

Transcript of Hearing

Date: July 30, 2021
Case: Reflections Park, LLC

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ON BEHALF OF APPLICANT, REFLECTIONS PARK, LLC:	2 HEARING EXAMINER ROBESON HANNAN: The record is no
JODY KLINE, ESQUIRE	open for case CU 21-06 Reflections Park Cemetery 16621 New
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picking that up when there is too much -- too many HEARING EXAMINER ROBESON HANNAN: Thank you. interruptions 2 MR. PUTMAN: My ignorance of Microsoft Teams. It's my The other thing is, we are asking you if you wish to first shot on that. speak to raise your hand via the Microsoft Teams hand HEARING EXAMINER ROBESON HANNAN: Appeared well, good button, which is -- there is a little smiley face at the top for you. We are all going from 0 to 200 in 60 seconds here. of your screen and you press the hand button. I will be Okay. I'm sorry Mr. Kline. Go ahead. 6 able to see the hand. If I don't see the hand, then for --MR. KLINE: Well, it's a procedural question. I mean, sometimes when I'm sharing the screen I can't see the hand. normally in the process of the application we would put our If that occurs, just would you kindly say, may I speak and witnesses and then Mr. Putman would go ahead and testify 10 then wait for me to recognize you. Is there anyone here today that wishes to testify that 10 after that and then presumably we would put on some rebuttal 12 will not be called by Mr. Kline? I think Mr. Putman, did 11 testimony. I've estimated that we are probably going to 13 you want -- oh, I see your hand. I'm sorry. Go ahead. 12 take in the middle of the afternoon, early afternoon at MR. PUTMAN: Yes, I don't expect Mr. Kline to call on 13 minimum, to complete our presentation. In which case Mr. 15 me, but I would like to testify. And I think I'm on your 14 Putman would have to wait around that long. 16 list. Some of our witnesses, in light of the letter we 17 HEARING EXAMINER ROBESON HANNAN: Okay. Let me say one 16 received, which was really helpful to get that letter from 18 thing, when you testify, please that we are going to ask you 17 Mr. Putman, we're going to make comments within your area of 19 to state your name and address for the record. But also 18 expertise on the issues that he raised. I'm taking it might 20 please provide your email address because so many things are make more sense to allow him to go first so that all of our 21 working remotely that we are able to update you on any witnesses can address his testimony during their 22 changes as soon as they come. So please, when I ask you to 23 state your name and address, I'm going to ask you to state 21 presentation and it would eliminate the need for rebuttal 24 your email address as well. Okay? 22 testimony and it would also mean that he wouldn't 25 MR. PUTMAN: Thank you. 23 necessarily have to hang around and wait as long also. So I was going to offer that if you would like to take 25 advantage of it and if you think it makes sense in the 8 HEARING EXAMINER ROBESON HANNAN: Okay. Are there any context of this case. other preliminary matters? All right. Hearing none, with HEARING EXAMINER ROBESON HANNAN: I was actually thinking the same thing. I was thinking if you want to just the parties please identify themselves for the record? MR. KLINE: Good morning. For the record, my name is simply, for your case in chief, if you agree with the staff Jody Kline. I'm an attorney and the law firm of Miller, report you can -- somebody can say that. But we can go with Miller, & Camby with offices at 200 B Monroe Street in Mr. Putman first. Rockville, 20850, representing the petitioner, or actually Mr. Putman, do you have any problems with doing that? Mr. Putman, you are on mute. Yeah. the applicant in this case, Remembrance Park, Inc. MR. PUTMAN: Judge Hannan, would I have a rebuttal Good morning Mr. Greer. Nice to see you again, sir. 10 And we have seven witnesses, Ms. Hannan. I can give 10 opportunity if I were to go first? After hearing the rest 11 you their names now or they can just -- because I heard some 11 of the presentation? 12 spelling challenges. So we could do it at that time. 12 MR. KLINE: We have no objection to that. This is an 13 open hearing. We will probably get a little casual near the 13 However you would like to do it. HEARING EXAMINER ROBESON HANNAN: Let's do it as it 14 end anyway. So that's fine. 14 15 HEARING EXAMINER ROBESON HANNAN: No, we won't. 15 goes on. I think that's easier for the court reporter. 16 MR. KLINE: I guess I do have what would be considered 16 MR. KLINE: Okay. 17 a sort of a preliminary --17 MR. PUTMAN: Let's -- I would like to do this. What I HEARING EXAMINER ROBESON HANNAN: Now just one -- Mr. 18 would like to do is take Mr. Putman first. Then have your 19 experts address just his concerns. If you -- and so that he 19 Kline, I'm sorry. Mr. Putman, you still have your hand up. 20 Is that because you want to speak again? Or you just forgot 20 can rebut those concerns with -- or rebut the -- your 21 to take it down? 21 testimony on the pollution. And then we can proceed with 22 MR. PUTMAN: I took it down, but maybe that's a 22 everything else. 23 23 software thing. Let me put it up again. Okay, it says --Can you segregate it like that Mr. Kline? HEARING EXAMINER ROBESON HANNAN: Now it's off. 24 MR. KLINE: I can do it. I think probably to do as

25 complete a job I probably would need to call more than one

25 MR. PUTMAN: Now it's off, okay. My --

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witness though. But we can have each of those witnesses

2 just delve into the issue of the water quality issue and

3 then -- and Mr. Putman's testimony.

HEARING EXAMINER ROBESON HANNAN: Okay. Is that that's

5 how does that sound with you Mr. Putman?

MR. PUTMAN: I'm with you Judge Hannan. I will do it

7 your way.

HEARING EXAMINER ROBESON HANNAN: That's okay. And I'm

not a judge. I have to be very careful. I'm just a hearing

10 examiner. You can just call me Ms. Hannan, okay?

1 MR. PUTMAN: I thought you were an administrative law

12 judge, and I wanted to respect that title.

13 HEARING EXAMINER ROBESON HANNAN: Well, I am, thank

14 you. But in function I am. But not under the Maryland

15 rules. So it's very -- don't go there. Just Ms. Hannan is

16 fine.

17 MR. PUTMAN: Okay. Very good.

18 MR. KLINE: And could --

19 HEARING EXAMINER ROBESON HANNAN: Yeah.

MR. KLINE: And can I do one other thing? We have

21 several witnesses. We have witnesses from all over the

22 country in this case. And not all of them have appeared

23 before you before. So I wondered if I could just take 30

24 seconds to just kind of give them a primer on how the

25 presentations need to be made for the purposes of this

1 MR. PUTMAN: In any event, I so declare.

HEARING EXAMINER ROBESON HANNAN: Okay, thank you. And

3 please state your name, address, and email address for the

4 record

5 MR. PUTMAN: My name is James Putman. My address is

6 4617 Dustin Road, Burtonsville, 20866. My email is

JPutman2727@gmail.com.

And I want to thank you for the opportunity to appear

in this forum. Although I am affiliated with the Patuxent

10 Watershed Protective Association Inc., a 501C nonprofit

11 environmental corporation, my comments today and my

12 previously filed statement are mine and mine alone.

3 And I have to say that I appear with very mixed

14 feelings in this matter because the notion of natural green

15 burial is very appealing to me. But I must oppose this

16 project due to its location in the Patuxent Watershed and

17 it's adjacency to the Rocky Gorge Reservoir, which is the

18 domestic drinking water supply for about 800,000 people in

Montgomery and Prince George's Counties and is also thebackup water supply for the entire Washington, Maryland

21 metropolitan area.

22 Besides my written filing made earlier, I want to

23 address several matters today. And the first one is

24 impervious coverage. For decades our County planning boards

25 and County Council have wisely acted to protect this

10

5

forum

2 HEARING EXAMINER ROBESON HANNAN: Wait, who is giving

3 the primer?

MR. KLINE: Well, I would like to make sure all of my

5 witnesses understand what they need to do in order to make

6 their presentation. And I --

7 HEARING EXAMINER ROBESON HANNAN: Well, I can guide

8 them through that.

9 MR. KLINE: Okay. Very good. Then we are -- I have no

10 opening statement. We are prepared to go ahead and listen

11 to Mr. Putman and then go ahead and address his concerns.

12 HEARING EXAMINER ROBESON HANNAN: Okay. Mr. Putman,

13 please raise your right hand.

Do you solemnly affirm under penalties of perjury that

15 the statements you are about to make are the truth, the

16 whole truth and nothing but the truth?

17 MR. PUTMAN: I do.

18 I wish I could guarantee that they are the whole truth,

19 but four or five minutes isn't enough for the whole truth

20 here.

21 HEARING EXAMINER ROBESON HANNAN: Well, you don't have

22 to beat that you can take as long as you want. You don't

23 have to be four or five minutes. In fact, that's the

24 purpose of this hearing that you get to say everything you

25 want to say.

watershed. Several years ago they put further restrictions

on landscapers; made -- chemicals and fertilizers and

3 herbicides that could be put on property here in Montgomery

4 County because it washing into rivers and into the Patuxent.

This Patuxent is really an irreplaceable jewel. And

6 whether we want to or not, we all have a symbiotic

7 relationship with it. If we protect this river and this

8 Rocky Gorge Reservoir, it will protect us. If we fail, it

9 will fail. The Cloverly Master Plan as an example of this,

10 prescribes that the impervious cover in watershed property

11 should not exceed 10 percent of the surfaces of the land.

2 Incidentally, in a recent update of the adjoining

13 Fairland master plan, they reduce the impervious coverage to

14 8 percent because of all of the debris and dirt and

15 pollution that flows into the Patuxent just from the normal

16 living here. Vehicles drop gasoline, diesel fuel,

17 transmission fluid, antifreeze, various things like that

18 onto the roads. When next it rains, the rain washes all

19 that pollution plus all the surface dirt and trash down the

20 hill from -- in the watershed and into the river.

Applicant's property sits uphill from the river, have

22 several feeder streams that traverse it before they flow

23 into the Rocky Gorge. Now several large nearby properties

24 seem to exceed the 10 percent impervious cover. They

25 started out small and probably were in compliance when

13 15 built, but gradually they have increased their footprint and 1 Patuxent River and the Rocky Gorge Reservoir. increase their footprint, extended their paved parking lot HEARING EXAMINER ROBESON HANNAN: Okay. 3 with gravel, which becomes impacted and the next time the MR. PUTMAN: Which is the reservoir this backed up by work on the parking lot they pave that too. the T. Howard Duckett Dam. I haven't measured, but there is one property very near HEARING EXAMINER ROBESON HANNAN: Right. Reflection Park that looks to me to be 40 or 50 percent MR. PUTMAN: Okay. I'm also concerned that some of the impervious cover. And there are several others that seem to nearby wells that serve rural cluster owners that are living 8 exceed the 10 percent. What this means is that when we have and have been living with the environmental limitations 9 a heavy rainfall, falls on those properties and runs off. imposed on watershed residential lots might be blindsided 10 And that which flows off of those properties will flow on to when their well water begins to smell and taste strange. 11 this parcel. That flow can saturate the ground, drag stuff This RC zone was designed and established for 12 down to the river, and into the traversing feeder streams 12 residential use in protected properties like this. And 13 and wash the necro-leachate from decaying bodies with it. 13 these conditional use things are creeping in and infringing Now the substrate below this will cover in the 14 on the environmental standards that those of us who live in 15 watershed is mostly fractured shale. And this slurry, which 15 the watershed have been in compliance with for many years. 16 is about 20 to 30 liters from the average adult decaying 16 So the necro-leachate leaching down the hill and into the 17 body, will flow down through that fractured shale and some 17 river and the possibility that bodies buried in that 18 of it will reach the watershed. Now I agree that some will 18 cemetery will contain these chemotherapies, some of which 19 biodegrade on site, but I'm concerned particularly about 19 are synthetic agents that do not biodegrade, is of great 20 some of the newer chemotherapy medicines that are genotoxic, 20 concern to me. 21 working by interfering with the DNA and cell division in a 21 I would also like to point out I see Mr. -- is it 22 patient's cancer cells, but also with the healthy cells. 22 Eldadah? Mr. Eldadah recited some common questions at a 23 Some of these drugs do not biodegrade. I read a report and 23 meeting last December I think, and provided some answers. 24 a publication called Eco R.I. and I don't even know what the 24 And I would like to quote one of them. Someone -- or he 25 R.I. stands for, but it's an ecology news report that says; 25 proposed the question, is it hazardous to the water supply 14 16 "Cytotoxic chemotherapy drugs exit cancer to put the body directly in the ground. His answer, and I patients as active and dangerous chemicals. think I'm quoting accurately, says there is no evidence to Septic systems and wastewater treatment plants date that such practices contaminate groundwater. This is cannot remove 90 percent of them. So these likely due to the natural filtering capabilities of soil and dangerous chemicals migrate into lakes, rivers, mandatory setbacks from water sources. and ponds and eventually into the drinking water Now I'm not sure the source of his answer, but that supplies." answer is seriously incorrect. I simply googled necro-The European Journal of Pharmacology article entitled leachate and found multiple published papers from Acta Cytostatic Pharmaceuticals as Water Contaminants report that Scientific and many others which document contamination. 10 these drugs cause DNA mutations even at very low levels. 10 HEARING EXAMINER ROBESON HANNAN: Can you spell -- you 11 And the EU commission has classified them as hazardous waste 11 don't have to spell leachate, but can you spell the first --12 having not even considered placement of the cemetery in a 12 is it N-E-C-R-O leachate? 13 drinking watershed. 13 MR. PUTMAN: N-E-C-R-O-L-E-A-C-H-A-T-E. Interestingly, in the United States the FDA and the EPA 14 HEARING EXAMINER ROBESON HANNAN: Okay. 15 each claim that the other is responsible to address these MR. PUTMAN: This is the substance, about 20 to 30 16 chemotherapy issues. We've got to resolve that, but we 16 liters per adult body that is a slightly thicker than water 17 won't do that in this session. Obviously a lot more study 17 fluid, somewhat salty, that leaches out of bodies and 18 is needed before we take on more risks. And this project 18 into -- in this case, directly into the ground. I guess 19 being in a watershed and just a little over a mile from the what I would say is that an hour or two of searching the 20 river is a risk. internet will demonstrate, fortunately not a lot in this HEARING EXAMINER ROBESON HANNAN: It's a mile from 21 country, but a few in Europe, and Brazil seems to have a 22 what? I couldn't hear that. 22 major problem because of several of their large cities, 23 MR. PUTMAN: A mile from the river. 23 heavy populations in them and burial grounds that are too 24 HEARING EXAMINER ROBESON HANNAN: Oh, okay. 24 close to the rivers and the water supplies. And they have 25 MR. PUTMAN: From the Rocky Gorge River. From the 25 this huge problem. Now, much of their stuff is in

