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Transcript of Administrative Hearing

Date: February 1, 2019

Case: American Towers, LLC

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1 (1 to 4)

<p>1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS</p> <p>2 FOR MONTGOMERY COUNTY, MARYLAND</p> <p>3 -----x</p> <p>4 AMERICAN TOWERS, LLC :</p> <p>5 Applicant, :</p> <p>6 And : Case No.: CU-T-19-01</p> <p>7 JAMES WARFIELD, :</p> <p>8 Co-applicant :</p> <p>9 -----x</p> <p>10</p> <p>11 HEARING</p> <p>12 BEFORE HEARING EXAMINER MARTIN GROSSMAN</p> <p>13 Rockville, Maryland</p> <p>14 Friday, February 1, 2019</p> <p>15 9:34 a.m.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Job No.: 228081</p> <p>24 Pages: 1 - 68</p> <p>25 Transcribed by: Christian Naaden</p>	<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 MARTIN GROSSMAN - HEARING EXAMINER</p> <p>4</p> <p>5 ON BEHALF OF AMERICAN TOWERS, LLC:</p> <p>6 TRACY THEMAK</p> <p>7</p> <p>8 ALSO PRESENT:</p> <p>9 ALEXANDRA BULL - WITNESS</p> <p>10 MOHAMMED ALSAMNA - WITNESS</p> <p>11</p> <p>12</p> <p>13</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>24</p> <p>25</p>
<p>1 Transcription of the hearing held at:</p> <p>2</p> <p>3</p> <p>4 MONTGOMERY COUNTY OFFICE OF ZONING AND ADMINISTRATIVE</p> <p>5 HEARINGS (1063392)</p> <p>6 100 Maryland Avenue</p> <p>7 County Office Building, Room 200</p> <p>8 Rockville, MD 20850</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 Pursuant to agreement, before Chris Schaffer,</p> <p>15 Digital Reporter in and for the State of Maryland.</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>24</p> <p>25</p>	<p>1 P R O C E E D I N G S</p> <p>2 MR. GROSSMAN: Accident on 2-7 day in [ph]. Four</p> <p>3 detours later. All right.</p> <p>4 Okay. Ms. Themak?</p> <p>5 MS. THEMAK: Yes.</p> <p>6 MR. GROSSMAN: You ready?</p> <p>7 MS. THEMAK: Yes. I am. I have --</p> <p>8 MR. GROSSMAN: Let me -- let me call the case.</p> <p>9 MS. THEMAK: Sure. [inaudible].</p> <p>10 MR. GROSSMAN: Court reporter ready? All right. Then</p> <p>11 I'll call the case. This is a public hearing in the matter of</p> <p>12 American Towers, LLC and James Warfield, OZAH case number CU-</p> <p>13 T-19-01, an application for conditional use under Zoning</p> <p>14 Ordinance Section 59.3.5.2.C.2.c.</p> <p>15 The applicants seek the conditional use to construct</p> <p>16 an unmanned wireless telecommunication facility mounted with</p> <p>17 a 150-foot tall monopole and then associated 75-foot by 75-</p> <p>18 foot equipment area. The subject property is a 78.52 acre</p> <p>19 parcel, parcel P777 on tax map FX42 in Hutchcrofts Range and</p> <p>20 is located at 25723 Woodfield Road, Damascus, Maryland in the</p> <p>21 R and C zone.</p> <p>22 This site is on land owned by the co-applicant James</p> <p>23 Warfield, and the R and C zone is a type of rural residential</p> <p>24 zone that permits telecommunications facilities by</p> <p>25 conditional use.</p>

Transcript of Administrative Hearing
Conducted on February 1, 2019

2 (5 to 8)

<p>5</p> <p>1 My name is Martin Grossman. I'm hearing examiner, 2 which means I will get the evidence here and write a report 3 and decision in this case. Will the parties identify 4 themselves, please? 5 MS. THEMAK: Tracy Themak. I'm the agent for 6 American Tower. 7 MR. GROSSMAN: All right. 8 MS. BULL: And Alexandra Bull. I'm with Network 9 Building and Consulting representing AT -- American Tower and 10 NB and C. 11 MR. GROSSMAN: All right. And is Mr. Alsamna here? 12 MS. THEMAK: He is. He's traveling from New Jersey. 13 So I'm sure he's a little bit delayed, but we'll go ahead and 14 get started and he's our RF engineer expert. 15 MR. GROSSMAN: I understand. 16 MS. THEMAK: So hopefully, he's momentarily here. 17 MR. GROSSMAN: All right. 18 MS. THEMAK: Okay. 19 MR. GROSSMAN: All right. And I'll just note for the 20 record I don't see anybody else in the room. Ordinarily at 21 this juncture, I ask if there are anybody -- if there's 22 anybody else in the audience who wishes to be heard, and I do 23 not see anybody else here. 24 All right. Let me explain a little bit about the 25 nature of these proceedings. It's -- this is an application</p>	<p>7</p> <p>1 So it seems to me if you are agreeable to those 2 recommended changes, you would have to submit amended plans 3 because if you don't the Department of Permitting Services 4 will come back later and give you a violation. Okay. Are you 5 agreeable to those changes? 6 MS. BULL: Are you agreeable to those changes? 7 MS. THEMAK: Yeah. I don't think American Tower will 8 have any issue with those changes. 9 MR. GROSSMAN: Okay. All right. Do you also accept 10 the findings of fact that are contained in the technical 11 staff report? 12 MS. THEMAK: We do. 13 MR. GROSSMAN: Okay. That's exhibit 62 in this file. 14 And I take it you accepted the conditions that are 15 recommended by the technical staff in this report, exhibit 16 62? 17 MS. THEMAK: Uh-huh. 18 MR. GROSSMAN: I actually have reformulated some of 19 those conditions, and let me pass this out to you. We'll mark 20 this as an exhibit as likely conditions if -- this will be 21 exhibit 69. It's hearing examiner's -- [inaudible]. Ms. 22 Themak, if you wouldn't mind -- 23 MS. THEMAK: Uh-huh. 24 MR. GROSSMAN: -- grabbing this. Exhibit 69 are 25 hearing examiner's likely conditions if the conditional use</p>
<p>6</p> <p>1 for a conditional use. It's not a variance. It is a -- a use 2 that's permitted by the code if certain conditions are met 3 that are specified in the code, both general conditions and 4 specific ones that pertain to this type of conditional use. 5 Since I don't see any members of the community here, 6 I won't go into a lengthy explanation. These hearings are 7 conducted pretty much the way a courtroom is conducted. 8 Witnesses are all sworn in, subject to cross-examination, if 9 there's anybody here to cross-examine. And everything is 10 taken down. There's a transcript of the proceedings that will 11 be produced in about 10 days and will be put on our website. 12 Okay. I'll skip through most of the other things I 13 might have said to elucidate it more for the community. Let's 14 turn to some preliminary matters. 15 I'd like an electronic copy in Word or text 16 searchable PDF of any text documents and of course of any 17 amended plans. Are there any amendments to the plans because 18 I -- I note that, for example, as I'll get to the technical 19 staff recommended instead of a chain link fence with the 20 barbed wire, that you have a board on board fence. 21 They also recommended additional landscaping, and 22 although they say that the two-foot by two-foot sign that you 23 have on your plans is not unreasonable, it is a statutory 24 requirement that it be no more than two square feet in total 25 and yours would be four square feet.</p>	<p>8</p> <p>1 is granted. 2 MS. THEMAK: I'm not [inaudible]. When was this 3 issued, Hearing Examiner, if I can ask? 4 MR. GROSSMAN: At this moment. 5 MS. THEMAK: Just right now? Okay. 6 MR. GROSSMAN: Yes. I'm just giving you an idea 7 of -- 8 MS. THEMAK: Of what -- okay. 9 MR. GROSSMAN: -- of what -- 10 MS. THEMAK: Because it's -- 11 MR. GROSSMAN: When I looked over -- when I prepared 12 for the case, I looked obviously at -- one of the things I 13 look at are the conditions that are recommended by the 14 technical staff, and they're not always entirely in the 15 format that I would use and also some additional -- some 16 additional conditions are appropriate. 17 MS. THEMAK: Yes. I think we're fine with all of 18 those. 19 MR. GROSSMAN: Okay. So that's -- 20 MS. THEMAK: Yes. 21 MR. GROSSMAN: That's what it is. Most of them are 22 just a reformulation. 23 MS. THEMAK: Yeah. 24 MR. GROSSMAN: The last one is a general condition 25 that we always put in all of our conditional uses. They</p>

Transcript of Administrative Hearing
Conducted on February 1, 2019

3 (9 to 12)

<p>9</p> <p>1 didn't have anything about no antenna lights [inaudible]. I 2 added that in, but I think you'll find that most of them are 3 -- are agreeable. I take it this is Mr. Alsamna? 4 MR. ALSAMNA: Yes. 5 MR. GROSSMAN: Welcome. Okay. All right. One last 6 thing. I would like to have, since you submitted something 7 indicating your meeting with the community and the concerns 8 that were expressed, I would like you to address some of 9 those or all of them really by witness at this hearing. 10 MS. THEMAK: I can do that. 11 MR. GROSSMAN: Okay. 12 MS. THEMAK: Uh-huh. 13 MR. GROSSMAN: All right. Do you have any other 14 preliminary matters? 15 MS. THEMAK: I would just like to give you -- submit 16 into the record our affidavit of posting. 17 MR. GROSSMAN: Yes, please. 18 MS. THEMAK: And I am going to be going through a 19 PowerPoint presentation that I will submit. I'll give you a 20 copy of as well as I go through it for our -- the applicant's 21 case. 22 MR. GROSSMAN: Okay. So exhibit 70 will be the 23 affidavit of posting. Thank you. 24 All right. And let's see what else we have here. Is 25 this PowerPoint presentation the same as that which you</p>	<p>11</p> <p>1 MR. GROSSMAN: All right. Then you may make an 2 opening statement, if you wish. 3 MS. THEMAK: Again, my name is Tracy Themak. I am 4 the agent for the applicant American Tower and T-Mobile. 5 Together with me are Alexandra Bull from NB and C and 6 Mohammed Alsamna our RF specialist from T-Mobile, and we are 7 here to present the proposal and answer any questions you may 8 have. 9 MR. GROSSMAN: All right. 10 MS. THEMAK: Okay. I'm going to take you through the 11 PowerPoint that was submitted as exhibit 71, I believe. This 12 PowerPoint, most of it was -- 13 MR. GROSSMAN: You're doing this as your opening 14 statement, or you want to do it through a witness and have it 15 as part of the 16 MS. THEMAK: Part of the hearing. 17 MR. GROSSMAN: -- sworn record? 18 MS. THEMAK: The sworn record, please. 19 MR. GROSSMAN: Okay. 20 MS. THEMAK: Yes. 21 MR. GROSSMAN: Then who is your witness to -- 22 MS. THEMAK: I'll be the witness for this part. I'll 23 be just -- 24 MR. GROSSMAN: Usually, an attorney in the case is 25 not appropriate as a witness in its own case.</p>
<p>10</p> <p>1 submitted earlier as an exhibit for -- 2 MS. THEMAK: It is. For today's purposes we have 3 inserted two slides on pages -- 4 MR. GROSSMAN: So it is somewhat different? 5 MS. THEMAK: It has two additional -- 6 MR. GROSSMAN: So I'll give it a different 7 exhibit -- 8 MS. THEMAK: I think -- yeah. I think that would be 9 appropriate. 10 MR. GROSSMAN: Okay. All right. So exhibit 71 will 11 be PowerPoint presentation by applicant. 12 And the plans that you just dropped off in a 13 somewhat smaller format than we had before -- 14 MS. THEMAK: Yes. 15 MR. GROSSMAN: -- are these identical -- 16 MS. THEMAK: Yes. 17 MR. GROSSMAN: -- to the ones you previously 18 submitted? 19 MS. THEMAK: Yes. These are just for your reference 20 during the hearing. 21 MR. GROSSMAN: Okay. Well, that's kind of you. Thank 22 you. This will be exhibit 72 will be reduced size version of 23 original plans. 24 Okay. Any other preliminary matters? 25 MS. THEMAK: No, sir.</p>	<p>12</p> <p>1 MS. THEMAK: Can I present this as an opening 2 statement then and -- 3 MR. GROSSMAN: Sure. 4 MS. THEMAK: -- and I'll just take you through a 5 summary of the proposal? 6 MR. GROSSMAN: All right. 7 MS. THEMAK: Okay. As you stated, you gave an 8 overview of this proposal. We are proposing a 150-foot new 9 monopole on Woodfield Road at 25723. It is zoned R and C, and 10 this is an especially large parcel for the area, 70 -- over 11 78-acre parcel. 12 The lead carrier on this facility will be T-Mobile. 13 They are driving the need for the height requested. They will 14 be installing at a central line of 147 feet with four -- 15 space for four additional carriers at the heights ten feet 16 below that. 17 The ancillary compound that is shown on the plans 18 will be 75 feet by 75 feet and will allow for not only T- 19 Mobile's equipment that will support the antennas on the 20 structure but also the equipment of any future co-locators 21 that choose to co-locate in the four open RAD centers that 22 will be there. 23 MR. GROSSMAN: Okay. I understand that with your 24 antennas on, the total height of the structure plus the 25 antennas will be 151 feet; is that correct?</p>

