 years. 13 BILL CHEN: Okay. Is there -- 14 TAMMY CITRAMANNIS: Okay. Okay. Please. 15 BILL CHEN: They are not my clients. 16 TAMMY CITRAMANNIS: They are not your clients. 17 BILL CHEN: Is there any obligation to replace any 18 landscaping that dies? 19 BRIAN SIVERLING: Yes, typically Verizon has a 20 landscape agreement to -- 21 BILL CHEN: What is that? 22 BRIAN SIVERLING: -- to replace anything that dies. 23 BILL CHEN: Do you know what it is? What is the 24 agreement? 25 BRIAN SIVERLING: I do not know what the --</p>	<p>224</p> <p>1 taken into account with this sliver site, how people would 2 access the tennis courts? Would there be a slope? Will 3 there be steps down? Is this then going to protrude over - 4 - 5 BRIAN SIVERLING: We haven't taken any of that into 6 account. This was an exercise to show you where the tower 7 would go to meet the residential 300 foot setback and the 8 one-to-one structure setback. 9 CHERYL WETTER: Okay. 10 BRIAN SIVERLING: So we didn't -- we haven't explored 11 that impact at all. 12 CHERYL WETTER: As one of your conditions, I believe 13 you would have to make -- correct me if I'm wrong. And the 14 question is, do you have to meet the handicap access and 15 the child, young child access that we had to me originally 16 so they -- in other words, they never wanted kids coming 17 out at the bathhouse and having to go into the parking lot 18 to access the tennis courts. And often, a child signs up - 19 - 20 TAMMY CITRAMANNIS: You have to ask him a question. 21 CHERYL WETTER: Oh, I thought I started out -- 22 TAMMY CITRAMANNIS: You did start out and then -- 23 (Laughter) 24 TAMMY CITRAMANNIS: So just -- 25 CHERYL WETTER: Have you taken that into account and</p>

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<p>225</p> <p>1 how do you address --</p> <p>2 BRIAN SIVERLING: As I -- as I just said, we only</p> <p>3 looked at where it would go to meet the setbacks. We</p> <p>4 haven't looked at any of the design issues.</p> <p>5 CHERYL WETTER: So you don't even know -- you know how</p> <p>6 high that base would protrude above the ground?</p> <p>7 BRIAN SIVERLING: Oh, that's typically 6 inches to 12</p> <p>8 inches. I mean --</p> <p>9 CHERYL WETTER: So (inaudible).</p> <p>10 BRIAN SIVERLING: It's not ideal to put it in the</p> <p>11 walkway, no.</p> <p>12 CHERYL WETTER: Right. Okay. And a question about</p> <p>13 this tree thing. I understand that it's going to the extra</p> <p>14 towers. The extra antenna would be hidden vertically.</p> <p>15 Will they be hidden horizontally as well so you would --</p> <p>16 BRIAN SIVERLING: No, absolutely.</p> <p>17 CHERYL WETTER: Okay.</p> <p>18 BRIAN SIVERLING: Absolutely. I mean, the whole --</p> <p>19 the purpose of raising that canopy in the tree is to</p> <p>20 (inaudible). I mean, everybody seen the tree poles --</p> <p>21 CHERYL WETTER: Right.</p> <p>22 BRIAN SIVERLING: That's what the antennas at the top</p> <p>23 and they look like they've got antennas at the top. It's</p> <p>24 going to look like a tree. The intent here is to go the</p> <p>25 extra mile and concealed antennas.</p>	<p>227</p> <p>1 BILL CHEN: How many times a week does the generator</p> <p>2 work? I think they mean operate.</p> <p>3 BRIAN SIVERLING: Well, the cup previously stated in</p> <p>4 my testimony that it's exercised once a month.</p> <p>5 BILL CHEN: What range of noise level does the</p> <p>6 generator have?</p> <p>7 BRIAN SIVERLING: I'm not an electrical engineer, so I</p> <p>8 can't really tell you that. I don't have the spec in front</p> <p>9 of me, but I think that's I think it's around 50 dB.</p> <p>10 BILL CHEN: What -- will any trees or bushes currently</p> <p>11 at the site, be removed, or altered? And if so, how many</p> <p>12 and what type of vegetation will be used to replace --</p> <p>13 BRIAN SIVERLING: Well, right now with the pole in the</p> <p>14 parking area, the paved area, we don't intend to take any</p> <p>15 bushes out. There might be some minor trimming of the</p> <p>16 existing trees to allow the structure to go in.</p> <p>17 BILL CHEN: The next question is; what square footage</p> <p>18 of current green space would be used to build all the new</p> <p>19 parking spaces? I think it's probably going to those new</p> <p>20 spaces in the back. Do you know how much area that's going</p> <p>21 to be utilized for the spaces?</p> <p>22 BRIAN SIVERLING: 60 by -- I don't know. I think</p> <p>23 maybe 60 by 40'. It's not -- I mean, I'm -- just an</p> <p>24 estimation.</p> <p>25 BILL CHEN: This next --</p>
<p>226</p> <p>1 CHERYL WETTER: Okay. And generally, how deep does</p> <p>2 the base have to go for the equipment bed and --</p> <p>3 BRIAN SIVERLING: The equipment? The pad for the</p> <p>4 equipment?</p> <p>5 CHERYL WETTER: Pad, right.</p> <p>6 BRIAN SIVERLING: It only goes in for inches maybe.</p> <p>7 It's just a -- just a (inaudible).</p> <p>8 CHERYL WETTER: Okay. What about the tower based?</p> <p>9 How deep does the ad to be bolted down or (inaudible)?</p> <p>10 BRIAN SIVERLING: Well, again, it's an issue of</p> <p>11 design. Depending on the -- I'm assuming we're going to</p> <p>12 hit rock fairly quickly on this site. But the geotechnical</p> <p>13 investigation will tell us that. It will be, even if there</p> <p>14 is rock, it will be socketed into the rock to -- I mean, to</p> <p>15 properly anchor it. So the foundation is not (inaudible).</p> <p>16 CHERYL WETTER: (Inaudible). Okay. All right. I'm</p> <p>17 finished.</p> <p>18 TAMMY CITRAMANNIS: All right. Ms. Lee? Do we have</p> <p>19 any questions from individuals? No resting Mr. Chen.</p> <p>20 BILL CHEN: No one's handed -- I have not been handed</p> <p>21 any.</p> <p>22 TAMMY CITRAMANNIS: Okay. Anybody have questions they</p> <p>23 want to give to Mr. -- oh, perfect. You can hand those to</p> <p>24 him. I think it's getting better at reading your</p> <p>25 handwriting.</p>	<p>228</p> <p>1 TAMMY CITRAMANNIS: That's an estimation?</p> <p>2 BRIAN SIVERLING: Yes.</p> <p>3 BILL CHEN: This next question, I think the question</p> <p>4 as asked; where with the equipment area, the 20 by 29 space</p> <p>5 be located for the two additional carriers? I think it's</p> <p>6 right next door is in it? Somewhere around there.</p> <p>7 BRIAN SIVERLING: Yes, it's a continuation -- it's a</p> <p>8 continuation to the west of the existing -- the proposed --</p> <p>9 BILL CHEN: It's shown on one of the plans.</p> <p>10 BRIAN SIVERLING: It is, yeah.</p> <p>11 BILL CHEN: How many gallons of diesel fuel will be</p> <p>12 stored on the site and will it be aboveground or</p> <p>13 belowground?</p> <p>14 BRIAN SIVERLING: The diesel generator will have a 225</p> <p>15 gallon, double-blind, UL rated tank that sits underneath</p> <p>16 the engine. Everything is aboveground.</p> <p>17 BILL CHEN: So it will be 200 and --</p> <p>18 BRIAN SIVERLING: 25 gallons is the capacity of the</p> <p>19 tank.</p> <p>20 BILL CHEN: Thank you. Does the IBC or the TIA</p> <p>21 mandate minimum clearances or spacings for the tower, the</p> <p>22 equipment, and fencing?</p> <p>23 BRIAN SIVERLING: Mandate spacing between the</p> <p>24 equipment --</p> <p>25 BILL CHEN: Yeah.</p>

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58 (229 to 232)

<p>229</p> <p>1 BRIAN SIVERLING: -- And the ground and the tower?</p> <p>2 BILL CHEN: Yeah, all this -- do you have to have</p> <p>3 minimum spaces between these facilities? Do you have to</p> <p>4 have a foot (inaudible)?</p> <p>5 BRIAN SIVERLING: No, they're more -- they are more</p> <p>6 driven by the electrical code in terms of placement of</p> <p>7 clearances for -- is so you have an electric panel, yet</p> <p>8 have a 3 foot clearance in front of it. That type of</p> <p>9 thing.</p> <p>10 BILL CHEN: Okay.</p> <p>11 BRIAN SIVERLING: They can overlap. You know, one</p> <p>12 cabinet is here, one cabinet is here. If a 3 foot I'll,</p> <p>13 your good, but no, those -- the IBC and the electrical</p> <p>14 codes would maintain or mandate the clearances and spacing</p> <p>15 between electrical components.</p> <p>16 BILL CHEN: Now, going to the Exhibit 145F, we are</p> <p>17 talking about the 80-foot monopole that you are proposing.</p> <p>18 BRIAN SIVERLING: Yeah. The setback exhibit?</p> <p>19 BILL CHEN: Yeah.</p> <p>20 BRIAN SIVERLING: 145F.</p> <p>21 BILL CHEN: Yeah. And it's the support structure</p> <p>22 within that slivered area. Will the entire support</p> <p>23 structure, including the caisson, fit within that slivered</p> <p>24 area? (Inaudible) scale.</p> <p>25 BRIAN SIVERLING: Again, do we have the actual design,</p>	<p>231</p> <p>1 BRIAN SIVERLING: North to south.</p> <p>2 TAMMY CITRAMANNIS: -- West to east.</p> <p>3 BRIAN SIVERLING: North to south.</p> <p>4 BILL CHEN: North to south.</p> <p>5 TAMMY CITRAMANNIS: North to south. Got it.</p> <p>6 CATHY BORTEN: Could I ask a question on that?</p> <p>7 TAMMY CITRAMANNIS: You may.</p> <p>8 BILL CHEN: I'm -- I've got more.</p> <p>9 TAMMY CITRAMANNIS: Are you done?</p> <p>10 BILL CHEN: I've got more. I'm not done, no. I don't</p> <p>11 know who is giving it to me. I've just been handed various</p> <p>12 pieces of paper. Do you want me to finish or no?</p> <p>13 TAMMY CITRAMANNIS: Yeah, finish or -- yeah.</p> <p>14 BILL CHEN: Okay. As to the future additional</p> <p>15 carriers, your testimony is that apparently, we don't know</p> <p>16 who those carriers will be right now or if they will even</p> <p>17 be there --</p> <p>18 BRIAN SIVERLING: That's correct.</p> <p>19 BILL CHEN: That there will be (inaudible). I take it</p> <p>20 that, like Verizon, those additional carriers would have to</p> <p>21 negotiate a lease arrangement with the East Gate Recreation</p> <p>22 Association. Is that right?</p> <p>23 GREG DIAMOND: Objection. It's beyond the scope of</p> <p>24 this witness's --</p> <p>25 BILL CHEN: No, it isn't.</p>
<p>230</p> <p>1 we don't know. It's very close.</p> <p>2 BILL CHEN: Again, sticking with that exhibit, this</p> <p>3 other, what is the measurement from north to south of the</p> <p>4 thin, shaded strip that is designated as the alternate cell</p> <p>5 tower location, i.e., the smaller dimension?</p> <p>6 BRIAN SIVERLING: (Inaudible) scale.</p> <p>7 TAMMY CITRAMANNIS: Say that again. Asking the</p> <p>8 dimension of the hatched areas?</p> <p>9 BILL CHEN: I'll read the question again.</p> <p>10 TAMMY CITRAMANNIS: Okay.</p> <p>11 BILL CHEN: On Exhibit 145F, what is the measurement</p> <p>12 from north to south of the thin, shaded strip that is</p> <p>13 designated as the alternate cell tower location? I think -</p> <p>14 - I think Ms. Wetter is correct, there probably talk about</p> <p>15 that --</p> <p>16 TAMMY CITRAMANNIS: (Inaudible).</p> <p>17 BRIAN SIVERLING: I think he's talking about the</p> <p>18 highlighted area. With this scale (inaudible) 50, it</p> <p>19 ranges roughly 6 feet at the narrowest, 8 feet at the</p> <p>20 widest. It's not a -- it's an oblong shape due to the</p> <p>21 (inaudible) for the setbacks.</p> <p>22 BILL CHEN: The width varies (inaudible).</p> <p>23 BRIAN SIVERLING: The width varies, but I would say 6</p> <p>24 to 8 feet.</p> <p>25 TAMMY CITRAMANNIS: Six to eight feet from --</p>	<p>232</p> <p>1 TAMMY CITRAMANNIS: Do you know the answer to that</p> <p>2 question?</p> <p>3 BRIAN SIVERLING: I just know Verizon is leasing the</p> <p>4 area that they are enclosing.</p> <p>5 BILL CHEN: Okay. I think that answers the question.</p> <p>6 If the expanded enclosure area subject to the lease between</p> <p>7 Verizon and East Gate Recreation Association?</p> <p>8 BRIAN SIVERLING: I'm not familiar with the lease</p> <p>9 terms.</p> <p>10 BILL CHEN: So you don't know if the expanded areas</p> <p>11 covered by the existing lease?</p> <p>12 GREG DIAMOND: Objection. Asked and answered.</p> <p>13 BILL CHEN: Well, I don't think you've answered it.</p> <p>14 GREG DIAMOND: It did. You asked him and he said he</p> <p>15 hadn't read the lease.</p> <p>16 BILL CHEN: Is that your answer, sir?</p> <p>17 BRIAN SIVERLING: That's correct.</p> <p>18 BILL CHEN: Okay.</p> <p>19 BRIAN SIVERLING: I don't know what's in the lease.</p> <p>20 BILL CHEN: That's fine. I accept that. In</p> <p>21 determining the landscape is being proposed along the</p> <p>22 northern boundary, was there any agreement reached or</p> <p>23 negotiation with the East Gate Recreation Association</p> <p>24 relative to what that landscaping would be?</p> <p>25 TAMMY CITRAMANNIS: Anything with East Gate, I mean,</p>

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59 (233 to 236)

<p style="text-align: right;">233</p> <p>1 the lease is in --</p> <p>2 BILL CHEN: East Gate is the owner of the land.</p> <p>3 TAMMY CITRAMANNIS: Understand, but the lease is</p> <p>4 already in the -- I don't know if this is the person to ask</p> <p>5 about the lease (inaudible).</p> <p>6 BILL CHEN: No. This area is not subject to at least.</p> <p>7 TAMMY CITRAMANNIS: What are you talking about? I</p> <p>8 mean --</p> <p>9 BILL CHEN: The landscape. The landscape area up on</p> <p>10 Snug Hill Lane where he's testified --</p> <p>11 TAMMY CITRAMANNIS: (Inaudible).</p> <p>12 BILL CHEN: The question was, was that landscape</p> <p>13 proposal negotiated with East Gate Recreation Association.</p> <p>14 TAMMY CITRAMANNIS: And he said he hasn't read the</p> <p>15 lease.</p> <p>16 BILL CHEN: But that -- it's not part of the lease.</p> <p>17 The lease doesn't go to the subject. The landscape -- the</p> <p>18 lease, goes to the site for the conditional use. The</p> <p>19 landscape area is totally outside that area. It's not</p> <p>20 subject to the lease.</p> <p>21 TAMMY CITRAMANNIS: Okay.</p> <p>22 BILL CHEN: So that's why the question -- I think the</p> <p>23 root of the -- the reasoning behind this question is, has</p> <p>24 -- apparently Verizon negotiated or reached an agreement</p> <p>25 with the property owner, in this case, in that area, east</p>	<p style="text-align: right;">235</p> <p>1 BILL CHEN: Well, excuse me. I appreciate that. If</p> <p>2 is going to be the witness to testify about landscaping,</p> <p>3 then is going to take the bad with the good. You know, if</p> <p>4 you're going to tell -- if you're going to represent what</p> <p>5 is going to be landscaping, you also have the obligation to</p> <p>6 explain how that could come about. And I think that's what</p> <p>7 this questioner is getting at.</p> <p>8 TAMMY CITRAMANNIS: Okay. So --</p> <p>9 BILL CHEN: And I think that's a fair question.</p> <p>10 TAMMY CITRAMANNIS: So you want to make sure that the</p> <p>11 proposal can actually happened because it's -- okay. Got</p> <p>12 it.</p> <p>13 BILL CHEN: So --</p> <p>14 TAMMY CITRAMANNIS: If he knows the answer.</p> <p>15 GREG DIAMOND: I have checked that this is the wrong</p> <p>16 witness, but East Gate is a co-applicant for the special</p> <p>17 exception.</p> <p>18 TAMMY CITRAMANNIS: Yes.</p> <p>19 GREG DIAMOND: It's not like we're going off site and</p> <p>20 there is some unknown third-party US to grant us rights.</p> <p>21 BILL CHEN: Well, to the extent --</p> <p>22 TAMMY CITRAMANNIS: Okay.</p> <p>23 BILL CHEN: Look, I respect -- if this is not the</p> <p>24 right witness, I respect -- I have the whole day</p> <p>25 (inaudible).</p>
<p style="text-align: right;">234</p> <p>1 Gate, as to what would be the landscaping that would go</p> <p>2 into the area. I think that's where they're trying to get</p> <p>3 it.</p> <p>4 GREG DIAMOND: Objection. For many reasons. First of</p> <p>5 all, this isn't -- this is a witness who is done the</p> <p>6 engineering, not the legal. The legal is not an issue.</p> <p>7 The contents of the lease are not really at issue in the</p> <p>8 zoning hearing.</p> <p>9 TAMMY CITRAMANNIS: I agree.</p> <p>10 BILL CHEN: Okay. So if I may then, on the half of</p> <p>11 this question; so you are testifying that there is a</p> <p>12 proposal for landscaping where you've indicated, but you</p> <p>13 don't know of any basis for which it could be installed.</p> <p>14 GREG DIAMOND: Objection. Same.</p> <p>15 BRIAN SIVERLING: I'm not following the question.</p> <p>16 GREG DIAMOND: I've checked on --</p> <p>17 TAMMY CITRAMANNIS: Yeah, I'm not following your --</p> <p>18 BILL CHEN: I apologize if I'm not clear, but they are</p> <p>19 proposing landscaping part of this property.</p> <p>20 TAMMY CITRAMANNIS: Understand. Understand that part.</p> <p>21 You're wondering if that permission to do that.</p> <p>22 BILL CHEN: I think that's the questioner wants to</p> <p>23 know about.</p> <p>24 TAMMY CITRAMANNIS: Right. And I don't understand the</p> <p>25 relevance for the engineer as to whether -- I mean --</p>	<p style="text-align: right;">236</p> <p>1 TAMMY CITRAMANNIS: I'm picking this is not the right</p> <p>2 witness, but they also make a very good point that East</p> <p>3 Gate, who does on the property, as part of the case and</p> <p>4 they are presenting this as co-applicant.</p> <p>5 BILL CHEN: Fine. I accept that.</p> <p>6 TAMMY CITRAMANNIS: Whether or not they've gone to the</p> <p>7 board to do anything, that's not (inaudible).</p> <p>8 BILL CHEN: I'm not (inaudible). I understand that.</p> <p>9 However, and I'm trying -- I don't know who did this</p> <p>10 question. I don't know anything about it, but I --</p> <p>11 TAMMY CITRAMANNIS: We'll give it another second and</p> <p>12 we're going to move on.</p> <p>13 BILL CHEN: If landscaping along that northern edge is</p> <p>14 part of this application, then there has to be a witness</p> <p>15 they can explain how that's going to be done, okay. You</p> <p>16 can't just say we're going to do this and not explain how</p> <p>17 it's going to be done if you're not the property owner and</p> <p>18 you don't have a right.</p> <p>19 TAMMY CITRAMANNIS: Well, they are applying for</p> <p>20 conditional use and that's one of the conditions, they</p> <p>21 can't do it without meeting all of the conditions. So I'm</p> <p>22 not sure that I feel like you're getting into the weeds of,</p> <p>23 well, they might change their mind and not allow -- I mean,</p> <p>24 they arty have a lease.</p> <p>25 BILL CHEN: Again, and this will be my last comment,</p>

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60 (237 to 240)