19 1 Portuguese. So is not readily available, but there are some 1 hear. Did you swear him at the beginning? 2 translations of it that we can see. They have made this MR. PUTMAN: I did. 3 mistake in Brazil and they are paying a tremendous price HEARING EXAMINER ROBESON HANNAN: Yes, he did. 4 right now. It's a mistake we don't need to make. MR. KLINE: Very good. Sorry. Sorry, forgot. Finally, one other thing -- and Ms. Hannan, I don't MR. PUTMAN: I struggled over the whole truth. The want to quote to you with the zoning code. I'm pretty sure whole truth would take weeks or months. And I'm not fluent you know it and Mr. Klein probably does too. But there may enough in it to give that. be participants here -- so a little bit of the zoning code MR. KLINE: Thank you for the reminder. And I do 9 says -- section 7.3.1 allows a cemetery as a conditional use remember your comment. So what I want to start off with is, 10 which may be permitted by the hearing examiner if the 10 what is your background? Do you have a background in 11 proposed location is compatible with adjacent land uses and 11 science or medicine that would make this all understandable 12 will not adversely affect the public health, safety, and 13 welfare of the inhabitants of the area. 13 MR. PUTMAN: Mr. Kline, I have been an environmentalist There is clearly a great deal of available evidence to 14 for over 70 years. I have lived in the watershed for the 15 the contrary, which cannot be ignored. Also the code 15 past -- over 30 years. I have -- I don't have academic 16 states, 'The fact that a proposed use satisfies all specific 16 initials in this area. But I --17 requirements to approve a conditional use does not create a HEARING EXAMINER ROBESON HANNAN: Did you say you are 18 presumption that the use is compatible with nearby 18 on the Patuxent Commission? No? Did you say you were --19 properties and in itself is not sufficient to require 19 you weren't testifying on behalf of some commission. 20 conditional use approval." MR. PUTMAN: The Patuxent Watershed Protective In summary, Reflection Park is a lovely idea, but it's 21 Association is a nonprofit environmental corporation 22 absolutely in the wrong place. It's my understanding that originally established when the so-called northern alignment 23 several sites were considered before this one was chosen. I of the intercounty connector was proposed to run to the 24 hope that developers will look again at alternate sites. watershed. And we opposed that from -- and we decided at 25 But Ms. Hannan, I urge that you denied this conditional use that point in time that we should have an organization that 18 20 application and I thank you for your kind attention. can pass along the accumulated knowledge to younger people. HEARING EXAMINER ROBESON HANNAN: Thank you for --As you can tell, I'm well past my expiration date. MR. PUTMAN: I'll be happy to take any questions. And fortunately we are in process of bringing some HEARING EXAMINER ROBESON HANNAN: Thank you. Thank you younger leadership into this organization. This for taking the time to come. When you said natural burial, organization has -- and I personally have appeared multiple is it your understanding that these are -- I thought times before the Planning Board and the County Council, cemeteries used lead lined caskets or something like that. multiple councils and multiple planning boards in every case I'm just going from memory. Is it your understanding that involving an environmental issue involving this watershed. 9 these bodies are just going to be placed in the ground? I have -- I've lived here for a long time. I've seen what a MR. PUTMAN: That's what your applicant's paper says. 11 HEARING EXAMINER ROBESON HANNAN: Okay. All right. 10 beautiful think it is. MR. PUTMAN: They're going to be buried 4 feet in the I have studied a great deal. I'm primarily self-13 ground and covered with about 2 feet of dirt. Did I 12 educated in environmental matters. But I was sufficiently 14 misunderstand that Mr. Kline? educated that when I built my house here it became one of HEARING EXAMINER ROBESON HANNAN: No, I don't know. I 14 the sites on the Sierra Club's annual solar tour because it 16 read the staff report and I haven't gone -- okay. That's was an example of environmental and solar applications at 17 fine. 16 that time with ground breaking --18 MR. PUTMAN: I'm sorry. I've lost you. 17 HEARING EXAMINER ROBESON HANNAN: Okay, thank you. HEARING EXAMINER ROBESON HANNAN: Can you hear me? 19 What I'm going to do -- I don't know if we got to Mr. MR. PUTMAN: Yes. Now I can. 19 Kline's question. I just was looking at my notes and was HEARING EXAMINER ROBESON HANNAN: I will have Mr. 21 20 unclear. Mr. Klein, can you repeat your question, please? 22 Kline's witnesses address that. Mr. Klein, do you have any questions for Mr. Putman? 21 MR. KLINE: Well, let me --24 Putman, I'm sorry. 22 (Crosstalk) 25 MR. KLINE: Yes, I do. I just wanted to -- I didn't

MR. KLINE: Mr. Putman, you're well-read obviously. I

24 just wondered if you had any professional background, 25 education, or experience that would lend any weight in that

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area. But I guess it would be fair to say that what you've

- 2 learned is just through -- by experience and reading.
- 3 MR. PUTMAN: And living here in the watershed.
- 4 MR. KLINE: I understand. You made a reference to
- 5 hearing Mr. Eldadah speak. So I gather you attended or
- 6 participated in one of the community meetings we conducted.
- 7 MR. PUTMAN: No sir, I didn't. I just read your
- 8 filings.
- 9 MR. KLINE: Well, how did you get the quote on Mr.
- 10 Eldadah then?
- 11 MR. PUTMAN: It's in your filing, Mr. Kline.
- MR. KLINE: In our conditional use application?
- 13 MR. PUTMAN: Yes, sir.
- MR. KLINE: So you didn't pick anything up from the
- 15 press? The recent coverage in the press?
- 16 MR. PUTMAN: Is that -- is my quote incorrect? Is it
- 17 necessary for me to find your document and --
- 18 MR. KLINE: No, I just asked you -- I just asked you if
- 19 you had read anything or seen anything in the media recently
- 20 about -- that actually did have some quotes from Mr.
- 21 Eldadah.
- MR. PUTMAN: No, the way I found out about this project
- 23 is interesting to me. I heard about it on a local TV
- 24 broadcast by a young reporter who was on your site and also
- 25 remarked, strangely I thought, that this project was in the
- 22
- 1 Patuxent Watershed. That attracted my attention. And as I
- 2 said in my letter, I made contact with my normal contact in
- 3 the Department of Environmental Protection.
- 4 HEARING EXAMINER ROBESON HANNAN: Who is your normal
- contact in the Department of Environmental Protection?
- 6 MR. PUTMAN: Alan Soucup.
- 7 HEARING EXAMINER ROBESON HANNAN: Could you spell the
- 8 last name?
- 9 MR. PUTMAN: S-O-U-C-U-P.
- 10 HEARING EXAMINER ROBESON HANNAN: Okay.
- 11 MR. PUTMAN: Alan told me that he also had learned
- 12 about this on a radio broadcast as he was driving home from
- 13 work the previous evening. So I went back and I
- 14 investigated this whole process because often -- we have an
- 15 email site where we are on various County agencies' lists,
- 16 notified of things that are of interest to us. And normally
- 17 the past we've been notified of proposed incursions into the
- 18 watershed, primarily because of water and sewer category
- 19 change requests that were all reported to us by Alan Soucup
- 20 or someone in that department.
- 20 of someone in that department.
- 21 But I noticed that when -- what happened apparently
- 22 several years ago, was the whole process within the county
- 23 changed from a special exception process to what is now
- 24 called a conditional use process. And in the course of that
- 25 change, the Department of Environmental Protection was

- 1 written out of the loop. So they apparently do not get
- 2 these conditional use requests. Now most of the things that
- 3 go under the conditional use process don't involve major
- 4 environmental issues.
- And I think you would probably agree this is probably
- the first cemetery request that you've had. So this is an
- 7 unusual situation here. I plan to contact my County Council
- 8 rep and say we can't bypass the Department of Environmental
- 9 Protection in the County review of these things. Too many
- 10 risky things can happen if we do that. But that's an issue
- 11 for another day and another forum.
- 12 MR. KLINE: Okay. Thank you for your answer. But as
- 13 you pointed out, Mr. Soucup is responsible for sewer and
- 14 water category changes and would have no role in this
- 15 analysis himself, correct?
- MR. PUTMAN: I don't know exactly what everyone does in
- 17 the Department of Environmental Protection, but the very
- 18 name of their department would seem to me that they would be
- 19 involved in a departmental issue. Most of the issues that
- 20 come to their attention involve sewer and water category
- 21 changes. And that's most of the things I've been involved
- 22 in in the last couple of decades have been that type. This
- 23 is the first cemetery that I have been involved in.
- Oh, and I should say at this point that in searching, I
- 25 find that there are a number of funeral directors in the
- 4 4 4 11 1 1 1 1
 - area that are willing to do a green burial preparation and
 - 2 there are a number of cemeteries in Maryland and in the
 - 3 Washington metro area which either are completely or
 - 4 partially green burial. So that feature is available, being
 - 5 offered by a number of other conveniently located
 - 6 facilities. So this one is not needed because of a lack of
 - 7 availability. And you can find those by an internet search
 - 8 as well.
 - 9 MR. KLINE: So I have two questions on, as I will call
 - 10 it, procedural issues. You said you testified before the
 - 11 Planning Board. Have you worked with the staff of the area
 - 12 teams responsible for planning in the Patuxent watershed?
 - 13 Do you know those people and their names?
 - MR. PUTMAN: We know those people. The ones that we
 - 15 worked with him most of these projects have been promoted to
 - 16 higher levels now, or have -- one really good one has left
 - 17 Montgomery County and gone to work for Howard County. I've
 - 18 had a little contact with one of the planners with respect 19 to this project, but only one of the two. I have a hearing
 - 20 problem and I have a language difficulty with understanding
 - 21 everything from one of the planners.
 - But the planners are not environmental. They have a
 - 23 checklist of things that they are checking. And you have
 - 24 complied with all of those. But there is no item on their
 - 25 checklist that says, does this make common sense.

25 27 MR. KLINE: Mr. Putman, you obviously have talked to involved in this and who he talked to and what he had communicated to the planners in their -- to see if they had Josh Penn over the years, have you not? MR. PUTMAN: I've only talked to Josh Penn about this explained the -- Ms. Tesaday in the Parking and Planning particular item. I did not know him before them. commission receive several phone calls and she basically MR. KLINE: Okay. And while you called him up and answered some of them. talked to him, didn't he say to you, I am an environmental HEARING EXAMINER ROBESON HANNAN: Wait. Are you planner? testifying? MR. PUTMAN: I actually didn't talk to him. I emailed MR. KLINE: Yeah, I guess I was. I will take that him some questions and he emailed his responses back to me. back. Thank you. I'm complete with my questions of Mr. 10 So I'm not -- I have not talked directly to him. And he did 10 Putman. 11 not identify himself as an environmental planner. We would then go ahead and present some of our 11 MR. KLINE: But his responses did communicate to the 12 12 witnesses, allow him to cross-examine them and then --HEARING EXAMINER ROBESON HANNAN: That would be great. 13 staff's position on why they felt this plan was 13 14 environmentally sensitive to the Patuxent Watershed? 14 Thank you. MR. PUTMAN: I don't believe he used the environmental 15 MR. KLINE: Okay. Let me just forewarn you what I'm 15 16 terminology. I believe he said that it had been compliant 16 going to be doing. I had a sequence where we would have 17 with all of their requirements. gotten to the issues raised by Mr. Putman somewhat HEARING EXAMINER ROBESON HANNAN: Let me jump in here a sequentially in terms of depth. But it sounds like he has 19 moment. My review indicates that you can be an gone going straight to the most important issue of the case 20 environmental -- what staff did is apply the environmental anyway. So we probably need to start with that at the 21 guidelines, which don't cover leachate into the groundwater. 21 beginning. 22 So yes, Mr. Penn may have been, I don't know what he is now, 22 HEARING EXAMINER ROBESON HANNAN: Okay. As long as you 23 but he may have been an environmental planner. But the 23 are comfortable that it provides the background you need to 24 environmental guidelines cover impervious area and all that 24 present your witnesses. 25 kind of stuff, but they don't cover leachate, to my 25 MR. KLINE: We will eventually -- you will hear this 26 28 subject addressed by a number of witnesses at different knowledge. levels and from different expertise. But I'm going to start So with that, I don't -- to hold up the planning by first asking my clients, Mr. Mokhatarzada and Mr. department, our environmental experts but not, to my Eldadah. And my -knowledge, as to the guidelines, but not to my knowledge as HEARING EXAMINER ROBESON HANNAN: Now Mr. -- I'm sorry. to this issue because the staff report applies very Mr. -- let me -- if someone had their hand up. I think it carefully the environmental guidelines. They just don't was Mr. Haroon. address -- the guidelines don't address this issue. So MR. MOKHTARZADA: It's fine. We can proceed. that's what I'm kind of seeing. HEARING EXAMINER ROBESON HANNAN: Okay. MR. PUTMAN: The other thing is, I searched for a MR. KLINE: Because I don't have my witnesses here in 10 cemetery in a water supply watershed and was unable to find my room with me, I have to ask my clients a question over 11 one anywhere in the United States. There are some in other the internet. So if you'll allow me to ask that. My correct, Mr. Mokhtarzada and Mr. Eldadah that Mr. Jones 12 countries and they are suffering the consequences. would probably be the proper witness of the principles of Do you know of any -- of any cemeteries placed in a the applicant to address the -- some of the environmental 14 watershed? Did any of that, in any of your research, Mr. issues raised by Mr. Putman? 15 Eldadah or Mr. Kline? 17 MR. MOKHTARZADA: Yes, you are correct in that. The 16 MR. KLINE: Well, we will -- yeah, we will address 18 only thing --17 that. Yes, sir. MR. KLINE: Okay. Wait, wait, wait. Hold on. First HEARING EXAMINER ROBESON HANNAN: Yeah, this is not 20 you've got to introduce yourself and explain who you are. 19 your time to ask questions. 21 HEARING EXAMINER ROBESON HANNAN: Wait. Please raise 20 Mr. Kline, do you --22 your right hand. 21 MR. PUTMAN: I'm sorry. 23 Thank you, Mr. Kline. Do you solemnly affirm under penalties of perjury that 24 HEARING EXAMINER ROBESON HANNAN: Mr. Kline, do you 25 the statements you are about to make are the truth, the 23 have any questions? MR. KLINE: Not really. I didn't mean to pester Mr.

25 Putman. I just wanted to kind of figure out how we got

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whole truth and nothing but the truth?