Transcript of Administrative Hearing
Conducted on February 1, 2019

4 (13 to 16)

<p>13</p> <p>1 MS. THEMAK: Yes. Because the monopole end at 150, 2 and the antenna will extend slightly above that. 3 MR. GROSSMAN: Okay. 4 MS. THEMAK: Uh-huh. Their center line or the RAD 5 center is at 147 where the center point of the antenna 6 attaches to the tower. 7 MR. GROSSMAN: And that will be a total of 151 8 feet -- 9 MS. THEMAK: I believe so. 10 MR. GROSSMAN: -- for that? 11 MS. THEMAK: Uh-huh. 12 MR. GROSSMAN: Which raised a question with me when 13 I read the technical staff report. I notice that they mention 14 that there is a seven-foot antenna in height, which would 15 exceed that level. So I'm not sure how that -- 16 MR. ALSAMNA: It's eight foot. The -- 17 MR. GROSSMAN: Well, you can't speak -- 18 MR. ALSAMNA: Oh, sorry. 19 MR. GROSSMAN: -- unless you're sworn in. So you can 20 talk -- well, I'll tell you what. Why don't I swear in your 21 two witnesses? 22 Would you raise your right hand, please? Do you 23 swear or affirm to tell the truth, the whole truth, and 24 nothing but the truth, under penalty of perjury? 25 MS. BULL: I do.</p>	<p>15</p> <p>1 antenna that you say is almost -- 2 MR. ALSAMNA: Yeah. 3 MR. GROSSMAN: -- is eight feet or so is A-3? Is 4 that the -- 5 MR. ALSAMNA: So we have two different antenna. We 6 have A-1 and A-3 on the antenna schedule. So the A-1 is about 7 six feet. 8 MR. GROSSMAN: Okay. 9 MR. ALSAMNA: And the A-3 is about eight feet. 10 MR. GROSSMAN: Okay. So 93 inches I see there. So 11 it's a little under eight feet? 12 MR. ALSAMNA: Yeah. 13 MR. GROSSMAN: Yeah. Okay. 14 MR. ALSAMNA: A little bit less than eight feet. 15 MR. GROSSMAN: All right. Ms. Themak, I cut you off 16 You want to resume? 17 MS. THEMAK: Yes. The next slide -- I'm taking you 18 through this -- shows where the tower would be, and we just 19 want to be clear that the spot chosen on this parcel was 20 selected specifically so that the tower -- the monopole would 21 be located close to the tree line, away from Woodfield Road, 22 as greatly as possible from the nearby residences. 23 MR. GROSSMAN: Right. 24 MS. THEMAK: We have two graphics here that 25 essentially show the same thing. One is from further away.</p>
<p>14</p> <p>1 MR. ALSAMNA: I do. 2 MR. GROSSMAN: All right. You should identify 3 yourself for the record. 4 MR. ALSAMNA: Mohammed Alsamna. I'm the radio 5 frequency engineer -- 6 MR. GROSSMAN: Okay. 7 MR. ALSAMNA: -- for the area. 8 MR. GROSSMAN: Did you want to answer that question 9 about the seven feet, the antenna? 10 MR. ALSAMNA: Yeah. The antenna we're using is about 11 eight-foot antenna. That's why the RAD center is at 47 and 12 four feet above that is the 51. So the height of that antenna 13 is about eight-foot, not seven. 14 MR. GROSSMAN: Okay. So if you attach to that 147, 15 you're saying the center point of that antenna will be 16 attached at 147, and it will extend four feet above that -- 17 MR. ALSAMNA: Correct. 18 MR. GROSSMAN: -- to the 180 -- 151-foot total 19 height? 20 MR. ALSAMNA: Correct. 21 MR. GROSSMAN: Okay. I think actually -- let me take 22 a look at the -- one of your -- your antenna schedule, which 23 is shown on sheet number A-1, which also has the [inaudible] 24 -- we'll add the exhibit number for that, and it's exhibit 25 25, antenna information. And so you're saying the specific</p>	<p>16</p> <p>1 One is zoomed. It shows the 150-foot radius, which is the 2 height of the tower, and also the 300-foot required setback 3 radius. So you can see how -- how far we are from any 4 existing dwellings or structures. That was important and also 5 noted at the community meeting. 6 The reason we're here is that there's a high demand 7 for mostly data, but there -- this is a driving need in the 8 area for wireless service. 90 percent of households now have 9 at least one mobile phone with 48 percent of households 10 relying exclusively on their wireless devices and, notably, 11 70 percent of all 911 calls are deriving now from wireless 12 devices. 13 So especially in this area, T-Mobile has determined 14 that there is a great gap in coverage, and that's the reason 15 that they're here and developing this tower with American 16 Tower. 17 MR. GROSSMAN: Well, I presume that your -- that Mr. 18 Alsamna will address the need issue because I'm -- 19 MS. THEMAK: He will. 20 MR. GROSSMAN: -- required by the statute to make an 21 independent determination of need. 22 MS. THEMAK: Yes. And he will take you through more 23 specifically what we show in the propagation maps that we're 24 seeing that it is part of this application. In fact, I will 25 skip through them and let Mr. Alsamna go back.</p>

Transcript of Administrative Hearing
Conducted on February 1, 2019

5 (17 to 20)

<p>17</p> <p>1 The last part of the presentation that you have</p> <p>2 before you show the photo sims that we took of this site</p> <p>3 shore showing the proposed facility from various locations.</p> <p>4 There's also a location map showing you where the pictures</p> <p>5 were taken from.</p> <p>6 I won't go through each individually. On top of</p> <p>7 those is a location map that shows you, if you have specific</p> <p>8 questions, but this was also presented at the community</p> <p>9 meeting to give neighbors and adjoining property owners a</p> <p>10 sense of the visual impact that the site will have.</p> <p>11 That's a basic overview. I have both of these</p> <p>12 witnesses that are available to answer additional questions,</p> <p>13 and I know you had additional questions about the topics that</p> <p>14 were broached at the community meeting.</p> <p>15 MR. GROSSMAN: Who took the photos?</p> <p>16 MS. THEMAK: Those were done by NB and C.</p> <p>17 MS. BULL: By my company, NB and C.</p> <p>18 MR. GROSSMAN: Okay. So I will have -- ask you to</p> <p>19 have her introduce them as evidence in the case.</p> <p>20 MS. THEMAK: Okay. And I think at this time I would</p> <p>21 call Mr. Alsamna to discuss the propagation maps in more</p> <p>22 detail.</p> <p>23 MR. GROSSMAN: All right. Mr. Alsamna, you've been</p> <p>24 sworn in.</p> <p>25 MR. ALSAMNA: Yeah. So I'm not sure what -- what the</p>	<p>19</p> <p>1 MS. THEMAK: Right.</p> <p>2 MR. GROSSMAN: -- proposed monopole would be 71-B</p> <p>3 and so on; okay?</p> <p>4 MS. THEMAK: Okay. All right.</p> <p>5 MR. GROSSMAN: I'll do that here too so we'll keep</p> <p>6 it on the same thing here.</p> <p>7 MS. THEMAK: So Mr. Alsamna would be beginning with</p> <p>8 71-B.</p> <p>9 MR. GROSSMAN: Okay.</p> <p>10 MR. ALSAMNA: That's this one here without --</p> <p>11 MS. THEMAK: Yes.</p> <p>12 MS. BULL: Consisting with [inaudible].</p> <p>13 MR. ALSAMNA: Okay. So -- so the --</p> <p>14 MR. GROSSMAN: Hold on one second. So I -- I have to</p> <p>15 [inaudible] exhibits.</p> <p>16 MR. ALSAMNA: Yeah.</p> <p>17 MS. THEMAK: Yeah. So keep them in order. This is</p> <p>18 71-B.</p> <p>19 MR. GROSSMAN: Okay. So 71-G is the first of the</p> <p>20 coverage maps; is that correct?</p> <p>21 MS. THEMAK: Yes.</p> <p>22 MR. GROSSMAN: Your system? Okay. So keep on going</p> <p>23 here.</p> <p>24 Just to make sure we're all still together, I have</p> <p>25 71-N is the beginning of the cover page photo sims.</p>
<p>18</p> <p>1 exhibit number for these ones.</p> <p>2 MR. GROSSMAN: What do you want to use? Do you want</p> <p>3 to use the --</p> <p>4 MR. ALSAMNA: The ones in the presentation.</p> <p>5 MS. THEMAK: And it can be from either of the Power-</p> <p>6 -- either exhibit from the PowerPoint. They were included in</p> <p>7 the community meeting as well.</p> <p>8 MR. GROSSMAN: All right.</p> <p>9 MR. ALSAMNA: The ones with colors, different --</p> <p>10 MR. GROSSMAN: Then let's -- I guess let's use the</p> <p>11 one in exhibit 71.</p> <p>12 MS. THEMAK: Yeah.</p> <p>13 MR. GROSSMAN: And why don't we do this? We can mark</p> <p>14 -- so if you're going to use specific ones in here, let's</p> <p>15 mark each page --</p> <p>16 MS. THEMAK: Yeah.</p> <p>17 MR. GROSSMAN: -- after the title page with an A, B,</p> <p>18 C notation.</p> <p>19 MS. THEMAK: I could do that.</p> <p>20 MR. GROSSMAN: Okay.</p> <p>21 MS. THEMAK: Let me have a copy, and I'll go through</p> <p>22 them and make sure the pagination is correct.</p> <p>23 MR. GROSSMAN: All right. Yeah. So you've got a --</p> <p>24 so the -- the slide that says location, would be 71-A, and</p> <p>25 the one that says --</p>	<p>20</p> <p>1 MS. THEMAK: 71-N?</p> <p>2 MR. GROSSMAN: N. N as in --</p> <p>3 MS. THEMAK: I do too. Uh-huh.</p> <p>4 MR. GROSSMAN: -- Nancy.</p> <p>5 MS. THEMAK: Yes. Correct.</p> <p>6 MR. GROSSMAN: Okay. Excellent.</p> <p>7 And I hit the Z on page 27 of this. So --</p> <p>8 MS. THEMAK: I just went to double letters, if</p> <p>9 that's okay.</p> <p>10 MR. GROSSMAN: Yes. Double letters is correct.</p> <p>11 MS. THEMAK: Great.</p> <p>12 B: [inaudible] so I can [inaudible]. Is that right?</p> <p>13 MS. THEMAK: [inaudible]?</p> <p>14 MS. BULL: Yeah. Okay. [inaudible]. Yeah. 27-I.</p> <p>15 MS. THEMAK: Okay.</p> <p>16 MS. BULL: 47-J. H.</p> <p>17 MS. THEMAK: [inaudible].</p> <p>18 MS. BULL: [inaudible]. Hold on. Number H</p> <p>19 [inaudible].</p> <p>20 MS. THEMAK: Number nine is H. Ten is I. Eleven</p> <p>21 should be J. Yeah. This is J. Twelve [inaudible]. All right.</p> <p>22 MR. GROSSMAN: All right. The last one I have is 71-</p> <p>23 MM. All right. We're amazing.</p> <p>24 MS. THEMAK: Very good.</p> <p>25 MR. GROSSMAN: We did it.</p>