<p>237</p> <p>1 in fairness to the questioner, the person, this application 2 is not for the entire site. This application is for that 3 700 square feet area that is (inaudible). In fact, even 4 the modification, you heard the testimony from Mr. Landfair 5 this morning; the modification goes to that 700 square feet 6 and some parking down the road, down the way. It does not 7 include this area at all. So I respect what you're saying 8 Madam Examiner, but the point is, if there is that in fact, 9 that there is totally outside the scope of the conditional 10 use and of their application. And if they are relying upon 11 this landscape and as part of their application -- if this 12 is not the right witness for it, I respect that, but 13 there's still, nonetheless, has to be a witness to address 14 this issue. 15 TAMMY CITRAMANNIS: Is there anybody who is going to 16 be able to address that besides the co-applicant who is 17 submitted Nice in joint with 18 GREG DIAMOND: Of course. There is also pending the 19 amendment to the original special exception to do two 20 things. One, move, rearrange parking spaces. Those park 21 -- the rearrange parking spaces are not part of the 22 conditional use for Verizon Wireless. They are part of the 23 original swimming pool special exception. And the new 24 landscaping is on the space of the original swimming pool 25 special exception and it's being done for the benefit of</p>	<p>239</p> <p>1 BILL CHEN: Yeah, I think I -- 2 TAMMY CITRAMANNIS: Okay. So can we move on? 3 BILL CHEN: Yeah. Okay. I'm going asked the 4 question, but I think this is saying that is going to be 5 subject your ruling I think. Is there any obligation to 6 consult with East Gate Recreation Association regarding 7 plantings and altering all of the parking? That's a fair 8 question. 9 TAMMY CITRAMANNIS: And when you say East Gate 10 Association, you me the co-applicant? 11 BILL CHEN: Yeah. I mean -- 12 TAMMY CITRAMANNIS: They are presenting. This is 13 their application. 14 BILL CHEN: Okay. I abide by that rule. I assume 15 that's the rule. 16 TAMMY CITRAMANNIS: Yes, that is. 17 BILL CHEN: You may be answered this and I apologize, 18 but it's my memory, but someone's memory. How many backup 19 batteries will be used by Verizon? 20 BRIAN SIVERLING: I have -- it depends on the power 21 configuration that we put in. It could be a full cabinet 22 of batteries or could be a cabinet with equipment and 23 batteries below it. So I don't have an exact number. 24 BILL CHEN: When you say full cabinet, how many are we 25 talking about?</p>
<p>238</p> <p>1 helping to screen Verizon Wireless's conditional use. But 2 just like the parking spaces, it's just being done as a 3 modification of the original special exception. 4 TAMMY CITRAMANNIS: But is also going to -- you're 5 installing that to go to compatibility and visibility to 6 reduce it for the conditional use. So it is relevant in 7 that regard, but I'm -- but in terms of if East Gate is a 8 co-applicant and they are a green to these plans, then I 9 don't know that we go any further than to imply that they 10 had the authority to say, yes, we will agree to additional 11 landscaping. Yes, we will agree to the -- 12 BILL CHEN: You mean the applicant? East Gate? 13 TAMMY CITRAMANNIS: East Gate, yes. 14 BILL CHEN: Yes. Yes, that's what I'm -- 15 TAMMY CITRAMANNIS: Are we on the same page? 16 BILL CHEN: Please, that's exactly right. 17 GREG DIAMOND: Yes. 18 BILL CHEN: You and I are. That's right. By the way, 19 Mr. Diamond is a little bit erroneous. The modification 20 request that I see says nothing about landscaping on the 21 northern edge. 22 TAMMY CITRAMANNIS: You're correct. 23 BILL CHEN: So he makes the representation, but I 24 don't see and application. 25 TAMMY CITRAMANNIS: But you are correct.</p>	<p>240</p> <p>1 BRIAN SIVERLING: Probably three racks of four per 2 rack. 3 BILL CHEN: Are they lead or acid? 4 BRIAN SIVERLING: I believe they are lead. 5 BILL CHEN: Does Verizon have to do any hazmat 6 reporting to the county or any other government authority 7 relative to those batteries? 8 BRIAN SIVERLING: I don't know what Verizon is 9 required to report. 10 BILL CHEN: Do you know of any safety standards that 11 Verizon has to follow with regard to the use of those 12 batteries or any other equipment? 13 BRIAN SIVERLING: I know they have strict standards, 14 but I don't know the percent, the actual process. 15 BILL CHEN: Do you have any photo sims or -- excuse 16 me. Have you seen any exhibits or photo simulations that 17 would show how the proposed landscaping on the northern 18 edge of the property (inaudible) would shield the 19 conditional use from people outside the property? 20 BRIAN SIVERLING: I have not. 21 CATHY BORTEN: I have just a couple of redirect if you 22 like me to wait until after you go or -- 23 TAMMY CITRAMANNIS: Okay. I mean, that might be 24 helpful because then -- 25 CATHY BORTEN: Okay.</p>

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61 (241 to 244)

<p>241</p> <p>1 TAMMY CITRAMANNIS: First of all, let's see.</p> <p>2 CATHY BORTEN: Yeah, I did --</p> <p>3 TAMMY CITRAMANNIS: The backup batteries, is that --</p> <p>4 BILL CHEN: Excuse me Madam Examiner. Part of me. I</p> <p>5 --</p> <p>6 TAMMY CITRAMANNIS: Oh.</p> <p>7 BILL CHEN: She did have a question.</p> <p>8 TAMMY CITRAMANNIS: You did have a question. My</p> <p>9 apologies.</p> <p>10 CHERYL WETTER: I can wait if you need.</p> <p>11 TAMMY CITRAMANNIS: Okay. While we wait until I</p> <p>12 finish.</p> <p>13 CHERYL WETTER: Okay. No, that's fine.</p> <p>14 TAMMY CITRAMANNIS: It might generate and then that</p> <p>15 way we will all ask one time. The backup batteries, that</p> <p>16 anywhere in the plan? I don't recall ever seen anything,</p> <p>17 any specifics about the backup batteries.</p> <p>18 BRIAN SIVERLING: We show equipment cabinets. The</p> <p>19 batteries are housed in one of those.</p> <p>20 TAMMY CITRAMANNIS: And what are -- what is the</p> <p>21 difference between the backup battery and the generator was</p> <p>22 what I don't understand. I heard you say the generator</p> <p>23 regenerates the batteries.</p> <p>24 BRIAN SIVERLING: Yeah, it's a current issue. The</p> <p>25 equipment runs on DC power (inaudible) AC that you would</p>	<p>243</p> <p>1 BRIAN SIVERLING: Well, I don't run the schedule, so I</p> <p>2 don't know.</p> <p>3 TAMMY CITRAMANNIS: Okay.</p> <p>4 BRIAN SIVERLING: But it does have to be exercised</p> <p>5 periodically on a continuous schedule to make sure it's</p> <p>6 running properly.</p> <p>7 TAMMY CITRAMANNIS: And do -- you don't know the type</p> <p>8 of generator with regards to the sound is going to make?</p> <p>9 When it will make the sound? Whether mufflers are needed?</p> <p>10 Any details with regards to --</p> <p>11 BRIAN SIVERLING: I don't have a lot of details on it.</p> <p>12 You know, I'm not the electrical guy.</p> <p>13 TAMMY CITRAMANNIS: Is there someone here who will be</p> <p>14 able to talk more about the generator?</p> <p>15 GREG DIAMOND: No. The question I would ask is</p> <p>16 whether it's designed to code.</p> <p>17 TAMMY CITRAMANNIS: That's --</p> <p>18 GREG DIAMOND: There is a Montgomery County ordinance</p> <p>19 on noise and generators. And will this one be designed to</p> <p>20 satisfy the Montgomery County --</p> <p>21 BRIAN SIVERLING: Yeah, it complies with all --</p> <p>22 GREG DIAMOND: -- noise ordinances.</p> <p>23 BRIAN SIVERLING: -- noise ordinances. Yeah, it</p> <p>24 complies with all that.</p> <p>25 TAMMY CITRAMANNIS: Right, but at this location, how</p>
<p>242</p> <p>1 use for plugging in an outlet. So the batteries provide</p> <p>2 the DC current. The generator provides -- it basically</p> <p>3 generates AC current and as a converter that recharges the</p> <p>4 batteries. It's the DC current.</p> <p>5 TAMMY CITRAMANNIS: Okay. And with regards to</p> <p>6 maintenance of the generator, I've heard you say it is</p> <p>7 remotely turned on from the Verizon --</p> <p>8 BRIAN SIVERLING: Correct. It's --</p> <p>9 TAMMY CITRAMANNIS: -- to --</p> <p>10 BRIAN SIVERLING: It can be remotely run. It's also</p> <p>11 censored. It has alarms on it and that's -- that show up</p> <p>12 at their monitoring stations. So they can run it. If it</p> <p>13 doesn't run and perform properly, they may send a</p> <p>14 technician out to investigate what the problem is.</p> <p>15 TAMMY CITRAMANNIS: Somewhere in the application I've</p> <p>16 seen different frequencies. You said once a month. Or</p> <p>17 what did -- what did you say it --</p> <p>18 BRIAN SIVERLING: I said it gets exercised once a</p> <p>19 month. They may visit for --</p> <p>20 TAMMY CITRAMANNIS: Generator?</p> <p>21 BRIAN SIVERLING: The generator gets exercised once a</p> <p>22 month, yeah.</p> <p>23 TAMMY CITRAMANNIS: Once a month. Because elsewhere</p> <p>24 in the documents, I saw every other week for 30 minutes.</p> <p>25 Once a week.</p>	<p>244</p> <p>1 far does the noise travel to the nearest residents? I need</p> <p>2 to know if there's going to be any kind of noise impact.</p> <p>3 So if you know the answer to that --</p> <p>4 BRIAN SIVERLING: It's fine. I couldn't tell you the</p> <p>5 answer to that.</p> <p>6 TAMMY CITRAMANNIS: So there was no sound studies or</p> <p>7 anything?</p> <p>8 BRIAN SIVERLING: Not to my knowledge.</p> <p>9 TAMMY CITRAMANNIS: Okay. And 25 -- 225 gallon</p> <p>10 capacity. How often does have to be refueled?</p> <p>11 BRIAN SIVERLING: Well, I do know the generator burns</p> <p>12 -- it's roughly 2.8 gallons per hour at full capacity. So</p> <p>13 even if they exercised it, say twice a month, worst-case</p> <p>14 scenario, for half an hour, that's 2.8 gallons a month.</p> <p>15 You typically have got to have at least a 24-hour run time</p> <p>16 on the generators. So --</p> <p>17 TAMMY CITRAMANNIS: What does that mean? Twenty-four</p> <p>18 hour run time?</p> <p>19 BRIAN SIVERLING: The generator can run continually</p> <p>20 for 24 hours. Say you lose power. They want to be able --</p> <p>21 they need a window --</p> <p>22 TAMMY CITRAMANNIS: Oh, I see what you're saying.</p> <p>23 BRIAN SIVERLING: -- to be a go refuel it again. You</p> <p>24 know what I mean? So if you do -- what's that? Twenty-</p> <p>25 four --</p>

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62 (245 to 248)

<p>245</p> <p>1 TAMMY CITRAMANNIS: You're the engineer. 2 BRIAN SIVERLING: Okay. 3 TAMMY CITRAMANNIS: Lawyers don't -- we hire people to 4 account for us. 5 BRIAN SIVERLING: Twelve months, twenty-four 6 exercises, that's half an hour of peace. So it's 12 hours. 7 We'll use 3 gallons an hour just to make it easy. Thirty- 8 six gallons. You still have a capacity of 190 gallons, 185 9 gallons, right? So even if you ran it for -- you still 10 have an hour -- well, if it's a 24 runtime, because 24 11 hours is -- 24, 48, say 75 gallons. So you still have -- 12 so realistically, they may refuel this once a year. 13 TAMMY CITRAMANNIS: Okay. And when they -- when it -- 14 how do you get the fuel in there? What type of -- if you 15 know, how would the fuel come in? 16 BRIAN SIVERLING: That would be similar to a -- if you 17 have an oil burning furnace. It still going to be a -- 18 TAMMY CITRAMANNIS: No, not that old. So what does 19 that mean? 20 BRIAN SIVERLING: I wasn't -- 21 TAMMY CITRAMANNIS: No. I don't know the size. I 22 don't have a picture in my head as to how big (inaudible). 23 BRIAN SIVERLING: Well, in terms of home fuel, it's a 24 -- 25 TAMMY CITRAMANNIS: Like a dump truck?</p>	<p>247</p> <p>1 pushed. We will just do it straight like a fly ball. All 2 the load has to go from up here to the base. So when they 3 engineer the structures, that's got to be the strongest 4 component -- 5 TAMMY CITRAMANNIS: Oh, okay. 6 BRIAN SIVERLING: -- of the structure. And they 7 typically (inaudible) sections. An 80-foot tower is 8 probably two sections because they just slide them onto 9 each other or pull them onto each other. Typically, they 10 slide them over each other. So the tower companies, they 11 don't want to make this section the same thickness all the 12 way up because it makes it very expensive. So at the tower 13 gets up, you need less strength and that structure at the 14 top than you do at the bottom because it just has to carry 15 this much load. This guy has got to carry everything at 16 the bottom. So typically, the monopole structures that 17 I've seen, cases where they failed, they typically fail 18 right above that first joint because that top section is 19 and as heavily designed as the bottom section. So it just 20 kind of falls over on itself. There are cases where a 21 tower has fallen completely off, but typically, that's got 22 to be some type of design flaw. The manufacturers that we 23 deal with and Verizon deals with, I believe, in my opinion, 24 have a very strong record of maintaining structure. The 25 TAMMY CITRAMANNIS: You mentioned Sabre Industries.</p>
<p>246</p> <p>1 BRIAN SIVERLING: Yeah, it's a tanker. 2 TAMMY CITRAMANNIS: Okay. As opposed -- 3 BRIAN SIVERLING: It's a small, single axle thing. 4 TAMMY CITRAMANNIS: Is not like the ones we see at the 5 gas station? 6 BRIAN SIVERLING: No, it's not a supertanker, a full 7 size. 8 TAMMY CITRAMANNIS: Okay. And are you the person that 9 addresses the fall zone of the tower? 10 BRIAN SIVERLING: Well, I don't know. In my 11 experience, McGovern County doesn't have a fall zone 12 requirement. 13 TAMMY CITRAMANNIS: No, I just want, based on the 14 height, and not knowing enough about, towers is going to 15 fall over, how -- 16 BRIAN SIVERLING: So -- 17 TAMMY CITRAMANNIS: Is the 80 feet or is it a touch -- 18 BRIAN SIVERLING: Very, very seldom does a tower fall 19 over at a one-to-one ratio. The way the structures are 20 designed, the strongest component of the structures the 21 base because just the -- a cantilever -- do you understand 22 what a cantilever is? 23 TAMMY CITRAMANNIS: (Inaudible). 24 BRIAN SIVERLING: When you have something to hang out 25 here and is anchored back here so everything is getting</p>	<p>248</p> <p>1 BRIAN SIVERLING: Uh-huh (affirmative). 2 TAMMY CITRAMANNIS: So that -- they are the ones that 3 provided the models? Is that what you're saying? 4 BRIAN SIVERLING: They provided the image, yes. 5 TAMMY CITRAMANNIS: Okay. 6 BRIAN SIVERLING: It was one of their tree poles. 7 They do manufacture and they are one of the industry 8 leaders in our manufacturing. 9 TAMMY CITRAMANNIS: One more question on the antennas. 10 The first -- you said they are 8 feet tall. Is that right? 11 BRIAN SIVERLING: I believe that's what they are 12 proposing. 13 TAMMY CITRAMANNIS: But it's at 76 centered. 14 BRIAN SIVERLING: That's typically the maximum. 15 TAMMY CITRAMANNIS: Does that mean that -- 16 BRIAN SIVERLING: Four feet above, four feet below. 17 TAMMY CITRAMANNIS: So, okay. Then that will -- it 18 won't extend beyond 80. 19 BRIAN SIVERLING: So that picture top and 80. 20 TAMMY CITRAMANNIS: It won't extend beyond 80. 21 BRIAN SIVERLING: And then you got another 9 feet to 22 -- 23 TAMMY CITRAMANNIS: Okay. I wasn't sure where -- what 24 that meant. Okay. I don't have any questions, any more 25 questions. Did that generate any more questions from the</p>

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63 (249 to 252)

<p>249</p> <p>1 applicant was Mark then I'll ask you all.</p> <p>2 CATHY BORTEN: Mr. Siverling, about the batteries, are</p> <p>3 there standards for that that you would (inaudible)?</p> <p>4 BRIAN SIVERLING: Absolutely. They are all UL rated</p> <p>5 and they are very strict standards.</p> <p>6 CATHY BORTEN: And is that something that's handled at</p> <p>7 the building permit stage?</p> <p>8 BRIAN SIVERLING: That's correct. Yeah, all the</p> <p>9 information will be submitted (inaudible).</p> <p>10 CATHY BORTEN: And I just want to be clear that any</p> <p>11 noise that the generator may make, with that comply with</p> <p>12 the relevant noise ordinance of the county?</p> <p>13 BRIAN SIVERLING: Absolutely.</p> <p>14 CATHY BORTEN: And I know there was a lot of talk</p> <p>15 about --</p> <p>16 TAMMY CITRAMANNIS: Wait a minute. Somebody's mic is</p> <p>17 off. Him?</p> <p>18 CATHY BORTEN: I'm on.</p> <p>19 TAMMY CITRAMANNIS: Oh, no. Red.</p> <p>20 BRIAN SIVERLING: Sorry about that.</p> <p>21 CATHY BORTEN: Okay. So --</p> <p>22 TAMMY CITRAMANNIS: Has he been on this whole time?</p> <p>23 BRIAN SIVERLING: I haven't touched it.</p> <p>24 COURT REPORTER: I got most of it.</p> <p>25 (Laughter)</p>	<p>251</p> <p>1 place this, but on that sliver of land, doesn't your</p> <p>2 proposal take away the sidewalk which is mandated to allow</p> <p>3 the people access?</p> <p>4 BRIAN SIVERLING: Well, again, we have not studied</p> <p>5 that sliver of land as to where the tower would fit. We're</p> <p>6 just showing where it would comply to the setback</p> <p>7 requirement.</p> <p>8 CHERYL WETTER: When you put the tree structure ranges</p> <p>9 on this, does that make it less stable? Is it getting --</p> <p>10 you described it as there is less going up here, but now</p> <p>11 once you have the extra antennas on and once you have the</p> <p>12 foliage on, doesn't that make that top part kind of top-</p> <p>13 heavy then?</p> <p>14 BRIAN SIVERLING: Absolutely not because it's not like</p> <p>15 you are buying a broomstick at Home Depot. They designed</p> <p>16 the structure specifically for that additional exposure,</p> <p>17 wind exposure, ice exposure, because of the branches. I</p> <p>18 mean, that's -- it's not one size fits all. It's designed</p> <p>19 exactly with the loading criteria that particular structure</p> <p>20 has to withstand. So it's -- they are not just pulling</p> <p>21 them off the shelf. It's designed specifically. And</p> <p>22 that's one of the reasons why they don't do it ahead of</p> <p>23 time. They need to know exactly what the criteria is to</p> <p>24 engineer it.</p> <p>25 CHERYL WETTER: Does Montgomery County have a code or</p>
<p>250</p> <p>1 COURT REPORTER: I could hear it, which is a little</p> <p>2 bit lower because (inaudible).</p> <p>3 CATHY BORTEN: Did you get the batteries? Did you get</p> <p>4 the last part about the batteries?</p> <p>5 COURT REPORTER: (Inaudible).</p> <p>6 CATHY BORTEN: All right.</p> <p>7 BRIAN SIVERLING: I don't want to start over.</p> <p>8 CATHY BORTEN: I just want to be real clear that the</p> <p>9 location shown on Exhibit 145F, as in Frank, okay, it's</p> <p>10 Verizon wireless actually proposing to build in that area</p> <p>11 or was that an academic exercise to meet the requirements</p> <p>12 of the code to show compliance to get the waiver.</p> <p>13 BRIAN SIVERLING: That was an academic exercise to</p> <p>14 show where the tower would have to be placed to meet both</p> <p>15 the 300-foot residential setback and the one-to-one setback</p> <p>16 for the tower from the property line.</p> <p>17 CATHY BORTEN: But that's not the site that there are</p> <p>18 proposing (inaudible).</p> <p>19 BRIAN SIVERLING: That is not where they are proposing</p> <p>20 to place the tower.</p> <p>21 CATHY BORTEN: Thank you.</p> <p>22 TAMMY CITRAMANNIS: Ms. Wetter, I'm going to let you</p> <p>23 go first.</p> <p>24 CHERYL WETTER: Okay. My first question is, on that</p> <p>25 sliver of land where I know you do not vertically want to</p>	<p>252</p> <p>1 anyone have a code to monitor the life of these batteries?</p> <p>2 I mean, how do we know when they need replacement?</p> <p>3 BRIAN SIVERLING: I don't know the answer to that.</p> <p>4 CHERYL WETTER: So no one would be in charge of</p> <p>5 knowing when the batteries need replacing or they are</p> <p>6 leaking?</p> <p>7 BRIAN SIVERLING: No. I know Verizon has that's all</p> <p>8 their equipment is alarmed. I'm sure they have monitoring</p> <p>9 systems for that because they want that backup capability.</p> <p>10 But I can't answer to how they do it or who is in charge of</p> <p>11 it.</p> <p>12 CHERYL WETTER: Okay. I'm not asking a question about</p> <p>13 whether the battery is failing. I guess I'm asking more</p> <p>14 about it leaking. Does that happen?</p> <p>15 BRIAN SIVERLING: Again, there are sensors on the</p> <p>16 equipment to detect any kind of fuel leak, battery leakage,</p> <p>17 or any of that type of thing. So there -- if somebody is</p> <p>18 keeping track of it.</p> <p>19 CHERYL WETTER: That's it.</p> <p>20 TAMMY CITRAMANNIS: Mr. Chen.</p> <p>21 BILL CHEN: A couple. May have just answered the one.</p> <p>22 TAMMY CITRAMANNIS: Okay.</p> <p>23 BILL CHEN: The question is, is there possibility of</p> <p>24 fire from batteries, generators, and fuel?</p> <p>25 BRIAN SIVERLING: Combined or --</p>