- 2 MR. MOKHTARZADA: I do.
- HEARING EXAMINER ROBESON HANNAN: Please state your
- name, address, and email address for the record.
- MR. MOKHTARZADA: My name is Haroon Mokhtarzada. I
- 6 live at 200 Point Acres Drive in Silver Spring, Maryland.
- And my email address is HaroonM@gmail.com.
- HEARING EXAMINER ROBESON HANNAN: All right. Mr.
- Kline, is this a witness of yours?
- MR. KLINE: He was going to be my initial witness.
- 11 Right now all I want to do is ask him -- Mr. Jones, I would
- 12 like to start with Mr. Eldadah, but would you like me to
- 13 come back and ask you any questions on the same subjects
- 14 raised by Mr. Putman after?
- MR. MOKHTARZADA: No, not on this subject. I think
- 16 Basil is completely capable of answering. I was just
- 17 wondering if it would be useful for the hearing examiner to
- 18 have a little bit more background before we get into the
- 19 details. Just background of the project. You know, if that
- 20 would be useful at all.
- 21 HEARING EXAMINER ROBESON HANNAN: What type of
- 22 background?
- 23 MR. MOKHTARZADA: It sounded like you had some
- 24 questions about what green burial was and kind of how it
- 25 works and the use of caskets --

- 1 focus on Mr. Putman's concerns.
 - MR. KLINE: Okay, fine. But then we are going to
- address all of his questions. We're just not going to do it
- before you know what's actually going to happen out there.
- In which case I would then begin with Mr. Mokhtarzada who is
- one of the principles. He's been sworn.
- Haroon, would you please go ahead and provide testimony
- 8 in terms of -- what I wanted you to testify in the beginning
- was why this is happening. What's happening here? And I
- 10 guess I would like for you to kind of understand what's the
- 11 motivation, what's the stimulus for. And was the mission
- 12 of -- so let me begin by basically asking him I guess some
- 13 basic questions. The applicant is Reflection Park Inc.
- 14 What is Reflection Park Inc.?
- MR. MOKHTARZADA: So Reflection Park Inc. is a 501C(3)
- 16 nonprofit organization. It's incorporated in the state of
- 17 Maryland. And the purpose of the organization is to
- 18 establish the first fully green burial ground in Montgomery
- 19 County. It was mentioned earlier that there are other
- 20 burial -- green burial grounds, but they are within other
- 21 cemeteries.
- In furtherance of our mission to restore mankind's
- 23 relationship with the cycle of life, death, and renewal so
- 24 that people will (inaudible) and purpose. There are
- 25 three -- sorry. Go ahead. You are on mute.

- HEARING EXAMINER ROBESON HANNAN: Well, I thought --MR. KLINE: Could you go -- I'm sorry. Could you go
- back and repeated? It broke up and we lost some in there. okay. Maybe I assumed Mr. Eldadah was going to address
 - And I think that was important what you just said.
 - 4 MR. MOKHTARZADA: Okay. Where did I -- should I just
 - start with the purpose again?
 - MR. KLINE: Well, your mission, yeah. You were saying 6
 - why you are there.
 - MR. MOKHTARZADA: Yeah, just to restore mankind's
 - relationship with the cycle of life, death, and renewal so
 - 10 that people will live more conscientious and purposeful
 - 11 lives.
 - 12 And there are three main reasons we embarked on this
 - 13 nonprofit project. The first as mentioned is to restore our
 - 14 natural relationship with death. Green burial is basically
 - 15 how all burials were until very recently when we moved into
 - 16 a modern burial system of caskets and grave liners. But the
 - 17 rest of human history has been bodies have been placed in
 - 18 the ground.
 - It also serves to bring down the cost of burials, which
 - 20 is one of my main motivations for the project. The average
 - 21 cost of a burial in Maryland now is \$10,500. And there are
 - 22 a lot of costs that go into that. It's very burdensome on
 - 23 many, many families in our community and other communities.
 - And the third is to promote environmental stewardship.
 - 25 There is a reason a green burial is called a green burial.

- those. But I do. I would like that background if that's
- okay with you, Mr. Kline.
- MR. KLINE: Well no, I understand Haroon's point is you
- do need to understand what's going on and we have some
- graphics that show that. But I've got to jump around to get
- that all done. So let me start with --
- HEARING EXAMINER ROBESON HANNAN: Okay. This is a bad
- 10 way to -- do you want to just proceed with Mr. Eldadah about
- 11 the overall project and then get into the --
- MR. KLINE: Well, the predicament I have now is,
- 13 whereas when I threw my suggestion on the table before I
- 14 didn't expect we would get into the depth of the discussion
- 15 in terms of health issues. Environment yes, but health
- 16 issues -- and that would have been much later in our 17 presentation. I'm almost now at a point, sort of taking a
- 18 Mr. Jones' comment, that we maybe ought to start from
- 19 scratch and walk you through the whole plan so you
- 20 understand it better.
- HEARING EXAMINER ROBESON HANNAN: Well, I think that --
- 22 I'm agreeing with you.
- 23 MR. KLINE: Yeah, I think so.
- 24 HEARING EXAMINER ROBESON HANNAN: I would like to just
- 25 get your sense of the overview and then will do our best to

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1 And there is a green burial counsel that promotes green

- 2 burial practices because they are actually much more
- 3 environmentally friendly than non-green burial practices
- 4 when it comes to cemeteries. It also serves to preserve
- 5 green spaces in areas because the grounds are not going to
- 6 mow down into one big green grass knoll like other
- 7 cemeteries are. And because there are bodies placed in the
- 8 ground, it preserves that land basically in perpetuity so
- 9 that someone is not going to come one day and knock down all
- 10 the trees and put something else there.
- 11 HEARING EXAMINER ROBESON HANNAN: Okay.
- 12 MR. MOKHTARZADA: You're muted, Jody.
- 13 MR. KLINE: Sorry about that. Do you have a background
- 14 in cemetery or funeral business?
- 15 MR. MOKHTARZADA: I do not. I am a technology
- 16 entrepreneur and a strategic giver and philanthropist. I --
- MR. KLINE: So why are you doing this then? That's the
- 18 leading question. Why are you doing this? Because it sort
- 19 of different out of your specialty area.
- 20 MR. MOKHTARZADA: It is. I'm doing it in service of
- 21 the community. I don't have any -- it's a nonprofit. I
- 22 don't really gain anything from it. I believe that this is
- 23 needed in this will be valuable to my community. I was born
- 24 in Montgomery County and I've lived here almost all my life.
- 25 And this felt like a project that was worth the time and

- 33 1 MR. MOKHTARZADA: Sure. So it helps to just first
 - 2 understand one of the primary differences is this doesn't
 - 3 look like a cemetery. So what does the cemetery normally
 - 4 look like? It looks like a graveyard. It's a flat piece of
 - 5 land. It's manicured lawn usually. And then there's a
 - 6 bunch of tombstones and mausoleums all over it. So there's
 - a few major differences with green burial.
 - The first is that the bodies are not embalmed. So
 - 9 there is no from our hide and other chemicals used to
 - 10 preserve the body, which is in place in other cemeteries.
 - 11 The second is that the bodies are not placed in a hard wood
 - 12 or metal caskets. They are either shrouded or they are put
 - 13 in friendly biodegradable, simple pine boxes. So you are
 - 14 not using words that might have varnishes or things that
 - 15 have adhesives that could be potentially toxic.
 - And then from a visual standpoint, the grave markers
 - 17 themselves, there will be flat grave markers on the ground.
 - 18 Imagine a river stone that is etched versus standing
 - 19 tombstones or mausoleums. What we plan to do, the property
 - 20 is currently wooded. We would clear a small area that's a
 - 21 burial ground and then begin to bury bodies there. And as
 - 22 we do, we would intersperse diverse hardwood, local hardwood
 - 23 trees with the graves.

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- And so what happens is, it's actually -- the property
- 25 is mostly tulip poplars today. So you sort of clear --

onev

- MR. KLINE: When Reflection Park is finished, what will
- 3 be the number of gravesites on the property?
- 4 MR. MOKHTARZADA: We think it will be somewhere in the
- 5 total -- so the property is 40 acres, but the burial area
- 6 that we carved out is much, much less than that. It's
- more -- is closer to about a third of it. And when those
- 8 are filled, we're talking about 6,000 to 8,000 total graves.
- 9 And that would be over the course of many decades.
- 10 MR. KLINE: And is that a burial density commensurate
- 11 with most cemeteries in Montgomery County?
- 12 MR. MOKHTARZADA: It is not. So that is at a density
- 13 of about 600 graves per acre. A traditional cemetery can be
- 14 two or more times that dense.
- 15 HEARING EXAMINER ROBESON HANNAN: I'm sorry. What was
- 16 the number per acre?
- 17 MR. MOKHTARZADA: 600. In normal cemetery might do
- 18 1,000 to 1,500 bodies per acre.
- 19 HEARING EXAMINER ROBESON HANNAN: Okay.
- 20 MR. KLINE: And though others will discuss it more
- 21 detail, would you just kind of explain your idea of how to
- 22 integrate the burial operations with the natural features of
- 23 the property, the forest there today and to be replaced?
- 24 And can you explain what I'm saying when I asked the
- 25 question?

- 1 you're burying and then your planting trees among those
- 2 graves. And so once that area is complete and you move on,
- 3 you now have beautiful trees growing there. So over time
- 4 the forest kind of returns to that area and you are slowly
- 5 kind of then clearing another area and working on that area.
- What this will look like in the end state is a mostly
- 7 wooded lot with trails running through it and areas where
- 8 people can visit graves as well as a few of the structures
- 9 that run through it. And we did immense amounts of work to
- 10 keep burial areas -- we did a lot of water table testings
- 11 and other things to keep any burial areas in very safe
- 12 distances and obviously complying with all of the setbacks
- 13 and things from the watershed. We definitely would -- we
- 14 have no interest in doing any harm environmentally or
- 15 causing any obvious health or safety issues. And I really
- 16 believe we spent a lot of time and effort to make sure that
- 17 this would be respectful of that.
- MR. KLINE: It was said that there were other sites
- 19 available to you when you were looking for a cemetery. Is
- 20 that a correct statement?
- 21 MR. MOKHTARZADA: No, that's not quite accurate. We --
- 22 this was the -- this was the really only viable property we
- 23 ever found. There was one other one that we did consider
- 24 when we thought we weren't able to get this property. But
- 25 we did not believe that want to be viable because it was not

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on or near the main road. It was inside of a neighborhood MR. KLINE: Mr. Mokhtarzada, is it fair to say that with a very small street going to it and we felt that a your goal, your dream is that when you are all finished and small neighborhood like that would probably not appreciate 75 years from now the property will look like it looks funerals happening there. today? We did look around the county. It's quite difficult if 5 MR. MOKHTARZADA: No. It will look better than it you look in Montgomery County to find a large multi-acre looks today. lot, 10 plus acres, 20 plus acres. And because we wanted it MR. KLINE: Can you elaborate on that? MR. MOKHTARZADA: Yeah, today it's basically an to be a natural looking thing, we actually weren't interested in buying a parking lot or something like that. abandoned property. And it seems that it used to be 10 We actually appreciated the existing woods that are there 10 something that maybe was farmland or something so that the 11 and felt like we would be in a good position to preserve it. 11 trees that are on the property are all tulip poplars. There MR. KLINE: When you purchased the property you were 12 is actually some trash and debris on the property. It just 13 hasn't been kept at all. 13 aware of its proximity, or if you want to call it that, 14 within a mile, of the reservoir and the Patuxent Watershed? When we are done with this, this will be a really MR. MOKHTARZADA: We were. And we had early meetings 15 beautiful, wooded lot with trails that the community can 16 hike through with a really beautiful community center that 16 with Parks and Planning because we said, hey, we are 17 thinking of purchasing this property. Is this -- what do 17 will -- people will be able to have memorial events and 18 you think. And we presented kind of our ideas and stuff and 18 other uses. And we think it will be kind of a real treasure 19 they indicated that, from their perspective, they did not 19 to the local community. 20 see an issue and that they would support the project. MR. KLINE: Thank you. I have no further questions of 21 HEARING EXAMINER ROBESON HANNAN: Mr. Kline, may I 21 Mr. Mokhtarzada. And he is available for any questions that Mr. Putman would like to ask him. 22 interrupt a second? I can't remember, maybe I got lost in 23 the procedural stuff. I can't remember swearing him in and 23 HEARING EXAMINER ROBESON HANNAN: I just have one 24 whether he stated his name and address for the record. 24 question. Do you have an expert who is going to testify on 25 Because all that's coming up on my list of people is Haroon 25 the water table testing? A separate expert? 38 40 and I realized -- so let me just, out of abundance of MR. KLINE: I think the question was probably addressed caution -- can you please raise your right hand? to Mr. Mokhtarzada. But you will hear testimony on that 2 Do you solemnly affirm under penalties of perjury that subject from three more witnesses. the statements you are about to make are the truth, and have HEARING EXAMINER ROBESON HANNAN: Okay. All right. made, are the truth, the whole truth, and nothing but the Mr. Putman, do you have any questions? MR. PUTMAN: No, I don't. I agree with most of what MR. MOKHTARZADA: I do again. Haroon said except that the place is wrong. It's a lovely HEARING EXAMINER ROBESON HANNAN: Oh, you did? Did you idea and his efforts and the expense that he has incurred so state your name and address? far, and time and money is impressive. It's just a shame MR. MOKHTARZADA: Yes, I'm Haroon Mokhtarzada. that it's in the wrong place. 11 HEARING EXAMINER ROBESON HANNAN: Okay. Can you spell 11 HEARING EXAMINER ROBESON HANNAN: Okay. Thank you. Go 12 your last name for the court reporter, please? 12 ahead Mr. Kline. MR. MOKHTARZADA: Sure. It's M like Mary, O-K-H-T like MR. KLINE: Mr. Eldadah, would you please go ahead and 13 13 14 Tom, A-R-Z like zebra, A-D like David, A. 14 raise your hand and introduce yourself to the hearing HEARING EXAMINER ROBESON HANNAN: Thank you, very much. 15 15 examiner so she can swear you in? MR. MOKHTARZADA: Sure. My name is Basil Mokhtarzada. 16 And did you give us your email address? MR. MOKHTARZADA: Yes, my email is HaroonM@Gmail.com. HEARING EXAMINER ROBESON HANNAN: Just a second. Just 17 HEARING EXAMINER ROBESON HANNAN: Okay, thank you. 18 a second. Okay. For the record, your right hand is raised. 19 Thank you for taking the time to redo that just to satisfy Do you solemnly wear under penalties of perjury that 20 my anxiety. Okay. Go ahead, Mr. Mokhtarzada. Apologize. 20 the statements you are about to make are the truth, the 21 How do you say? 21 whole truth, and nothing but the truth? 22 22 MR. MOKHTARZADA: Yeah, that's right. It's MR. MOKHTARZADA: I do. HEARING EXAMINER ROBESON HANNAN: Please state your HEARING EXAMINER ROBESON HANNAN: Okay. Go ahead Mr. name, mailing address, and email address for the record. 25 Kline and Mr. Mokhtarzada. Thank you. 25 DR. ELDADAH: My name is Basil Eldadah. It spelled; B-

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A-S-I-L, E-L-D-A-D-A-H. My home address is 15116 Bauer

2 Drive, Rockville, Maryland, 20853. And my email address is

3 EldadahB@gmail.com.

HEARING EXAMINER ROBESON HANNAN: Thank you. Go ahead,

Mr. Kline.