Transcript of Administrative Hearing
Conducted on February 1, 2019

6 (21 to 24)

<p>21</p> <p>1 MR. ALSAMNA: [inaudible].</p> <p>2 MR. GROSSMAN: So hold on one second here while I</p> <p>3 note this on the --</p> <p>4 MS. THEMAK: Fourteen is M. Fifteen [inaudible].</p> <p>5 Okay. And 14 is M.</p> <p>6 MS. BULL: Yes.</p> <p>7 MS. THEMAK: And then [inaudible]?</p> <p>8 MS. BULL: No. It's not. M is the last one.</p> <p>9 MS. THEMAK: [inaudible]. Okay.</p> <p>10 MR. GROSSMAN: All right, Mr. Alsamna.</p> <p>11 MR. ALSAMNA: Okay. So --</p> <p>12 MR. GROSSMAN: You want to begin on G you said?</p> <p>13 MR. ALSAMNA: Yeah. G.</p> <p>14 MR. GROSSMAN: 71-G?</p> <p>15 MR. ALSAMNA: Yeah. So what we have here is a map</p> <p>16 for the area in question. The map shows different layer of</p> <p>17 the signal strength. You can look at the numbers on the side,</p> <p>18 NIG [ph] 91 DB.</p> <p>19 That's the in building for commercial. NIG 97 is the</p> <p>20 in building for regular houses. NIG 115 DB is our in vehicle.</p> <p>21 So if you're driving your car, you have -- you would have</p> <p>22 good signal if you have that color in the area. NIG 120 is</p> <p>23 the outdoor coverage.</p> <p>24 So as you can see on the map, that's our existing</p> <p>25 coverage in the area. We have -- right now, we have very</p>	<p>23</p> <p>1 MR. GROSSMAN: And so --</p> <p>2 MR. ALSAMNA: So --</p> <p>3 MR. GROSSMAN: I'm sorry. Go ahead.</p> <p>4 MR. ALSAMNA: So right now, as you can see where in</p> <p>5 between the site to the north of the map and the three sites</p> <p>6 to the south, right now we have very significant gap in</p> <p>7 coverage, especially on the in building. So that's the area</p> <p>8 where we don't have any of the two dark colors, the NIG 91</p> <p>9 and NIG 97.</p> <p>10 So it is very significant in the area. So most of</p> <p>11 the residents in this area will not have or do not have a</p> <p>12 reliable in building coverage in that area.</p> <p>13 MR. GROSSMAN: Okay. The 97 is for residential types</p> <p>14 of buildings?</p> <p>15 MR. ALSAMNA: Residential houses. Yes.</p> <p>16 MR. GROSSMAN: And what was the 114 again?</p> <p>17 MR. ALSAMNA: 114 is for in vehicle. So if you're</p> <p>18 driving by and you're inside your car, you would have</p> <p>19 reliable signal.</p> <p>20 MR. GROSSMAN: Okay. So what you're saying is you</p> <p>21 have a significant gap around once you get a little further</p> <p>22 away from the -- where's the proposed location of this site</p> <p>23 on this?</p> <p>24 MR. ALSAMNA: So the proposed location, you could</p> <p>25 see it marked actually on the map. It's kind of on this side.</p>
<p>22</p> <p>1 significant gap in coverage between the site to the north and</p> <p>2 the three sites to the south of the map. So this -- this</p> <p>3 area --</p> <p>4 MR. GROSSMAN: Well, before you go on, let me see --</p> <p>5 make sure I understand.</p> <p>6 MR. ALSAMNA: Yes.</p> <p>7 MR. GROSSMAN: You're saying that on the key to this</p> <p>8 coverage map, 71-G is showing existing coverage; is that</p> <p>9 correct?</p> <p>10 MR. ALSAMNA: Yes, because this --</p> <p>11 MR. GROSSMAN: Without the proposal?</p> <p>12 MR. ALSAMNA: Without the proposed site.</p> <p>13 MR. GROSSMAN: Okay. And you're saying that the 91</p> <p>14 DBM measurement, the darkest green, is coverage that you</p> <p>15 could get inside of a building; is that --</p> <p>16 MR. ALSAMNA: Building -- commercial building.</p> <p>17 MR. GROSSMAN: Commercial building.</p> <p>18 MR. ALSAMNA: Commercial need more signal strength.</p> <p>19 MR. GROSSMAN: Okay. Then --</p> <p>20 MR. ALSAMNA: Then 97.</p> <p>21 MR. GROSSMAN: The very lightest one is coverage</p> <p>22 that you would get outdoors?</p> <p>23 MR. ALSAMNA: Outdoors. Yes.</p> <p>24 MR. GROSSMAN: Okay.</p> <p>25 MR. ALSAMNA: That's correct.</p>	<p>24</p> <p>1 MS. THEMAK: It's a green arrow. It's almost exactly</p> <p>2 in the center of this.</p> <p>3 MR. ALSAMNA: See. Like, right here.</p> <p>4 MR. GROSSMAN: Okay.</p> <p>5 MR. ALSAMNA: You can see it actually on the next</p> <p>6 slide. So on the next slide it's marked as 1504C. I don't</p> <p>7 know if -- it's kind of small. It's right here in between</p> <p>8 the --</p> <p>9 MR. GROSSMAN: It's dead center in the --</p> <p>10 MS. THEMAK: Yes.</p> <p>11 MR. ALSAMNA: Yeah.</p> <p>12 MR. GROSSMAN: It's the one with this red color</p> <p>13 right next to it?</p> <p>14 MR. ALSAMNA: Yeah.</p> <p>15 MR. GROSSMAN: Okay.</p> <p>16 MR. ALSAMNA: So we ran the coverage at 107 --</p> <p>17 that's exhibit H -- to show how much improvement we have in</p> <p>18 the area with the 107.</p> <p>19 MR. GROSSMAN: Uh-huh.</p> <p>20 MR. ALSAMNA: We did different heights to show that</p> <p>21 150 actually is the best one, and it's the one that fills</p> <p>22 more so the gap that we have in the area.</p> <p>23 MR. GROSSMAN: Okay.</p> <p>24 MR. ALSAMNA: So I don't know if you want me to go</p> <p>25 [inaudible].</p>

Transcript of Administrative Hearing
Conducted on February 1, 2019

7 (25 to 28)