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<p>253</p> <p>1 BILL CHEN: (Inaudible).</p> <p>2 BRIAN SIVERLING: I can't really answer the</p> <p>3 probability of that happening.</p> <p>4 BILL CHEN: How do they handle bit batteries?</p> <p>5 CATHY BORTEN: The place or -- objection.</p> <p>6 BILL CHEN: The word is, handle.</p> <p>7 CATHY BORTEN: I -- it's not really an objection. He</p> <p>8 says that I think those are operational. That's not an</p> <p>9 element of the conditional use, is when you replace the</p> <p>10 batteries.</p> <p>11 TAMMY CITRAMANNIS: Well, the issue of batteries, I</p> <p>12 have to that I believe may go to safety. So the idea of</p> <p>13 whether it leak so it doesn't like that, I think is</p> <p>14 relevant. How is recharge, I mean, if you know the answer.</p> <p>15 I don't know that -- I don't know if -- yeah. I don't know</p> <p>16 that that is a safety issue, but, you know, the question on</p> <p>17 leaking, I think it's important to know.</p> <p>18 CATHY BORTEN: I understand that. I'm just -- I think</p> <p>19 he has testified that there are building code standards and</p> <p>20 he lets go standards --</p> <p>21 TAMMY CITRAMANNIS: Correct.</p> <p>22 CATHY BORTEN: -- that it would have to comply with or</p> <p>23 they will get the permit.</p> <p>24 TAMMY CITRAMANNIS: Correct.</p> <p>25 CATHY BORTEN: That detail comes in (inaudible).</p>	<p>255</p> <p>1 BRIAN SIVERLING: I do not.</p> <p>2 BILL CHEN: Okay. You said that the sliver area was</p> <p>3 an academic exercise. I believe that's what --</p> <p>4 BRIAN SIVERLING: That was the question that was asked</p> <p>5 to me as -- was it an academic question. I said, yes, it's</p> <p>6 basically -- it was an exercise to identify the area where</p> <p>7 the tower would meet setbacks.</p> <p>8 BILL CHEN: Did you determine that area pursuant to a</p> <p>9 survey?</p> <p>10 BRIAN SIVERLING: Yes, we had a survey and we</p> <p>11 basically offset the distances from each -- from the</p> <p>12 proximity of each structure. We did and offset of the</p> <p>13 required setback and that's the area that we ended up with.</p> <p>14 BILL CHEN: Have you reviewed Exhibit 191J? Do know</p> <p>15 what that is, sir?</p> <p>16 BRIAN SIVERLING: No idea.</p> <p>17 BILL CHEN: It's another illustration of the setback</p> <p>18 area. Now just, you have not had a chance to look at it.</p> <p>19 BRIAN SIVERLING: I'd have to see it to see if I -- if</p> <p>20 we produce or what.</p> <p>21 BILL CHEN: No, you didn't produce it.</p> <p>22 BRIAN SIVERLING: I have not seen it.</p> <p>23 BILL CHEN: Okay. And I've been handed one --</p> <p>24 TAMMY CITRAMANNIS: All right.</p> <p>25 BILL CHEN: Does Verizon contract out maintenance of</p>
<p>254</p> <p>1 TAMMY CITRAMANNIS: But I think the laypeople are</p> <p>2 asking for just a little bit of clarification on that</p> <p>3 without saying go look at the building code. Just general</p> <p>4 terms is basically how I'm --</p> <p>5 BRIAN SIVERLING: Yeah, I mean, if I could just offer</p> <p>6 this; I'm in the -- I'm on the front side. We design it.</p> <p>7 We don't maintain it.</p> <p>8 TAMMY CITRAMANNIS: Okay.</p> <p>9 BRIAN SIVERLING: But I am very aware that Verizon's</p> <p>10 environmental group and their technicians have very strict</p> <p>11 protocols on handling all this stuff.</p> <p>12 BILL CHEN: That, again, just to come back to this</p> <p>13 question. You're not aware of what the specific protocol</p> <p>14 is if there is a battery?</p> <p>15 BRIAN SIVERLING: That's correct. I do not know.</p> <p>16 BILL CHEN: What about artificial branches coming off</p> <p>17 and falling? That's the question.</p> <p>18 TAMMY CITRAMANNIS: (Inaudible). You want to --</p> <p>19 BILL CHEN: Does that happen and what is --</p> <p>20 CATHY BORTEN: Do the branches --</p> <p>21 BRIAN SIVERLING: I really don't -- I really can't</p> <p>22 answer that. I don't -- I mean, we are not responsible for</p> <p>23 designing the tower. The manufacturer does. So, I mean, I</p> <p>24 don't have the history on that.</p> <p>25 BILL CHEN: You know the weight of the branches?</p>	<p>256</p> <p>1 its cell sites?</p> <p>2 TAMMY CITRAMANNIS: Do you know the answer to that</p> <p>3 question?</p> <p>4 BRIAN SIVERLING: I don't know the answer to that, no.</p> <p>5 TAMMY CITRAMANNIS: Okay. Ms. Lee, do you have any</p> <p>6 questions? Okay. (Inaudible) do you have any. I think</p> <p>7 you can go now. Thank you.</p> <p>8 BRIAN SIVERLING: Thank you, very much.</p> <p>9 CATHY BORTEN: Thank you.</p> <p>10 TAMMY CITRAMANNIS: Okay. (Inaudible) we have -- it's</p> <p>11 4:00. I would like to take a 5 minute, 10 minute, quick</p> <p>12 restroom break.</p> <p>13 BILL CHEN: I can't imagine.</p> <p>14 TAMMY CITRAMANNIS: I'm almost done. I forgot to</p> <p>15 mention earlier with the cafeteria was. It's downstairs,</p> <p>16 but you don't need that right now. There is a bathroom</p> <p>17 here on each floor. So I apologize for not --</p> <p>18 BILL CHEN: How long will the break be?</p> <p>19 TAMMY CITRAMANNIS: It's 4:00. We will -- I mean,</p> <p>20 it's 10 to 4:00. We will stop -- start promptly at 4:00.</p> <p>21 So but he has time to go down or up or whatever. Okay. We</p> <p>22 are off the record.</p> <p>23 (Off the record.)</p> <p>24 (On the record.)</p> <p>25 BILL CHEN: Thank you.</p>

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<p style="text-align: right;">257</p> <p>1 TAMMY CITRAMANNIS: Back to your positions. Okay, 2 we're going to start. So if y'all want to take your seat 3 or you take your conversation outside in the hall. It's 4 4:00. We're going to go back on the record. Ms. Borten, 5 you want to your next witness? 6 CATHY BORTEN: Yes, thank you. Bob Posilkin. 7 TAMMY CITRAMANNIS: Everybody's mics are on, right? 8 Why don't you test it? Oh, it needs to be red. All right. 9 Raise your right hand. You promise to tell the truth, the 10 whole truth, and nothing but your truth in your testimony 11 today under the penalty of perjury? 12 ROBERT POSILKIN: I do. 13 TAMMY CITRAMANNIS: State your name and your address 14 and wait for Ms. Borten's questions. 15 ROBERT POSILKIN: My name is Robert Posilkin. My 16 business address is 9115 Guilford Road, Columbia, Maryland, 17 21005. 18 CATHY BORTEN: Mr. Posilkin, I'm going to see what's 19 been marked as Exhibit 180G. Can I ask you to identify 20 that? 21 ROBERT POSILKIN: This is a copy of my resume. 22 CATHY BORTEN: Where are you currently employed? 23 ROBERT POSILKIN: I'm currently employed at Mastech, 24 M-A-S-T-E-C, LLC, and Columbia Maryland. 25 CATHY BORTEN: And what sort of work do you do for</p>	<p style="text-align: right;">259</p> <p>1 TAMMY CITRAMANNIS: Do you have any questions for him? 2 BILL CHEN: If his -- I mean, sir, you are a site 3 acquisition person. 4 ROBERT POSILKIN: That is correct. 5 BILL CHEN: So you recommend sites to Verizon to 6 purchase or have the lease arrangement to install and I 7 assume, a telecommunications facility of some sort. 8 ROBERT POSILKIN: Correct. 9 BILL CHEN: How do you determine the need for 10 acquiring such a site either fee or a leasehold? 11 ROBERT POSILKIN: I actually do not determine the need 12 the need is given to me and identified by Verizon Wireless 13 as a result of their analysis of areas that they -- in 14 which they have coverage. 15 BILL CHEN: Gotcha. So they tell you, we have 16 determined we need a need at this location. Can you help 17 us find the location? 18 ROBERT POSILKIN: More specifically, they drew -- they 19 literally draw a circle on a map and say, this is an area 20 in which we need to have improved telecom services for our 21 customers. And that they expect that I will be able to go 22 into the field and find the proper real estate, preferably 23 within that ring -- 24 BILL CHEN: Sure. You would -- 25 ROBERT POSILKIN: -- In order to install facilities to</p>
<p style="text-align: right;">258</p> <p>1 Mastech? 2 ROBERT POSILKIN: I do site acquisition work as a 3 full-time consultant to Verizon Wireless. 4 CATHY BORTEN: And can you briefly tell us your 5 background in the telecommunications industry? 6 ROBERT POSILKIN: Yes, been working in the 7 telecommunications industry for approximately 22 years. 8 Most of that time, approximately 20 years, has been as an 9 employee and a full-time consultant to Verizon Wireless and 10 for two years as a consultant to AT&T Wireless. 11 CATHY BORTEN: And in doing that sort of work, what 12 are the types of things that are involved when you're 13 working as a consultant for Verizon Wireless? 14 ROBERT POSILKIN: My responsibility includes a -- 15 specifically is identifying properties or real estate where 16 Verizon Wireless needs to include -- needs to install its 17 equipment in order to provide and improve the wireless 18 service that it offers to its customers. 19 CATHY BORTEN: I would move to have Mr. Posilkin 20 qualified as an expert in telecommunications site 21 acquisition. 22 TAMMY CITRAMANNIS: Voir dire. 23 BILL CHEN: I appreciate the gentlemen's experience. 24 I do not agree that he is an expert in determining the 25 technical needs for telecommunications services.</p>	<p style="text-align: right;">260</p> <p>1 meet that objective. 2 BILL CHEN: Through your experience, you've learned 3 that certain sites are better than other sites assuming 4 there is a need for them. 5 ROBERT POSILKIN: Yep. 6 BILL CHEN: And your employer tells you, hey, I need a 7 need. You say, I can find it for you. 8 ROBERT POSILKIN: Yes, sir. 9 BILL CHEN: Okay. I -- with that explanation, I have 10 no problem recognizing this gentlemen's expertise. 11 TAMMY CITRAMANNIS: (Inaudible). Okay. You are 12 qualified as a telecommunications site acquisition -- 13 BILL CHEN: And he does not determine need. 14 TAMMY CITRAMANNIS: And he does not determine need. I 15 think you made that clear. I think there's somebody else 16 that, right. 17 BILL CHEN: I assume. 18 CATHY BORTEN: Did there come a time where the 19 radiofrequency engineers at Verizon Wireless issued a 20 search area to the real estate team for the Gainsborough 21 Road, Potomac area? 22 ROBERT POSILKIN: Yes. 23 CATHY BORTEN: And what were the radiofrequency 24 objectives for the subject search area? 25 BILL CHEN: Objection.</p>

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<p>261</p> <p>1 TAMMY CITRAMANNIS: Wait a minute. Excuse -- radio?</p> <p>2 CATHY BORTEN: RF, meaning radiofrequency.</p> <p>3 TAMMY CITRAMANNIS: Right.</p> <p>4 CATHY BORTEN: We just use RF. And I mean that were</p> <p>5 conveyed to him by Verizon Wireless.</p> <p>6 TAMMY CITRAMANNIS: Okay.</p> <p>7 CATHY BORTEN: I'm not asking him to identify --</p> <p>8 TAMMY CITRAMANNIS: Okay.</p> <p>9 CATHY BORTEN: -- What he was told the need was. The</p> <p>10 objectives.</p> <p>11 ROBERT POSILKIN: What was conveyed to me by Verizon</p> <p>12 Wireless, was to improve coverage along a stretch of</p> <p>13 Democracy Boulevard, pretty much west of Seven Locks Road.</p> <p>14 The research had shown that that was an area that the data</p> <p>15 identified that --</p> <p>16 BILL CHEN: Objection. Move to strike. If he's got</p> <p>17 instructions, go find a scenario in that circle, I have no</p> <p>18 problems with that. But I think any attempt by him to</p> <p>19 explain what Verizon was coming from, why they were doing</p> <p>20 it, is not appropriate for his expertise that he's offered</p> <p>21 for.</p> <p>22 TAMMY CITRAMANNIS: Are those factors that he needs in</p> <p>23 order to find a site versus just, this is the area, find</p> <p>24 out the best site. We're going to take care of --</p> <p>25 CATHY BORTEN: Well, I think if I can go to the</p>	<p>263</p> <p>1 preferences for the type of installation?</p> <p>2 ROBERT POSILKIN: Yes, there is.</p> <p>3 CATHY BORTEN: Can you stay with that is?</p> <p>4 ROBERT POSILKIN: Yeah, the highest priority and site</p> <p>5 acquisition for telecom is to find an existing structure.</p> <p>6 So it could be a rooftop. It could be an existing monopole</p> <p>7 where there is space. It could also be a transmission</p> <p>8 tower. But anything that is existing is, if it's</p> <p>9 reasonable given the location of the search area, existing</p> <p>10 structures are considered. And secondly is, if there is no</p> <p>11 existing structure that's found acceptable by Verizon</p> <p>12 Wireless or there is none they can be identified, then we</p> <p>13 identify what's called a raw land site, which is the site</p> <p>14 where we actually have to install the facility, a monopine</p> <p>15 or a three or four-legged tower, in order to place the</p> <p>16 intent is to provide the improvement in service.</p> <p>17 CATHY BORTEN: Did you look at other types of</p> <p>18 structures for the specific search area?</p> <p>19 ROBERT POSILKIN: Yes, I did.</p> <p>20 CATHY BORTEN: And ultimately, why was the site</p> <p>21 selected?</p> <p>22 ROBERT POSILKIN: This site was selected because</p> <p>23 Verizon Wireless, in its review of the properties that were</p> <p>24 identified, determined that this provided the maximum level</p> <p>25 of --</p>
<p>262</p> <p>1 questions, it may -- you know, if I could have some</p> <p>2 latitude, it might clarify how the process works and what</p> <p>3 he does in that process.</p> <p>4 TAMMY CITRAMANNIS: So he is describing the process.</p> <p>5 Okay. I'll allow that and if --</p> <p>6 BILL CHEN: Yeah, I --</p> <p>7 TAMMY CITRAMANNIS: -- It goes too far afield, we'll</p> <p>8 --</p> <p>9 BILL CHEN: Thank you.</p> <p>10 CATHY BORTEN: Can you explain how a site search</p> <p>11 works?</p> <p>12 ROBERT POSILKIN: After receiving the search ring, I</p> <p>13 physically drive the area to determine appropriate</p> <p>14 properties of real estate, if you will, where the</p> <p>15 installation, type of insulation requested by Verizon</p> <p>16 Wireless, can be placed.</p> <p>17 CATHY BORTEN: What -- when you say search ring --</p> <p>18 ROBERT POSILKIN: A search ring is literally a ring on</p> <p>19 a map showing the area in which service needs to be</p> <p>20 improved, as identified by Verizon Wireless. And it shows</p> <p>21 the area where Verizon Wireless as a preference, a very</p> <p>22 strong preference for those facilities to be located in</p> <p>23 order to meet that need.</p> <p>24 CATHY BORTEN: So when you're looking for a site</p> <p>25 within that search ring, is there a hierarchy of</p>	<p>264</p> <p>1 BILL CHEN: Objection. Move to -- again, I've got to</p> <p>2 object to what Verizon made the determination about. You</p> <p>3 know, where they were coming from. They said, look, we</p> <p>4 want this area. We've made a determination we need this</p> <p>5 area. I have no problem with that. But he is going to far</p> <p>6 about what their determination was and why and that, I</p> <p>7 assume, is (inaudible) another witness that would have the</p> <p>8 --</p> <p>9 TAMMY CITRAMANNIS: I agree that it is. I think that</p> <p>10 what I'm hearing is that this is -- we've given you a ring</p> <p>11 because we think this is the best area. I don't think he</p> <p>12 is saying that it -- the need is the best area. He is just</p> <p>13 going and finding the property in that ring because that's</p> <p>14 where they'd told him to look.</p> <p>15 CATHY BORTEN: But he is now testifying as -- sorry.</p> <p>16 Am I on? Yeah. As to -- he has explained that there is a</p> <p>17 hierarchy so if there is an existing structure --</p> <p>18 TAMMY CITRAMANNIS: Right.</p> <p>19 ROBERT POSILKIN: Now.</p> <p>20 CATHY BORTEN: And I'm asking him to testify, based on</p> <p>21 the hierarchy, why was this property selected, and that's</p> <p>22 what he is answer.</p> <p>23 TAMMY CITRAMANNIS: Yeah, I would like to know why was</p> <p>24 this property selected.</p> <p>25 BILL CHEN: Okay. (Inaudible).</p>

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<p style="text-align: right;">265</p> <p>1 CATHY BORTEN: Yeah, versus --</p> <p>2 ROBERT POSILKIN: Essentially three properties, I</p> <p>3 selected three properties or three candidates to provide to</p> <p>4 Verizon Wireless as a result of the search. In no</p> <p>5 particular order, there was the site at the East Gate pool.</p> <p>6 The second was a site at the far eastern edge of the search</p> <p>7 ring at the Maryland National Capital Park and Planning</p> <p>8 Commission tennis center. And the third site was outside</p> <p>9 of the ring on the east side of the ring, which is the</p> <p>10 Lakeside Terrace condominiums. Verizon reviewed those and</p> <p>11 determined that the location of the raw land site at the</p> <p>12 pool would most meet their objectives.</p> <p>13 CATHY BORTEN: So you testified that you also looked</p> <p>14 outside of the search ring.</p> <p>15 ROBERT POSILKIN: That is correct.</p> <p>16 CATHY BORTEN: And -- okay. Are you familiar with the</p> <p>17 Montgomery County Tower Committee?</p> <p>18 ROBERT POSILKIN: Yes, I am.</p> <p>19 BILL CHEN: I'm sorry. I didn't hear that. I</p> <p>20 apologize.</p> <p>21 TAMMY CITRAMANNIS: (Inaudible).</p> <p>22 CATHY BORTEN: Am I mumbling?</p> <p>23 TAMMY CITRAMANNIS: Yes, you are. It's getting late.</p> <p>24 CATHY BORTEN: I apologize. I just asked if he was</p> <p>25 familiar with the Montgomery County Tower Committee.</p>	<p style="text-align: right;">267</p> <p>1 CATHY BORTEN: So that they would work.</p> <p>2 BILL CHEN: Yeah.</p> <p>3 CATHY BORTEN: Let me rephrase it. Did Verizon</p> <p>4 Wireless convey to you that of the three sites you provided</p> <p>5 them, that two of them were not good alternatives for their</p> <p>6 RF objectives?</p> <p>7 ROBERT POSILKIN: Yes, and that the third site was the</p> <p>8 preferred, priority site.</p> <p>9 CATHY BORTEN: And did the Tower Committee</p> <p>10 recommendation agree with that analysis?</p> <p>11 BILL CHEN: Objection. Speaks for itself. It's an</p> <p>12 evidence.</p> <p>13 CATHY BORTEN: Will the proposed facility be manned?</p> <p>14 ROBERT POSILKIN: No, it will not.</p> <p>15 CATHY BORTEN: And can it be monitored remotely?</p> <p>16 ROBERT POSILKIN: Yes, he can.</p> <p>17 BILL CHEN: Objection. This -- what is his go?</p> <p>18 CATHY BORTEN: It's fine.</p> <p>19 BILL CHEN: Can we just --</p> <p>20 TAMMY CITRAMANNIS: (Inaudible).</p> <p>21 CATHY BORTEN: It's fine. I'll withdraw it. That's</p> <p>22 all I have at this point.</p> <p>23 BILL CHEN: No questions.</p> <p>24 TAMMY CITRAMANNIS: Ms. Wetter, any questions?</p> <p>25 CHERYL WETTER: (Inaudible) questions. What was wrong</p>
<p style="text-align: right;">266</p> <p>1 ROBERT POSILKIN: Yes, I am.</p> <p>2 CATHY BORTEN: And are you aware of the role of the</p> <p>3 Tower Committee?</p> <p>4 ROBERT POSILKIN: Yes, I am.</p> <p>5 CATHY BORTEN: Did Mastech file an application with</p> <p>6 the Tower Committee?</p> <p>7 ROBERT POSILKIN: Yes, it did.</p> <p>8 CATHY BORTEN: Through your site selection process,</p> <p>9 did you conclude that there were no alternative site that</p> <p>10 would work for the RF objectives as stated by Verizon</p> <p>11 Wireless for the search area?</p> <p>12 ROBERT POSILKIN: Yes.</p> <p>13 BILL CHEN: Objection.</p> <p>14 TAMMY CITRAMANNIS: (Inaudible).</p> <p>15 CATHY BORTEN: I'm asking him if through the process,</p> <p>16 did he conclude there were no alternative sites --</p> <p>17 TAMMY CITRAMANNIS: Right. Okay.</p> <p>18 CATHY BORTEN: -- Based on the requirements that</p> <p>19 Verizon Wireless provided.</p> <p>20 TAMMY CITRAMANNIS: Within the search ring. Not --</p> <p>21 BILL CHEN: Excuse me. He already testified that he</p> <p>22 found three sites.</p> <p>23 CATHY BORTEN: Right.</p> <p>24 BILL CHEN: So it's not a matter of there was no other</p> <p>25 sites. There were.</p>	<p style="text-align: right;">268</p> <p>1 with the tennis court site and what was wrong with the</p> <p>2 Lakeside Terrace site? Do you know?</p> <p>3 CATHY BORTEN: Objection. If he -- you can't have it</p> <p>4 both ways.</p> <p>5 TAMMY CITRAMANNIS: (Inaudible).</p> <p>6 CATHY BORTEN: He wasn't allowed to testify to that.</p> <p>7 I don't think she can ask that.</p> <p>8 TAMMY CITRAMANNIS: Right. Yeah, I think that that's</p> <p>9 correct.</p> <p>10 CHERYL WETTER: Okay. All right. I wasn't asking him</p> <p>11 to make the decision. I wanted to know what Verizon told</p> <p>12 him about those two sites, but that's not acceptable.</p> <p>13 TAMMY CITRAMANNIS: Well, based on what he was charged</p> <p>14 with them I think he gave the parameters and said what they</p> <p>15 ultimately decided. I'm not sure that he is the person to</p> <p>16 say why they didn't choose the other ones.</p> <p>17 CHERYL WETTER: Okay. He listed the pool as a third</p> <p>18 site. I thought maybe --</p> <p>19 TAMMY CITRAMANNIS: Right. No, right.</p> <p>20 CHERYL WETTER: But they ultimately made that</p> <p>21 decision. Okay. I have no other questions.</p> <p>22 TAMMY CITRAMANNIS: Do we have any other questions</p> <p>23 from individuals? You are doing a fine job.</p> <p>24 UNKNOWN MALE: Can I give Bill a question.</p> <p>25 TAMMY CITRAMANNIS: Absolutely. I know. You're</p>