MR. KLINE: Mr. Eldadah, what is your role with the

applicant, Remembrance Park Inc.?

DR. ELDADAH: I'm a cofounder of the nonprofit

organization and I also serve as president and secretary of

10 the organization.

MR. KLINE: Mr. Eldadah, would you give us your

12 professional training? Since it's going to be relevant in

13 answering and responding to some of Mr. Putman's questions,

14 can you give us your background please?

15 DR. ELDADAH: Yes, I have a medical degree and further

16 some specialty training in internal medicine and clinical

17 pharmacology. And I also have a PhD in neuroscience. I

18 currently work for a large biomedical research funding

19 agency.

20 MR. KLINE: Mr. Eldadah, what you heard Mr. Putman

21 talking about, you've developed a familiarity with the

22 subject that he talked about today, have you not?

23 DR. ELDADAH: Yes, you can say that.

24 MR. PUTMAN: Well, I'mnot sure --

25 MR. KLINE: Well, I'm not smart enough to ask you the

1 each grave would be able to claim that piece of land, 4' x

2 10'. And as Haroon mentioned, our expectation is that the

3 burial density with that dimensioning would be at most 600

4 graves per acre.

The Green Burial Council is a nonprofit 501C(3)

6 organization that promotes green burial options across

7 United States. And they also provide guidance and

8 certification for green burial cemeteries. And they also --

9 and 600 graves per acre is their recommendation for maximum

10 grave density because it does allow for a lighter use of the

11 lands and is more consistent with the environmental

12 stewardship goals that the Green Burial Council promotes.

13 So the graves will be dug at the depth of approximately

14 4 feet. This is a happy medium between a grave that is not

15 too shallow, that would invite animals, or perhaps smells 16 emitting through the soil, and not too deep to allow for

17 rapid decomposition of the body. The deeper a grave is, the

18 more slowly it decomposes. So the Green Burial Council

19 recommends a grave depth of about 4 feet.

And that is our intention, that is how we expect to

21 bury. After a body is placed in the grave we expect to

22 cover it with dirt, typically with hand shovels, which is

23 different from many other traditional cemeteries, and this

24 allows us to not only return the dirt into the grave but it

25 also allows families and other members of the group

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1 right questions. So I'm going to ask you if you could

2 please, taking your background and your knowledge, and

3 address Mr. Putman's questions addressing the health issues

4 and the environmental issues of the green burial process.

5 And then we will work into how it relates to the site

6 itself. And maybe you ought to start with the actual burial

process and give another just more elaborate description on

8 the process.

DR. ELDADAH: Certainly. So as Haroon as mentioned,

10 our intention is to provide green burial, which is a natural

11 approach to burying bodies that involves no embalming, no

12 concrete liners or vaults, no metal caskets, no hardwood

13 caskets that may contain varnishes, adhesives, and other14 toxic chemicals. So it's a natural way of returning our

15 bodies to the ground from whence they came and providing

16 opportunities for a natural, and I should say rapid

17 decomposition of bodies. Our typical procedure would be to

18 dig grave plots that occupy a --

19 HEARING EXAMINER ROBESON HANNAN: I couldn't -- I

20 missed that word. A grave. What did you say?

21 DR. ELDADAH: Plot, a grave plot.

22 HEARING EXAMINER ROBESON HANNAN: Plot. Plot.

DR. ELDADAH: Yes. The area of land that a typical

24 grave would occupy is 4' x 10'. The actual hole that dug

25 within the ground would be closer to about 3' x 7'. But

1 attending the funeral to participate in the funeral. And

2 this is an important aspect of the funeral process.

3 Yes?

4 MR. KLINE: Basil, could you go back and maybe do a

little bit more explanation of how you are wrapping the

6 bodies and what you are placing them in the ground with?

7 What's involved in that? Or the options that are available?

8 DR. ELDADAH: Yes. So a green burial involves using

only natural, readily biodegradable materials for shroudingthe body or containing the body. And depending upon the

11 family's wishes, a body may be contained in a simple burial

12 shrouds made of natural, readily biodegradable materials,

13 such as cotton or linen. Or, the body may also be placed in

14 a readily biodegradable casket. So that would be made out

15 of, perhaps, a simple plywood box. There are also other

16 options more widely available now as this is an area of

17 tremendous growth and innovation in developing green burial

18 products and options. As I said, there are lots of

19 different casket options made out of willow or bamboo.

20 Sometimes even mushrooms. There are many options. But the

21 common thread across all these options is that they are all

22 readily biodegradable.

23 MR. KLINE: And Haroon, alluded to some of the problems

24 that current burial techniques in terms of water used in

25 some of the environmental -- adverse environmental effects

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from those. Would you just kind of elaborate on -- by

2 elimination of the vaults and the caskets and some of the

3 other things we see today, some of the environmental

benefits that flow from that?

DR. ELDADAH: Yes. So green burial does not use any of

these concrete liners or vaults. The reason being that

these containers retard -- they do not prevent, but they

retard the natural decomposition of bodies in the ground.

9 But these materials are actually quite environmentally

10 unfriendly. The production of concrete that is used in the

11 grave liners and vaults releases a tremendous amount of

12 carbon into the atmosphere. In addition, other conventional

13 caskets made out of metals or hardwoods they also are not

14 environmentally friendly. Many of them use varnishes or

15 adhesives that may be toxic.

There is also no embalming. This is important. So

17 embalming uses formaldehyde, or formaldehyde like chemicals.

18 And although it's not clear whether those materials put in

19 the ground because any risk, they are toxic to the funeral

20 workers and morticians whose handle those chemicals, and

21 there is a higher rate of certain neurologic conditions like

22 myocardial sclerosis in people who routinely conduct

23 embalming.

MR. KLINE: I'm trying to think for the best -- well,

25 let me kind of jump ahead.

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I guess I want to thank Mr. Putman for introducing me

to that somewhat frightening term, necro-leachate. So what

is that?

DR. ELDADAH: That is also a term that I had not come

until receiving Mr. Putman's letter was introduced to.

Although after also conducting Google searches I suspect

similar searches to what Mr. Putman conducted I also found

8 that this is a term that does, indeed, exist. And I believe

9 that the term is comprised of two terms, necro, meaning or

10 relating to death. And leachates, meaning that which

11 leaches into the ground.

MR. KLINE: So what is the element or what is the

13 composition that that part of the body that composes the

14 part that is being -- basically, being leached?

DR. ELDADAH: So Mr. Putman cites this article in Acta

16 Scientific, which describes this necro-leachate as the total

17 amount of liquid that emanates from a body after death. So

18 it's -- I suspect where this figure derives from is the

19 amount of total body water in a typical adult, which for a

20 70kg adult total body water which is all the water within

21 our bodies is approximately, depending age and sex, and

22 frailty or other conditions, something on the order of about

23 50 percent, plus or minus.

I suspect that's where that figure comes from out of

25 the 70kg body a liter weighs a kilogram. And so the total

1 body water would be approximately 35kg.

In addition, during the decomposition process that

occurs naturally, some of the tissues that are normally more

solid would liquify as a natural part of that process. And

so that would also add to this total amount of liquid that

is referred to here as necro-leaching.

MR. KLINE: You mention that one of the benefits of

green burials is that there wouldn't be any introduction of

anything to try and preserve the body, and that was a good

10 thing. But Mr. Putman made an interesting point, and that

11 is sometimes when bodies are buried, they have residual

12 chemicals in them that work may be part of medical

13 treatments they were having. Based on your medical

14 experience what happens to those chemicals or medicines as

15 part of the biological degradation process?

DR. ELDADAH: So every organic chemical has a natural

17 half-life. Whether it is in the body where it is

18 metabolized by the kidneys or the liver, or it may also just

19 naturally degrade as a result of chemical processes outside

20 the body. And so that would be the expectation for all

21 agents whether they are chemotherapeutic agents or other

22 drugs that are intended to treat other diseases. They all

23 are organic compounds naturally and biodegrade.

These chemotherapy agents, by their nature, are toxic

25 to cells, and in treatment to cancer typically with a

traditional chemotherapeutic agent they target cells that

are rapidly dividing. So a cell that is not dividing

rapidly, typically would not be affected. This is again, by

traditional chemotherapy agents.

5 I should mention that these agents, while they are

toxic to certain cells, they are safe enough to actually be

given to living human beings. They are not so toxic that

they are actually -- they kill humans. And so, of course,

with all agents the -- all drugs their effect is dependent

10 not only on their composition but also their concentration.

11 And we can talk a little more about the concentration of

12 these drugs in the soil if you like.

MR. KLINE: Well, actually that is where I was going to

14 go. So as the body dissolves do these elements in

15 themselves, basically dissolve, or are they distributed --

16 are they basically absorbed into the soil in some fashion?

17 What I'm trying to lead up to is -- well you. Go ahead.

18 Just answer what I've that's the direction I think you are

19 going.

20 DR. ELDADAH: Yes. Yes. Certainly. Thanks. So yeah,

21 that is true. So we should mention that soil is an

22 excellent medium for decomposition of all organic compounds,

23 and that really is the basis for green burial. It is,

24 perhaps, the most natural and quite efficient way of

25 allowing the body to return to the earth.

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I should also just mentioned that we appreciate Mr.

- 2 Putman's concern, and it's a concern that we share as well.
- Environmental stewardship is one of our main mission areas.
- So we too want to ensure that this project is respectful and
- protective of the environment. We think that we have
- designed this at burial ground with these environmental
- concerns in mind, and have taken lots of pains and spent
- many hours, as well as considerable expense to ensure that
- we are being respectful and true to our environmental
- 10 mission.
- 11 HEARING EXAMINER ROBESON HANNAN Well, I guess my
- 12 question is, is this going -- are the toxic chemicals going
- 13 to leach into the groundwater, or the river, or neighboring
- 14 wells?
- 15 DR. ELDADAH: Yes. And I'd like to address, and I
- 16 believe we have others who will address that as well. And
- 17 our response to that is we do not believe they will. And
- 18 it's simply for a couple of reasons. But one is simply just
- 19 the math. The scale at which this is going to happen. So
- 20 if you take the 30 to 40 liters of fluid that was cited in
- 21 Mr. Putman's letter, that equates to approximately 10
- 22 gallons. That's per body.
- 23 So if you look at a typical gravesite, which is, as I
- 24 mentioned, 4' x 10' so that's 40 square feet. And then, we,
- 25 as you have in your report, we conducted extensive tests and

- 13 away from the water sources that run through the back of the 14 property.
- But there is even one more point that I think is 16 important to mention which is what is it in this fluid that
- 17 is of concern. Why are we concerned about this in the first

1 naturally will decompose over the course of approximately

four to five months or so, give or take. So this leaching or this filtration of the liquid is happening over the

course of let's just say four months as an estimate. That

foot of soil. So it's a very, very, very tiny amount of

liquid that is being filtered through. And that's why we

feel confident in saying that the ability for these -- this

liquid to effect the water table or water sources, we feel

And this is irrespective of the requirement that we 12 have adhered to situate our graves a significant distance

10 confident in saying that this will not have an effect.

comes out to about a quarter of a teaspoon per day per cubic

- 18 place. So the vast majority of decomposition of human
- 19 bodies is due to our own bacteria that we carry with us,
- 20 that we're all living with right now. We're actually
- 21 outnumbered. Our own cells are outnumbered by bacteria 10
- 22 to 1. It's safer to say that we are a conglomeration of
- 23 bacteria with some human cells attached to it.
- These are bacteria that live on our skin, and our
- 25 respiratory tracts, in our intestinal tracts, and these

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- dug over 20 test pits across the property to determine the
- level of seasonally high water table.
- And we found that in most of the test sites the
- 4 seasonally high water table was a not found even after
- digging to a depth of 10 feet. And for those areas where
- 6 the seasonally high water table was found at a shallower
- 7 depth, we have designed the cemetery to avoid those areas.
- 8 So we have, at least, on average, 6 feet at least of soil
- 9 between the bottom of the grave and where the seasonally
- 10 high water table would be expected to be. So for every
- 11 grave, that's 240 cubic feet of soil.
- Now, if you take 10 gallons of necro-leachate, filtered
- 13 through 240 cubic feet, that's equal to 1 gallon filtered
- 14 over 24 cubic feet, or .04 gallons filtered through 1 cubic
- 15 foot. So .04 gallons is equal to about two-thirds of a cup.
- 16 And a cubic foot is about the amount of soil that you would
- 17 have in a medium size potted plant. So just based on this
- 18 calculation, filtration of this necro-leachate is equivalent
- 19 to pouring about two-thirds of a cup over a medium size 20 potted plant.
- But there is one aspect of this that hasn't been
- 22 mentioned yet, and that is what is the period of time over
- 23 which this is happening. This is not equivalent to simply
- 24 watering your plants with two-thirds of a cup and over the
- 25 course of a couple of seconds. A body that's buried

- bacteria by and large, are symbiotic with us. They do not
- cause disease typically during life. And they do not -- the
- evidence is very limited that they cause any disease to
- others after burial.
- And this gets at kind of a larger issue that we are
- trying to address through this project and our larger
- mission, which is to address this notion that somehow dead
- bodies are toxic. This idea probably emanated, or at least
- it had a big push during the middle ages when there was a
- pandemic of bubonic plague and people didn't understand the
- nature of infectious diseases and the plague spread rapidly
- 12 throughout Europe. There burial practices that they used at
- 13 that time probably were not nearly as attentive to
- 14 environmental concerns as we are today.
- 15 But the notion that's --
- HEARING EXAMINER ROBESON HANNAN What about the 16
- 17 chemotherapy drugs?
- DR. ELDADAH: So I should mention that there are lots
- 19 of different chemotherapeutic agents and they are organic
- 20 compounds. And so as a result they are subject to the same
- 21 processes of degradation and decomposition as many other
- 22 compounds. These chemotherapeutic drugs, I think it's safe
- 23 to say, are not any more toxic than pesticides that are
- 24 applied to many areas of land around the property that we
- 25 are discussing.