<p>25</p> <p>1 MR. GROSSMAN: So you're saying that -- so we 2 identify this correctly, that was 71-G was the first one with 3 existing? 4 MR. ALSAMNA: Correct. 5 MR. GROSSMAN: Then you have 71-H you're showing if 6 you had 107-foot tall tower? Is that what you're saying? 7 MR. ALSAMNA: Correct. 8 MR. GROSSMAN: At that central location? 9 MR. ALSAMNA: That's proposed location. Yes. 10 MR. GROSSMAN: That would show the coverage using 11 that same scale. Is that what you're saying? 12 MR. ALSAMNA: That is correct. 13 MR. GROSSMAN: Okay. And then you also did it at 127 14 feet? 15 MR. ALSAMNA: 127 feet, that's [inaudible]. 16 MR. GROSSMAN: Tower height? 17 MR. ALSAMNA: I. 18 MR. GROSSMAN: And then -- and that's exhibit 71-I 19 is showing that coverage? 20 MR. ALSAMNA: That is correct. 21 MR. GROSSMAN: That would be -- 22 MR. ALSAMNA: With 127 feet. 23 MR. GROSSMAN: Okay. And -- and that -- I take it 24 that's the antenna height; is that correct? 25 MR. ALSAMNA: That's the RAD center for the antenna.</p>	<p>27</p> <p>1 MR. ALSAMNA: Only the proposed site. 2 MS. THEMAK: All right. So 71-K is the first one of 3 that, and this would just be if you were in isolation and 4 just erected this tower with an antenna midpoint at 170 feet 5 -- 107 feet, rather; is that correct? 6 MR. ALSAMNA: Correct. Only the site without the 7 existing sites. 8 MS. THEMAK: Okay. And 71-L does the same kind of 9 analysis but with the antenna midpoint at 127 feet; correct? 10 MR. ALSAMNA: Correct. 11 MS. THEMAK: Once again, the coverage that would 12 result. And 71-M shows the coverage that would result if this 13 was the sole cell tower in the area and you had your antennas 14 at 147 feet midpoint of the antenna; is that correct? 15 MR. ALSAMNA: That's correct. 16 MS. THEMAK: And that's what you're requesting? 17 MR. ALSAMNA: Yes. 18 MS. THEMAK: Okay. And in your opinion -- well, 19 first of all, what we should have done at the beginning is to 20 see if you qualify as an expert. So let's go backwards here 21 and do that. 22 Ms. Themak, you want to qualify this witness as an 23 expert? 24 MS. THEMAK: Can you give me some direction on -- 25 other than referring to his CV?</p>
<p>26</p> <p>1 MR. GROSSMAN: Okay. Yes. And each of these 2 locations on these exhibits 71-G through whatever but 3 certainly the ones we've used through I or J -- 4 MR. ALSAMNA: J. 5 MR. GROSSMAN: -- they're all at the RAD center? 6 That is the midpoint of the -- 7 MR. ALSAMNA: Antenna. 8 MR. GROSSMAN: -- antenna? 9 MR. ALSAMNA: Correct. 10 MR. GROSSMAN: Okay. And all right. So that's 71-I 11 would be the coverage if you had that at midpoint of the 12 antenna at 127 feet. And then you have 71-J, and you say that 13 is a midpoint of the antenna at 147 feet, which is what 14 you're asking for; is that correct? 15 MR. ALSAMNA: Yeah. Correct. 16 MR. GROSSMAN: Okay. 17 MR. ALSAMNA: And also, the rest of the exhibits K 18 and L, it shows just the site -- we should have -- 19 MS. THEMAK: And L. 20 MR. ALSAMNA: Yeah. So the rest of the exhibits 21 shows just the site by itself, how much coverage it's adding 22 to the area. 23 MS. THEMAK: Okay. So -- 24 MR. ALSAMNA: Without the existing sites. 25 MS. THEMAK: Okay.</p>	<p>28</p> <p>1 MR. GROSSMAN: Well, that would be a start. 2 MS. THEMAK: Yes. Okay. 3 MR. GROSSMAN: Is his CV in the record? 4 MS. THEMAK: There is his CV. Yes. 5 MR. GROSSMAN: I believe it is. What exhibit was 6 that? 7 MS. THEMAK: Let's see. It would be exhibit 57-B. I 8 would begin with where did you attend school, Mr. Alsamna? 9 MR. ALSAMNA: University of Louisville in Kentucky. 10 I have a master degree in telecommunication. I've been -- 11 I've been design engineer for about 13 years now. I design 12 over 1,000 -- I would say hundreds of sites, and I 13 attended -- 14 MR. GROSSMAN: Hundreds of telecommunication sites? 15 MR. ALSAMNA: Telecommunication sites. Yes. I also 16 attended zoning here in multiple townships in New Jersey, 17 Pennsylvania, Maryland, and Delaware. 18 MR. GROSSMAN: All right. And how about in Maryland? 19 You said Maryland? 20 MR. ALSAMNA: Yes. 21 MR. GROSSMAN: And have you been -- have you 22 appeared before hearings in Montgomery County before? 23 MR. ALSAMNA: I think I have. I mean, I've done all 24 the zoning here in this area the past three years. 25 MR. GROSSMAN: Okay.</p>

Transcript of Administrative Hearing
Conducted on February 1, 2019

8 (29 to 32)

<p style="text-align: right;">29</p> <p>1 MR. ALSAMNA: So I'm sure I attended one of the</p> <p>2 meetings in this township or in -- not this township -- in</p> <p>3 Montgomery County.</p> <p>4 MR. GROSSMAN: Yeah. We haven't had that many</p> <p>5 telecom applications in recent -- there's only been one in</p> <p>6 the last four years I'd say in addition to this one. I don't</p> <p>7 know if you were a part of that one. That was -- which ended</p> <p>8 up being denied, but for -- not for communications reasons.</p> <p>9 For setback reasons, et cetera but --</p> <p>10 MR. ALSAMNA: Was it for T-Mobile or -- I've been</p> <p>11 doing the work --</p> <p>12 MR. GROSSMAN: I think it was a Verizon. You had --</p> <p>13 MR. ALSAMNA: Oh, Verizon.</p> <p>14 MR. GROSSMAN: You've done T-Mobile ones?</p> <p>15 MR. ALSAMNA: Yeah. I'm only T-Mobile.</p> <p>16 MR. GROSSMAN: Okay. All right. And in these places</p> <p>17 you've appeared in support of a design and presume that you</p> <p>18 appeared at hearings in these places?</p> <p>19 MR. ALSAMNA: Yes.</p> <p>20 MR. GROSSMAN: Were you designated as an expert at</p> <p>21 those times?</p> <p>22 MR. ALSAMNA: Yes.</p> <p>23 MR. GROSSMAN: Okay. All right. Ordinarily, at this</p> <p>24 point we would -- if there were somebody here to cross-</p> <p>25 examine you on the question of what they call voir dire on</p>	<p style="text-align: right;">31</p> <p>1 the customers and it wouldn't cover the whole area that we</p> <p>2 have in question or the gap area that we have in question</p> <p>3 right now.</p> <p>4 MR. GROSSMAN: And in your opinion will this</p> <p>5 proposed tower satisfy those concerns and give you the</p> <p>6 missing coverage?</p> <p>7 MR. ALSAMNA: Yes. At 150.</p> <p>8 MR. GROSSMAN: Okay. I note that the tower</p> <p>9 committee, the telecommunications facility coordinating with</p> <p>10 its fund they call the tower committee recommended -- said</p> <p>11 they couldn't recommend going up to this height because the</p> <p>12 statute, the zoning ordinance doesn't allow up to this height</p> <p>13 unless the hearing examiner makes a finding that it's needed.</p> <p>14 Marjorie Williams, the chair of that committee --</p> <p>15 and I've put in the record both the tower committee</p> <p>16 recommendation and her comments. She -- and let's see. Her --</p> <p>17 let's make sure we have the right citation.</p> <p>18 MS. THEMAK: I believe it's 53 and 53-A.</p> <p>19 MR. GROSSMAN: Okay. Yes. 53-A is the meeting</p> <p>20 minutes from the TFCG meeting, and 53 is the e-mail</p> <p>21 conversations in which Marjorie Williams expressed her</p> <p>22 opinion about it. I don't know if -- we may even have it.</p> <p>23 Okay. All right.</p> <p>24 Well, that's sufficient to this point, but the point</p> <p>25 is that her comment, if I recall correctly, was that it</p>
<p style="text-align: right;">30</p> <p>1 the question of expertise, that would be permitted. Since</p> <p>2 there's nobody here, I presume you wish this witness to be</p> <p>3 qualified as an expert in radio frequency in the hearing; is</p> <p>4 that correct?</p> <p>5 MS. THEMAK: We do.</p> <p>6 MR. GROSSMAN: All right. Based on his resume and</p> <p>7 his testimony now and his prior testimony as an expert, I</p> <p>8 accept Mohammed Alsamna as an expert in radio frequency</p> <p>9 engineering.</p> <p>10 All right. So now -- and I take it that you adopt</p> <p>11 all of the testimony you've already given as part of your</p> <p>12 expert testimony; is that correct?</p> <p>13 MR. ALSAMNA: That's correct.</p> <p>14 MR. GROSSMAN: All right. All right. So given the --</p> <p>15 your analysis of the current coverage and what is being</p> <p>16 proposed, in your mind or your -- in your expert opinion is</p> <p>17 there a basis -- a need for the proposed tower at the height</p> <p>18 of 150 feet with the RAD center being at 147 feet?</p> <p>19 MR. ALSAMNA: Yes. It's -- and it's because we have</p> <p>20 a very significant gap in coverage and also the trees in the</p> <p>21 -- around the tower is about -- what -- 100 feet or -- so we</p> <p>22 need to have enough height so we can -- so the signal or the</p> <p>23 RF propagate through the trees into the customers.</p> <p>24 So if we're at lower height, then most of the signal</p> <p>25 is just going to go through the trees and it wouldn't get to</p>	<p style="text-align: right;">32</p> <p>1 wasn't so much a question in terms of difference between</p> <p>2 tower height of 137 feet, I think it was, and the tower</p> <p>3 height of 150.</p> <p>4 Not so much a coverage matter as a matter of having</p> <p>5 available slots for co-location that would also provide</p> <p>6 sufficient coverage. Do you share that opinion, or do you</p> <p>7 have a different opinion on that?</p> <p>8 MR. ALSAMNA: First, it is a need for us because the</p> <p>9 150 works better than the height of 132 feet, and the extra</p> <p>10 height, it helps to cover bigger area and fill more the gap.</p> <p>11 So even if we can get more than 150 feet, it would even work</p> <p>12 better for us because the gap is very significant in the</p> <p>13 area. It's a very large gap.</p> <p>14 MS. THEMAK: Can I pose it to Mr. Alsamna a</p> <p>15 different way?</p> <p>16 MR. GROSSMAN: Okay.</p> <p>17 MS. THEMAK: Marjorie Williams was speaking -- and</p> <p>18 Mr. Alsamna is speaking on behalf of T-Mobile.</p> <p>19 MR. GROSSMAN: Sure.</p> <p>20 MS. THEMAK: But I think that the gist of what</p> <p>21 Marjorie -- the chair's e-mails and the meeting minutes</p> <p>22 demonstrate is that the tower committee had been -- or</p> <p>23 members of the tower committee had been contacted about other</p> <p>24 towers nearby and there not being available space.</p> <p>25 If another carrier came along, given what you had</p>

Transcript of Administrative Hearing
Conducted on February 1, 2019

9 (33 to 36)