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<p>269</p> <p>1 asking for someone else and --</p> <p>2 BILL CHEN: Who contacted the board of the East Gate</p> <p>3 Recreation Association on behalf of Verizon?</p> <p>4 CATHY BORTEN: How is that relevant? Okay. We're</p> <p>5 going to object to that. That's not on the scope today's</p> <p>6 --</p> <p>7 TAMMY CITRAMANNIS: Sustained.</p> <p>8 BILL CHEN: Next question. Did you consider a -- do</p> <p>9 you know what that word is? A string of small towers on</p> <p>10 top of streetlights on Democracy Boulevard between</p> <p>11 Gainsborough Road and the Owen Center?</p> <p>12 CATHY BORTEN: Objection. Again, that's a network</p> <p>13 question. He didn't decide anything about what type of</p> <p>14 insulation.</p> <p>15 BILL CHEN: (Inaudible).</p> <p>16 TAMMY CITRAMANNIS: Sustained.</p> <p>17 BILL CHEN: Okay. That's already been asked really.</p> <p>18 Okay. I'll -- I've been asked a couple of more questions.</p> <p>19 Did Verizon say the other two would not work?</p> <p>20 ROBERT POSILKIN: Verizon's opinion about the other</p> <p>21 two sides were, one was outside of the ring and was too far</p> <p>22 from the area. The other one was just inside of the ring</p> <p>23 and when compared to the primary site, which is the full</p> <p>24 cycle of the pool site was far more effective and would</p> <p>25 provide the more reliable coverage and would maximize that</p>	<p>271</p> <p>1 should've asked this from the last one, does the -- I'm</p> <p>2 going to withdraw. No, no one ask a question. Never mind.</p> <p>3 Okay. Do you have anything else for --</p> <p>4 CATHY BORTEN: Nothing further.</p> <p>5 TAMMY CITRAMANNIS: Okay. You are excused. Thank</p> <p>6 you.</p> <p>7 ROBERT POSILKIN: Thank you.</p> <p>8 TAMMY CITRAMANNIS: Okay. So we are down to -- who's</p> <p>9 next?</p> <p>10 CATHY BORTEN: We will call Mr. Paul Dugan.</p> <p>11 TAMMY CITRAMANNIS: Okay, Mr. Dugan. (Inaudible) in</p> <p>12 here well. You promised to tell the truth, the whole</p> <p>13 truth, and nothing but the truth under the penalty of</p> <p>14 perjury in given your testimony?</p> <p>15 PAUL DUGAN: I do.</p> <p>16 TAMMY CITRAMANNIS: Okay. State your name and your</p> <p>17 address and then wait for Ms. Borten's questions.</p> <p>18 PAUL DUGAN: (Inaudible). My name is Paul Dugan, D-U-</p> <p>19 G-A-N.</p> <p>20 TAMMY CITRAMANNIS: Ms. Borten.</p> <p>21 CATHY BORTEN: (Inaudible). Mr. Dugan, I'm showing</p> <p>22 you what has been marked as Exhibit 180E. Can you identify</p> <p>23 that?</p> <p>24 COURT REPORTER: I'm sorry. (Inaudible).</p> <p>25 CATHY BORTEN: All right. Sorry. I'm showing you</p>
<p>270</p> <p>1 coverage as a result of this inclusion.</p> <p>2 BILL CHEN: Okay. Did Verizon say the other two would</p> <p>3 not be made --</p> <p>4 TAMMY CITRAMANNIS: I think that's the same question</p> <p>5 Ms. Wetter was going to ask.</p> <p>6 BILL CHEN: What I'm reading?</p> <p>7 TAMMY CITRAMANNIS: Mm-hmm (affirmative).</p> <p>8 BILL CHEN: I don't think so. I think the one I just</p> <p>9 did ask --</p> <p>10 CHERYL WETTER: (Inaudible).</p> <p>11 TAMMY CITRAMANNIS: Yeah, actually, I think you're</p> <p>12 right.</p> <p>13 BILL CHEN: I am. Yeah, that's what Ms. Wetter just</p> <p>14 said to me.</p> <p>15 CATHY BORTEN: I think they are all asked and</p> <p>16 answered.</p> <p>17 TAMMY CITRAMANNIS: I think they are.</p> <p>18 BILL CHEN: But this and hasn't been.</p> <p>19 TAMMY CITRAMANNIS: You can ask it.</p> <p>20 BILL CHEN: Did Verizon say the other two would not be</p> <p>21 made to substantially meet their goal?</p> <p>22 ROBERT POSILKIN: In effect, yes.</p> <p>23 BILL CHEN: Thank you.</p> <p>24 TAMMY CITRAMANNIS: Do you have any more questions? I</p> <p>25 just have one. When you look for site, and maybe I</p>	<p>272</p> <p>1 what's been marked as Exhibit 180E. Can you identify that</p> <p>2 please?</p> <p>3 PAUL DUGAN: Sure. That is a copy of my current</p> <p>4 resume.</p> <p>5 CATHY BORTEN: Okay. Can you briefly provide your</p> <p>6 educational background?</p> <p>7 PAUL DUGAN: Sure. I have a bachelor of science in</p> <p>8 electrical engineering from Widener University. Also have</p> <p>9 a master of the that's going to doing and a Master of</p> <p>10 business administration from Widener University.</p> <p>11 CATHY BORTEN: And how long have you been a</p> <p>12 professional engineer?</p> <p>13 PAUL DUGAN: For -- since 1998. Do the math, I guess</p> <p>14 is about 19 years.</p> <p>15 CATHY BORTEN: And have you worked as a professional</p> <p>16 engineer in different capacities?</p> <p>17 PAUL DUGAN: Yes.</p> <p>18 CATHY BORTEN: Any just explain those?</p> <p>19 PAUL DUGAN: Yes. My firm and I, we provide RF,</p> <p>20 radiofrequency, independent consulting services to wireless</p> <p>21 clients. Specifically, we provide RF support services like</p> <p>22 SEC compliance, certifications, support for applications,</p> <p>23 do an alternative site analysis and provide reports to</p> <p>24 justify a need for new facilities where necessary.</p> <p>25 CATHY BORTEN: And can you just explain, for the</p>

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<p>273</p> <p>1 record, when you say RF, what that means? Just what that 2 stands for.</p> <p>3 PAUL DUGAN: Radiofrequency basically means wireless 4 medication such as those offered by Verizon Wireless.</p> <p>5 CATHY BORTEN: And since 1998, in that tenure, have 6 you been employed in different visions as a professional 7 engineer for different companies?</p> <p>8 PAUL DUGAN: I that's prior to becoming a registered 9 festival, I was in that -- I was engaged in other wireless 10 communications capacities for a few different firms. Most 11 specifically, Bell Atlantic Mobile, which is now Verizon 12 Wireless. I was a radiofrequency engineer with -- 13 internally for 10 years prior to leaving them on good terms 14 to establish a consulting engineering practice.</p> <p>15 CATHY BORTEN: And having qualified as an expert in 16 radiofrequency engineering before the Office of Zoning and 17 Administrative Hearings or other land-use body and 18 Montgomery County?</p> <p>19 PAUL DUGAN: Yes.</p> <p>20 CATHY BORTEN: I would offer Mr. Dugan's acceptance as 21 an expert in RF engineering.</p> <p>22 BILL CHEN: What does that mean?</p> <p>23 TAMMY CITRAMANNIS: What does that mean is the 24 question.</p> <p>25 PAUL DUGAN: RF engineering is as a branch of</p>	<p>275</p> <p>1 calibrated instruments that we use for measurement after 2 everything in the entire spectrum.</p> <p>3 BILL CHEN: Okay. So your expertise goes to the 4 ability to, I presume through machinery of some (inaudible) 5 calibrate the frequency that is being emanated from some 6 source. Is that a fair statement, sir?</p> <p>7 PAUL DUGAN: Basically, yes.</p> <p>8 BILL CHEN: Okay. On that, understand that, I think.</p> <p>9 CATHY BORTEN: Thank you.</p> <p>10 SUSAN LEE: (Inaudible).</p> <p>11 TAMMY CITRAMANNIS: We are qualifying him as an 12 expert.</p> <p>13 SUSAN LEE: I understand that.</p> <p>14 TAMMY CITRAMANNIS: So need to be related to that.</p> <p>15 SUSAN LEE: So it's just -- so just picking up on 16 that. So you're going to be testifying with regard to the 17 level of RFA (ph). I'm sorry. I'm so technically terrible 18 about this, but are you -- I guess, what's the scope of 19 your testimony going to do with regard to this?</p> <p>20 TAMMY CITRAMANNIS: You're just challenging -- you're 21 just -- the question as to his qualifications, not --</p> <p>22 SUSAN LEE: I understood, but I was trying to link it 23 to what he was going to be testifying about with regard to 24 these qualifications. Is there a statement with regard to 25 what he is going to be --</p>
<p>274</p> <p>1 electrical engineering. Typically radiofrequency engineer 2 start out with an electrical engineering degree and 3 radiofrequency engineers are engage in any form of wireless 4 communications endeavors.</p> <p>5 BILL CHEN: (Inaudible).</p> <p>6 PAUL DUGAN: Radiofrequency is typically from 300 kHz 7 to 50 GHz and anything in between is radiofrequency.</p> <p>8 BILL CHEN: (Inaudible) involved with radiofrequency 9 --</p> <p>10 TAMMY CITRAMANNIS: I think you need to come closer to 11 your mic. You're starting to fade.</p> <p>12 BILL CHEN: Yeah. So as I understand what you just 13 said, sir, anything having to do with radiofrequencies in 14 that range is -- what do you do about that?</p> <p>15 PAUL DUGAN: Well, when we talk about radiofrequency, 16 that usually refers to the broad radiofrequency spectrum. 17 It encompasses everything from a.m., FM, television, police 18 radio, cellular, and he goes on up to -- I don't engage in 19 work much above 2100 MHz, but there is microwave and other 20 --</p> <p>21 BILL CHEN: Do you measure radiofrequencies? Do you 22 generate or you tell people how to generate 23 radiofrequencies in those ranges? Just (inaudible).</p> <p>24 PAUL DUGAN: No, most of my work is compliance with 25 SEC guidelines and the covers, the instruments that we use,</p>	<p>276</p> <p>1 CATHY BORTEN: He's submitted reports.</p> <p>2 TAMMY CITRAMANNIS: He has submitted a statement.</p> <p>3 SUSAN LEE: Okay.</p> <p>4 CATHY BORTEN: Will ID those.</p> <p>5 SUSAN LEE: I apologize.</p> <p>6 TAMMY CITRAMANNIS: Oh, that's okay. This is --</p> <p>7 SUSAN LEE: It just, you know -- that's a big 8 (inaudible).</p> <p>9 TAMMY CITRAMANNIS: Right, but for the purpose of 10 saying that he is an expert in this field, his resume 11 certainly speaks to it and the questions that you asked, 12 asking for clarification -- and he is qualified previously 13 before us. So I'm going to accept them as an expert.</p> <p>14 BILL CHEN: As described, right?</p> <p>15 TAMMY CITRAMANNIS: As described; RF engineering.</p> <p>16 CATHY BORTEN: In what capacity do you work with 17 rising Wireless currently?</p> <p>18 PAUL DUGAN: Currently, they often hire us as an 19 independent radiofrequency consulting engineer to evaluate 20 proposed facilities, provide a report in support of an 21 application such as this.</p> <p>22 CATHY BORTEN: I am going to show you what's been 23 previously marked as Exhibit 180E (ph).</p> <p>24 BILL CHEN: That's his CV. 180E?</p> <p>25 CATHY BORTEN: It's all together in the latest</p>

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<p style="text-align: right;">277</p> <p>1 (inaudible). 2 TAMMY CITRAMANNIS: Okay. We're going to mark it 3 separate. 4 CATHY BORTEN: So we can divide it (inaudible). 5 TAMMY CITRAMANNIS: Yes. You need to divide it up. 6 CATHY BORTEN: Okay. So -- 7 TAMMY CITRAMANNIS: So just do it by date. 8 CATHY BORTEN: The problem is, 180 has several sub -- 9 so do you want it to be -- 10 TAMMY CITRAMANNIS: Okay. 11 CATHY BORTEN: -- 180E1, 180E2, 180E3? (Inaudible). 12 TAMMY CITRAMANNIS: To show me what -- just so that I 13 can put it on -- 14 CATHY BORTEN: So on the most recent entry on page 12 15 of the exhibit list, so that was the documents from the 16 prehearing statement and 180E is his report and his 17 credentials. 18 TAMMY CITRAMANNIS: Okay. I'm looking at the exhibit 19 list. 20 (Background noise). 21 COURT REPORT: - On the mic. 22 TAMMY CITRAMANNIS: You're on the microphone. Exhibit 23 that's my exhibit list is showing that I'm sorry. 24 CATHY BORTEN: I use the most recent. 25 TAMMY CITRAMANNIS: I'm looking at 188. Never mind.</p>	<p style="text-align: right;">279</p> <p>1 CATHY BORTEN: One is RF design from October 21, and 2 one is RF safety compliance from October 25. 3 BILL CHEN: Okay. 4 CATHY BORTEN: So October 21 would be double I. 5 October 25 would be triple I. 6 TAMMY CITRAMANNIS: Thank you. 7 CATHY BORTEN: Madam Examiner, there are maps within 8 the double I report. Those however, also are in the 9 exhibit list under Exhibit 6F and G. Do you want me to use 10 those or do you want us to keep it in orderly -- 11 TAMMY CITRAMANNIS: Keep it in the -- keep it in the 12 -- in his report. 13 CATHY BORTEN: And we just refer to page numbers then 14 within the report? 15 TAMMY CITRAMANNIS: Within, yes -- 16 CATHY BORTEN: Okay. 17 TAMMY CITRAMANNIS: That's if you would like to do 18 that. And you can certainly describe the title of it and 19 that will at least make the record clear as to -- that 20 you're -- 21 CATHY BORTEN: Okay. So I'm showing you what's been 22 marked as Exhibit 180Eii and 180Eiii. Can you identify 23 those and identify the title or the number? 24 PAUL DUGAN: Sure, the one with double I was 25 radiofrequency design report. It discusses, what are the</p>
<p style="text-align: right;">278</p> <p>1 CATHY BORTEN: But it can be 180E little I or -- 2 TAMMY CITRAMANNIS: Correct. You can do that. 3 CATHY BORTEN: Okay. 4 BILL CHEN: Is the -- 5 TAMMY CITRAMANNIS: Just describe what -- 6 BILL CHEN: With the CV be -- 7 CATHY BORTEN: It would be E, little I. 8 TAMMY CITRAMANNIS: Okay. 9 CATHY BORTEN: All right. 10 TAMMY CITRAMANNIS: Thank you. 11 BILL CHEN: And then I take it the -- 12 CATHY BORTEN: So -- 13 BILL CHEN: The report would be E double I? 14 CATHY BORTEN: Yes. And they both be under that would 15 you want each report -- they are not identified separately 16 on the exhibit list, but we can break them out. 17 TAMMY CITRAMANNIS: Well, you have two different dates 18 for them. The 21st and the 25th. 19 CATHY BORTEN: Okay. So the report from the 21st, 20 which is RF design considerations, would be 180Eii. 21 BILL CHEN: Oh, Madam Examiner, what exhibit are you 22 on? You've lost me. 23 CATHY BORTEN: Sorry. That's -- there are two 24 reports. 25 BILL CHEN: Yeah, right.</p>	<p style="text-align: right;">280</p> <p>1 objectives of the opposed facility. It establishes the 2 need for the facility and how the proposed facilities under 3 the application fits that need for the area. 4 BILL CHEN: If the October 21 date? 5 CATHY BORTEN: Correct. 6 PAUL DUGAN: So it's basically why the site is needed 7 here. Why the height necessary to serve the area. The 8 second report, the triple like, is an RF safety SEC 9 compliance certification that provides a certification that 10 the site complies with the Federal Communications 11 Commission exposure limits and guidelines -- 12 BILL CHEN: The date on that is -- 13 PAUL DUGAN: -- to protect the health, safety, and 14 welfare of the public. 15 BILL CHEN: Yeah. I got it. 16 TAMMY CITRAMANNIS: Okay. 17 CATHY BORTEN: All right. First, showing you what 18 have been -- what are identified in 180 -- hold on a 19 minute. Let's make sure we get the right one. Okay. In 20 180Eii, as page -- 21 PAUL DUGAN: Five. 22 CATHY BORTEN: -- Five. Can you identify that and 23 explain what it used for? 24 PAUL DUGAN: Sure. Whenever I'm -- a client gives us 25 an application like this, we perform an independent</p>