53 55 But we also need to consider that the people who have Both of these young men are very impressive and Dr. chemotherapy are excreting those agents all the time in Eldadah's credentials, I was unaware of at the outset. But their urine and in their feces and those agents are going he has referenced several times organic chemotherapy. into the ground through septic systems or other sources. So MR. KLINE: Okay. I am going to object now, because these chemotherapeutic agents are, indeed, in the it's not a question it seems like. environment all the time. MR. PUTMAN: Well, my question is --6 But, the point I want to make is that the concentration HEARING EXAMINER ROBESON HANNAN Yeah. of these agents is extremely, extremely low. There is no MR. PUTMAN: -- is he familiar with the inorganic such thing as a pure water or pure (inaudible). It is chemotherapies that are being referenced in European 10 simply just that the dilution of these agents is so great 11 that it renders these agents, we believe, harmless. 10 literature now, that's a problem not only with green burial, 12 So I also want to make the point that the vast majority 11 but it's a problem with the traditional cemeteries? The 13 of causes of death in this country are not infectious in 12 organic chemotherapies that have been introduced --14 nature. The top causes of death in this country are HEARING EXAMINER ROBESON HANNAN Okay. I'm taking --13 15 cardiovascular disease, cancer, accidents, chronic lung MR. KLINE: We're glad to answer the question. 16 disease, stroke, Alzheimer's disease, diabetes, and kidney 15 HEARING EXAMINER ROBESON HANNAN -- question -- this is 17 disease. These are non-infectious diseases, and so we would 16 the time for cross examination. So you can put your hand 18 not expect that people who died from these diseases would 17 down and I'll let him answer. 19 have any greater infectious risk than anyone else. 18 Is your testimony addressing inorganic chemotherapy, 20 And then, I also want to make one other comment which 19 Dr. Eldadah? 21 is --DR. ELDADAH: So yes, it is true that there are 22 HEARING EXAMINER ROBESON HANNAN Can I ask you one more 23 question about the chemotherapy? I'm sorry. Is it your 21 multiple agents. Whether they are referred to as organic 24 position that the 6 feet -- you said the graves will be 6 22 compounds or they may have non-organic aspects to them as 25 feet above the highest seasonal water table? 23 well. 24 So for example, it says platin or Carboplatin are 25 chemotherapeutic agents that have platinum in them. 54 56 Platinum, of course, is a naturally occurring metal that is DR. ELDADAH: At least. HEARING EXAMINER ROBESON HANNAN At least. So is it found in the ground. So our assertion is that the soil acts your position that the chemotherapy -- can the soil -- will as a natural filter and promotes the degradation of really the soil act to decompose the chemo drugs? Is that your any compound. It suggests that organic compounds tend to be position, or is it just that there will be minuscule amounts most readily susceptible -- or readily biodegradable and over a period of time? susceptible to that process. DR. ELDADAH: Oh, the soil and what is in the soil HEARING EXAMINER ROBESON HANNAN Okay. I interrupted exerts a tremendous effect on the decomposition of these your flow. I apologize. organic chemicals. Mr. Kline, do you want to go ahead? 10 HEARING EXAMINER ROBESON HANNAN Are chemo drugs MR. KLINE: Well, I think I've exhausted -- well, maybe 11 I should ask Mr. Eldadah, but I think he's probably 11 organic? 12 DR. ELDADAH: Yes, they are. They are. 12 exhausted his response to Mr. Putman's comments. If I'm HEARING EXAMINER ROBESON HANNAN Okay. wrong and that, please continue. But if not, we would 13 14 MR. PUTMAN: May I interrupt, please? 14 probably go not to some of his other operational testimony. HEARING EXAMINER ROBESON HANNAN It's his -- you can HEARING EXAMINER ROBESON HANNAN That's fine. 15 16 ask a question, and you're going to get a chance to 16 MR. KLINE: So I was going to suggest that we make Mr. 17 retestify. 17 Eldadah available for Mr. Putnam's cross-examination on that 18 Mr. Kline, do you want to let Mr. Putman intervene, 18 subject now because he's not going to have any questions 19 or --19 about the remaining testimony. 20 MR. KLINE: I'm sure he's trying to get a 20 HEARING EXAMINER ROBESON HANNAN Okay. Mr. Putman, 21 clarification, and I think it's okay to let him ask the 21 would you like to cross-examine Dr. Eldadah, please? 22 question. Sure. MR. PUTMAN: Thank you, Ms. Hannan. 23 HEARING EXAMINER ROBESON HANNAN Okay. Go ahead, Mr. 23 Again, I greatly respect your background and your 24 Putman. 24 credentials and the project that you have underway. And my

25 objection is not to the project. I agree with almost

25 MR. PUTMAN: Thank you, Ms. Hannan.

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everything about it, except its location.

I would say that there are synthetic chemotherapeutic

agents of that are causing great concern in Europe now, and

- they're not only from green burials but they are from all
- the traditional cemeteries. And the European Commission is
- 6 beginning to take some steps that appear to be the best they
- can do probably. But we have a problem. We don't know it
- in this country widely yet because the FDA and the EPA don't
- agree on jurisdiction. But the problem is there, and it
- 10 somewhat from the organic, but from the inorganic
- 11 chemotherapeutic agents have been introduced in recent
- 12 years.
- 13 And so my question is, are you going to restrict bodies
- 14 that are full of chemotherapy from green burial, and how can
- 15 you do that? Or, are you going to take the risk?
- DR. ELDADAH: It is not our intention to restrict
- 17 burial options to only certain individuals who have or have
- 18 had certain courses of treatment because we believe that the
- 19 green burial process is an effective way of providing
- 20 decomposition of bodies regardless of how they have been
- 21 treated.
- MR. PUTMAN: Thank you. I have one more question. And
- 23 that is, you are in a rural cluster zone which prescribes
- 24 well and septic. And do you intend to get well water out of
- 25 a well drilled on your property for the use of your

- west to east on how the property is going to lay out and
- the gentleman talking about the operational issues but, can you start from New Hampshire Avenue and walk us through from
- sort of the high level overview of what you are trying to
- accomplish on the property? And then, I'll basically come
- back and kind of ask you some operational questions once the
- hearing examiner understands the phasing steps. Thank you.
- THE WITNESS: Yes, certainly. So as a big picture, as
- Haroon mentioned earlier, our intention is to create a
- 10 natural looking space that looks more like a park than a
- 11 cemetery. And so our plan is, as you enter the property on
- 12 New Hampshire Avenue there would be a line of trees, first
- 13 of all, that ensures -- maintains the character -- the rural
- 14 character of the area. Beyond that, would be an entrance
- 15 gate that would also be constructed in a way to -- with a
- 16 more naturalistic looking setting.
- 17 And then, beyond that entrance, I gate through which
- 18 the internal drive would proceed, you would find further
- 19 vegetation and trees, and then there would be three
- 20 buildings constructed. One would be the entry pavilion to
- 21 the right. This is an open air pavilion that would serve as
- 22 a gathering space. There are many green burial ceremonies
- 23 that would likely be initiated from that site and then would
- 24 march towards the burial site. It would also be a meeting
- 25 space for individuals looking to take advantage of the

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- employees and your operations? Or do you intend to use the
- W3 category that indicates that WSSC water is available for
- connection across the street, I think, at the golf course?
- DR. ELDADAH: We do not intend to drill any wells on
- the property, and we expect to use the water supplied by
- WSSC. And there is actually a fire hydrant right there at
- the corner of New Hampshire Avenue on our side of the
- property that we will connect to.
- MR. PUTMAN: Okay. The last question in this
- 10 particular regard, if the wells of adjoining RC property
- 11 owners are fouled by any runoff from Reflection Park, how
- 12 will you indemnify that? Or will you?
- DR. ELDADAH: We are certainly very sensitive to the 13
- 14 concerns of our neighbors and the last thing we want to do
- 15 is create environmental concerns for them.
- We have taken pains to ensure that the wells around 16
- 17 the -- with our neighbors are addressed and that we are
- 18 maintaining appropriate setbacks from those sources we
- 19 believe it will be well beyond what the County requires for
- 20 maintaining setbacks from those wells. Most of the
- 21 properties in our area are served by municipal water supply.
- 22 MR. PUTMAN: Thank you. That's -- I have no more
- 23 questions for Mr. Eldadah.
- HEARING EXAMINER ROBESON HANNAN Thank you. Mr. Kline?
- 25 MR. KLINE: Mr. Eldadah, I said you were going to be

- natural hiking trails that we plan on building on the site.
- There would also be, to the left of the entry road to
- the structures, and office building that would be used
- primarily for conducting business transactions and
- discussing with families the options for burial on the site.
- And there would be a maintenance shed towards the west of
- the property that would be used for storing the
- groundskeeping equipment and the tents, tarps, shovels and
- other equipment for our burial operations.
- Beyond those buildings, the road would proceed through
- 11 down about the center of the property in the cul-de-sac --
- 12 or around about and there would be burial areas on both
- 13 sides of that road. That would be the first phase of our
- 14 construction. That takes us approximately, I believe, 900
- 15 feet or so, into the property from New Hampshire Avenue.
- That first phase would -- is what we intend to
- 17 construct first. And would probably be the only development
- 18 on the area -- on the property for approximately five years
- 19 or so. And depending on how many burials we have over the
- 20 course of several years, that would -- oh, thank you.
- So you can see the plan here. And so what I'm
- 22 referring to is the operations up to that first circle
- 23 there. Yes, thank you. And so you can see burial area on
- 24 both sides. You also see, a little closer to New Hampshire

25 Avenue, there is a large septic fields. That's an

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compliance with the requirements for septic fields in this 2

3 And then, you can see that the second phase of this operation will proceed from the ground about further on to the northeast with continuation of the roadway. And then, 6 you see the construction of a larger community building in

the corner of the property with its associate parking lot

and a larger maintenance shed that would be required for

maintaining the grounds in this larger area.

You can also see that there are multiple hiking trails 11 that wind through the property. And this is an important 12 part of our mission because we want to be able to create a 13 naturalistic looking cemetery that people will be able to 14 take advantage of and enjoy. Not simply for the sake of 15 visiting the graves of family members or friends, but also 16 for other visitors who simply want to be able to take 17 advantage of the natural beauty of the property.

MR. KLINE: Mr. Eldadah, let me take you back one step,

19 and that is, when you and I were speaking the other day, you 20 brought to my attention that the office building, we don't

21 have any elevations in the application or in the file yet.

Madam Hearing Examiner, could you -- or at the

23 conclusion of the hearing could we ask you to leave the

24 record open long enough for us to submit those elevations?

25 The problem was --

MR. KLINE: Okay. Thank you. So let me take you away

from the physical aspects of it and talk about the

operational aspects. When do we open up and what happened

and we open up, and just walk us through a day at Reflection

Park.

6 DR. ELDADAH: Sure. So when we open up, I assume that

you mean a time of day, rather than a year.

MR. KLINE: Yeah. Yes, correct. Daily operations,

right.

10 DR. ELDADAH: Yes. So we expect that operations will

11 occur during daylight hours. So staff and visiting hours

12 would typically be between 8:30 a.m. and sunset. And so the

13 grounds would be open and available much like any park for

14 anybody to come and visit and hike or conduct business with

15 us.

16 We expect that burials will typically occur outside of

17 the normal peak traffic hours so it's something like between

18 9:30 a.m. and 3:30 p.m. We expect that there will be

starting out --

20 HEARING EXAMINER ROBESON HANNAN Would you object? Is

21 there a condition to that effect?

22 MR. KLINE: We have agreed that certain activities

23 would not occur during peak hours, yes. That -- there is a

24 condition to that effect.

25 HEARING EXAMINER ROBESON HANNAN Okay. Go ahead, Dr.

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HEARING EXAMINER ROBESON HANNAN And this would be the 1

large office building or the temporary --

MR. KLINE: No, ma'am. It's right -- it's on the

north -- be on the upper side -- there you go. On the upper

side of the entrance of the driveway as you come in there

will be a small office building.

Mr. Eldadah, can you give us the dimensions and the

height of the building?

DR. ELDADAH: Yes. So we have indicated that the small

10 office building would have a footprint of 24 by 26 feet.

11 And a height we have indicated a maximum of 24 feet, though

12 we expect that will likely -- the finished building will be

13 less than that.

MR. KLINE: And would you explain why we didn't have

15 the elevations into the record, I guess, over time the idea

16 of what it should look like has evolved, and could you

17 elaborate on that?

DR. ELDADAH: Yes. We were concerned with simply

19 identifying the appropriate placement and footprint of the

20 building. But we are still determining the final look of

21 the building. However, we do know that the exterior look

22 will have -- will fit in with the rural character of the

23 property and we expect that it will be something sort of

24 akin to an Amish shed type structure with a wooden, or wood-

like exterior and the windows and doors -- that's it.

Eldadah, I'm sorry.

DR. ELDADAH: That's okay. We expect that initially

our staffing would likely be small. Perhaps there would be

one person and an executive director there on site. And as

we grow, we expect that we will have up to perhaps three

additional staff. And we'll also have a few groundskeeping

staff as well, which may be part of our organization and/or

may be contracted out.

MR. KLINE: You didn't mention any specific numbers,

10 but the numbers that are in the staff report and the

11 statement of operation are representative of the staff

12 numbers, right?

Give the hearing examiner a sense of the maximum at any

14 given time of staff.

DR. ELDADAH: So we've written into the report what we

16 plan on is that the maximum staff would be an executive

17 director plus up to three additional staff. And

18 groundskeeping staff would be an additional up to three

19 individuals.

20 MR. KLINE: And Madam Hearing Examiner, before I

21 proceed, can I correct, or maybe elaborate on the answer to

22 your question?

Staff recommended condition number 7, which was

24 acceptable to the Applicant reads, "Trip generation for

25 approved uses must not exceed 50 peak hour person trips

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within the peak weekday, morning and evening peak periods."

2 And we've always been stated that in the reverse that we

would -- any activities of any density would always occur

4 outside of the peak hours.

5 HEARING EXAMINER ROBESON HANNAN Peak hours or peak 6 periods?

MR. KLINE: Peak -- oh yeah. I'm sorry, peak periods, yes, ma'am.

HEARING EXAMINER ROBESON HANNAN Okay.

10 MR. KLINE: That's the way the condition reads and

11 that's acceptable to the Applicant.

12 HEARING EXAMINER ROBESON HANNAN Okay. Thank you.

MR. KLINE: Mr. Eldadah, so we talked about the hours

14 of operation and the number of people that will be working

15 there; can you give us a little bit more of a sense of the

16 activities? When people are coming and maybe break it out

17 into the burial part side of it as compared to the quote

18 community side of it, that I know you folks are trying to

19 foster and encourage on the property?

20 DR. ELDADAH: Yes. So the primary activity would, of

21 course, be burial related. And so the primary activities

22 would be -- would involve what you might call preneeds

23 activities; that is activities conducted before the actual

24 nee d of a burial where a family may come and visit the site

25 and they would see the different options available to them.

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We except that that would occur during the normal operating

2 hours.

And then, we expect more rarely, for burials to occur.