<p>33</p> <p>1 said about the tree height in this area, any other carriers 2 wanting to co-locate on this tower would need to also be 3 above the tree line, above that 100 mark. 4 And in order to get five carriers above that tree 5 line in order for all carriers to be able to propagate at 6 all, they would need to be above the tree line as well, 7 making the 150-foot height good for T-Mobile at 147 for their 8 specific propagation maps but also allowing heights of 137, 9 127, and 117 for other carriers to also propagate over the 10 tree line. Would you agree with that? 11 MR. ALSAMNA: Yes. 12 MS. THEMAK: Okay. Thank you. 13 MR. GROSSMAN: Okay. All right. 14 MR. ALSAMNA: So there's a 10 feet separation 15 between the carriers. That's how -- that's standard for the 16 market. 17 MR. GROSSMAN: Right. I saw the plans -- 18 MR. ALSAMNA: So yeah. That's why -- 19 MR. GROSSMAN: -- showing that very [inaudible]. 20 Okay. 21 MS. THEMAK: I'm not sure, Hearing Examiner, exactly 22 what the tree -- the exact tree height is there, but that 23 was -- 24 MR. GROSSMAN: Okay. 25 MS. THEMAK: -- I think the gist of the tower</p>	<p>35</p> <p>1 MR. GROSSMAN: Pretty [inaudible]. 2 MS. THEMAK: Was that correct? 3 MR. ALSAMNA: Yeah. That's correct. 4 MR. GROSSMAN: The right way to ask the question is 5 what did the other -- 6 MS. THEMAK: Were there members from Department of 7 Public Works that also stipulated to this, and what did they 8 say? 9 MR. GROSSMAN: Okay. You want to answer that 10 question? 11 MR. ALSAMNA: Yeah. They mention that there's a 12 tower next to the water tank. Even the water tank, that's one 13 of the sites that we try because it's very low, and the site 14 next to it is overloaded. So they could not add more to it, 15 carriers or companies that need to use the tower or 16 location -- 17 MR. GROSSMAN: So you consider -- 18 MR. ALSAMNA: -- for their antenna. 19 MR. GROSSMAN: You considered alternative sites, is 20 what you're saying, in this area, and what was your finding 21 about the possibility of using an alternative site to the one 22 you chose? 23 MR. ALSAMNA: Yeah. We looked at every possible co- 24 location in the area, and they either had full capacity or 25 they don't work for us. They don't provide the coverage we</p>
<p>34</p> <p>1 committee was that anybody coming to co-locate would also 2 need it to be effective. 3 MR. GROSSMAN: Right. 4 MS. THEMAK: If we're not -- if T-Mobile isn't high 5 enough, then nobody else will be able to locate because it 6 wouldn't be effective in this area. 7 MR. GROSSMAN: All right. The zoning ordinance here 8 used to allow a higher -- 9 MS. THEMAK: Yes. 10 MR. GROSSMAN: -- than 135 feet. It now allows 11 without a hearing examiner finding, but the hearing examiner 12 is empowered to add to allow additional height if there is a 13 showing of need for it. All right. Additional questions you 14 had of this witness? 15 MS. THEMAK: I would ask if you remembered at tower 16 committee that members of the tower committee did note that 17 other carriers and broadband service providers had contacted 18 the county about the neighboring telecommunications structure 19 near the water tank but that there was -- but they couldn't 20 locate there because that structure was currently at 21 capacity. Was that -- 22 MR. ALSAMNA: Yes. 23 MR. GROSSMAN: That's a super leading question, by 24 the way. 25 MR. ALSAMNA: Oh, that's correct.</p>	<p>36</p> <p>1 need in the area to height or other issues, and I think they 2 also can talk about leasing and other issues that might -- we 3 might had when we were looking for sites in the area. 4 Again, for T-Mobile it's always easier and better to 5 look for an existing structure to just mount antenna. It's 6 easier in term of everything, and it's faster to build. So 7 that's what we always do. We try to look for an existing 8 structure that would work for us and fill the gap that we 9 have in the area. And for this specific location we could not 10 find any. That's why we proposing this location as a new 11 tower. 12 MR. GROSSMAN: And is this location the best 13 location to provide the coverage that you need? 14 MR. ALSAMNA: In term of there's always -- it's not 15 just what I want. 16 MR. GROSSMAN: Yeah. 17 MR. ALSAMNA: It's always you have to find place 18 that would work in terms of zoning, leasing, and everything 19 else. So we issue a search ring, and we said we need the 20 tower to be or the site to be within the search ring. It's 21 not always we get what we want exactly, but we try to work 22 with what we get. 23 So that's how it works, but it's always I want let's 24 say 150 or 180-foot tower at the center of the search ring. 25 It's not possible -- right -- maybe because you have to find</p>

Transcript of Administrative Hearing
Conducted on February 1, 2019

10 (37 to 40)

<p>37</p> <p>1 place that would work in term of the location. You have to 2 find owner who would be interested. You have to also -- the 3 tower or -- has to meet all the zoning requirements. 4 MR. GROSSMAN: All right. 5 MR. ALSAMNA: So we work with everything to come up 6 with the best option for us that would fill the gap that we 7 have in the area. 8 MR. GROSSMAN: And the proposed site is -- 9 MR. ALSAMNA: 150. 10 MR. GROSSMAN: -- the best of those? 11 MR. ALSAMNA: Yes. 12 MR. GROSSMAN: Okay. What about is there any -- will 13 there be any adverse impact on the neighbors in terms of 14 health from the radio frequencies that would be emitted by 15 this tower? 16 MR. ALSAMNA: No. It's -- 17 MR. GROSSMAN: And I'll add caveat here. This is 18 controlled by FCC rule. Localities are not permitted to -- if 19 in fact the proposed tower will be within FCC regulations, 20 localities are not permitted to look at the health effects. 21 So my question is within that area, will this comply with FCC 22 regulations as far as emissions in terms of health impacts on 23 the surrounding area? 24 MR. ALSAMNA: Yes. 25 MR. GROSSMAN: Okay.</p>	<p>39</p> <p>1 in site locations and the like. Do you wish to qualify her as 2 an expert? 3 MS. THEMAK: I would like to qualify her as an 4 expert. 5 MR. GROSSMAN: Okay. And what specific -- 6 MS. THEMAK: Alexandra, could you tell us about 7 where you -- 8 MR. GROSSMAN: What specific expertise are 9 [inaudible]? 10 MS. THEMAK: She would have expertise in site 11 acquisition. 12 MR. GROSSMAN: For -- 13 MS. THEMAK: And land use. 14 MR. GROSSMAN: Site acquisition for cell towers? 15 MS. THEMAK: For cellular towers. Yes. 16 MR. GROSSMAN: Okay. All right. And her resume is in 17 the record as exhibit? 18 MS. THEMAK: Yes. Her resume is 60-A. 19 MR. GROSSMAN: All right. Do you want to question 20 her on her experience? 21 MS. THEMAK: Where did you attend school, Alexandra? 22 MS. BULL: So I went to the University of Maryland. 23 I have a four-year degree in architecture. I've been in the 24 telecommunications field for almost six years now doing land 25 use and site acquisition. I've worked with jurisdictions</p>
<p>38</p> <p>1 MR. ALSAMNA: Usually, I mean, based on my 2 experience with this kind of tower with the maximum capacity, 3 we're not even using the maximum capacity with T-Mobile and 4 other carriers. It's about 1 percent of the permitted limit. 5 MR. GROSSMAN: By the FCC regulations? 6 MR. ALSAMNA: By the FCC. 7 MR. GROSSMAN: Okay. 8 MR. ALSAMNA: Yeah. It's about that. Even less than 9 1 percent. 10 MR. GROSSMAN: Okay. Do you have any other questions 11 of this witness? 12 MS. THEMAK: No. 13 MR. GROSSMAN: All right. You have an additional 14 witness? 15 MS. THEMAK: I do. Alexandra Bull from NB and C. 16 MR. GROSSMAN: All right. And you've already been 17 sworn in, Ms. Bull? 18 MS. BULL: Yes. 19 MR. GROSSMAN: All right. 20 MS. THEMAK: I would ask Alexandra to take us 21 through the photo simulations that were prepared by NB and C, 22 and if she could begin by just telling us the process by 23 which these are made. 24 MR. GROSSMAN: Before you do, once again, I saw from 25 her resume that there's significant experience in this area</p>	<p>40</p> <p>1 throughout Maryland, Virginia, and D.C., presented before 2 boards in numerous counties. I won't bore you with the list, 3 but I have been certified as an expert witness in the past in 4 Maryland. 5 MR. GROSSMAN: In Montgomery County? 6 MS. BULL: Not in Montgomery County. 7 MR. GROSSMAN: Okay. 8 MS. BULL: But in Frederick County and Carroll 9 County. 10 MR. GROSSMAN: All right. And your certification as 11 an expert was in what field? 12 MS. BULL: Again, land use and site acquisition. 13 MR. GROSSMAN: Okay. All right. Additional 14 questions? 15 MS. THEMAK: No. I would have her begin by 16 explaining the methodology for preparing these photos and 17 then take us through the location? 18 MR. GROSSMAN: Once again, you could be, if there 19 was somebody here to cross-examine you. Perhaps Mr. Alsamna 20 would like to cross-examine you -- 21 MS. BULL: No. 22 MR. ALSAMNA: [inaudible]. 23 MR. GROSSMAN: -- as to your expertise. But there 24 being nobody here and based on your resume and what you 25 stated in your prior testimony as an expert witness, I do</p>

Transcript of Administrative Hearing
Conducted on February 1, 2019

11 (41 to 44)

<p style="text-align: right;">41</p> <p>1 accept you as an expert in site acquisition for cell towers 2 and land use relating thereto. 3 MS. BULL: Thank you. So I'll start with exhibit N, 4 and this is 70? 5 MS. THEMAK: 71. 6 MS. BULL: 71. 7 MR. GROSSMAN: 71-N. 8 MS. BULL: Exhibit N. So when we begin work on a 9 what we call a raw land site, which is a new tower site, once 10 the location on the site is determined, we'll do what's 11 called a balloon fly, and that is exactly what it sounds 12 like. 13 We take a balloon. We fly it at the location where 14 the tower will be located at the height the tower is proposed 15 at, and then we canvas the surrounding area looking for that 16 balloon. We do that on a day when winds are calm. So it 17 usually happens early in the morning before the wind picks up 18 for the day, and if winds are variable, we take it down and 19 we try again. 20 So for this particular site we did a pretty large 21 canvas of the area. You can see in exhibit 71-N that we have 22 20 views shown on the map. When we choose the photo 23 locations, we're targeting areas of particular concern, so 24 neighborhoods or community spaces, and we're also looking for 25 areas where it's particularly visible.</p>	<p style="text-align: right;">43</p> <p>1 Hawkins Creamery Road. It's at the intersection of Hawkins 2 Creamery and Woodfield Road to the south of the proposed 3 site. Again, exhibit S shows one carrier, while T shows full 4 capacity, and you can see that it's just sticking above the 5 tree line there again. 6 Exhibit J -- and I have both of them labeled as J. 7 That means I'm off for the rest of them or -- 8 MS. THEMAK: Oh, no. That's U. 9 MS. BULL: Oh. 10 MS. THEMAK: Is that U? 11 MS. BULL: That's a U. 12 MS. THEMAK: Is it? 13 MS. BULL: Maybe. 14 MS. THEMAK: V and then -- 15 MR. GROSSMAN: It's -- 16 MS. THEMAK: After T. Yeah. U. 17 MS. BULL: Yeah. It is -- 18 MS. THEMAK: There you go. 19 MS. BULL: It's just my bad handwriting, turns out. 20 MS. THEMAK: Yes. 21 MS. BULL: So exhibit U on page 22 is showing one 22 carrier, while exhibit V is showing all the carriers, and 23 that view is taken from the northwest of the property. And if 24 I'm not mistaken, that might be from the owner's driveway. 25 MS. THEMAK: [inaudible].</p>
<p style="text-align: right;">42</p> <p>1 On this map you'll see that the blue dots indicate 2 areas where it's not visible. We have a pretty significant 3 tree line in the back of the site and to the north and south 4 which kind of helps to mask the site from view. The red dots 5 indicate location points where it is visible, and all of 6 those locations are on Woodfield Road, which is the main road 7 that's in front of the subject property. 8 So the following slides after exhibit N are going to 9 show those views where it's visible. Starting with O, this is 10 directly to the west of the proposed site. The arrow 11 indicates the top of the tower. That's shown as it's proposed 12 with one carrier. So that carrier would be T-Mobile. And the 13 next exhibit, exhibit P, would show what it would look like 14 at full capacity, full capacity being that there would be a 15 carrier -- some kind of provider at every available RAD 16 center. 17 MR. GROSSMAN: Okay. 18 MS. BULL: And then the rest of this presentation 19 follows that format. Exhibit Q shows you again looking west 20 at Biscayne Lane -- I'm probably mispronouncing that -- with 21 one carrier, and then exhibit R shows it at full capacity. 22 And you can see on exhibit R that even the lowest RAD center 23 there is above the tree line, which is what would be required 24 for that carrier to propagate effectively at a height. 25 Exhibit S and exhibit T both show view seven from</p>	<p style="text-align: right;">44</p> <p>1 MS. BULL: Slide W and X show it again from the west 2 along Woodfield Road. And then the remaining slides all show 3 the photo locations that were exhibited on N in blue, meaning 4 not visible. 5 So you can see in those locations that there's a 6 heavy presence of residential in some of those photos, and 7 it's an area where you won't be able to see the structure. 8 And again, you can see that there is some densely wooded 9 areas which help to conceal the structure effectively. And I 10 won't go through every single one of these. They're pretty 11 self-explanatory, but those are the locations indicated as 12 not visible when the balloon was up. 13 MR. GROSSMAN: Okay. I think we're missing view 14 seven. I see view six as 71-CC. 15 MS. BULL: View seven was one of the visible views. 16 MR. GROSSMAN: Oh, I see. So that would have been an 17 earlier one. Yeah. 18 MS. BULL: S and T. 19 MR. GROSSMAN: Okay. 20 MS. BULL: Yeah. 21 MR. GROSSMAN: So view six [inaudible]. View seven, 22 S, T. Okay. All right. Because if I recall, that area would 23 be just not far from where there are residences; is that 24 correct? 25 MS. BULL: View seven?</p>