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<p>281</p> <p>1 evaluation to determine its suitability for meeting their 2 objectives. I don't just support an application. I 3 perform an evaluation of a facility to make sure it makes 4 perfect sense for the area is intended to serve. The first 5 thing I do when I'm given a site plan and asked to review 6 an application is visit -- perform a site visit. I not 7 only perform a site visit, but I visit every adjacent site, 8 all the sites that are currently that antenna sites that 9 are currently providing service to Verizon Wireless service 10 today. I prepare this map using a software program called 11 DeLorme Street Atlas. The proposed site location is 12 identified by the tag in the center of the map. There is 13 two concentric circles placed on the map labeled as a half 14 a mile and a 1 mile -- visibly placed on the map as a 15 different reference from the proposed facility location. 16 And all the adjacent sites are the purple triangles, are 17 marked with their site names. I will point out that, just 18 go around clockwise from the site to the west, the first 19 one is identified as Potomac. It's 130 foot monopole at 20 10601 Falls Road, Potomac, Maryland. The site on the top 21 of the map identified as Tuckerman, it's a 146 foot utility 22 pole at 114 04 Gainsborough Road, Potomac, Maryland. And 23 the site to the east labeled 270 split, is 123 foot utility 24 pole at Westlake Drive, Bethesda, Maryland. And lastly, 25 the site to the southeast identified as Bethesda Country</p>	<p>283</p> <p>1 the -- established that there is a gap near the -- it's 2 centered around the junction of Democracy Boulevard and 3 Gainsborough Road. The gap extends about -- 4 BILL CHEN: Objection. He needs -- we need a 5 foundation for him to say, I got this from Verizon, but 6 I've confirmed, which is what I believe the gentleman has 7 said. There's a jump in there and the jump is, how did he 8 -- and the question is (inaudible). 9 TAMMY CITRAMANNIS: I think it was -- he said that has 10 his -- 11 CATHY BORTEN: He's allowed to testify. 12 TAMMY CITRAMANNIS: -- Own method and -- 13 CATHY BORTEN: He's about to explain. 14 TAMMY CITRAMANNIS: -- To verify it. 15 BILL CHEN: Okay. 16 TAMMY CITRAMANNIS: So I'm going to let them do that. 17 BILL CHEN: Yeah. 18 PAUL DUGAN: Okay. As I was expanding, these are part 19 of my report. Obviously, this is the (inaudible) that's 20 prepared by Verizon Wireless, but I canvassed the area. I 21 obviously evaluate the level of the topography. We as a 22 variety of tools to determine a suitability of a facility; 23 topographic maps, we use Google Earth, we use drive test 24 methods and we also place data speed tests from our smart 25 phones. And I literally have driven the entire residential</p>
<p>282</p> <p>1 Club, is 150 foot monopole at 7601 Bradley Boulevard, 2 Bethesda, Maryland. So that simply identifies where the 3 existing sites are in the area serving the community today. 4 And one of the main reasons I use this map, I create -- 5 prepare this map, is to identify if there are any existing 6 tall structures that could be considered for code location 7 within those two concentric circles. And also, it provides 8 better street detail and the propagation exhibits and the 9 tool used by Verizon Wireless. This gives you a much 10 better street details I like to start with this. 11 CATHY BORTEN: So this is page 6 of 180Eii. Can you 12 just explain what this is in relation to page 5? 13 PAUL DUGAN: Sure. That's the exact same map. It 14 just seemed in so that I can see the street detail in the 15 immediate area. By zooming in, I can see every street 16 identified in the residential community to the north into 17 the south. 18 CATHY BORTEN: And then just to get back to the 19 details, but (inaudible) what are pages seven and eight, 20 again, of 180Eii. Can you just identify what these are? 21 PAUL DUGAN: Sure. These are propagation modeling 22 exhibits. These were prepared by Verizon Wireless's 23 internal radiofrequency engineers and were provided to me. 24 I didn't prepare them, but I have verified them by virtue 25 of my own methods. By visiting the site, I've identified</p>	<p>284</p> <p>1 community to the north and to the south and checks and data 2 throughput speeds at virtually every cul-de-sac and every 3 intersection to establish that the data speeds are 4 extremely, extremely slow. And the reason being, is 5 because the -- there is insufficient signal level in that 6 community to support the current Verizon Wireless 7 technology, which is referred to as 4G and is also known as 8 LTE. 9 CATHY BORTEN: When you say that you drove the 10 community and the area to be served, can you just describe 11 what that community, that neighborhood is? 12 PAUL DUGAN: Sure. There is the Snug Hill community 13 to the north and the Gainsborough Road extends to the north 14 and there is the, I believe it is called the Ridgley 15 community to the south. The site in the immediate areas 16 kind of -- a sort of sits in a valley. To the north, east, 17 and west, it does rise when you go away from the site 18 heading in those directions. To the south, it may get a 19 little rise a little bit entering the Ridgley neighborhood. 20 I believe is called -- it's Gainsborough Road, but then it 21 drops off significantly heading into the neighborhood 22 further. 23 CATHY BORTEN: And obviously, there's a lot of colors 24 here. Can you explain for people that don't understand, 25 what are the colors and lack of color showing on this map</p>

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<p>285</p> <p>1 and also, the -- exactly what this is showing.</p> <p>2 PAUL DUGAN: Sure. The different colors represent</p> <p>3 different thresholds of signal level. Verizon strives to</p> <p>4 obtain -- as you can -- to obtain a minimum of a 95 DBM</p> <p>5 signal level in all areas where possible. There are</p> <p>6 challenges with topography, vegetation, and terrain, and so</p> <p>7 forth. But the higher the level, as you go from red,</p> <p>8 yellow, green, and blue, the stronger the signal. The</p> <p>9 better the throughput, the data throughput speeds are and</p> <p>10 the better the -- in building coverage for those using</p> <p>11 their smart phones inside their residences wherever they</p> <p>12 may be.</p> <p>13 CATHY BORTEN: So let's just take one example. Will</p> <p>14 use this Bethesda Country Club down on the southeast</p> <p>15 portion. Can you just sort of break out what that's</p> <p>16 showing right there in terms of how that area is being</p> <p>17 served? What this map shows?</p> <p>18 BILL CHEN: Is that based on the colors counsel?</p> <p>19 CATHY BORTEN: Yes.</p> <p>20 PAUL DUGAN: Sure. You can see that -- you can see</p> <p>21 the blur of stems. There is a scale bar on the lower left</p> <p>22 to use as a distance reference. As you can see, the blue</p> <p>23 extends about a third of a mile. The red and the gray as</p> <p>24 for the reach out to nearly a mile. So as you get further</p> <p>25 away from the site, you lose visibility and service</p>	<p>287</p> <p>1 8, which says all sites 80 feet, can you just explain what</p> <p>2 that's showing?</p> <p>3 BILL CHEN: Is this again, based on the colors?</p> <p>4 CATHY BORTEN: Yes.</p> <p>5 TAMMY CITRAMANNIS: Based on the colors and height and</p> <p>6 frequency.</p> <p>7 CATHY BORTEN: Yes. This is at 80 feet and this is</p> <p>8 the 700 MHz frequency.</p> <p>9 TAMMY CITRAMANNIS: Can you fix it so that -- I can't</p> <p>10 even see the top. Thank you. That's better.</p> <p>11 BILL CHEN: Madam Examiner, just based upon his</p> <p>12 credentials, I'm not objecting to what he is saying the</p> <p>13 colors mean. I assume that that is within his competence.</p> <p>14 He is reporting what the colors mean on the document.</p> <p>15 TAMMY CITRAMANNIS: Okay.</p> <p>16 BILL CHEN: To that extent, I'm not registering in</p> <p>17 opposition. I may be, depending on where they're trying to</p> <p>18 go with this, registered opposition, but I'm only -- my</p> <p>19 (inaudible) is only precipitated by what you just said. I</p> <p>20 understand the gentleman has the experience to tell us what</p> <p>21 the colors mean and that's fine.</p> <p>22 TAMMY CITRAMANNIS: Okay. (Inaudible) proceed. Go</p> <p>23 ahead.</p> <p>24 CATHY BORTEN: Can you tell us what this map is</p> <p>25 showing?</p>
<p>286</p> <p>1 degrades significantly as you get in the fringes of a site.</p> <p>2 And data throughput speeds simply can't support real-time</p> <p>3 video.</p> <p>4 CATHY BORTEN: What were some of the throughput speeds</p> <p>5 that you experience when you drove the neighborhoods</p> <p>6 surrounding the proposed site?</p> <p>7 PAUL DUGAN: First of all, to answer that, first of</p> <p>8 all just looking at your phone, you're going in and out of</p> <p>9 4G. You don't even have enough signal to support the</p> <p>10 current technology in that area. As I said, I checked data</p> <p>11 throughput speeds in the entire community to the north into</p> <p>12 the South and it's at or below 1 Mb per second everywhere.</p> <p>13 CATHY BORTEN: What would be a reliable throughput</p> <p>14 speed?</p> <p>15 PAUL DUGAN: When you are closer to a site where you</p> <p>16 can communicate more effectively, you're in the order of 25</p> <p>17 to 50 Mb per second, which can support live, real-time</p> <p>18 streaming video.</p> <p>19 CATHY BORTEN: I'm showing you page 8 of 180Eii.</p> <p>20 SUSAN LEE: Can I just ask, in the blue area, is that</p> <p>21 what they are getting is 25?</p> <p>22 TAMMY CITRAMANNIS: What you'll be over to ask him</p> <p>23 (inaudible). Let her finish and --</p> <p>24 PAUL DUGAN: Oh, got it. Okay.</p> <p>25 CATHY BORTEN: So looking at the proposed site on page</p>	<p>288</p> <p>1 PAUL DUGAN: Sure, this is -- this is pretty much the</p> <p>2 same as the last one, but with the addition of the propose</p> <p>3 coverage afforded by the new structure. Now Ridgley, the</p> <p>4 antenna centerline was established at 80 feet. And has</p> <p>5 been adjusted to -- for the new structure type, but what</p> <p>6 this depicts is that the proposed structure affords</p> <p>7 approximately three quarters of a mile in all directions of</p> <p>8 new service to the community. There is a substantial</p> <p>9 (inaudible) improved service along Democracy Boulevard,</p> <p>10 Gainsborough Road, and the residential communities to the</p> <p>11 north and the south will now be afforded reliable wireless</p> <p>12 services to their community and inside their homes.</p> <p>13 CATHY BORTEN: And does the drop from an 80-foot</p> <p>14 centerline to a 76-foot centerline, does that change your</p> <p>15 understanding of how the addition of the site would work?</p> <p>16 PAUL DUGAN: No. No, seven -- a four foot drop and</p> <p>17 antenna centerline height, would not have any consequential</p> <p>18 significance in the coverage footprint. The taller you</p> <p>19 are, the taller the structure, the more height above ground</p> <p>20 the antennas are, the broader division they can -- the more</p> <p>21 they can see. The more they can see line of sight to the</p> <p>22 immediate area they are serving. So you really need to be</p> <p>23 sufficiently above the tree line. Is my understanding that</p> <p>24 the trees, mature trees, or 60 to 70 feet. And for Verizon</p> <p>25 Wireless to have the antennas at 76-foot centerline,</p>

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<p>289</p> <p>1 they're still sufficiently above the tree line to serve the 2 area is intended to serve. I will point out that -- 3 noticed the footprint from this particular proposed site is 4 much smaller than the ones that surround it. The reason 5 for that is the structure height, among many other -- 6 BILL CHEN: Objection. Objection. (Inaudible) again, 7 I don't have any objection to his interpretation of what 8 the colors mean. He did not prepare this propagation map. 9 This is not based on what he has prepared. 10 TAMMY CITRAMANNIS: I think he is saying that, based 11 on his knowledge, that height does matter and if it's 12 (inaudible) down -- 13 BILL CHEN: Height does matter, I agree with that, but 14 he's going -- it's just a bit -- he was going beyond that. 15 TAMMY CITRAMANNIS: I don't think that he was. 16 PAUL DUGAN: I've been performing propagation modeling 17 for decades and, you know, I can tell you went the antenna 18 sites are higher, yet broader reach. 19 BILL CHEN: As a general (inaudible). 20 PAUL DUGAN: It's a general statement. 21 BILL CHEN: I'm not (inaudible). 22 PAUL DUGAN: It's a general statement. 23 CATHY BORTEN: Based on your experiences as an RF 24 engineer, is an 80-foot tall monopole the shortest that 25 Verizon Wireless can build in order to achieve its</p>	<p>291</p> <p>1 that you say it illustrates how exposure at ground level 2 decreases with distance and the antenna is shown there are 3 shown to have a direct signal at 80 feet. Again, is there 4 any direct exposure from the antennas at 80 feet? 5 PAUL DUGAN: No. 6 CATHY BORTEN: And that your opinion on that change in 7 terms of direct exposure when the centerline is dropped to 8 76 feet? 9 BILL CHEN: Objection. I'm looking at the document 10 and I don't see 80 or 70. 11 TAMMY CITRAMANNIS: What? 12 CATHY BORTEN: (Inaudible). 13 TAMMY CITRAMANNIS: You are on page 4 of 7? 14 BILL CHEN: I thought the (inaudible). 15 CATHY BORTEN: That's the -- the diagram is on page 4 16 of 7. 17 BILL CHEN: Okay. 18 TAMMY CITRAMANNIS: And then your -- 19 BILL CHEN: That's where -- 20 CATHY BORTEN: Let me just find where the diagram is 21 referenced. 22 TAMMY CITRAMANNIS: Did he create this diagram? 23 CATHY BORTEN: This report is -- 24 TAMMY CITRAMANNIS: (Inaudible). 25 CATHY BORTEN: Is this report -- is everything in this</p>
<p>290</p> <p>1 objectives at this location? 2 PAUL DUGAN: Yes. 3 CATHY BORTEN: And is a macro site such as the 4 monopole here, is that the definitive design to accomplish 5 these goals? 6 PAUL DUGAN: Yes. In this particular circumstance, 7 it's my opinion that I believe it is. It's a very typical 8 site, macro site, but all site that every site varies a 9 little bit in terms of its structure type, structure 10 height, antenna design, in order to provide new service, a 11 fuller service to the area that it's designed to serve. 12 CATHY BORTEN: You also testified that you prepared a 13 report regarding compliance with FCC exposure limits, 14 correct? 15 PAUL DUGAN: Yes. 16 CATHY BORTEN: And I believe that was 180Eiii. 17 PAUL DUGAN: Triple I. 18 TAMMY CITRAMANNIS: Is that the October 25 or the -- 19 BILL CHEN: Yes, I believe that's right. 20 TAMMY CITRAMANNIS: 25th? Well, that might be easier. 21 CATHY BORTEN: Do you have that report? 22 PAUL DUGAN: Yes, I have a copy of it. 23 CATHY BORTEN: Great. So in your report -- 24 PAUL DUGAN: Got it. 25 CATHY BORTEN: -- On page 4, you have a diagram there</p>	<p>292</p> <p>1 report based on an 80-foot centerline? 2 PAUL DUGAN: Yes, but that diagram does not label 3 anything at 76 or 80. That's a generic diagram do you 4 explain the concept that as one moves away from the 5 structure, the exposure jobs. 6 CATHY BORTEN: And that stays the same at 76? 7 PAUL DUGAN: At any height. 8 CATHY BORTEN: Okay. Can you summarize what the 9 report tells us overall about compliance? 10 PAUL DUGAN: Absolutely. 11 BILL CHEN: Objection. The document speaks for 12 itself. 13 TAMMY CITRAMANNIS: You -- he can -- 14 CATHY BORTEN: (Inaudible). 15 TAMMY CITRAMANNIS: He can explain his report. You're 16 going to cross him on it so he can talk about it. So for 17 the room. Go ahead. 18 PAUL DUGAN: So Verizon asked me to provide a 19 determination and certification that the proposed facility 20 (inaudible) to this application complies with the federal 21 can medication commission exposure limits and guidelines 22 put forward for the health -- set forward for the health, 23 safety, welfare of the public. They provided me there and 24 tunic configuration. I perform calculations based on upper 25 limit parameters, upper limit operating parameters, the</p>

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<p>293</p> <p>1 maximum power they could potentially transmit, considered 2 the equipment limitations, and I that's my report 3 summarizes what those parameters are and what the exposure 4 limits are at each frequency band that Verizon Wireless 5 transmitter that and the composites, upper limit exposure 6 anywhere near the base of the facility, whether you are, 7 you know, on the higher point in the neighborhood to the 8 north, whether you are residential home. There is no way 9 you are going to exceed 1 percent of the federal safety 10 standard. So you are literally hundreds of times below 11 what's considered safety limits. 12 CATHY BORTEN: One moment, please. That's all we have 13 at this time. 14 TAMMY CITRAMANNIS: Mr. Chen. 15 BILL CHEN: Sir, these propagation maps, as I 16 (inaudible), you received them -- 17 TAMMY CITRAMANNIS: Closer to your mic. I know they 18 should be longer. You can hear him, right? 19 COURT REPORTER: Yeah. 20 TAMMY CITRAMANNIS: Okay. 21 BILL CHEN: With regard to the propagation map of a 22 server, you received those propagation maps from Verizon. 23 PAUL DUGAN: Correct. 24 BILL CHEN: So they have been produced by Verizon? 25 PAUL DUGAN: Produced internally by their</p>	<p>295</p> <p>1 BILL CHEN: So aside from familiarizing yourself with 2 the topography and the site and the area, as far as any 3 equipment you used other than driving your car, you use 4 your cell phone. 5 PAUL DUGAN: Sure. 6 BILL CHEN: Okay. By the way, do you have any data 7 and have you provided any information in your report that 8 could assist us in determining whether or not these 9 propagation maps have been manipulated? 10 CATHY BORTEN: Objection. 11 TAMMY CITRAMANNIS: Whether they've been manipulated? 12 BILL CHEN: Yes. 13 TAMMY CITRAMANNIS: Or whether they support what is 14 shown? 15 BILL CHEN: No, whether they've been manipulated. 16 TAMMY CITRAMANNIS: Well, just -- 17 BILL CHEN: Well, I can word it a little bit 18 different. 19 TAMMY CITRAMANNIS: Yeah, I think it might be better. 20 BILL CHEN: Do you have any information in your report 21 by which could be determined the accuracy of the 22 propagation maps? 23 PAUL DUGAN: I do not. I have my own methods of 24 verifying, but it's not like I corroborated by modeling it 25 again.</p>
<p>294</p> <p>1 radiofrequency engineers, yes. 2 BILL CHEN: My understanding is that propagation maps 3 can be many belated show a need in gap and whatnot, 4 depending on what a provider wants to have shown on a 5 propagation map. Is that correct? 6 PAUL DUGAN: That's not what we do. I guess -- 7 BILL CHEN: I know. I'm not -- 8 PAUL DUGAN: -- It could be done, but -- 9 BILL CHEN: I'm not saying -- 10 PAUL DUGAN: That is not what we do. 11 BILL CHEN: Please sir, I'm not accusing you of 12 anything. Please, I'm not saying -- but that can be done. 13 Isn't that right, sir? 14 PAUL DUGAN: Sure. 15 BILL CHEN: Okay. And you've told us what the colors 16 mean on these propagation maps. And it you, of your own 17 independent efforts, I guess to corroborate the propagation 18 maps, what you did was to use your cell phone. 19 PAUL DUGAN: In part, yes. 20 BILL CHEN: What else? 21 PAUL DUGAN: As I said, you know, we've reviewed 22 topography maps, Google Earth to see was in the vicinity, 23 in addition to visiting the site and driving the entire 24 community, canvassing the area looking for existing tall 25 structures there.</p>	<p>296</p> <p>1 BILL CHEN: I understand. And you've told us about 2 what you do to corroborate; the driving around and 3 familiarizing yourself with the topography on your cell 4 phone, correct? Okay. When you used the word macro site, 5 and I'm (inaudible) you mean a monopole in layman's 6 language. Is that correct? 7 PAUL DUGAN: No, that's not correct. 8 BILL CHEN: Tell us what you mean by that. 9 PAUL DUGAN: Macro-site means it's a full, outdoor, 10 full complement of antennas for their -- for all the 11 frequency bands that are licensed to serve as opposed to a 12 small cell or microcell, outdoor (inaudible) node which may 13 only use one or two antennas on top of the pole, be very 14 limited in terms of the number of bands they can support, 15 battery backup. The full -- the macro site typically has a 16 battery backup system to support in case of power outage. 17 BILL CHEN: So am I -- and again, I apologize, but in 18 layman's language, do I interpret what you just said to me 19 that there is no alternative to assuming the service is 20 needed. There is no alternative to providing that service 21 other than the monopole that is being proposed in this 22 case? 23 PAUL DUGAN: No. There is no more feasible 24 alternatives than that proposed subject to this application 25 in my opinion.</p>