We think, our best guess is that starting out we may have

5 something on the order of perhaps one burial a week. And at

our peak, perhaps, we would have something like, maybe,

7 three, four burials a week. It's a hart to estimate but

8 that's what we're assuming. These burials would occur,

9 again, during the hours as I mentioned. And they would

10 occur Monday through Friday, as well as on weekends.

So that is the burial aspect. We have designed phase 1

12 in such a way to accommodate these burials both in terms of

13 the number of plots as well as the roadway constructed

14 internally that would be able to absorb any of the traffic

15 attending a funeral so we do not expect that traffic will

16 need to spill out onto New Hampshire Avenue.

Those are the burial activities. As we mentioned, our

18 larger, overarching mission is to just bring a little more

19 normality to the process of death. And so consistent with

20 that mission, is to provide a space where activities in

21 addition to burials can take place that are normal parklike

22 activities. So we would expect that in addition to

23 individuals who wish to hike the grounds, we may also allow

24 groups to conduct, for example, nature classes on the site

25 for children and other individuals who are interested in

1 taking advantage of the natural resources on the property

2 that are available there.

So these would be small classes we expect and they would also be subject to the similar constraints regarding

5 traffic and the size of the groups on the site. And then,

6 we also expect there might be meetings of -- related to

7 green burial for environmental groups who wish to take

8 advantage of the site to conduct their meetings or maybe

9 workshops on natural green burials, funerals, other topics

10 related to the larger mission of our organization; lectures

11 and seminars, so things of that nature.

We really intend for this to be a community resource

13 and to be available for the community to take advantage of.

MR. KLINE: And to go back, and have you reiterate

15 something that you mentioned earlier. There will be times

16 in the day when there will be no staff on the property, yet

17 the property will be open for the general public to walk on

18 and just enjoy the setting?

19 DR. ELDADAH: Yes, that's correct.

20 MR. KLINE: So that's sunrise to sunset? Is that -- or

21 is that a reasonable time frame?

DR. ELDADAH: Yes, we expect that that will be our

23 normal operating hours.

24 MR. KLINE: Mr. Eldadah, in terms of trying to educate

25 your neighbors, can you describe your outreach efforts to

ing 1 talk to the neighborhood about what's going on here?

DR. ELDADAH: Yes, certainly. So as you know, we've

3 conducted some community meetings where we've invited our

4 neighbors to attend, and we've informed them of our plans.

5 We presented the drawings many of which are exhibits here in

6 this hearing.

And we have also addressed concerns that some neighbors

8 have expressed, similarly to Mr. Putman's concerns regarding

9 water quality, as well as some concerns about traffic in the

10 area. We have largely very supportive feedback from our

11 neighbors and we think that we've addressed any concerns

12 that they have expressed.

13 We've also conducted a larger outreach effort to

14 various communities in the area. The Green Burial

15 Association of Maryland, for example, is one organization

16 that's a very interested in promoting green burial in our

17 area. There well aware and supportive of this effort, as

18 well as the Green Burial Council, the national organization

19 overseeing green burials in this country.

20 MR. KLINE: I do like you to elaborate on your follow-

21 up recently. We did the initial, what I will call the

22 conventional or typical calling on the Cloverly Civic

23 Association, calling on the Hampshire Greens Homeowners

24 Association. You had virtual meetings with all of them, but

25 then recently there has been a flurry of media interest in

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1 your application, and that triggered some phone calls. And

- 2 I would like you to tell the Hearing Examiner about your
- 3 follow-up in terms of trying to answer the questions that
- 4 were -- came up just before the hearing.
- 5 DR. ELDADAH: Yes. So there were -- that's right. We
- 6 did have some media attention from a couple of different
- 7 news outlets who were interested in this -- what they felt
- 8 was a novel concept of green burial a practice that has been
- 9 around for quite some time. And in fact, we're not the
- 10 first green burial ground by any stretch. There have been
- 11 green burial grounds developed all over the country,
- 12 stretching back decades.
- Nevertheless, yes, there was some media attention and
- 14 interest in our burial ground, and we also received some
- 15 additional concern from one individual who wanted to be --
- 16 he wanted us to address the concerns about water quality.
- 17 This came to us in the form of an email, I believe, and we
- 18 reach out directly to that individual and provided him much
- 19 of the same information that we discussed today.
- 20 MR. KLINE: Thank you. I guess I would kind of like to
- 21 wrap up. Going back to Mr. Mokhtarzada's comment about your
- 22 mission and what your end state, in your opinion, when you
- 23 are all finished, will Reflection Park be compatible and
- 24 harmonious with the surrounding area, and its character?
- 25 DR. ELDADAH: Indeed, yes. We think that it will
- 1 perhaps be more so than it is now. But yes, it is our
- 2 intention to develop a parklike environment that is
- 3 consistent with the existing and surrounding area.
- 4 MR. KLINE: Based on your testimony, at the beginning
- 5 of your testimony today, do you believe the science is there
- 6 to demonstrate that the degradation of the bodies through
- 7 the green burial process will not put at risk, the water
- 8 table or, I'm sorry, the water quality in the Patuxent
- 9 Watershed or the Rocky Gorge Reservoir?
- DR. ELDADAH: We believe so. To be fair, as a
- 11 scientist, there is never enough data. There is always
- 12 going to be a need for additional studies. However, this
- 13 area is not without data. The Green Burial Council actually
- 14 has conducted a literature review of its own and has
- 15 assessed the literature, not just from Brazil, which was the
- 16 topic of the initial concern, but a more expansive review
- 17 across other parts of the world.
- And their assessment is that, as we discussed today,
- 19 provided that you adhere to certain and take certain
- 20 precautions, and adhere to certain setbacks and buffers that
- 21 the impact on the environment the water quality should be
- 22 negligible.
- 23 MR. KLINE: The property is not subdivided today,
- 24 correct?
- 25 DR. ELDADAH: That is correct.

- 1 MR. KLINE: And the Applicant has filed a preliminary
- 2 plan of subdivision to go through the subdivision review
- process, correct?
- DR. ELDADAH: That is correct.
- MR. KLINE: And that probably is a plan that the
- 6 Department of Environmental would look at and could comment
- 7 on. So do you anticipate in future reviews there will be
- 3 more scrutiny on the water quality issues?
- 9 DR. ELDADAH: You would know better than I, but that
- 10 sounds likely, and we would be happy to address those
- 11 concerns as well. We feel that -- the evidence we have
- 12 today should be able to satisfactorily address those
- 13 concerns.
- MR. KLINE: And the last question, boiling down to
- 15 the -- what's going on -- what's going to be happening on
- 16 the property, both in the ground and on the surface of the
- 17 ground, in your opinion, do you believe that the proposed
- 17 ground, in your opinion, do you ocheve that the proposed
- 18 use will cause any harm to the neighborhood due to noise,
- 19 odors, dust, or illumination, or lack of parking to take
- 20 care of the people coming onto the property?
- DR. ELDADAH: No, we do not. We expect that this will
- 22 not adversely impact on the neighborhood. We think actually
- 23 that this project is, perhaps, much preferable to other
- 24 options that this land could be used for. I think if you
- 25 had to choose your neighbor I think a cemetery would
- 70
 - 1 probably be a very desirable one.
 - MR. KLINE: I have no further questions of Dr. Eldadah.
 - 3 He is available for any cross-examination Mr. Putman might
 - 4 have on the -- since the last time we had cross-examination.
 - 5 HEARING EXAMINER ROBESON HANNAN: Mr. Putman, do you
 - 6 have any questions?
 - 7 Mr. Putman, you're on mute.
 - 8 MR. PUTMAN: I know. I've hit it three times. Am I
 - 9 live now?
 - 10 HEARING EXAMINER ROBESON HANNAN: Yes, you are. You're
 - 11 alive. You're not ready for the green burial yet.
 - 12 MR. PUTMAN: No. As I said before, these young men are
 - 13 very impressive. Their project sounds wonderful to me with
 - 14 one exception and that's its location. I have no further
 - 15 questions of these gentlemen. And I thank them for being so
 - 16 forthcoming as they have been this morning. If they could
 - 17 just move it out of the watershed I would be there. I would
 - 18 buy a spot. I would help them any way I could.
 - 9 HEARING EXAMINER ROBESON HANNAN: Okay. Well, I think
 - 20 from what Mr. Kline said, we're going to have more testimony
 - 21 on the impact on the water quality. So you may want to
 - 22 stick around, Mr. Putman.
 - 23 MR. PUTMAN: I will. Thank you.
 - 24 HEARING EXAMINER ROBESON HANNAN: Okay. Mr. Kline?
 - 25 MR. KLINE: Sure. Apropos of that, I'm going to give

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75 you the opportunity to qualify the first expert I've ever family cemeteries which I can't give you the names, it's had in cemetery design. So I'd like Mr. Goodnoe to please confidential. But they are in Texas and in Michigan. I'm introduce himself. Give the hearing examiner your name and working on another cemetery in Ohio, so I have several irons then let her swear you in. in the fire. MR. GOODNOE: Thank you. MR. KLINE: All right. Mr. Goodnoe, have you ever been HEARING EXAMINER ROBESON HANNAN: Okay. You know, this qualified as an expert in either land planning or in is a new one. landscape architecture, or cemetery design by a hearing MR. KLINE: Yeah. Right. examiner such as Ms. Robeson Hannan, or a commission, or a Mr. Goodnoe -court of law in the past? 10 HEARING EXAMINER ROBESON HANNAN: I've had golf course 10 MR. GOODNOE: Specifically, I was expert witness for a 11 design, I've had lots of designs, but not this one. 12 Okay. Mr. Goodnoe, please raise your right hand. 11 case in New Jersey where the State of New Jersey was 13 Do you solemnly affirm under penalties of perjury that expanding an interstate intersection and was taking cemetery 14 the statements you're about to make are the truth, the whole land from a Catholic cemetery. I was expert witness to the 15 truth and nothing but the truth? impacts of development. MR. GOODNOE: I do. 16 I have spoken at the International Cemetery and Funeral 17 HEARING EXAMINER ROBESON HANNAN: Please state your 16 Association national conferences several times. I have 18 name, business address, and e-mail for the record. 17 spoken at probably a half a dozen or more state conferences, MR. GOODNOE: My name is Jack Goodnoe. J-A-C-K, last 18 and I was a featured speaker at the first Green Burial 20 name, G-O-O-D-N-O-E. I live at -- and my business is at Conference this year in 2020. The International Cemetery 21 2450 North Dicksboro Road, Ann Arbor, Michigan. My email is 20 and Funeral Association education program held at Memphis 22 Jack@JackGoodnoe.com. 23 HEARING EXAMINER ROBESON HANNAN: Okay. 21 University; I was an instructor there for 10 or more years. MR. KLINE: And would --24 And the National Catholic Cemetery Conference has an 25 HEARING EXAMINER ROBESON HANNAN: (inaudible). education program held at Notre Dame, and I've been an instructor there for eight years, I believe. 25 HEARING EXAMINER ROBESON HANNAN: Okay. Mr. Kline, are 74 you seeking to qualify Mr. Goodnoe as an expert in cemetery MR. KLINE: And with what firm are you associated, Mr. Goodnoe? 2 MR. GOODNOE: My own firm. I have a consulting firm, MR. KLINE: I think that's the only -- well, I think Jack Goodnoe Cemetery Planning and Design and I'm a that's the best category for his level of expertise, yes, registered landscape architect, and began cemetery planning 5 ma'am. in the 1980s, and started my own business in the '90s and I HEARING EXAMINER ROBESON HANNAN: Okay. Well, it -have been exclusively planning cemeteries for the last 35 are there any objections, Mr. Putman to qualifying him as 8 years. such? MR. PUTMAN: None. MR. KLINE: And you --HEARING EXAMINER ROBESON HANNAN: Okay. Well, given MR. GOODNOE: And most recently have become a source 10 11 for consultation for green burials cemeteries around the 11 that I will go ahead and qualify him as an expert in 12 cemetery design. My first such expert. Go ahead, Mr. Kline. MR. KLINE: Could you give us an estimate of how many 13 14 cemeteries you've designed over your professional career? 14 MR. GOODNOE: There aren't many of us. MR. GOODNOE: It's -- the last time I looked it was 15 MR. KLINE: Thank you. 16 over 120, around the U.S. including Alaska, Central America, 16 So I always like to have somebody in your situation, 17 the Caribbean, and Canada. 17 when you got the phone call from Mr. Mokhtarzada and Mr. HEARING EXAMINER ROBESON HANNAN: In your portfolio 18 Eldadah and said can you help us and they told you about the 19 right now, could you maybe give the Hearing Examiner a cross property, what was your reaction? 20 section of cemeteries you're working on currently? 20 MR. GOODNOE: I was pleased to be of help. I felt MR. GOODNOE: Sure. Currently I'm working on a green 21 immediately that they were very committed to doing the right 22 burial cemetery in Ashland, Oregon. I'm working on two 22 thing, and that's a pleasure. 23 conventional historic cemeteries, one outside of -- in 23 MR. KLINE: In the field of cemetery design is there a 24 Everett, outside of Boston and another on in Jamacia Plains 24 trend towards green burials? in Boston. I'm working on two personal cemeteries, private 25 MR. GOODNOE: Very much so. The first one in the U.S.