Transcript of Administrative Hearing
Conducted on February 1, 2019

12 (45 to 48)

<p style="text-align: right;">45</p> <p>1 MR. GROSSMAN: Yeah.</p> <p>2 MS. BULL: Yes. There are residences on the west</p> <p>3 side and also -- on the west side of Woodfield Road, and then</p> <p>4 as you travel eastbound on Hawkins Creamery, there's</p> <p>5 additional residence in that area as well.</p> <p>6 MR. GROSSMAN: And Hawkins Creamery is where you</p> <p>7 have views five --</p> <p>8 MS. BULL: View five appears to be on Woodfield</p> <p>9 Road, but view three and view two are both indicated on</p> <p>10 Hawkins Creamery.</p> <p>11 MR. GROSSMAN: Okay. So I guess my question would</p> <p>12 be, from residential areas around this site, would there be</p> <p>13 visibility of this proposed cell tower?</p> <p>14 MS. BULL: There would be in some locations, but it</p> <p>15 would be mostly residents that abut Woodfield Road. But as</p> <p>16 soon as the -- most major, in my opinion, residential area in</p> <p>17 relation to this site is the townhouse community that's to</p> <p>18 the west of Woodfield Road.</p> <p>19 And again, as I indicated, along Woodfield Road</p> <p>20 there will be visibility of this tower, but the photos that</p> <p>21 we took in that community to the west of Woodfield Road, we</p> <p>22 found that in a lot of locations it was not visible, which</p> <p>23 should be beneficial to the residents in that area. The views</p> <p>24 I'm talking about would include view 11, 10, and 9, which</p> <p>25 were all taken in that community that's to the west of</p>	<p style="text-align: right;">47</p> <p>1 Alexandra, I'm going to take you through section</p> <p>2 59.3.5.2.C.2.c which outlines the standards which a</p> <p>3 telecommunications tower in the residential zone needs to</p> <p>4 adhere to.</p> <p>5 MR. GROSSMAN: There's actually -- before you get to</p> <p>6 that -- first of all, definitionally, I take it that</p> <p>7 beginning with 59.3.5.2.C.2.c.1, I take it that this proposed</p> <p>8 tower complies with the definition of telecommunications</p> <p>9 tower as defined in the zoning ordinance.</p> <p>10 MS. THEMAK: Yes.</p> <p>11 MR. GROSSMAN: All right. And then the use standards</p> <p>12 in -- the use standards in 2.a for the limited are</p> <p>13 incorporated into the others. So she should go through that</p> <p>14 as well.</p> <p>15 MS. THEMAK: Okay. I do not --</p> <p>16 MR. GROSSMAN: I'll ask the questions. In A is where</p> <p>17 telecommunications towers allow it as a limited use in an</p> <p>18 agricultural zone, rural zone, rural cluster zone, employment</p> <p>19 zone, and industrial zone and the tower is not a replacement</p> <p>20 tower that complies with 59.3.5.2.C.2.b, it must satisfy the</p> <p>21 following standards.</p> <p>22 Antennas are limited to the following. 1.a, an</p> <p>23 antenna satisfies one of the antenna dimension standards in</p> <p>24 section 59.3.5.2.C.1.b which the -- do you have a copy of the</p> <p>25 code in front of you or not?</p>
<p style="text-align: right;">46</p> <p>1 Woodfield Road. I would also argue that 14 would fall under</p> <p>2 that category as well.</p> <p>3 MR. GROSSMAN: Okay. So in your opinion will this</p> <p>4 tower impose any undue harm to the community in terms of</p> <p>5 visibility?</p> <p>6 MS. BULL: No. No. I don't think so. By its nature,</p> <p>7 towers are not invisible, but when we site these structures,</p> <p>8 we do it very carefully, keeping in mind that people spend</p> <p>9 their lives in these locations. And it's a responsibility to</p> <p>10 provide them with adequate coverage and service, but it's</p> <p>11 also in our best interest to make sure that we're proposing</p> <p>12 this in an area that works with the community instead of</p> <p>13 against it.</p> <p>14 So everything from pushing it all the way back to</p> <p>15 the tree line to using an existing established farm access</p> <p>16 rather than establishing a new access. We also located the</p> <p>17 compound just over a crest of a small hill so that the</p> <p>18 compound would be partially concealed by that as well. So</p> <p>19 like I said, when we site these, we do them as carefully as</p> <p>20 we can to meet all the necessary zoning requirements and also</p> <p>21 to conceal the tower as much as we can.</p> <p>22 MR. GROSSMAN: All right. Do you want to go through</p> <p>23 with this witness the standards set out in the zoning</p> <p>24 ordinance?</p> <p>25 MS. THEMAK: Sure. [inaudible], Alexandra, for this.</p>	<p style="text-align: right;">48</p> <p>1 MS. THEMAK: No. We -- I --</p> <p>2 MR. GROSSMAN: Okay.</p> <p>3 MS. THEMAK: I was planning on relying on the</p> <p>4 statement of justification for -- for the use of the</p> <p>5 satisfaction of the standards.</p> <p>6 MR. GROSSMAN: Except that's not sworn evidence</p> <p>7 until you -- it could be admitted if you admit it, but it's</p> <p>8 usually a good idea to have your witness go through that.</p> <p>9 MS. THEMAK: Can we make -- can I make a motion to</p> <p>10 admit the two versions?</p> <p>11 MR. GROSSMAN: Yeah. We'll allow it at the end. You</p> <p>12 might as well admit all the exhibits at the end, but the</p> <p>13 first one -- the first requirement here is that it satisfies</p> <p>14 one of the antenna dimensions. And I think it might have been</p> <p>15 -- I don't remember if it was covered by the staff report.</p> <p>16 Let's see. Yes. It does cover it on page 13 of the staff</p> <p>17 report.</p> <p>18 MS. THEMAK: And I don't have the staff report in</p> <p>19 front of me. I missed my copy of the staff report. So I don't</p> <p>20 have a copy of that in front of me.</p> <p>21 MR. GROSSMAN: See if you have an extra copy.</p> <p>22 MS. THEMAK: Do you have an extra copy? See if I can</p> <p>23 bring it up online.</p> <p>24 MR. GROSSMAN: I'll just give you the case file.</p> <p>25 It's in the case file. Thought I did have a copy of it. Let's</p>

Transcript of Administrative Hearing
Conducted on February 1, 2019

13 (49 to 52)

<p>49</p> <p>1 see [inaudible] exhibit [inaudible] was. I'm not seeing 2 another copy. So let's see. Exhibit 62 in there, page 13. 3 MS. THEMAK: Okay. Page 13 you said? 4 MR. GROSSMAN: Yes. Page 13 of exhibit 62. 5 MS. THEMAK: Yes. 6 MR. GROSSMAN: All right. You'll see that it's got 7 to meet one of those antenna standards, and he -- staff says 8 it does. Do you agree with that? 9 MS. THEMAK: Yes. 10 MR. GROSSMAN: Okay. And the second one is that 11 signs or elimination on the antenna support structure are 12 prohibited unless required by the FCC or the FAA or the 13 county. Is that standard satisfied? 14 MS. BULL: Yes. No signage or elimination is 15 proposed. 16 MR. GROSSMAN: Other than there is -- 17 MS. BULL: Other than the required signs that will 18 be on the fence. 19 MS. THEMAK: Right. 20 MR. GROSSMAN: Yes. Which will have to be smaller 21 than is in your plans currently? 22 MS. BULL: Yes. 23 MS. THEMAK: We can change that. 24 MR. GROSSMAN: Okay. All right. The rest of it he 25 suggests is not applicable. Do you agree that the rest of</p>	<p>51</p> <p>1 radius of the 300-foot setback that's required from 2 individual dwellings, and then you have another one, if I 3 recall, that shows the setback from the lot line -- 4 MS. BULL: That's correct. 5 MR. GROSSMAN: -- of 150 feet. 6 MS. BULL: Yeah. 7 MR. GROSSMAN: Okay. 8 MS. THEMAK: Are we requesting any reduction in any 9 of the setback? 10 MS. BULL: No. 11 MS. THEMAK: Thank you. The hearing examiner already 12 addressed the need topic here with our witness Mohammed 13 Alsamna. So I'll skip that. 14 MR. GROSSMAN: Okay. 15 MS. THEMAK: Is the facility -- what have we done 16 here to minimize the visual impact of the facility? 17 MS. BULL: Yeah. We've discussed that a little bit 18 already, but it has to do with where the tower was located on 19 the property, pushing it back away from dense residential 20 areas in order to keep it against a tree line all is part of 21 what helps conceal the structure. 22 MR. GROSSMAN: And you'll be adding additional 23 screening on your current plans and the additional screening 24 as recommended by the technical staff? 25 MS. BULL: Yes.</p>
<p>50</p> <p>1 this part is not applicable? 2 MS. THEMAK: Yes. 3 MS. BULL: Yes. 4 MR. GROSSMAN: Okay. So now, we turn to subsection 5 c, 59.3.5.2.C.2.c and then [inaudible]. Go ahead. You can 6 take her through that. 7 MS. THEMAK: Yeah. We -- those -- I'll take you 8 through in the statement of justification. 9 MS. BULL: Sure. 10 MS. THEMAK: Pull it out for you so that you can -- 11 Alexandra, I'm showing you a copy of the standards set forth 12 in section 59-3.5.2.C.2.c. I want to ask you about the tower 13 committee report which was submitted. Thank you. Is this 14 tower committee -- is this telecommunications tower located 15 in any scenic setback as indicated by the master plan? 16 MS. BULL: No. 17 MS. THEMAK: No. Have we met the 300-foot setback 18 from existing dwellings? 19 MS. BULL: Yes. And we did provide an additional 20 exhibit about that in the packet that we were going through 21 today. 22 MR. GROSSMAN: Right. And that's reflected in the 23 plans that were submitted; is that correct? 24 MS. BULL: Yes. That's correct. 25 MR. GROSSMAN: You have two outlines. One is a</p>	<p>52</p> <p>1 MR. GROSSMAN: Which will be in the amended plans. 2 MS. THEMAK: Is it true that Mr. Warfield is also a 3 co-applicant for this CUP? 4 MS. BULL: Yes. 5 MS. THEMAK: Is this facility designed to locate 6 only T-Mobile or any additional carriers as well? 7 MS. BULL: It's designed to hold additional carriers 8 as well, T-Mobile at a top RAD and then four additional 9 carriers. 10 MS. THEMAK: Four additional. So a total of five? 11 MS. BULL: That's correct. 12 MS. THEMAK: Okay. Will the equipment compound 13 accommodate T-Mobile or T-Mobile and any future co-locating 14 carriers? 15 MS. BULL: It will. The compound that we had 16 proposed is large enough for additional co-locators as well 17 as T-Mobile. 18 MS. THEMAK: Should the tower go unused for a period 19 of the year, does the applicant American Tower understand 20 that it will be needed to be removed at the cost of American 21 Tower? 22 MS. BULL: Yes. 23 MS. THEMAK: Okay. And we have -- we've already 24 noted that the two-square-foot sign or smaller sign will be 25 amended on revised plans to be submitted to the Office of</p>