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<p>297</p> <p>1 BILL CHEN: When you say, in your opinion, what do you 2 mean by feasible?</p> <p>3 PAUL DUGAN: You can't put -- you're not going to put 4 a string of small cells on top of light poles when the tree 5 canopy is 60 to 70 feet. As my testimony that had to be 6 sufficiently above that to provide service to the area. 7 Otherwise, when you're trying to put -- you know, when 8 there is dense foliage and vegetation, in order to provide 9 effective coverage to the area, you need to be at the 10 height we are seeking. If you were to put on light poles, 11 you might reach a few homes to the north and the south and 12 the others putting get any service.</p> <p>13 BILL CHEN: Okay. I have no further questions.</p> <p>14 TAMMY CITRAMANNIS: Ms. Wetter and Ms. Lee.</p> <p>15 SUSAN LEE: I have a couple.</p> <p>16 TAMMY CITRAMANNIS: Okay.</p> <p>17 SUSAN LEE: Just because I'm interested in the impacts 18 and who it's going to benefit. So I just want to verify, 19 did you say that this -- the installation of this facility 20 will allow the expected consequence improvement within a 21 three-quarter mile range around the facility? Is that 22 correct? Is that your --</p> <p>23 PAUL DUGAN: Yes, that was my testimony.</p> <p>24 SUSAN LEE: Okay.</p> <p>25 PAUL DUGAN: Every home in the community to the north</p>	<p>299</p> <p>1 is no separation between data and voice because voice now 2 is just another data application over a high-speed, 3 broadband network. So everything is evaluated in terms of 4 data speeds. If you don't have data speed, you have poor 5 service.</p> <p>6 SUSAN LEE: I guess it's just as if you could explain 7 to me and I am totally not -- is when you went around to 8 all the cul-de-sacs, and I'm assuming it was within the 9 three-quarter mile area, and what exactly were you -- just 10 explain to me what the test is that you were doing to say 11 that they needed -- if you just tell me what that 12 technology you had in your hand while you're sitting there 13 in the car.</p> <p>14 PAUL DUGAN: It's all here.</p> <p>15 SUSAN LEE: Okay.</p> <p>16 PAUL DUGAN: I can --</p> <p>17 SUSAN LEE: So where you -- but just so -- and to put 18 it into layman's terms, you're saying that you made more 19 than phone calls. That's not -- were you streaming 20 television or movies or what was it that didn't work in 21 those cul-de-sacs?</p> <p>22 PAUL DUGAN: Okay. First of all, as I testified, I 23 indicated that I placed test calls and most of them went -- 24 dropped out of the 4G, LTE down to 2G and 3G in order to 25 make those calls. That doesn't mean no calls go through,</p>
<p>298</p> <p>1 and south will be able, if they have Verizon Wireless, will 2 be able to enjoy reliable service now.</p> <p>3 SUSAN LEE: (Inaudible).</p> <p>4 PAUL DUGAN: Service that essentially works.</p> <p>5 SUSAN LEE: So you know how many people that is? How 6 many households?</p> <p>7 PAUL DUGAN: I haven't done a count on the volume of 8 homes. I could obviously do that on Google Earth if I 9 needed to.</p> <p>10 SUSAN LEE: And I guess the other thing is, that when 11 I look back to some of the other cases, there is testimony 12 about dropped calls from actual people who live there and I 13 wondered if you've provided in your report the exact cul- 14 de-sacs where you were and the data that you collected from 15 each of those cul-de-sacs so that people can see exactly 16 who is going to benefit from the installation.</p> <p>17 PAUL DUGAN: I did not put -- I testified to what the 18 data was. Everything is different now with 4G, LTE, 19 technology that Verizon Wireless is building out their 20 network today to support the Smartphones of today. Long 21 ago when we had other -- the analog network and the earlier 22 digital technologies, a lot of the justification for a site 23 would be made by having lost call data and ineffective 24 attempts data where calls will go through. Today, 25 everything is data-driven. With 4G, LTE technology, there</p>	<p>300</p> <p>1 but there is call delays and there is poor call quality in 2 some cases. I do check the signal levels that my phone is 3 indicating. I noticed that on my maps, all my notes, and I 4 use a speed test application. If you download speed test, 5 you can just, with the touch of a button, it will tell you 6 what the download and upload speeds are. It's basically 7 performing a test on the download and upload speeds.</p> <p>8 SUSAN LEE: So would you have that for each of the 9 cul-de-sacs that you went around and tested in? Do you 10 have that data that you can put in the record?</p> <p>11 PAUL DUGAN: I have it noted in my notes.</p> <p>12 SUSAN LEE: Could you submit those? Because I think 13 that neighbors need to understand what it is they're going 14 to get for what they're going to put up with. I mean, 15 that's the --</p> <p>16 CATHY BORTEN: Objection.</p> <p>17 SUSAN LEE: -- benefit that's going to be provided.</p> <p>18 CATHY BORTEN: Objection.</p> <p>19 TAMMY CITRAMANNIS: I -- yeah, I understand what she's 20 saying and that's what you're going to get. You're going 21 to get more coverage. What you are asking for I think, is 22 a line by line, how it's going to improve. Is that -- I 23 mean, is that what you're asking for?</p> <p>24 SUSAN LEE: That's the determination of sort of the 25 public policy is to allow a conditional use that will give</p>

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<p>301</p> <p>1 benefit for the reason that the conditional use is being 2 provided. And I just think it would be good to have it in 3 the record that the -- 4 PAUL DUGAN: Well, 5 SUSAN LEE: -- that the day that you -- 6 CATHY BORTEN: I think these maps show where there's a 7 need, and Mr. Dugan has testified to that. He's explained 8 it. I think whether or not, Ms. Lee agrees with what's in 9 there or thinks it's sufficient that can be in her closing 10 argument. I don't think that those are questions beyond -- 11 he's testified to exactly what he's done and what's going - 12 - what problem will be solved. 13 BILL CHEN: If I may. I have to object. 14 TAMMY CITRAMANNIS: To what? 15 BILL CHEN: The representation that the propagation 16 maps show need. There is no witness here to be examined as 17 to what the propagation maps show. What this gentleman has 18 said -- 19 CATHY BORTEN: I object to his objection. 20 BILL CHEN: -- was this is what the color code means 21 and I -- we all accept that. You didn't hear any objection 22 to that. However, he did not testify as to need. He 23 testified to what they show. And if this is the evidence 24 that supposedly the applicant wants to offer to demonstrate 25 need I object because I can't cross examine a propagation</p>	<p>303</p> <p>1 SUSAN LEE: I would just like to see his underlying 2 notes, and I think the neighbors could -- I think that 3 should be placed in because that's where the need is that 4 this conditional use is going to be addressing. 5 CATHY BORTEN: It's not required. 6 SUSAN LEE: So unless we know the cul-de-sacs that are 7 the problem I think -- and since he's got those notes I 8 think they should just be submitted as part of the record. 9 BILL CHEN: That's a different issue. And I respect 10 that issue. 11 SUSAN LEE: That's my (inaudible) 12 BILL CHEN: But -- and I think -- 13 SUSAN LEE: but I agree because I don't think that the 14 maps do that, and in fact they don't. 15 TAMMY CITRAMANNIS: Okay. 16 SUSAN LEE: They didn't put them forward as that. 17 They put him forward and now we need his underlying data. 18 TAMMY CITRAMANNIS: Okay. Well, he has given two 19 reports that detail; provide detail that you can certainly 20 cross-examine. I don't know that asking him to reveal his 21 notes; this is a compilation of his notes. Your -- the 22 specific question you're asking I don't know that there is 23 a chart that pinpoints everything. The idea is where is 24 the coverage. 25 BILL CHEN: Yeah. I appreciate what you're saying and</p>
<p>302</p> <p>1 map. I can't question the propagation map there needs to 2 be whoever prepared it who's got the data present to be 3 crossed on it. And this gentleman, and please, I'm not 4 criticizing this gentleman. I think, you know, he's been 5 candid in what he said, this is what he does. 6 TAMMY CITRAMANNIS: Okay. Response? 7 CATHY BORTEN: Yes. 8 TAMMY CITRAMANNIS: (inaudible) I have to say that 9 when he started talking what he was talking about, he was 10 verifying and I was going to ask him more about his 11 methods. What is -- how do you respond to it? 12 CATHY BORTEN: All right. The Tower Committee, which 13 is the technical review body that is made up, in part, by 14 independent engineers has seen these maps and has found 15 that there is a need. Planning Staff has seen these maps, 16 has seen what the Tower Committee reviewed and has found 17 that, you know, as Technical Staff and has found that there 18 is a need. These are the standard models that are used in 19 every one of these cases and we have a qualified expert 20 engineer who took these maps, performed his own test 21 driving the area and he also testified that you were -- I 22 think he said it was below .2 megabits in terms of time and 23 you need 20 megabits for reliable service. I think that 24 you have evidence of need. I don't -- I think we're trying 25 to --</p>	<p>304</p> <p>1 I'm not disagreeing with what you're saying. 2 TAMMY CITRAMANNIS: For this witness, I mean -- 3 BILL CHEN: Yes. 4 TAMMY CITRAMANNIS: -- you can cross examine him and - 5 - 6 BILL CHEN: Yes. And that's why this -- why my 7 brilliant cross-examination, if you will, was so brief 8 because this gentleman with his expertise is in a narrow 9 area. And where I am on this, and I think it's much more 10 fundamental, is that that the evidence before you 11 supposedly to show need, has not been presented to be 12 examined. Cross-examined. We're entitled to that cross- 13 examine -- what he has said is he undertook certain 14 activity to his own independent evaluation. He never found 15 gaps. There was sufficiency and I think he's candid in his 16 report that this is an improvement in services. This is 17 not your case where we don't have service. This is 18 improving the service. And he's talking about the bars and 19 that. And even I understood some of that. And that's what 20 he did to independently satisfy himself. Okay. And you 21 will hear some about that but that does not go to need. 22 GREG DIAMOND: Isn't Mr. Chen making his closing 23 argument and in the middle of this witness's testimony? 24 TAMMY CITRAMANNIS: I think it's going (crosstalk) 25 BILL CHEN: Well --</p>

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<p>305</p> <p>1 TAMMY CITRAMANNIS: I think that it is going to that 2 and your objection is noted. And I mean this is what 3 they're presenting and if it works it works. 4 BILL CHEN: Yes. 5 TAMMY CITRAMANNIS: If it doesn't it doesn't. 6 BILL CHEN: Yes. 7 TAMMY CITRAMANNIS: But this is what you're presenting 8 through this witness and that will be for me to, like, to 9 make my decision. Do you have anything else because I do 10 have a question. 11 SUSAN LEE: We have nothing further for him. 12 TAMMY CITRAMANNIS: Okay. Your methods that you were 13 talking about, is this something that is recognized in the 14 field or is it something that has just worked for you? I 15 mean just educate me on that. 16 THE PAUL DUGAN: I would say both. I mean most 17 radiofrequency engineers use common tools. I rely on my 18 experience through my speed tests very heavily. But 19 radiofrequency engineers don't just do computer modeling 20 behind a desk in order to design their network. They have 21 to get out in the field. They have to perform site visits 22 to see what's out there. You can only see so much from 23 Google Earth or Bing maps and what's in the area. You need 24 to see the level of vegetation, how the topography is in 25 the vicinity of a proposed site location. And engineers</p>	<p>307</p> <p>1 not being above the tree line. So they would -- 2 TAMMY CITRAMANNIS: Disadvantage in what way? 3 THE PAUL DUGAN: They wouldn't get as much range from 4 -- 5 TAMMY CITRAMANNIS: The circle would -- 6 THE PAUL DUGAN: -- having -- from their antennas. 7 TAMMY CITRAMANNIS: -- close in a little bit more? 8 THE PAUL DUGAN: Yeah, because trees act to reduce the 9 signal. We call it attenuation which inhibit 10 radiofrequency propagation. They absorb energy. Where if 11 it's free space it, you know, travels more uninhibited. 12 TAMMY CITRAMANNIS: And is the fact that this is a 13 tree, do the branches impact at the -- will it change the 14 coverage? I mean was that part of your calculation the 15 fact that this will have branches as opposed to just a 16 plain monopole? For Verizon's at 76? 17 THE PAUL DUGAN: No. It wouldn't make any difference 18 for Verizon whether it was a monopole or a tree pole. 19 TAMMY CITRAMANNIS: Okay. Did you -- in the Tower 20 Report I believe, and y'all can correct me if I'm wrong, 21 but I think the issue of whether you could do a tree and 22 how it would affect, and I think the language was that it 23 would affect the co-locators because it would interfere. 24 Do you want to -- let me see if I can -- I'm just, and you 25 can -- if you can answer this, if not it's certainly</p>
<p>306</p> <p>1 use, you know, drive test tools of a variety of types, and 2 Smartphones themselves are widely used as a measure of 3 what's the user experience in that area. In fact, I just 4 want to point out one thing about the data that was asked 5 for. I summarize exactly what the data was. There's 6 nothing in hiding here. Everything, every cul-de-sac every 7 junction of road, it was at or below one megabit per 8 second. It's not strong enough to support real-time live 9 streaming video, which today, you know, police, fire and 10 first responders are -- often rely upon to perform, you 11 know, life-and-death situation job functions. 12 TAMMY CITRAMANNIS: And with regard to, you mentioned 13 the trees. The cell coverage at 76 center, I believe. 14 THE PAUL DUGAN: Centered on. 15 TAMMY CITRAMANNIS: Centered on. You're just talking 16 about Verizon; co-locators, they are going to be at 66 and 17 56 I believe. 18 SUSAN LEE: I'd have to look at the (inaudible) 19 CATHY BORTEN: About usually a 10 foot separation. 20 TAMMY CITRAMANNIS: So is what you're saying that 21 below, wherever the tree line is and I think you were 22 saying you thought it was 60 to 70 feet, so Verizon's will 23 be above the tree line. But the ones that are below the 24 tree line, how does that affect coverage? 25 THE PAUL DUGAN: They would be at a disadvantage of</p>	<p>308</p> <p>1 something y'all can further clarify. It's on Page 2 of I 2 think 5B. The applicant reports that Verizon Wireless did 3 not consider a tree design because the monopole would be 4 partially camouflaged by the existing trees and the 5 addition of the tree design will not allow for co-locations 6 from at least two carriers. So I don't know if that would 7 be your -- if that would affect this particular (inaudible) 8 study or looking at, you know, adding co-locators. 9 THE PAUL DUGAN: I think the pole will be designed in 10 such a way that the branching won't affect future co- 11 locators that are going to co-locate below Verizon 12 Wireless. I'm not an expert on tree pole so I can't -- 13 TAMMY CITRAMANNIS: Okay. No, no, and you -- 14 THE PAUL DUGAN: -- speak -- 15 TAMMY CITRAMANNIS: -- and I'm just throwing that out 16 there because it is, I mean one of the things is that 17 you're able to co-locate and when I saw this it was like, 18 well, so effectively it might not be able to co-locate and 19 then it's just for one. So -- 20 CATHY BORTEN: So Mr. Siverling that structurally it 21 has been designed to be able to handle two co-locators. 22 TAMMY CITRAMANNIS: Okay. 23 CATHY BORTEN: We do show them on the tree. The Tower 24 Committee Report also noted that the carrier is open to 25 discussion if residence object to the design during the</p>

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<p>309</p> <p>1 conditional use process and so, you know, I think this was 2 when it was a bare pole and so -- 3 TAMMY CITRAMANNIS: Oh. Okay. 4 CATHY BORTEN: -- since once the tree -- 5 TAMMY CITRAMANNIS: I just thought -- 6 CATHY BORTEN: -- design became something to really 7 talk about things were designed in order to allow for the 8 co-locators. 9 TAMMY CITRAMANNIS: I just wanted to know how it would 10 impact his opinion as to the coverage. 11 THE PAUL DUGAN: I don't think the branches on the 12 tree pole are going to interfere. It's the tree vegetation 13 that surround the tree pole for those co-locators at lower 14 heights will be affected. 15 TAMMY CITRAMANNIS: All right. Thank you. 16 BILL CHEN: Can we cross based upon that question? 17 TAMMY CITRAMANNIS: Yes, based on my questions you 18 can. Did you all want to ask any more questions based on 19 my questions are do you want to do it after they ask? 20 CATHY BORTEN: I'll wait until they've gone. 21 TAMMY CITRAMANNIS: Okay. So go ahead, Mr. Chen. 22 BILL CHEN: You mention, sir, that there was the 23 inability on streaming and this is relied upon by 24 government agencies, police and fire. Have you received, 25 or has Verizon, to your knowledge, received any complaints</p>	<p>311</p> <p>1 BILL CHEN: Well, individuals did. Yes, you're right. 2 We don't have any report from the Committee, but an -- 3 supposedly he was -- 4 TAMMY CITRAMANNIS: We have a letter. You submitted a 5 letter I believe. 6 BILL CHEN: (crosstalk) 7 TAMMY CITRAMANNIS: Yeah, there is a letter. 8 CATHY BORTEN: In fact from the chairman of the Tower 9 Committee. 10 TAMMY CITRAMANNIS: Right. Right. So you can 11 certainly challenge that, but -- 12 BILL CHEN: My point is -- yeah. 13 TAMMY CITRAMANNIS: But -- 14 BILL CHEN: I don't want to go over (crosstalk) 15 TAMMY CITRAMANNIS: It's noted. 16 BILL CHEN: At this hour. 17 TAMMY CITRAMANNIS: It's noted. I know. It's -- 18 okay. Did you have any questions for -- from individuals? 19 SUSAN LEE: Just a second. Just make sure -- someone 20 just asked me to make sure that you have his question. 21 (inaudible) 22 BILL CHEN: And we're at that stage? Okay. Why 23 wasn't the parkland site adequate? 24 TAMMY CITRAMANNIS: Why wasn't the what? 25 BILL CHEN: The parkland site.</p>
<p>310</p> <p>1 in that regard in this area? 2 THE PAUL DUGAN: Not that I'm aware of, no. 3 BILL CHEN: Okay. 4 THE PAUL DUGAN: But I know as a general fact that 5 they rely on lifetime streaming video to perform life- 6 saving job functions. 7 BILL CHEN: No doubt. But in this particular case you 8 are not aware of any complaints from those authorities 9 where there's been a lack of service or a lack of 10 communication? 11 THE PAUL DUGAN: No. 12 BILL CHEN: You may have more, but I just would like 13 to note that the objection I previously noted. The Tower 14 Committee did not have this application in front of it. 15 Respectfully Madam Examiner, your comments just now about 16 that report and what it talked about underscores, 17 respectfully, the need that I believe under the zoning 18 ordinance that this application has a stale report from 19 that committee. And I'll leave it at that. I don't want 20 to be accusing -- 21 TAMMY CITRAMANNIS: Okay. We'll end it at that 22 because I think we've already established that they went 23 forward and they knew that they were going to be 24 camouflaging it and they told him because you're doing that 25 that we don't want --</p>	<p>312</p> <p>1 GREG DIAMOND: The adjacent site. 2 THE PAUL DUGAN: I don't see where it -- 3 CATHY BORTEN: What was the question, I'm sorry. 4 BILL CHEN: Why wasn't in the parkland -- 5 SUSAN LEE: This is the pool and adjacent to the pool 6 is parkland. So why didn't they use the parkland? 7 BILL CHEN: Oh. Okay. 8 CATHY BORTEN: Objection. Mr. Posilkin can testify to 9 all of that. This isn't the proper witness for that. 10 TAMMY CITRAMANNIS: Okay. 11 BILL CHEN: Why are the 300 foot towers of Pepco on 12 Debery (phonetic) Drive south of Tuckerman Lane not shown? 13 This tower is much closer than Falls Road. 14 TAMMY CITRAMANNIS: Is that something you can answer? 15 THE PAUL DUGAN: No. It's off the map as I understand 16 it. So it's out of the area. It's irrelevant. 17 TAMMY CITRAMANNIS: Okay. What's the next one? 18 BILL CHEN: That's all I've got. 19 TAMMY CITRAMANNIS: Okay. You done? You are? 20 (inaudible) 21 SUSAN LEE: Just for my information. You testified 22 with regard to health and safety. If when they add the two 23 additional, they expand the additional two, will it go 24 through an additional health and safety examination? Will 25 they have to come back through and -- or does the special</p>

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<p>313</p> <p>1 exception, by granting the special exception now, has there 2 been a determination that the addition of the two other co- 3 locators will have -- make no impact with regard to the 4 safety issues with regard to radiation? Is that included 5 in your calculation as well? 6 TAMMY CITRAMANNIS: Oh the addition -- 7 SUSAN LEE: Yeah, the additional -- 8 TAMMY CITRAMANNIS: (crosstalk) 9 SUSAN LEE: I just wondered if folks will have -- 10 well, who looks at that again as they build it out. 11 THE PAUL DUGAN: I only included what's proposed 12 today. Future co-locators are going to provide their own 13 and I don't have -- I don't know who's going to be the co- 14 locators so I wouldn't know the frequencies they're 15 operating (inaudible) for a future co-locator. What I can 16 tell you though, is that that at 56 feet and 66 feet 17 assuming there's a typical 10 foot separation center line 18 from one antenna set to the center line of the next you're 19 not going to see any consequential impact in an 20 electromagnetic field exposure anywhere near that facility. 21 The reason being the antennas are not putting out a lot 22 power like a broadcast facility. They serve in a small 23 area and no one can be anywhere near them. I have spent 30 24 years of my life standing in front of them on rooftops of 25 these types of antennas, so there's not going to be any</p>	<p>315</p> <p>1 CATHY BORTEN: As I said, I can get through my direct 2 in -- it's not going to take very long. 3 TAMMY CITRAMANNIS: Okay. All right. And -- well, we 4 have Mr. Chen who has doubled for everybody which is great. 5 So hopefully the questions are as good as they've been, 6 very straightforward. All right. So why don't we go ahead 7 and start. And when it gets to about 10 of then we'll make 8 a decision because we are going to stop at 6:00. 9 CATHY BORTEN: Okay. I'll call Mr. Edward Steere. 10 TAMMY CITRAMANNIS: Okay. Raise your right hand. Do 11 you promise to tell the truth, the whole truth, and nothing 12 but the truth in your testimony under the penalty of 13 perjury? 14 EDWARD STEELE: I do. 15 TAMMY CITRAMANNIS: Please state your name and your 16 address and wait for Ms. -- 17 EDWARD STEERE: My name is Edward Steere. I work for 18 Whitman, Frizzell, and Mitchell at 6240 Old Dobbin Lane, 19 Columbia, Maryland 21045. 20 CATHY BORTEN: Madam Hearing Examiner, these were both 21 identified in the list with the most recent entry as 180F, 22 as in Frank so we can do 180Fi for the CV and 180Fii for 23 the report if that's helpful. 24 TAMMY CITRAMANNIS: Okay. Yes. 25 CATHY BORTEN: All right. So I'm going to show you</p>
<p>314</p> <p>1 consequential impact from those co-locations. In other 2 words is still going to be remaining below 1 percent of the 3 FCE guidelines. 4 SUSAN LEE: Thank you. 5 THE PAUL DUGAN: I just want to -- 6 GREG DIAMOND: There are no questions. 7 THE PAUL DUGAN: Okay. 8 TAMMY CITRAMANNIS: Okay. 9 SUSAN LEE: Thank you. 10 TAMMY CITRAMANNIS: Do you have any more questions? 11 You're good? 12 SUSAN LEE: No. Thank you. 13 TAMMY CITRAMANNIS: Okay. Thank you. Okay. It is 14 5:15, is the next witness is the next witness, a 45 minute 15 witness or? 16 CATHY BORTEN: It is our last witness for the day, and 17 I don't think it will take 45 minutes. At least my, let me 18 say my direct will not take 45 minutes. 19 TAMMY CITRAMANNIS: Okay. I'm -- okay. 20 GREG DIAMOND: It's a real estate valuation. That's 21 the final. 22 TAMMY CITRAMANNIS: Right. No I know what it is. I'm 23 just, reality wise, because I told everybody we would be 24 done at 6:00 and I don't want to cut it in the middle of 25 direct and cross.</p>	<p>316</p> <p>1 what's been marked as Exhibit 180Fi and ask you to identify 2 that. 3 EDWARD STEERE: That is my resume. My professional 4 resume. 5 CATHY BORTEN: Okay. And Exhibit 180Fii? 6 EDWARD STEERE: That would be the report that I 7 prepared for this. 8 CATHY BORTEN: All right. So where are you currently 9 employed? 10 EDWARD STEERE: The company is Whitman, Frizzell and 11 Mitchell. I know that they report says Val Ridge Property 12 Advisor, that was a franchise that has since separated from 13 Whitman, Frizzell and Mitchell. 14 CATHY BORTEN: And what are your job duties there at 15 Whitman, Frizzell? 16 EDWARD STEERE: I am the company planner and market 17 analyst. I do all of them market studies for them and also 18 any planning exercises that we -- 19 CATHY BORTEN: Can you briefly explain your background 20 in market analysis and real estate market research, 21 development and planning? 22 EDWARD STEERE: So in a nutshell, I do market studies 23 for the last 15 years or so of my 30 years. I've been 24 doing market studies in particular for the majority of 25 market studies are demand and supply studies for housing or</p>