79 1 you have the artificial materials of the casket itself was in the late '90s and I becoming involved, probably halfway through that, in the last decade -- in the last 10. including everything to make the casket and the polyethylene And I've planned, at this point, seven or eight. It has materials that make up the liner and so on and so forth. become a larger part of my business quite frankly, and it's By contrast, the burial on the right uses either a -a growing trend. say a bamboo box, a cardboard box, quite often a simple And there are not only standalone green cemeteries such cloth shroud or a wooden casket in the traditional just raw as this, but many, as was pointed out earlier I think by Mr. wood with no glues. So the -- and it's put at 5-1/2 to 4 --Putman, many conventional cemeteries are recognizing the excused me; 3-1/2 to 4 feet below the surface for the reason value of an environmentally responsible burial, and how to that the decomposition of the body happens much more quickly 10 open up areas within a conventional cemetery where they do 10 with the exposure to air in the soil than it does at the 5 11 practice environmentally responsible procedures that are 11 foot depth where the soil begins to become more anaerobic. 12 being followed in total here. On the surface -- and by -- without -- I need to say --13 MR. KLINE: Madam Hearing Examiner, Mr. Goodnoe does 13 so necessarily -- but the one on the left is there 14 have a presentation and he has some PowerPoint slides that 14 effectively permanently. The one on the right will become 15 your staff put into the record, and I believe they are 15 soil itself within a very short period of time. On the 16 Exhibit 47. And Mr. Goodnoe's presentation would be 16 surface the distinction is the conventional has the turf 17 facilitated by him -- or you calling those -- some of those 17 which is treated with herbicides, pesticides, and 18 slides up for us. 18 fertilizers, all of which become leachate, far more leachate HEARING EXAMINER ROBESON HANNAN: Okay. 19 19 than would ever come off of a casket in the green burial in MR. KLINE: I hope I've got the right number. 20 terms of volume. 20 21 HEARING EXAMINER ROBESON HANNAN: Are you seeing it 21 And you have an upright headstone in most cases. On 22 now? 22 the right, it's a natural landscape, often a meadow or a 23 MR. KLINE: Yes. Great. 23 forest floor or a panting of wildflowers that require no 24 MR. GOODNOE: Yes, very good. 24 invasive maintenance. Sometimes hand pulling or even an 25 occasional mowing is required just to keep invasive 25 MR. KLINE: Mr. Goodnoe, what I'd like you to do is 78 80 1 kind of don't worry about me asking you questions, but just materials out. But by and large, it's a very natural meadow 2 let you walk through the presentation based on the props or and wildflower setting. 3 the cues you got up here. What I wanted to make sure you And the memorialization takes many forms to a small 4 know is you may need the hearing examiner, using her cursor metal disk in the ground which can be not seen and mowed to move things around. So you may have to help her to get over if necessary, or a flat stone marker or sometimes biodegradable slab of wood. Or sometimes, no marker at all your points. But what we were talking about before is what is the and what's called a sentitaff (phonetic), meaning the difference between green burials and conventional burials memorial is remote and listed on say a rock on a separate location. and so could you explain what this exhibit is that we see on 10 here, titled, A Greener Way To Go, and basically tell what 10 So those -- that's the practicality and the visual 11 it tells us and how it differentiates the different methods 11 differences of the two types of burial. Unless there are 12 of burial? 12 any questions, I will go to the next one. MR. GOODNOE: Sure. Sure. Can I ask that you click on This is hard to read in your version but it's nothing 14 the slide so it's full screen? Just to --14 more than a good explanation of the configuration of the HEARING EXAMINER ROBESON HANNAN: I'm trying to shut 15 site. And you can tell from the photo, it's a little hard, 15 16 this and I --16 but it is effectively 100 percent wooded or covered with 17 (Off the record discussion; exhibit loading.) 17 second growth. And as Mr. Eldadah pointed out it's soft MR. GOODNOE: That's good. Much better thank you. It 18 woods, Tulip Poplar, which are a transitional species to 19 something more permanent. So in effect, it's a very early 19 might be a little easier to see. This is a description of the conventional versus the 20 woodlands in the transition to a full hardwood woodland. 21 green burial as Mr. Eldadah pointed out. The significant And the cemetery will, in fact, be making that --22 difference is that on the left you have a conventional vault 22 speeding up that transition so this rather weak and non-

23 diverse forest woodland will become a very healthy hardwood

24 diverse and sustainable hardwood forest. Next.

25 The -- all development needs to begin with an

23 which is shown and sort of outlined, it's a little hard to

24 read, but imagine that that vault is in a concrete liner so

that the largest objection you see is a concrete liner. So

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understanding of how unique each site is and it's especially

- 2 important with green burial because the premise of green
- 3 burial, of course, is environmental responsibility and
- environmental sustainability.
- So there was a tremendous effort on the part of the
- 6 petitioner in this case, and the team, to understand exactly
- the environmental conditions that we were working with so
- 8 that all solutions were tied to the land. We can only be as
- 9 responsible in as much as we understand the land. So it
- 10 begins with this topographic map showing that there is a lot
- 11 of diversity here with a very distinct hilltop near the
- 12 middle of the site which is a very articulated stream on the
- 13 northwest -- northeast corner of the site; and then
- 14 secondary drainage channels.
- And it was our purpose in this analysis process to get
- 16 a very clear picture of where they were. Some regulated,
- 17 and some unregulated. It's a little hard to see here, but
- 18 the darker blue represents a regulated, protected floodway,
- 19 and the lighter blue around that is the buffer zone
- 20 required. So from the very beginning all development was
- 21 considered to be outside of all these protection zones, and
- 22 it represents a very substantial portion of the site, given
- 23 up to pure, natural conditions forever; and the maintenance
- 24 of the natural drainage ways.
- 25 The secondary drainage ways that you see scattered

- to make sure I understood that. Thanks.
- MR. GOODNOE: I'm glad that you mentioned that, thanks.
- And you can see the hilltop, this sort of high blue
- area in the corner of the flag, if you will, there is a
- promontory which acts as a major drainage divide as well as
- a point of suitable soils and location for structures and
- septic. And we understood this from this, combined with
- what you don't necessarily see here are all the -- they are
- dots on the side, the blue and white circles are soil tests.
- So there is a very complete understanding of what is it
- below the surface as well as on the surface.
- 12
- HEARING EXAMINER ROBESON HANNAN: And the purpose of 13
- 14 the soil tests, are you saying the purpose of the soil test
- 15 is to understand the height of the water table?
- MR. GOODNOE: That and the permeability of the soil and 16
- 17 the stability of the soil. And it's --
- HEARING EXAMINER ROBESON HANNAN: Okav. Go ahead.
- MR. GOODNOE: And it's suitability for hardwood forest.
- 20 All of the things necessary to drive development as it
- 21 affects what's below the surface
- 22 HEARING EXAMINER ROBESON HANNAN: Now, what marks the
- 23 site of the water test? Is it these -- is this the site of
- a water test I'm point to? Like a flag, square or a --
- MR. GOODNOE: That's a soil boring location and I will

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- throughout the site are not regulated. However, we chose to
- make sure that they were not buried because they do perform
- an important function on the site. And maybe we could go to
- the next slide?
- This is an analysis of that land telling us the kind of
- 6 things we need to keep in mind during the planning process.
- You can see the regulated and unregulated setbacks in the
- protection zones that were maintained and will never be
- buried in. They provide permanent open spaces as well as
- 10 wonderful areas for our trail systems and overlooks, as part
- 11 of this cemetery functioning more as a park than a cemetery
- 12 in the long run, and during its entire life.
- 13 The dotted lines represent drainage divide so we have a
- 14 clear understanding for our water management strategies how
- 15 the site drains, where it drains, and how much we need to
- 16 capture to meet water management requirements.
- HEARING EXAMINER ROBESON HANNAN: Mr. Goodnoe, can I
- 18 ask a question? Where are the water -- these arrows, are
- 19 the blue arrows the water drainage lines?
- MR. GOODNOE: Correct. That's the direction of flow
- 21 from the drainage divide.
- HEARING EXAMINER ROBESON HANNAN: Okay. And then these
- 23 are topo lines, the ones that -
- MR. GOODNOE: Yes.
- 25 HEARING EXAMINER ROBESON HANNAN: Okay. I just wanted

- let Mr. Crum speak, if necessary to the details.
- HEARING EXAMINER ROBESON HANNAN: Oh. Okay. I just
- heard you say the water tests were marked in blue circles,
- but I don't see them.
- MR. GOODNOE: No. The -- I guess it's a square with a
- black and white check. That's a soil boring location, a
- preliminary soil boring.
- HEARING EXAMINER ROBESON HANNAN: Okay.
- MR. GOODNOE: (inaudible) much more detailed water
- 10 table investigations were done with test pits but I'll let
- 11 the engineer speak to that.
- 12 HEARING EXAMINER ROBESON HANNAN: Okay. Thank you.
- MR. GOODNOE: Sure. And just out of interest the red
- 14 and white dots indicate places at this point in the planning
- 15 process that there might be -- they're special. They're on
- 16 the edge of promontories that would have good views. Or
- 17 they're special niches within the extreme corridor that
- 18 could become places for meditation, or trail rest points
- 19 along trails, just special areas on the site that we want to
- 20 use for structuring the circulation and land use systems. 21 Okay. The next one, please. Using this information we
- 22 create a framework plan that is the foundation for where we
- put roads. I'm going to ask you to go to the next one
- 24 because the next one doesn't show all of the woodlands.
- 25 This indicates -- just portrays how much of the site will be

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1 wooded. Oh, I'm sorry. I guess there's one -- let's go

2 back. I apologize. There's one that wasn't included here

3 that doesn't show the woodlands.

But imagine this represents how the site will be 100

percent wooded when it's complete. And the small yellow

lines indicate what would be considered section development.

So as Mr. Eldadah was pointing out earlier, the early

development is probably limited to four or five acres for

the next half of a decade. Because we're developing the

10 site at approximately one to two acre units as we go.

But this -- you've seen the plan; this represents --

12 this shows how the road system coordinates with the analysis

13 you saw earlier of topography. So the curving road is not

14 just aesthetically pleasing, but it's a way of reducing the

15 amount of grading that's required, which is not only an

16 environmental issue, but a cost issue. So the road very

17 much responds to the organic topographically of this site

18 and then the loops of the burial in the larger part of the

19 flag are a way of phasing the cemetery over time.

And I think -- I would like to point out that one thing

21 that's often hard to understand at this level of approval is

22 that what we're seeing here is probably -- I'm guessing

23 from my experience a 200 year plan. That means that you

24 will see very, very little of this developed in our

25 lifetime. If they take down an acre -- let me back up.

It just will be a very prolonged period of development. The significant elements that we will see soon are down at

the lower left is the entry gate and the entry buildings

4 accommodating people arriving and inquiring about the

5 cemetery. And then, in the upper middle of the site is the

community center which will be done within a two to four

year period. Those two developments will happen soon.

But the rest of the development and the burial will be

9 over a very prolonged period. And so we have what is a

10 little hard to see here is the trail system. Incorporated

11 in this is a walking trail system that would traverse the

12 entire site and access some of the more beautiful natural

13 areas that will not be developed as a cemetery.

MR. KLINE: Mr. Goodnoe, could I interject for a

15 second? You made a comment about this is sort of an end

16 state picture, after reforestation. I don't have the

17 gentleman who is ready to testify, to the forest

18 conservation plan for a while, so I think I need you to

19 educate the hearing examiner on the program of the applicant | 19

20 of clearing, burying, and then reforesting. Could you

21 elaborate on that, please?

MR. GOODNOE: Certainly. Maybe we can go -- I think

23 the slide that helps describe that is subsequent to this.

(Off the record discussion; exhibit loading.)

25 MR. GOODNOE: This is a diagram of the early -- of

1 phase 1. And the reason that the -- the right hand side of

the diagram is green is that that is all the existing

woodland that remains in place for the early stages of

development. At the lower left, what you see, and I think

there is even a blowup of this on the next slide. Let's try

one more. No, I guess it's not in this presentation.

So if you see the checkered portion at the lower left,

what that's describing is that during the burial process the

existing softwoods will be removed from the site in an

10 effort to create a meadow, and the burials will actually

11 take place in a meadow, on a section by section basis, which

12 these small rectangles represent. As the burials take

13 place, there will be a reforestation process, so every

14 burial is followed by a tree planting, of some ratio that's

15 per the agreement.

But the section will be reforested as you go and

17 creating a -- basically a new forest on a section by section

18 basis. And the phasing plan will then move across the site,

19 which was the previous slide, and maybe it's worth going

20 back one. And this, is an overview of how that might take

21 place in five stages, which very easily could be 100 to 150

22 years. So you can see phase 1 in the upper left, uses the

23 small part of the flag for all of the development offering

24 burial to the community.

25 In phase 2, the community center is developed, and in

86 association with that there would be some additional

sections opened up that are adjacent to the existing road.

And one remote because there are actually -- part of the

green burial scenario is that there are many people who

would just as soon walk 400 or 500 feet to leave the road behind. So we offer that option early in the process of

what might be considered a very remote sites for people to

have a green burial.

But then, you can see that how over time phase 3, 4, 5,

10 and 6 incrementally begins to develop and reforest on a

11 section by section basis. And if there are details of that

12 required I would defer to the landscape architect on the

13 team to describe how we're meeting the County's requirements

14 in that regard. But that may be a detail that you do or

15 don't want to deal with at the moment. But be it known that

16 this process follows the guidelines that have been

17 established for reforestation.

HEARING EXAMINER ROBESON HANNAN: Okay.

MR. GOODNOE: And then, lastly in this presentation

20 we've included some images of existing green burials just to

21 give you a sense of what they look like when they're done.

22 The Talk to Preserve is one that is primarily a meadow, but

23 they do offer tree burials so they will have more of a look

24 of a scattered prairie with trees when they are done.

25 Duck Run which is in Virginia is a meadow, again;

91 1 natural grasses left, which they mow biannually just to keep Mr. Eldadah's comment, I think it will be an enhanced and 2 invasive materials out. They also have introduced a tree environmentally far more stable and diverse ecologic entity. 3 planting program, but it will be primarily meadow as MR. KLINE: You had the opportunity to hear Mr. 3 aesthetic. And the next one if we could? Putman's concerns. In your professional experience have you These are two cemeteries, one in New York, and the one encountered these issues in other cases and if so, can you on the right is the original green burial cemetery in share your observations with us? America in Westminster, South Carolina, which is MR. GOODNOE: It's a very common and understandable 8 predominantly woodland. So again, you have the meadow concern. It has come up in public meetings many times, but option and you can see on the left that Green Springs in New we've always been able to demonstrate that it, is in fact, 10 York, how the access system here is nothing more than a 10 not a concern. And I -- many of the comments that I would 11 mowed path. They have not even paved the road. We believe 11 make have already been made about the separation and the 12 that a paved road not only meets some of the County 12 capacity of soil to clarify. 13 requirements, but is good planning in areas that will 13 And most importantly, I think --14 have -- requires snow removal and are temperate enough to HEARING EXAMINER ROBESON HANNAN: The separation of the 15 have water issues if you don't offer some sort of stabilized 15 graves from the water table? Is that the separation you're 16 surface. 16 talking about? And we have a couple of more; the next one. This is a 17 MR. GOODNOE: Yes. Yeah. I will say from experience 18 cemetery that I worked on, Penn Forest in Pennsylvania and 18 in 50 years of designing cemeteries and dealing with them in 19 this is a burial area. In this case it is a meadow within a 19 all regards across the country I have never, ever come 20 woodlands and you can see that their memorialization system 20 across a case of contamination of ground water. 21 is a flat stone engraved marker which they can mow over when 21 MR. KLINE: Elaborate on that. Do you mean from a 22 they need to. 22 cemetery having an effect on ground water quality? 23 Steelman Town in New Jersey is a primarily a forested 23 MR. GOODNOE: Yes. There's never been any instance, to 24 wetland -- excuse me, burial ground. And they are 24 my knowledge, where any of the cemeteries that I've worked 25 selectively clearing and reforesting as they go also. And I with, and as I say over 120 of them where there was ever 90 92 think we have one more. community demonstration that a cemetery was responsible for 2 This is a cemetery that I designed in Michigan and it ground water and well contamination. is a meadow with a mowed path for access. And you can see MR. KLINE: You indicated to me that you had done some 4 in this case the memorialization system is a stone wall with literature survey research to see what happens around the 5 memorials carved into the stone. And in some cases, a world on the subject. Can you share with us your 6 boulder is allowed along the pathway. But this gives you a conclusions based on what you read? 7 sense of just how soft and naturalistic the natural cemetery MR. GOODNOE: Sure. I documented for the record four 8 will look. And I will point out that even though these are sources and if you would like to I'll quote them. These were studies done in the 1980s and '90s and nothing's been 9 the meadows cemeteries the Reflection will be, at first, a 10 meadow cemetery transitioning to a Woodland Cemetery. done since then and I think it's because these efforts And I think that's it then. I can certainly answer any pretty much demonstrated that it was not an issue. But let 12 questions. 12 me quote them. MR. KLINE: Well, Mr. Goodnoe, let me ask you a couple There was a study in 1992 by the Ontario Ministry of 14 of more myself. So the images you showed us are very 14 the Environment. It was called Cemeteries and Ground Water 15 helpful. They are representative of what you think the end - an Examination of Potential Contamination. And the quote 16 state look will be on this property? 16 that I have -- the summary quote that I have from that MR. GOODNOE: I think more than any of these it will be 17 report was; 18 a true forest when it's done. It will transition through 18 "The analysis of ground water samples collected 19 19 the stages you saw from a meadow to a newly planted meadow at wells located down gradient of six cemeteries 20 to a mature woodland, and in the end, be a forest. 20 in Ontario indicated that cemeteries are not a MR. KLINE: And, in your opinion then, would the 21 significant source of groundwater contamination." 22 ultimate cemetery in the design and be compatible and be in 22 HEARING EXAMINER ROBESON HANNAN: Was that a green

cemetery?