Transcript of Administrative Hearing
Conducted on February 1, 2019

14 (53 to 56)

<p>53</p> <p>1 Zoning and Administrative Hearings; correct?</p> <p>2 MS. BULL: Yes.</p> <p>3 MS. THEMAK: That would leave -- American Tower will</p> <p>4 be responsible for maintaining the communications facility in</p> <p>5 a safe condition; correct?</p> <p>6 MS. BULL: Yes. They will be.</p> <p>7 MS. THEMAK: Okay. And I believe that's it. We have</p> <p>8 provided in the form [inaudible].</p> <p>9 MR. GROSSMAN: All right. Now, you also have the</p> <p>10 general standards that [inaudible] this witness or --</p> <p>11 MS. THEMAK: For the conditional use?</p> <p>12 MR. GROSSMAN: For conditional use. Yeah.</p> <p>13 MS. THEMAK: Sure. I'll take you through those as</p> <p>14 well. We were required to submit that this CUP is in harmony</p> <p>15 with any previous approvals on the parcel. Are there no</p> <p>16 previous approvals on the parcel?</p> <p>17 MS. BULL: There are no previous approvals.</p> <p>18 MR. GROSSMAN: Okay. By the way, this is in section</p> <p>19 of the zoning ordinance 59.7.3.1.E.</p> <p>20 MS. THEMAK: Per section B, does this facility --</p> <p>21 does this request for the conditional use permit satisfy the</p> <p>22 requirements of the zone, and have we noted the specific</p> <p>23 requirements for the telecommunications facility as outlined</p> <p>24 in section 59.3.5.2.C?</p> <p>25 MS. BULL: Yes.</p>	<p>55</p> <p>1 conditional uses in any of the neighboring zones, is it your</p> <p>2 opinion that this conditional use application substantially</p> <p>3 conforms with the recommendations of the master plan and does</p> <p>4 not alter the nature of the area?</p> <p>5 MS. BULL: It does not alter the primarily</p> <p>6 residential use of the area, but it will enhance the wireless</p> <p>7 experience for those living and working in Damascus.</p> <p>8 MS. THEMAK: Are any additional public services</p> <p>9 required for this facility, and where are power and telco</p> <p>10 going to be?</p> <p>11 MS. BULL: The facility will not require any public</p> <p>12 facilities. The power and telco services for the facility</p> <p>13 will be provided from an off-site substation -- or a</p> <p>14 subdivision plan. It's not required. There will be --</p> <p>15 MR. GROSSMAN: So you already have sufficient power</p> <p>16 on the site?</p> <p>17 MS. BULL: Typically, the power comes from a power</p> <p>18 structure along the street and is run underground to the</p> <p>19 structure, and all of that will be reviewed and approved</p> <p>20 through the permitting process as well.</p> <p>21 MR. GROSSMAN: Okay. But you have adequate public</p> <p>22 facilities?</p> <p>23 MS. BULL: Yes.</p> <p>24 MR. GROSSMAN: And public utilities for it?</p> <p>25 MS. BULL: That's right.</p>
<p>54</p> <p>1 MS. THEMAK: Okay. Does this --</p> <p>2 MR. GROSSMAN: I should say -- go ahead. I'm sorry.</p> <p>3 I didn't mean to cut you off.</p> <p>4 MS. THEMAK: Does it substantially conform with the</p> <p>5 master plan?</p> <p>6 MS. BULL: Yes. It's consistent with the Damascus</p> <p>7 master plan.</p> <p>8 MS. THEMAK: Okay.</p> <p>9 MR. GROSSMAN: Yeah. On B the telecommunications</p> <p>10 towers are somewhat unusual in that they do not require the</p> <p>11 direct compliance with part -- with article 59.6 --</p> <p>12 MS. THEMAK: Right.</p> <p>13 MR. GROSSMAN: -- for screening requirements, et</p> <p>14 cetera, in the same way that other conditional uses must be</p> <p>15 -- must comply. We also have overall authority to ensure</p> <p>16 compatibility. So the individual standards are not as</p> <p>17 significant as the overall compatibility issues. All right.</p> <p>18 MS. THEMAK: In that vein, will this CUP alter the</p> <p>19 character of the surrounding neighborhood, or is it</p> <p>20 inharmonious in any respect?</p> <p>21 MS. BULL: It will not alter the character of the</p> <p>22 surrounding neighborhood, and it will be in harmony with the</p> <p>23 surrounding neighborhood.</p> <p>24 MR. GROSSMAN: All right.</p> <p>25 MS. THEMAK: Okay. When evaluated with the other</p>	<p>56</p> <p>1 MR. GROSSMAN: Okay.</p> <p>2 MS. THEMAK: Is it your opinion that it will not</p> <p>3 cause undue harm to the neighborhood in terms --</p> <p>4 MR. GROSSMAN: Hold on one second. Do you need</p> <p>5 subdivision for this?</p> <p>6 MS. THEMAK: No. We do not.</p> <p>7 MR. GROSSMAN: Okay.</p> <p>8 MS. THEMAK: In terms of views, peaceful enjoyment,</p> <p>9 traffic --</p> <p>10 MR. GROSSMAN: Yeah. Before you get to that, one of</p> <p>11 the questions is, since -- if you do not require subdivision,</p> <p>12 hearing examiner must make a finding regarding the adequacy</p> <p>13 of public facilities. So we've covered electricity. What</p> <p>14 about traffic, transportation -- impacts on transportation</p> <p>15 facilities?</p> <p>16 MS. BULL: So we don't expect there to be any impact</p> <p>17 to circulation of vehicles in the area. Bless you.</p> <p>18 MS. THEMAK: Excuse me.</p> <p>19 MR. GROSSMAN: [inaudible].</p> <p>20 MS. BULL: We expect no more than one to two visits</p> <p>21 a month, and that would be with the tower at maximum</p> <p>22 capacity. Most carriers remotely manage these sites. So</p> <p>23 they're monitoring them from off site, which reduces the</p> <p>24 overall number of visits that they need to make to the site.</p> <p>25 So in terms of daily traffic, there will be no increase in</p>

Transcript of Administrative Hearing
Conducted on February 1, 2019

15 (57 to 60)

<p>57</p> <p>1 the daily circulation of vehicles in that area.</p> <p>2 MR. GROSSMAN: All right.</p> <p>3 MS. BULL: In terms of other utilities, it's an</p> <p>4 unmanned facility. So there won't be any water or sewage</p> <p>5 service to the site. It will just be the electrical service.</p> <p>6 MR. GROSSMAN: All right. So you're saying aside</p> <p>7 from electrical service, there is essentially zero impact on</p> <p>8 public facilities?</p> <p>9 MS. BULL: That's correct.</p> <p>10 MR. GROSSMAN: All right. All right. You may go on</p> <p>11 with your next question.</p> <p>12 MS. THEMAK: In terms of peaceful enjoyment,</p> <p>13 traffic, health, and safety, could you speak to any impacts</p> <p>14 that this will have on the surrounding neighborhood?</p> <p>15 MS. BULL: Sure. There won't be any increase in</p> <p>16 traffic in the area, as I just stated, and no impact for</p> <p>17 noise or fumes or anything like that.</p> <p>18 MR. GROSSMAN: Odors, dust elimination?</p> <p>19 MS. BULL: Correct.</p> <p>20 MR. GROSSMAN: Or lack of [inaudible]?</p> <p>21 MS. BULL: Correct.</p> <p>22 MR. GROSSMAN: Health, safety, or welfare of</p> <p>23 neighbors, residents, visitors, or employees?</p> <p>24 MS. BULL: No concerns there either. As stated</p> <p>25 previously, American Tower will maintain the compound and</p>	<p>59</p> <p>1 MS. BULL: Yes. I would think so, that they would be</p> <p>2 provided with a more sufficient amount of coverage in terms</p> <p>3 of wireless coverage.</p> <p>4 MS. THEMAK: Okay. I believe that that's all of the</p> <p>5 requirements.</p> <p>6 MR. GROSSMAN: All right. Is there anything else in</p> <p>7 your presentation?</p> <p>8 MS. THEMAK: No. I know you had noted at the outset</p> <p>9 of the hearing that you would like some additional</p> <p>10 information on the community meeting. So I'm happy to answer</p> <p>11 any of those questions.</p> <p>12 MR. GROSSMAN: I don't have specific ones, but do</p> <p>13 you want to address -- you did provide --</p> <p>14 MS. THEMAK: We did. Yeah.</p> <p>15 MR. GROSSMAN: -- with your pre-hearing statement --</p> <p>16 MS. THEMAK: I would. I would like to just give a --</p> <p>17 MR. GROSSMAN: -- concerns that were expressed by</p> <p>18 the community.</p> <p>19 MS. THEMAK: -- just give a summary of those.</p> <p>20 MR. GROSSMAN: Okay.</p> <p>21 MS. THEMAK: We did hold a community meeting on</p> <p>22 January 16th at the Damascus recreation facility. We had 11</p> <p>23 members in attendance. In addition, Catherine Matthews from</p> <p>24 Councilman Rice's office was there. We gave a presentation</p> <p>25 very similar to the one that has been -- well, it has been</p>
<p>58</p> <p>1 facility in a safe working condition, and it will be closed</p> <p>2 to the public and secured by a fence so that only authorized</p> <p>3 personnel can access the compound.</p> <p>4 MR. GROSSMAN: Okay. And if the tower were to fall</p> <p>5 down, could it reach outside of the property on which it's</p> <p>6 located?</p> <p>7 MS. BULL: No. It's set back a sufficient amount,</p> <p>8 and additionally, towers of this nature, monopole structures,</p> <p>9 are designed to collapse upon themselves, which further</p> <p>10 reduces the fall radius.</p> <p>11 MR. GROSSMAN: All right.</p> <p>12 MS. THEMAK: Again, I would point Alexandra's</p> <p>13 testimony to the graphic shown in the PowerPoint in exhibit</p> <p>14 71, and I believe it's 71-D has the two radius circles</p> <p>15 showing the fall zone and the setbacks of 300.</p> <p>16 MR. GROSSMAN: Right. It's actually in your -- it's</p> <p>17 actually directly in your plan.</p> <p>18 MS. THEMAK: And yeah.</p> <p>19 MS. BULL: Yes.</p> <p>20 MS. THEMAK: Yeah. Would you -- would you determine</p> <p>21 that the communications facility is going to be compatible</p> <p>22 with the character of the existing residential neighborhood?</p> <p>23 MS. BULL: Yes.</p> <p>24 MS. THEMAK: And will it enhance the experience of</p> <p>25 those living there?</p>	<p>60</p> <p>1 submitted into the record, and we addressed community</p> <p>2 concerns.</p> <p>3 The community concerns focused around a few</p> <p>4 different topics. Those included health effects. In response</p> <p>5 to that we pointed them to some references on the FCC's</p> <p>6 website for further information. Our RF expert Mohammed</p> <p>7 Alsamna talked about radio frequencies and how they</p> <p>8 propagate.</p> <p>9 We had questions about property values, and I</p> <p>10 explained that there are studies on both sides of these and</p> <p>11 that it really is dependent on the buyer of the home, that</p> <p>12 sometimes property values can increase with good cell phone</p> <p>13 coverage and decrease with bad cell phone coverage, or that</p> <p>14 can also work with visibility of a cell tower. But there are</p> <p>15 -- there's evidence on both sides of that issue. So I invited</p> <p>16 them to look at what appraisal reports had been out there.</p> <p>17 We were also asked questions about if similar sites</p> <p>18 like this would be built after this one was approved, and I</p> <p>19 think there was some misunderstanding about what co-location</p> <p>20 meant, if it meant that there could possibly be additional</p> <p>21 support structures. And we explained that no. The purpose of</p> <p>22 us providing four additional center lines on this particular</p> <p>23 monopole was to avoid the pincushion effect or having several</p> <p>24 of these structures in the area and that there had been</p> <p>25 interest expressed directly to the county by other carriers.</p>