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<p>317</p> <p>1 for retail or other special uses. Studies on impact on 2 value for cases such as this or gas stations and other 3 special zoning, special exception cases. 4 CATHY BORTEN: Do you hold a master of science in real 5 estate? 6 EDWARD STEERE: I do. 7 CATHY BORTEN: Do you have other advanced degrees as 8 well? 9 EDWARD STEERE: No. I have work towards a Masters of 10 Public Administration but have not completed it. 11 CATHY BORTEN: Have you qualified as an expert in real 12 estate appraisal before the Office of Zoning Administrative 13 Hearings or other land-use body in Montgomery County? 14 EDWARD STEERE: Not appraisal. I am not an appraiser, 15 but I have qualified as a market analyst. 16 CATHY BORTEN: Mr. Steere's CV was submitted to the -- 17 to OZHA with his report that was included with the 18 application and again with the prehearing statement. And 19 I'd like to move him as an expert in market value analysis. 20 TAMMY CITRAMANNIS: Okay. 21 BILL CHEN: Sir, you just said that you've been 22 recognized as a expert on market analyst. Did I get that 23 right? 24 EDWARD STEERE: Yes. 25 BILL CHEN: And you're not an appraiser?</p>	<p>319</p> <p>1 and what trends are evidenced in other similar situations. 2 BILL CHEN: When you say what trends are evidenced and 3 in other similar situations what do you mean by that? 4 CATHY BORTEN: Madam Hearing Examiner, I think were 5 well beyond voir dire at this point for qualifying him as 6 an expert. 7 BILL CHEN: I beg your pardon. I think were well into 8 voir dire. I think this goes to voir dire because right 9 now I'm objecting to this witness testifying with regard to 10 economic value at all. He sounds like he's very fine as 11 far as a market analyst and testifying (inaudible) demand. 12 Testifying about, at least I think I heard something about 13 market trends, but that's not talking about the adverse 14 impact of a land-use on another land-use. So -- 15 TAMMY CITRAMANNIS: Okay. Well what I was hearing 16 because it -- I'll agree when I heard market analysis I'm 17 not an appraiser and then you asked for market value 18 analysis meaning -- it sounded like he was going to be an 19 appraiser. But then listening to him it sounds like it's 20 just a fact where he wants to see what that factor in his 21 analysis has, if it has an impact on property values based 22 on collecting those factors. That's what I'm hearing. 23 BILL CHEN: Well, if that's what you're hearing I'm 24 not quarreling with you on that. That's not what the 25 zoning ordinance is interested in. The zoning ordinance is</p>
<p>318</p> <p>1 EDWARD STEERE: I am not an appraiser. 2 BILL CHEN: And what does a market analyst do? 3 EDWARD STEERE: So I study -- well, a real estate 4 market analyst, let's be specific. I study real estate 5 trends, demographics, and factors that go into the 6 viability of success and development. 7 BILL CHEN: When you say viability of success and 8 development, what does that mean? 9 EDWARD STEERE: So for example if -- this isn't a cell 10 tower, but in that situation I'm going to say that I get 11 hired as a consultant for lenders to find out whether they 12 should lend to a developer to build the facility or to open 13 a store or something like that, if that facility is going 14 to succeed. If there is enough demand for that addition to 15 the supply. That's the general sense of that. When it 16 comes to this particular type of case, I am looking at the 17 real estate trends of communities to determine whether, you 18 know, what the value adjustments are for different 19 impacts of community and other externalities. 20 BILL CHEN: So tonight you're here to focus your 21 testimony on real estate trends. 22 EDWARD STEERE: The point of my study was to determine 23 whether there is an adverse impact on value by the 24 placement of a new monopole cell tower. In doing that I am 25 -- studied the neighborhoods to determine what trends exist</p>	<p>320</p> <p>1 interested in -- is on adverse impact on economic value. 2 That's what the -- I'm using the language in the zoning 3 ordinance. And it's not clear (inaudible) 4 TAMMY CITRAMANNIS: Well, I guess how do you determine 5 that then? It's -- or what's the experience that lends to 6 making that type of a -- 7 CATHY BORTEN: I think if when you see the words 8 economic value, economic value is based on something. And 9 the -- how do you test economic value? Mr. Steere looks at 10 sales in the area, as he said, externalities, items that 11 may affect the market value. I'm -- 12 BILL CHEN: That's not economic value impact. I 13 apologize if I interrupted you Ms. Borten. I thought you 14 were finished and I apologize if I did interrupt you. 15 TAMMY CITRAMANNIS: Okay. 16 CATHY BORTEN: The Zoning Ordinance and doesn't say 17 economic value as measured by X, Y, and Z. Or, you know I 18 think what are we talking about in terms of economic value? 19 TAMMY CITRAMANNIS: Well that will certainly, when we 20 have -- they'll put on their case as to that and so your 21 objection is noted. And your explanation. I'm going to 22 qualify him to be a market -- you said market analyst, you 23 said market value, I don't know if that word is critical to 24 you, but you're asking for -- and he said he was a market 25 analyst. I mean we can probably split hairs.</p>

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<p>321</p> <p>1 CATHY BORTEN: I mean I think if you're a market 2 analyst and one is sort of subsumed in the other. I mean I 3 think in -- 4 TAMMY CITRAMANNIS: Yeah. Because you're asking him 5 to -- 6 CATHY BORTEN: I mean he's going to testify -- I'm 7 going to be asking him questions about how factors in real 8 estate trends affected the values in this market, and 9 that's what he does as a market analyst is he looks at 10 market values. Is that an accurate representation -- 11 EDWARD STEERE: Yes. 12 CATHY BORTEN: -- of effects on market values? I 13 don't see a distinction. 14 TAMMY CITRAMANNIS: Okay. I'm -- everybody's 15 objections are noted and explanations. I'll qualify you as 16 a market value (inaudible) 17 EDWARD STEERE: Thank you. 18 CATHY BORTEN: Thank you. 19 TAMMY CITRAMANNIS: You can -- 20 CATHY BORTEN: I think it's even (inaudible) 21 TAMMY CITRAMANNIS: Sorry. I was leaning back. 22 CATHY BORTEN: Mr. Steere, did there come a time when 23 I, on behalf of Verizon Wireless requested that you prepare 24 an analysis of the impact of a telecommunications monopole 25 on residential real estate values?</p>	<p>323</p> <p>1 homes in the Kentsdale Estates neighborhood. So the tower 2 is well covered with lots of carrier activity. It's not a 3 single carrier tower. It's an older tower. The -- so what 4 I did is I studied the Kentsdale Estates values and pricing 5 from the inception of the homes to present with sales and 6 to be clear the data that I use is -- for the numbers I was 7 looking at deeds and at state tax data which have the 8 actual prices in them. It's more reliable than the 9 multiple list which was also referenced, but the actual 10 data for my sale prices and dates was directly from deeds 11 for each of the properties. So in my report on the page 12 following Page 8 is a table of the -- of sales in Kentsdale 13 Estates and what we found was that through the inception of 14 this -- some of the earliest homes were from the early '80s 15 there's been a steady increase in value in that 16 neighborhood. And in fact the increase in value was 17 significant, more than double, even triple in their value 18 over that time frame. 19 CATHY BORTEN: And during that time this 130 foot pole 20 was present? 21 EDWARD STEERE: Yes, it was. And what I found was 22 that an important factor in that neighborhood is that this 23 pole is closer to these homes than the pole we're proposing 24 is to any homes and it is taller. 25 CATHY BORTEN: And is that neighborhood -- is there a</p>
<p>322</p> <p>1 EDWARD STEERE: Yes, there was. 2 CATHY BORTEN: And did you prepare a report regarding 3 10200 Gainsborough Road in Potomac, Maryland? 4 EDWARD STEERE: Yes, I did. 5 CATHY BORTEN: And that's -- is that they report you 6 have there, 180F? 7 EDWARD STEERE: 180Fii. 8 CATHY BORTEN: Small double I. Right. And as part of 9 your report did you conduct studies of existing cell -- 10 telecommunications towers and their impact on adjacent 11 neighborhoods? 12 EDWARD STEERE: I did. 13 CATHY BORTEN: And what neighborhoods did you look at? 14 EDWARD STEERE: I looked at the Kentland, or I'm 15 sorry. Kentsdale Estates, 1½ miles to the west of our 16 subject site on Damascus Boulevard -- or Democracy 17 Boulevard. And also at Potomac Crest which is about a 18 mile, 1.2 miles north on (inaudible). 19 CATHY BORTEN: And can you explain what you found at 20 the Bullis School Neighborhood in Potomac? 21 EDWARD STEERE: Yes. So the tower that's at the 22 Bullis School was referenced earlier by my fellow planner. 23 The tower is a 130 foot tower that has antenna that 24 extended up over 140 feet that is at the eastern end of 25 their sports complex, which is right up next to residential</p>	<p>324</p> <p>1 large market for homes -- are there a large market of 2 buyers for homes in a neighborhood such as Kentsdale 3 Estates? 4 BILL CHEN: Objection. I think that's part of what 5 he's talked about as far as his study. 6 SUSAN LEE: Yes, it is. 7 TAMMY CITRAMANNIS: I'll overrule it. 8 EDWARD STEERE: I would have to say that no. That 9 these homes are exceedingly large and exceedingly expensive 10 by many standards; some of them are over 17,000 square 11 feet. A couple of them are owned by foreign national 12 governments and their very specific architecture. They are 13 not tract houses. They are not commonly the same as one 14 another is. It is a unique estate like community where the 15 buyers tend to be more selective about what they are buying 16 into. Their architecture means a lot more to the people in 17 this neighborhood. They are willing to pay more for that. 18 The interesting fact here though is it that on a per square 19 foot basis these homes are about the same value as the 20 homes in the Snug Hill area. 21 CATHY BORTEN: And is this the opinion that you stated 22 in your July 13th report from 2016? 23 EDWARD STEERE: What's that? 24 CATHY BORTEN: Is this consistent with the opinion 25 that you included in your report?</p>

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<p>325</p> <p>1 EDWARD STEERE: Yes.</p> <p>2 CATHY BORTEN: So, Mr. Steere, you've been here today</p> <p>3 and you've heard the testimony of Mr. Landfair and Mr.</p> <p>4 Posilkin, regarding the proposed Verizon Wireless monopole</p> <p>5 at this location.</p> <p>6 EDWARD STEERE: Yes.</p> <p>7 CATHY BORTEN: And have you had the opportunity to</p> <p>8 inspect the subject neighborhood and the surrounding</p> <p>9 neighborhood that's been defined and is at issue here?</p> <p>10 EDWARD STEERE: Yes, I have.</p> <p>11 CATHY BORTEN: Specifically what neighborhood did you</p> <p>12 look at?</p> <p>13 EDWARD STEERE: Well, I went through all of the</p> <p>14 neighborhood surrounding our subject site and I went</p> <p>15 through the neighborhoods along the power lines up there</p> <p>16 where -- in the Potomac Crest area and some other</p> <p>17 neighborhoods near there as well and through the Kentsdale</p> <p>18 Estates neighborhoods. So I basically toured the entire</p> <p>19 area. I was as the same as some of the other folks on our</p> <p>20 team, I was looking for other cell towers at the same time</p> <p>21 looking for other cell sites to see where I could find a</p> <p>22 similar externality to compare with neighborhoods.</p> <p>23 CATHY BORTEN: So based on your analysis of the</p> <p>24 neighborhood for the proposed site and what you learned</p> <p>25 studying the market surrounding the Bullis site, do you</p>	<p>327</p> <p>1 Ironically, now, when I looked at this study it was not a</p> <p>2 tree pole. It was a monopole, but now I would say it was -</p> <p>3 - this is a still object in the landscape that will soon</p> <p>4 disappear into the landscape as every other stationary</p> <p>5 object. And so it does not have the same impact on value</p> <p>6 as something that creates noise, dust, and odor and things</p> <p>7 like that.</p> <p>8 CATHY BORTEN: So I'm just thinking. So we're looking</p> <p>9 here at an 80 foot tall facility that has been designed to</p> <p>10 be camouflaged as a tree. And when looking at that</p> <p>11 compared to this 130 foot they are pole at Bullis, did you</p> <p>12 identify any facts which would cause you to believe that</p> <p>13 the effect on the real property values surrounding in this</p> <p>14 neighborhood near East Gate would be any different from any</p> <p>15 effects you observed at the Bullis site?</p> <p>16 BILL CHEN: Objection. He's a market analyst. He</p> <p>17 cannot give opinions to the market economic value of the</p> <p>18 house.</p> <p>19 MALE VOICE: (inaudible)</p> <p>20 BILL CHEN: Oh I apologize. My objection is he --</p> <p>21 this gentleman is a market analyst. He is not qualified to</p> <p>22 give the value of the house and that is my objection.</p> <p>23 CATHY BORTEN: He's used -- he's testified that he has</p> <p>24 used existing data on -- he is not valuing the homes. He's</p> <p>25 relying on data that -- from the -- I -- the various</p>
<p>326</p> <p>1 have a professional opinion based upon a reasonable</p> <p>2 certainty as to whether the proposed telecommunications</p> <p>3 facility in the present case would be detrimental to the</p> <p>4 use of peaceful enjoyment, the economic value, development</p> <p>5 of the surrounding properties or the general neighborhood?</p> <p>6 BILL CHEN: Objection.</p> <p>7 CATHY BORTEN: And I'm going to narrow it to the</p> <p>8 economic value portion. That -- I'm just quoting from the</p> <p>9 Zoning Ordinance. He's confining his testimony to the</p> <p>10 economic value piece.</p> <p>11 TAMMY CITRAMANNIS: Okay --</p> <p>12 BILL CHEN: Objection.</p> <p>13 TAMMY CITRAMANNIS: Noted. I would like to hear the</p> <p>14 basis.</p> <p>15 EDWARD STEERE: Okay. So in my opinion this -- my</p> <p>16 professional opinion this proposed facility will have no</p> <p>17 adverse effect on the neighborhood.</p> <p>18 CATHY BORTEN: Can you explain your -- the foundation</p> <p>19 for that?</p> <p>20 EDWARD STEERE: The data that I've collected and</p> <p>21 studied has shown that there hasn't been any particular</p> <p>22 adverse effect on the values of homes based on their</p> <p>23 proximity to cell towers or even other types of utilities</p> <p>24 of this nature. Likewise, the proposed facility is quiet</p> <p>25 and static. It is just like another tree there.</p>	<p>328</p> <p>1 listing services that he's testified that he relied on.</p> <p>2 And he -- I'm just asking him as someone who looks at real</p> <p>3 estate trends and the externalities, all of which we talked</p> <p>4 about in his voir dire, whether he sees any externalities</p> <p>5 or any trends or any other facts that are different here</p> <p>6 from the Bullis School that would cause this to have an</p> <p>7 effect on values where it did not have an effect on values</p> <p>8 near the Bullis School.</p> <p>9 TAMMY CITRAMANNIS: Okay. With that clarification</p> <p>10 I'll allow it.</p> <p>11 BILL CHEN: You're overruling the objection?</p> <p>12 TAMMY CITRAMANNIS: Yes.</p> <p>13 BILL CHEN: That's fine. I just want the record</p> <p>14 clear.</p> <p>15 TAMMY CITRAMANNIS: Yeah. No. I mean with that</p> <p>16 clarification I understand what you're saying and I don't</p> <p>17 think that's what he's going to give, but we'll hear it.</p> <p>18 EDWARD STEERE: Okay. No. There is no other</p> <p>19 externalities here that would be any different. That --</p> <p>20 CATHY BORTEN: And you mentioned the change in the</p> <p>21 tree pole from the bare pole to the tree pole. In your</p> <p>22 opinion did that -- does that change have any effect on</p> <p>23 anything that's in your report?</p> <p>24 EDWARD STEERE: Well, there are no other tree poles in</p> <p>25 the area so I couldn't compare apples to apples in that</p>

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<p>329</p> <p>1 regard. But looking at the photo simulations and 2 understanding the site and as a site designer myself, I 3 understand that this particular pole will blend more with 4 the backdrop of the trees it's up against than the other 5 pole would have. And, of course, as has been testified 6 before you can only see this from the north -- for the most 7 -- north or west anyways. So it's not going to be visible 8 from the folks in (inaudible) from the south. 9 CATHY BORTEN: Does it change anything in your report? 10 EDWARD STEERE: No. 11 CATHY BORTEN: And in your professional opinion what 12 would you say are the most critical factors impacting 13 market values? 14 BILL CHEN: Market values was the word I'm -- 15 TAMMY CITRAMANNIS: Huh? 16 TAMMY CITRAMANNIS: (inaudible) sits next to it. 17 Shouldn't there -- 18 CATHY BORTEN: Generally. 19 TAMMY CITRAMANNIS: Generally market values. Things 20 that affect market value. 21 CATHY BORTEN: What are the most important items -- 22 BILL CHEN: It's -- I -- it isn't clear yet. 23 EDWARD STEERE: Oh. 24 TAMMY CITRAMANNIS: That's -- it's a general question. 25 CATHY BORTEN: Yes.</p>	<p>331</p> <p>1 people and that can create a hit on the salability of a 2 home. 3 BILL CHEN: I've got to object and move to strike 4 about the salability of a home. That's going beyond what 5 is -- 6 CATHY BORTEN: I -- the question was asked. He 7 answered. 8 BILL CHEN: Again, I object to move to strike it. 9 TAMMY CITRAMANNIS: He's moving to strike it. I'm not 10 going to strike it. It's -- he's giving his -- overruled. 11 I'll give it the weight that I think it deserves. 12 BILL CHEN: Thank you. 13 CATHY BORTEN: That's all I have at this time. 14 TAMMY CITRAMANNIS: Ms. Wetter, you want? Well, let's 15 let Mr. Chen go because he might ask a question that you 16 want to ask, although you've been asking very good ones. 17 Go ahead. 18 BILL CHEN: By the way, you mentioned the backdrop of 19 the trees. I take it -- you're not -- I'm not clear if you 20 made this a point. You're saying someone from the north 21 looking south will see the camouflaged support structure 22 with a background of trees. 23 EDWARD STEERE: That's correct. 24 BILL CHEN: And people on the other side looking north 25 will be able to see it because they will be looking through</p>
<p>330</p> <p>1 TAMMY CITRAMANNIS: What effects market value? 2 EDWARD STEERE: Okay. In my experience the -- so this 3 was an important to remind, you know, an appraisal of a 4 property goes inside and I'm not an appraiser so this was 5 with publicly found data to see what goes on. And the 6 market as most people understand it is relative to what 7 they can see and touch which might be in a real estate 8 perspective, you know, what they see in listings, what they 9 hear from their friends, what they've experienced 10 themselves with selling a house or renting a property or 11 something like that. So more often than not in an 12 appraisal or -- and/or a real estate situation the pricing 13 or the value in an appraisal situation is going to be based 14 on far more detailed than what we're looking at here. So 15 it could be that how -- what color a house is or what color 16 the neighbors house is; what -- how they did their 17 landscaping. The fact that there is, in this case, a 18 swimming pool and that's probably pretty noisy during the 19 summer time if, you know, during the day and that's 20 wonderful. But that can effect somebody who wanted to move 21 in the peace and quiet. They might find it's easier to 22 sell in the wintertime in this neighborhood. I don't know. 23 I didn't do that kind of study. But that those are some of 24 the external factors you run into. If there's a traffic 25 jam at the traffic light there for example, that can bother</p>	<p>332</p> <p>1 the trees. 2 EDWARD STEERE: Correct. 3 BILL CHEN: Okay. So that's not taking into account 4 people living in the immediate proximity of the property. 5 EDWARD STEERE: I don't follow that. 6 BILL CHEN: Well, there are people, some in this room 7 actually, who actually reside on the Snug Hill Lane; 8 there's nothing between them and the proposed facility. 9 Even with the trees behind it they will see it straight up. 10 Were you aware of that? 11 EDWARD STEERE: That's what I was referencing that it 12 will be with the backdrop of the trees behind it. 13 BILL CHEN: They won't necessarily -- 14 EDWARD STEERE: From Snug Hill Lane -- 15 BILL CHEN: So you're saying they won't be concerned? 16 EDWARD STEERE: I'm not saying they won't be 17 concerned. I'm saying there's a backdrop of trees behind 18 it that it's softens the appearance. 19 BILL CHEN: Okay. Thank you. You -- in rendering 20 your opinion you said that there was, in your report, that 21 there was no harm, I don't think that was your work, but 22 detriment may be to houses based on the market trends that 23 you gave us. That there is no detriment to homes based on 24 the proximity to the telecommunications tower. Based on 25 your review of the market, right? Your market trends.</p>

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<p>333</p> <p>1 EDWARD STEERE: Right.</p> <p>2 BILL CHEN: So that observation could actually be made</p> <p>3 with regard to any location and any telecommunication</p> <p>4 facility. Isn't that right?</p> <p>5 EDWARD STEERE: No.</p> <p>6 BILL CHEN: Okay. And how would you make a</p> <p>7 distinction?</p> <p>8 EDWARD STEERE: Because this is a study of this area.</p> <p>9 This is a study of sales in Potomac, Maryland. And this</p> <p>10 isn't a study of sales in Nebraska, so it's a different</p> <p>11 animal.</p> <p>12 BILL CHEN: Oh. Okay. So you're -- what you're</p> <p>13 saying is there is in the Potomac area of Montgomery county</p> <p>14 no adverse impact by having a house in proximity to one of</p> <p>15 these telecommunications facilities?</p> <p>16 EDWARD STEERE: I did not find that.</p> <p>17 BILL CHEN: Okay. What do you define as the Potomac</p> <p>18 area?</p> <p>19 EDWARD STEERE: I was looking anywhere from the</p> <p>20 Potomac River to the Route 270 corridor.</p> <p>21 BILL CHEN: And did you drive that entire area?</p> <p>22 EDWARD STEERE: Most of it, yeah.</p> <p>23 BILL CHEN: Okay. Okay. By the way, do you know the</p> <p>24 distances of every residence within 300 feet of the Bullis</p> <p>25 tower?</p>	<p>335</p> <p>1 installed? He made a reference to the value of those homes</p> <p>2 going up since 1980. I just -- I wanted to know when the</p> <p>3 tower was installed.</p> <p>4 EDWARD STEERE: The best information I have is it was</p> <p>5 installed in the mid-1990s.</p> <p>6 CHERYL WETTER: Have they gone up as much since the</p> <p>7 1990s as they did from the '80s before that?</p> <p>8 EDWARD STEERE: I'm showing that it varied by house,</p> <p>9 but yes. They went up so in my report the community</p> <p>10 average in 1988 was \$95 a square foot and in 2003 it was</p> <p>11 \$262 a square foot.</p> <p>12 CHERYL WETTER: But I'm saying, did the amount they</p> <p>13 appreciated by year go up more between 1980 and 19,</p> <p>14 whenever the tower went in, than it did the other -- and of</p> <p>15 course there are other factors, there's also the real</p> <p>16 estate market.</p> <p>17 EDWARD STEERE: I didn't do a year-by-year analysis of</p> <p>18 any of these neighborhoods. I did a --</p> <p>19 CHERYL WETTER: But all the houses, since everywhere</p> <p>20 have gone up since 1980. That's why it seems like a kind</p> <p>21 of strange analysis to come up with. But let me go on to</p> <p>22 my second question. You said that you are sometimes hired</p> <p>23 by developers to make recommendations for where they would</p> <p>24 site their new housing and that.</p> <p>25 EDWARD STEERE: Mm-hmm (affirmative).</p>
<p>334</p> <p>1 EDWARD STEERE: I referenced a couple of them in my</p> <p>2 report based on mapping off of (inaudible).</p> <p>3 BILL CHEN: You determine that based off what?</p> <p>4 EDWARD STEERE: Google Earth.</p> <p>5 BILL CHEN: Oh. Okay. How many were there?</p> <p>6 EDWARD STEERE: What's that?</p> <p>7 BILL CHEN: How many did you find within that</p> <p>8 distance?</p> <p>9 EDWARD STEERE: Well, no, I didn't do a 300 foot</p> <p>10 radius. I did -- I had to homes on Staple (inaudible) on</p> <p>11 Page 9 of my report are 290 feet and 300 feet from the</p> <p>12 Bullis tower. Just an estimation from Google Earth, so</p> <p>13 it's not precise. It's not surveyed.</p> <p>14 BILL CHEN: Okay. Thank you very much. That's all I</p> <p>15 have.</p> <p>16 TAMMY CITRAMANNIS: Ms. Wetter.</p> <p>17 CHERYL WETTER: Cheryl Wetter. When was the Kentsdale</p> <p>18 Estate tower installed?</p> <p>19 EDWARD STEERE: I think it was -- I thought I had</p> <p>20 that.</p> <p>21 TAMMY CITRAMANNIS: Stop for a second. All right. I</p> <p>22 know we're close to the end. Please turn off your cell</p> <p>23 phones. Thank you.</p> <p>24 FEMALE VOICE: Could she just repeat the question.</p> <p>25 CHERYL WETTER: When was the Kentsdale tower</p>	<p>336</p> <p>1 CHERYL WETTER: Do you ever take into consideration</p> <p>2 towers and electrical lines when you do that analysis for</p> <p>3 them?</p> <p>4 TAMMY CITRAMANNIS: All right. We're having a serious</p> <p>5 problem. Really. Everyone, hold up your cell phone turn</p> <p>6 it off. Who's is that? Is that yours Mr. Chen?</p> <p>7 BILL CHEN: No.</p> <p>8 TAMMY CITRAMANNIS: Somebody was pointing.</p> <p>9 BILL CHEN: No. I turned mine off this morning and I</p> <p>10 put it in my briefcase.</p> <p>11 CHERYL WETTER: It's not mine.</p> <p>12 TAMMY CITRAMANNIS: I'm kidding. Really. I'm just</p> <p>13 trying to -- I hate telling adults to turn off your cell</p> <p>14 phone. It's usually my children. So if you could do that</p> <p>15 please we're so close. It's 10 of and Ms. Wetter is</p> <p>16 waiting patiently to finish her sentence.</p> <p>17 CHERYL WETTER: I think I finished. I'm waiting for</p> <p>18 your --</p> <p>19 EDWARD STEERE: Okay. That's what I thought.</p> <p>20 CHERYL WETTER: When you do this analysis for them do</p> <p>21 you take the items into consideration, cell towers,</p> <p>22 electrical wires, or lines coming through, utilities?</p> <p>23 EDWARD STEERE: Absolutely. So when I am hired to</p> <p>24 help a developer price a product I look at all the factors</p> <p>25 of the community including where the nearest fire</p>

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<p>337</p> <p>1 department is. Where the nearest schools are. How they 2 perform. What, you know, what transportation elements are 3 nearby and how assessable they are. It all goes into one 4 big bowl of information and we have a lot of experience in 5 history with other properties on their pricing relative to 6 where ever they are. And some of them are next to power 7 lines, railroads, things like that. Other utilities that 8 aren't quiet and -- 9 CHERYL WETTER: Do you -- 10 EDWARD STEERE: -- and it is included in everything. 11 It's, you know, what is the consumer looking for is what we 12 do. What is the consumer willing to trade depending on the 13 rent level or the sale price, you know. A Kentsdale sale 14 price is a very unique buyer. It's not the same as the 15 buyer of a moderate home. So it just depends on the buyer 16 as well. It's a complex algorithm. 17 CHERYL WETTER: I know I was in a real estate for 28 18 years, I know. And when you get companies, or countries 19 rather, buying houses that's a very different buyer because 20 they're not concerned about the value going down the line. 21 Their concern was something else. 22 EDWARD STEERE: Yeah. 23 CHERYL WETTER: Would you put a cell tower on the plus 24 if there was a cell tower going to be in the midst of a 25 development a builder was going for? Would that be a plus</p>	<p>339</p> <p>1 buildings. It's a not been a hindrance to our clients. 2 CHERYL WETTER: Residential clients? 3 EDWARD STEERE: Mm-hmm (affirmative). 4 TAMMY CITRAMANNIS: Yes, you have to say yes. 5 CHERYL WETTER: But I'm -- 6 MALE VOICE: Was that a yes? Was that yes? 7 EDWARD STEERE: Yes. Yes. Yeah, residential clients. 8 So the residential -- 9 CHERYL WETTER: But these are residential clients who 10 were already there and a tower came in and you're saying -- 11 I'm saying if a builder had two exactly same size lots; one 12 that had a cell tower in the middle of it or utility lines 13 are whatever you want to have in there, and one that 14 didn't, which would you recommend as the most salable? 15 EDWARD STEERE: I wouldn't make a recommendation based 16 on one factor. That's what I would recommend. There's 17 more to it. Every property is unique and every property 18 has other features that have to be considered 19 CHERYL WETTER: Right. But -- and I'm getting back to 20 which column would you put the cell tower in? A plus or a 21 minus? 22 CATHY BORTEN: Asked and answered. 23 EDWARD STEERE: I don't do it that way. 24 TAMMY CITRAMANNIS: I believe he said neutral. 25 EDWARD STEERE: I just don't do it that way. So I</p>
<p>338</p> <p>1 to him or a minus? 2 EDWARD STEERE: It would be a neutral. 3 CHERYL WETTER: Really? 4 EDWARD STEERE: Mm-hmm (affirmative). 5 CHERYL WETTER: What about utility lines? 6 EDWARD STEERE: I'm not an appraiser but I work in the 7 premier appraisal office in the area -- 8 CHERYL WETTER: But you make recommendations -- 9 EDWARD STEERE: We don't -- 10 CHERYL WETTER: -- based on what's there, right? 11 EDWARD STEERE: We don't find cell towers to be -- 12 BILL CHEN: Objection. Move to strike. 13 EDWARD STEERE: We don't find cell towers be an issue. 14 TAMMY CITRAMANNIS: What are you objecting to? 15 BILL CHEN: Giving information on value on appraisals. 16 That's where he was going. That's not what the lady asked. 17 He was giving what their appraisal firm does. 18 TAMMY CITRAMANNIS: Well, we're going to let him 19 finish his question, or his answer because I didn't even 20 get the end of it before you -- 21 BILL CHEN: Jumped in. 22 TAMMY CITRAMANNIS: -- objected. 23 EDWARD STEERE: What I'm suggesting is we have 24 buildings in our client list that have cell facilities on 25 the buildings and the buildings are high-performing luxury</p>	<p>340</p> <p>1 can't say. I can't answer that question. 2 CHERYL WETTER: All right. I have nothing else. 3 TAMMY CITRAMANNIS: Ms. Lee? Mr. Chen? 4 BILL CHEN: I've been handed -- 5 TAMMY CITRAMANNIS: You have a piece of paper. All 6 right. 7 BILL CHEN: Why does the Maryland Department of 8 Assessment and Taxation give a discount in assessments to 9 properties near the 300 foot towers; both lower land and 10 building values? Okay. 11 CATHY BORTEN: Objection. 12 EDWARD STEERE: That wasn't evidenced in the data that 13 I -- 14 TAMMY CITRAMANNIS: Yeah I -- 15 CATHY BORTEN: Wait. 16 BILL CHEN: There's an objection. 17 EDWARD STEERE: Okay. 18 TAMMY CITRAMANNIS: You're asking him whether -- 19 CATHY BORTEN: I don't think he can testify to what 20 SDAT does. 21 TAMMY CITRAMANNIS: Yeah. 22 CATHY BORTEN: He's not the Assessor. 23 TAMMY CITRAMANNIS: I didn't -- 24 BILL CHEN: That is the assessment agency. I will 25 just say that.</p>


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<p>341</p> <p>1 TAMMY CITRAMANNIS: Pardon me?</p> <p>2 BILL CHEN: Pardon me, Madam Examiner. My</p> <p>3 understanding is that this is the department that makes the</p> <p>4 assessments where he got his data. He says he gets data --</p> <p>5 CATHY BORTEN: But he can't testify as to why they</p> <p>6 give -- why they do what they do.</p> <p>7 BILL CHEN: I understand that.</p> <p>8 MALE VOICE: I could.</p> <p>9 TAMMY CITRAMANNIS: Agreed.</p> <p>10 BILL CHEN: Oh Jesus. How do you compare Kentsdale,</p> <p>11 which is a mixed-use neighborhood, to East Gate which is a</p> <p>12 bucolic single-family only neighborhood?</p> <p>13 EDWARD STEERE: Kentsdale is not a mixed-use</p> <p>14 neighborhood.</p> <p>15 BILL CHEN: Have you visited East Gate?</p> <p>16 EDWARD STEERE: Yes.</p> <p>17 BILL CHEN: How have the market values of the homes</p> <p>18 that abut the Bullis tower performed before the erection of</p> <p>19 the tower as compared to after the erection of the tower,</p> <p>20 holding other externalities constant?</p> <p>21 EDWARD STEERE: I think she asked me that same</p> <p>22 question just a few minutes ago.</p> <p>23 BILL CHEN: Well what --</p> <p>24 TAMMY CITRAMANNIS: She did ask that question. I</p> <p>25 think he answered it.</p>	<p>343</p> <p>1 Okay. Thank you very much.</p> <p>2 BILL CHEN: Thank you.</p> <p>3 CATHY BORTEN: Thank you.</p> <p>4 TAMMY CITRAMANNIS: And it's five of 6:00. I see that</p> <p>5 you have one more person on your list; it is that person</p> <p>6 not testifying or is that going to be tomorrow morning? I</p> <p>7 have Michael Farber.</p> <p>8 CATHY BORTEN: No. Mr. Farber's not testifying.</p> <p>9 TAMMY CITRAMANNIS: Okay. He was on your witness</p> <p>10 lists. Okay. So we will be back here at -- I need your</p> <p>11 attention. We will be back here at 9:30 hopefully I won't</p> <p>12 run into traffic and I will be here before then. I just</p> <p>13 wanted to raise the issue that we have had an individual</p> <p>14 request an interpreter. A Mandarin Chinese interpreter for</p> <p>15 -- (inaudible) and I'm just laying this to you, for three</p> <p>16 individuals that are coming to the hearing and possibly</p> <p>17 giving their testimony. To narrow the cost of having an</p> <p>18 interpreter the whole day they're going to -- the</p> <p>19 interpreter will be here at 10:00 so the question will be,</p> <p>20 I'm going to ask and if they wanted to testify you know,</p> <p>21 give their statement and take them out of order so we can</p> <p>22 release the interpreter. I don't know the names of the</p> <p>23 people; we'll know when they show up. It might be in my</p> <p>24 email now but I just wanted to bring that to everybody's</p> <p>25 attention and I mean they're -- they don't understand</p>
<p>342</p> <p>1 BILL CHEN: What was the answer -- your answer, sir?</p> <p>2 GREG DIAMOND: It was already asked and answered.</p> <p>3 CATHY BORTEN: It's asked and answered.</p> <p>4 GREG DIAMOND: He doesn't have to repeat his --</p> <p>5 CATHY BORTEN: He doesn't have to do it again.</p> <p>6 BILL CHEN: Did you report -- did your report take</p> <p>7 into account what happened to the sale price of homes that</p> <p>8 sold in East Gate after the zoning change conditional use</p> <p>9 sign was posted?</p> <p>10 EDWARD STEERE: (inaudible)</p> <p>11 BILL CHEN: Did you take into account the fact that</p> <p>12 quite a few of the houses in East Gate were sold by parents</p> <p>13 to children, at least two of the houses --</p> <p>14 CATHY BORTEN: Objection. Relevance and it wouldn't -</p> <p>15 - foundation. It goes beyond the scope.</p> <p>16 TAMMY CITRAMANNIS: Well, we can ask him if it was a</p> <p>17 factor and if it wasn't a factor he'll say it wasn't a</p> <p>18 factor.</p> <p>19 EDWARD STEERE: Okay. So I did recognize that in my</p> <p>20 data and those are not arms length transactions so they did</p> <p>21 not get included in the --</p> <p>22 BILL CHEN: That's all I've got.</p> <p>23 TAMMY CITRAMANNIS: That's all you have.</p> <p>24 BILL CHEN: That's all I got.</p> <p>25 TAMMY CITRAMANNIS: Do you have any more questions?</p>	<p>344</p> <p>1 (inaudible) they need an interpreter.</p> <p>2 BILL CHEN: Well, on behalf of my --</p> <p>3 CATHY BORTEN: We have no objections.</p> <p>4 BILL CHEN: -- (inaudible) closed.</p> <p>5 CATHY BORTEN: No.</p> <p>6 BILL CHEN: I mean do you have any more witnesses or -</p> <p>7 -</p> <p>8 CATHY BORTEN: Not on direct, no.</p> <p>9 BILL CHEN: Okay. So -- well, I think have you --</p> <p>10 CATHY BORTEN: I think we're just starting your case</p> <p>11 to --</p> <p>12 TAMMY CITRAMANNIS: Yes.</p> <p>13 CATHY BORTEN: Go ahead.</p> <p>14 TAMMY CITRAMANNIS: You will be --</p> <p>15 GREG DIAMOND: So I don't know. If Mr. Chen is asking</p> <p>16 us are we closing or are we waiting until tomorrow morning</p> <p>17 until we close?</p> <p>18 BILL CHEN: Yeah.</p> <p>19 GREG DIAMOND: Why don't we wait until tomorrow</p> <p>20 morning?</p> <p>21 TAMMY CITRAMANNIS: Okay. That's fine.</p> <p>22 BILL CHEN: That's fine. I just want to know.</p> <p>23 TAMMY CITRAMANNIS: And then you'll be ready to start.</p> <p>24 But I just wanted to let you know that we do have that 10</p> <p>25 period -- 10:00 window where the interpreter will be here</p>

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<p>345</p> <p>1 and I would like to be able to --</p> <p>2 BILL CHEN: My clients have no problem with that.</p> <p>3 CATHY BORTEN: We have no problem.</p> <p>4 TAMMY CITRAMANNIS: If they want to testify.</p> <p>5 CATHY BORTEN: No, that's fine.</p> <p>6 TAMMY CITRAMANNIS: And, all right. So --</p> <p>7 GREG DIAMOND: (inaudible) even.</p> <p>8 TAMMY CITRAMANNIS: Okay.</p> <p>9 GREG DIAMOND: And that's just procedural. In this</p> <p>10 quasi-judicial proceeding do you want all of the exhibits</p> <p>11 that have been identified to be specifically moved into</p> <p>12 evidence, and collectively all that have been identified or</p> <p>13 are they just in automatically?</p> <p>14 TAMMY CITRAMANNIS: They have to be moved in -- we're</p> <p>15 not done. I need -- let's get this clear. And that's a</p> <p>16 very good question because I have 200 and I hope we're not</p> <p>17 going to go through one by one. I hope everybody has, you</p> <p>18 know, I mean I give them the weight that I think they</p> <p>19 deserve. But yes, we have to move in and that would be</p> <p>20 generally what I do at the end of the hearing and say okay,</p> <p>21 we're going to move in the evidence into the record. Any</p> <p>22 objections. And I'm hoping, I mean you've already listed</p> <p>23 those that you want taken out because Mr. Noonan's no</p> <p>24 longer here, or it related to something else. But yes.</p> <p>25 CATHY BORTEN: So you want to do that at the end?</p>	<p>347</p> <p>1 CERTIFICATE OF TRANSCRIBER</p> <p>2 I, MOLLY BUGHER, do hereby certify that the foregoing</p> <p>3 transcript is a true and correct record of the recorded</p> <p>4 proceedings; that said proceedings were transcribed to the</p> <p>5 best of my ability from the audio recording and supporting</p> <p>6 information; and that I am neither counsel for, related to,</p> <p>7 nor employed by any of the parties to this case and have no</p> <p>8 interest, financial or otherwise, in its outcome.</p> <p>9</p> <p>10 </p> <p>11 _____</p> <p>12 Molly Bugher</p> <p>13 DATE: October 5, 2017</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
<p>346</p> <p>1 TAMMY CITRAMANNIS: Yes.</p> <p>2 CATHY BORTEN: Of the hearing.</p> <p>3 BILL CHEN: Right. Is not before we close our case in</p> <p>4 chief?</p> <p>5 TAMMY CITRAMANNIS: We can do it either way. We can</p> <p>6 do it either way. My past experience has always been</p> <p>7 that's at the end, but I'm perfectly fine --</p> <p>8 CATHY BORTEN: That's fine.</p> <p>9 TAMMY CITRAMANNIS: -- to do it that way. I just want</p> <p>10 to be able to move everybody forward so we get all of the</p> <p>11 testimony in. You're looking puzzled. Okay. You can ask</p> <p>12 me tomorrow. Any other questions? Okay. Then we are</p> <p>13 adjourned at -- not adjourned. We are going to close for</p> <p>14 tonight but we will be back here tomorrow to continue the</p> <p>15 hearing at 9:30 a.m.</p> <p>16 CATHY BORTEN: Thank you.</p> <p>17 (Off the record at 6:00 p.m.)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	