Transcript of Administrative Hearing
Conducted on February 1, 2019

16 (61 to 64)

<p>61</p> <p>1 So now, the county could point to this structure and say, we 2 have a spot for you. There's no need to build an additional 3 tower. 4 One member of the community did ask me where this 5 rates on the scale of a small tower versus a large tower, and 6 I said it's relatively large but they do go up much higher to 7 200 feet and above and that we were lucky to have been able 8 to find, as Mr. Alsanna talked about, a large parcel because 9 for a tower of this height we do need a larger parcel to meet 10 setbacks, and we want it to be placed as far away from 11 neighboring residences as possible. 12 I think that was the gist of the community meeting. 13 It was a good meeting. I believe that we had a good dialogue, 14 and my information was given to those that were in 15 attendance. 16 And we also sent -- there were a few members that 17 requested hard copies of the full set of zoning drawings. So 18 we mailed those out to them so that they had a clear copy, 19 not just the PowerPoint. 20 MR. GROSSMAN: Always an excellent idea to meet with 21 the community on any of these projects. 22 MS. THEMAK: Absolutely. 23 MR. GROSSMAN: Because it hits them where they live, 24 literally. 25 MS. THEMAK: Yeah.</p>	<p>63</p> <p>1 changes; is that correct? 2 MR. GROSSMAN: Yes. It was the -- 3 MS. THEMAK: The board on board fence, the 4 additional -- 5 MR. GROSSMAN: Yes. 6 MS. THEMAK: -- landscape. 7 MS. BULL: And the sign. 8 MS. THEMAK: And a reduced sign. 9 MR. GROSSMAN: Right. 10 MS. THEMAK: Right. So those changes should be made 11 to sheets -- 12 MR. GROSSMAN: So you got -- first of all, you got 13 the landscape plan will change, and the second piece of the 14 landscape plan will change as far as the sign. 15 MS. THEMAK: Uh-huh. 16 MR. GROSSMAN: And you'll have some changes on some 17 of the other plans which will -- which also cover the fence. 18 MS. THEMAK: Yes. 19 MS. BULL: Would it be appropriate for us to just 20 submit a full new set? 21 MS. THEMAK: Yes. 22 MR. GROSSMAN: I think that makes sense. 23 MS. THEMAK: Yes. 24 MR. GROSSMAN: So you have one full -- 25 MS. BULL: Just because there could be fence</p>
<p>62</p> <p>1 MR. GROSSMAN: So okay. Do you wish the exhibits to 2 be moved into evidence? 3 MS. THEMAK: I would. 4 MR. GROSSMAN: And I take it that would be exhibits 5 1 through 72 and their subparts as well as the additional 6 exhibits that you will be submitting that is the amended 7 plans. 8 MS. THEMAK: Yes. 9 MR. GROSSMAN: And I'd also like -- make sure you 10 submit electronic copies of the amended plans as well as of 11 the exhibits you introduced today. 12 How long do you need to submit the amended plans? I 13 guess you're amending -- I'm not sure exactly what -- the 14 last -- I know it's the very last page has the sign size on 15 it, the very last plan. It's the second -- the details on the 16 landscape plan has the sign. 17 MS. THEMAK: Yeah. And let's see where the -- 18 MR. GROSSMAN: I went through each one of those, and 19 I couldn't find it and I got to the last one. 20 MS. THEMAK: Landscaping. 21 MR. GROSSMAN: So yes. And then so that would be -- 22 MS. THEMAK: I think we would ask for two weeks to 23 get revised plans. 24 MR. GROSSMAN: Okay. 25 MS. THEMAK: With -- I think there were three noted</p>	<p>64</p> <p>1 references on -- 2 MS. THEMAK: Yes. 3 MS. BULL: -- any number of pages and -- 4 MR. GROSSMAN: Right. 5 MS. THEMAK: We'll do that. 6 MR. GROSSMAN: Right. Okay. So let me get out of the 7 calendar here. I take it you waive the shot clock for this 8 additional -- 9 MS. THEMAK: Yes. 10 MR. GROSSMAN: -- period of time? Generally, I get 11 these reports out even in not -- I mean, we're technically 12 allowed 30 days under the statute. I always try to get my 13 reports out well in advance to that actually, and rarely do I 14 extend my time. 15 But occasionally, that happens, but I sent -- I 16 think I actually have already waived the shot clock anyway 17 because of the delay in the filing necessitated by going back 18 to the -- 19 MS. THEMAK: The tower committee. 20 MR. GROSSMAN: -- tower committee. 21 MS. THEMAK: Correct. 22 MR. GROSSMAN: So we're not in a shot clock issue at 23 this -- 24 MS. THEMAK: No. 25 MR. GROSSMAN: Okay. All right. So it's now February</p>

Transcript of Administrative Hearing
Conducted on February 1, 2019

17 (65 to 68)

<p>65</p> <p>1 1. You want to file this additional material by February 15?</p> <p>2 Is that what you wish?</p> <p>3 MS. THEMAK: Yes, please.</p> <p>4 MR. GROSSMAN: Okay. I'm required to keep the record</p> <p>5 open after you submit the additional plans for any comments</p> <p>6 either from staff or the public. So -- and I think an</p> <p>7 additional 10 days would be sufficient in view of the fact</p> <p>8 you have nobody here from the community in opposition. So the</p> <p>9 record would then close on the 25th of February, and my</p> <p>10 report will be due within 30 days thereafter. Is that -- are</p> <p>11 those agreeable dates?</p> <p>12 MS. THEMAK: That's acceptable.</p> <p>13 MR. GROSSMAN: Okay.</p> <p>14 MS. THEMAK: We still have the signs posted. I know</p> <p>15 that they're supposed to stay up I believe for 10 days after</p> <p>16 the hearing. How long would you like those to remain up?</p> <p>17 MR. GROSSMAN: Keep them up until 10 days after I</p> <p>18 issue my report.</p> <p>19 MS. THEMAK: Okay. So 10 days would be the 20 --</p> <p>20 MR. GROSSMAN: Because my report --</p> <p>21 MS. THEMAK: So March 7th would be --</p> <p>22 MR. GROSSMAN: When I issue my report and decision,</p> <p>23 it will be -- a notice will be mailed to you. There are</p> <p>24 nobody -- there are no other parties here except for you and</p> <p>25 the owner. So it won't be going out in general and -- but it</p>	<p>67</p> <p>1 nothing else, then we are adjourned.</p> <p>2 MS. THEMAK: Thank you.</p> <p>3 MR. GROSSMAN: All right. Thank you. Drive</p> <p>4 carefully.</p> <p>5 MS. THEMAK: Thank you.</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</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>24</p> <p>25</p>
<p>66</p> <p>1 will be posted on our website that same day.</p> <p>2 MS. THEMAK: Okay.</p> <p>3 MR. GROSSMAN: And when you submit the additional</p> <p>4 plans, would you not only submit to my office but submit them</p> <p>5 to technical staff because it's required that they get an</p> <p>6 opportunity to look at them again and, if they have any</p> <p>7 comments, to submit them by the record close on February 25?</p> <p>8 MS. THEMAK: Uh-huh. Yeah. How many hard copies</p> <p>9 would you like?</p> <p>10 MR. GROSSMAN: I just need one for myself.</p> <p>11 MS. THEMAK: Okay.</p> <p>12 MR. GROSSMAN: And probably just one for technical</p> <p>13 staff is sufficient.</p> <p>14 MS. THEMAK: Wonderful. Great.</p> <p>15 MR. GROSSMAN: It's not going to the planning board.</p> <p>16 So --</p> <p>17 MS. THEMAK: Right. Okay.</p> <p>18 MR. GROSSMAN: And electronic copies, obviously.</p> <p>19 MS. THEMAK: Of course. Okay.</p> <p>20 MR. GROSSMAN: All right. Let's see if there's</p> <p>21 anything else on my little cheat sheet here that I had.</p> <p>22 All right. Did you have any closing statement you</p> <p>23 wish to make?</p> <p>24 MS. THEMAK: No.</p> <p>25 MR. GROSSMAN: All right. All right then. If there's</p>	<p>68</p> <p>1 CERTIFICATE OF TRANSCRIBER</p> <p>2 I, Chris Naaden, a transcriber, hereby declare under</p> <p>3 penalty of perjury that to the best of my ability from the</p> <p>4 audio recordings and supporting information; and that I am</p> <p>5 neither counsel for, related to, nor employed by any of the</p> <p>6 parties to this case and have no interest, financial or</p> <p>7 otherwise, in its outcome, the above 66 pages contain a full,</p> <p>8 true and correct transcription of the tape-recording that I</p> <p>9 received regarding the event listed on the caption on page 1.</p> <p>10</p> <p>11 I further declare that I have no interest in the</p> <p>12 event of the action.</p> <p>13</p> <p>14 </p> <p>15 February 6, 2019</p> <p>16 Chris Naaden</p> <p>17</p> <p>18 (228081, Transcription of Hearing, 2-1-19)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>