MR. GOODNOE: No, no. that's a conventional cemetery.

25 But I should say, just in terms of the science even though

23

24

23 the character of the rural, rustic flavor of the

25 MR. GOODNOE: Not only in character, but to reinforce

24 neighborhood?

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93	95
1 vaults are typically use, and I don't know whether all	1 the groundwater or the soils of the cemetery.
2 these cemeteries had vaults or didn't, my guess is that some	2 And then, I have one a final reference that I think is
3 of them were old enough to not have vaults, concrete vaults.	3 significant. And that is in 1980, when the U.S. EPA
4 But I will say the concrete vaults, because gasses build up	4 performed its Superfund program they began to look at
5 in the vault have a relief valve and even though the	5 cemeteries as potential Superfund sites. And the conclusion
6 manufacturers like to claim that it's water tight and	6 of that is that the EPA Superfund program of 1980 found no
7 permanent evidence is that there is seeping, there's	7 instances of groundwater contamination at cemeteries
8 groundwater infiltration and seeping in a conventional	8 requiring Superfund intervention except cemetery dump sites,
9 cemetery.	9 not the burial, but the dump sites that often accompany
10 So I believe these studies probably represent	10 conventional cemeteries. The waste products of conventional 11 cemeteries are not going to be present here, they will be
l	
	properly handled and disposed of at Reflection, and there will be no conventional dumpsite as such Reflection
12 same effluent potential as a green cemetery. In fact, the	14 Cemetery.
13 green cemetery as Mr. Eldadah pointed out, the green burial	15 HEARING EXAMINER ROBESON HANNAN: Were any of the green
14 system facilitates rapid decomposition and dissipation and	16 cemeteries that you've worked on near a source for drinking
15 soil clarification of these things more than a traditional	17 water, to your knowledge?
16 cemetery would. That said, there was a study in 1992 by the	18 MR. GOODNOE: Yes. They are. The one in Pittsburgh
17 World Health Organization, and one of the summary quote that	19 there were homes at the edge of the site, within 200 feet of
18 I have extracted from that is;	20 the burial location, and they are being buried today and the
19 "Recent work was conducted on groundwater samples	21 homes are I can't honestly say that they've ever had
20 beneath the Cheltenham Cemetery located in	22 their water tested, but they are in proximity to homes.
21 Australia. The results from these investigations	23 There's a cemetery a green cemetery, in Tampa,
22 showed no significant presence of pathogens."	24 Florida that I worked on, which is actually a wetland during
23 HEARING EXAMINER ROBESON HANNAN: Can you give me in	25 the wet season, and the green burial community is perfectly
24 the identity the identity the name of that study	
25 you're quoting from?	
94	96
1 MR. GOODNOE: It comes from a 1992 study by the World	1 comfortable with being buried in the water, believe it or
2 Health Organization. And I would have to supply you with	2 not. They consider it a natural environment. So the
3 the exact title of the study. It must have a separate	3 cemeteries I have worked on have had water on or near the
4 title. But it comes from the World Health Organization.	4 site.
5 And a third study that I have I'm aware of is	5 HEARING EXAMINER ROBESON HANNAN: Okay. Thank you.
6 called, Soil and Groundwater Quality Study of the Mount	6 MR. GOODNOE: I should also mention, if I can that it's
7 Pleasant Cemetery of Brampton, Ontario.	7 little known, but most cemeteries bury in one portion of
8 HEARING EXAMINER ROBESON HANNAN: Now these are all	8 their site or another, they contact ground water during the
9 conventional cemeteries?	9 process. It's very, very common to hit ground water in a
10 MR. GOODNOE: They are because they are in 1992. They	10 conventional cemetery. The public's just not aware of that.
11 would have preceded green cemeteries.	11 HEARING EXAMINER ROBESON HANNAN: Okay. Thank you. Go
12 HEARING EXAMINER ROBESON HANNAN: They would have what?	12 ahead, Mr. Kline.
13 MR. GOODNOE: Preceded the presence of green	13 MR. KLINE: I really don't think I have any more
14 cemeteries.	14 questions well no, I take that back. I probably should
15 HEARING EXAMINER ROBESON HANNAN: Okay.	15 say no, I take that back. I believe Mr. Goodnoe covered
16 MR. GOODNOE: Because as I say, I'm sure that some of	16 all the points I wanted to and so he's available for any
17 them were vaultless, many are vaultless, which would	17 questions from Mr. Putman.
18 effectively be the same as a green cemetery, except that it	18 HEARING EXAMINER ROBESON HANNAN: Mr. Putman, do you
19 probably had coffins that were made of artificial materials	19 have any questions?
20 so their capacity to contaminate would be greater than a	MR. PUTMAN: I do. That was an excellent presentation.
21 green cemetery. And even so, this study conducted by Beak	21 HEARING EXAMINER ROBESON HANNAN: I figured you would.
22 Consultants, Ltd. The summary statement here is;	22 Go ahead.
23 "Based on the analysis results there does not	23 MR. PUTMAN: Even though I don't think you were sworn,
24 appear to be an occurrence of the elevated levels	
1 ^^	24 you look like a very honest man to me and I
25 of concern for the parameters tested in either	24 you look like a very honest man to me and I 25 MR. GOODNOE: No, I

99 HEARING EXAMINER ROBESON HANNAN: Oh, no, don't tell me children? 2 I forgot it. MR. GOODNOE: I will defer to Mr. Eldadah's response on MR. GOODNOE: I did. I remember. My memory's good that. The science of that is -- was well discussed by Mr. Eldadah. That's not my expertise, but I will say that as an enough that I do remember being sworn. HEARING EXAMINER ROBESON HANNAN: Okay. environmentalist I know the power of the soil to clarify and MR. PUTMAN: With respect to Ms. Hannan's question you the engineers should speak to that. All I can tell you is said that there were residences nearby a cemetery that you that in my 40 years I have never, honestly, ever heard of an designed and you had no reports of water problems. Were issue of contamination associated with any of my cemeteries. those residents served by a well or were they served by MR. PUTMAN: Thank you. 10 public water that had been treated; do you know? 10 MR. GOODNOE: Or in the industry have ever heard of any 11 MR. GOODNOE: I --11 such thing. I am of true belief that the risk is -- that MR. PUTMAN: And the second question goes to --12 natural systems will clarify any concern that you have and MR. GOODNOE: No, that's a good question. I believe 13 that the impact is so minimal as to be negligible. 14 that Pittsburg cemetery, actually the owner of the cemetery HEARING EXAMINER ROBESON HANNAN: Okay. Let me stop. 15 resided in one of the houses, the nearest house. And 15 I see a hand raised from Mr. Eldadah. Did you have a 16 they're in a remote enough location that I am pretty 16 question or do you want to add testimony? 17 confident that they must be using a well. It was a rural DR. ELDADAH: I just wanted to address that last issue 18 setting. 18 that Mr. Goodnoe prompted, I need to address. HEARING EXAMINER ROBESON HANNAN: Okay. Let's -- this 19 MR. PUTMAN: Are any of those you designed located in a 20 watershed that is -- that flows to a reservoir used for 20 is cross-examination of Mr. Goodnoe. I'll let you address 21 drinking water? And the second question, do any of those, 21 it, but then Mr. Putman would get additional cross of you. 22 if there were any, do any of those reside in a watershed 22 Okay? 23 area that the substrata is fractured shale? I'm not even 23 So Mr. Kline, do you want him to address it now or? MR. KLINE: I do think it would probably make sense as 24 worried about this necro-leachate getting to the water 24 25 table. If it just gets below the earth's surface on the 25 long as Mr. Putman's okay with that. 98 100 ground and into the fractured shale gravity will take it HEARING EXAMINER ROBESON HANNAN: Okay. Let me check down to the water. That's my concern. This is a well-2 this first. designed funeral place or burial place, except for its Mr. Putman, do you have any other questions of Mr. 4 location in the watershed above a drinking water reservoir. MR. GOODNOE: If I understand your question, there's a MR. PUTMAN: I don't think so, thank you. 6 cemetery here in Michigan where the cemetery borders on a HEARING EXAMINER ROBESON HANNAN: Okay. Then we're wetland which is the perimeter of a lake, which is going to release him for the moment. He may have to come 8 surrounded by homes. That's been in place for at least 10 back, I don't know. And you can -- Mr. Eldadah, you can 9 years and to my knowledge with absolutely no adverse come in and say what you -- supplement Mr. Goodnoe's 10 effects. And it's an area that has a high water table 10 testimony. 11 because this is a cemetery that does, in fact, have water in DR. ELDADAH: Thank you. I just wanted to provide a 12 the graves. 12 little commentary on this distinction that we are making One of the design elements was to reveal this ground 13 between organic and inorganic agents. So the distinction is 14 water and make a stream on the site, so there's a stream 14 that an inorganic compound would contain molecules that are 15 passing through the green cemetery. 15 not carbon based. MR. PUTMAN: Last question, if I may. You've given us 16 The chemotherapeutic agents that Mr. Putman is 17 reference to a number of studies that are three to four 17 referring to, I believe, or some of the newer compounds that 18 decades old and predate the invention of synthetic 18 may contain traditional chemotherapeutic agents, but they 19 chemotherapeutic agents that do not biodegrade in the soil. 19 are contained within a shell, or a cage, that uses certain 20 This is an area of great concern to me and I just wonder 20 metals as a way of delivering those compounds to the cells 21 whether you have any more recent documented examples or 21 where they act. These metals are things like gold, or zinc, 22 documents that do not reflect any -- I don't know how to say 22 or manganese.

24 one. Did you say gold?

DR. ELDADAH: Gold, yes. Gold.

HEARING EXAMINER ROBESON HANNAN: I miss of the first

23

25

23 this. That don't reflect the fact that these synthetic

24 chemotherapeutic agents do not biodegrade and small traces

25 of them seem to have an effect genetically, especially on

101 103 HEARING EXAMINER ROBESON HANNAN: Okay. 1 DR. ELDADAH: So these are metals that, you know, of 2 MR. PUTMAN: I do not have the pharmacological credentials of Dr. Eldadah. I would just refer to the course where they take it from the -- they naturally occur in the ground, and so these metals are returned to the statement from the European Journal of Pharmacology in January of 2020 in my original testimony, and that's ground. And so I think it would be safe to say that many of these -- and this distinction between organic and inorganic entitled Cytostatic Pharmaceuticals as Water Contaminants, compounds and their effect on the soil, while it's not reports that these drugs cause DNA mutations and that 98 possible for a metal to biodegrade in the same way as an percent of them cannot be removed by septic systems and organic compound, nevertheless this compounds contain metals wastewater treatment plants. 10 that are returning to the soil from whence they came. I have no reason to doubt that, but I have not the HEARING EXAMINER ROBESON HANNAN: To your knowledge are 11 technical background that Dr. Eldadah has. HEARING EXAMINER ROBESON HANNAN: Dr. Eldadah, can 12 the necro-leachates are they the in organic ones? Those are 13 most -- are you saying they are mostly metal? 13 you -- just one second. DR. ELDADAH: Well, to my knowledge, what makes a 14 Can you educate us as to -- what was the word, cyto? 15 chemotherapeutic agent inorganic, to fall under that 15 MR. PUTMAN: Cytotoxic chemotherapy drugs and 16 category, it is because of the presence of these metals that 16 cytostatic pharmaceuticals as water contaminants. 17 accompany the chemotherapeutic agents. 17 HEARING EXAMINER ROBESON HANNAN: Can you educate us as HEARING EXAMINER ROBESON HANNAN: Are the types of 18 to what those are, Dr. Eldadah? 18 19 metals you're referring to, are they inert? DR. ELDADAH: Well, cyto means cell, static means not DR. ELDADAH: Well, I suppose it depends on what you 20 moving. I believe that cytostatic drugs are -- refer to the 21 consider inert. Gold, you might say is perhaps the most 21 ability of a drug to prevent a cell from multiplying, 22 inert of all metals, or all compounds, really. Most other 22 moving. That is one that would exert an effect on rapidly 23 metals are reacted in some way. But these are metals that dividing cells like cancer cells. 24 naturally occur in the earth. Iron is another one of these HEARING EXAMINER ROBESON HANNAN: Okay. All right. 25 metal steps used in these inorganic chemotherapeutic agents. 25 Any more questions, Mr. Putman? 102 104 Iron certainly reacts, but it's also ubiquitous in the soil. MR. PUTMAN: I guess we'll just have to agree to HEARING EXAMINER ROBESON HANNAN: But what is -- aren't disagree. Thank you for the opportunity. they present in our water? Aren't they -- are some of them, HEARING EXAMINER ROBESON HANNAN: Mr. Putman, can you even though they are in organic, or present in the soil, do this? Do we have the citation to the article that you would you want them in your drinking water and high are reading from and our record? concentrations? MR. PUTMAN: Well, it was in my testimony, my testimony DR. ELDADAH: Yes, perhaps not. I believe that the today. HEARING EXAMINER ROBESON HANNAN: Oh. current systems for handling well water and municipal water are adequate to filter out the naturally occurring metals. MR. PUTMAN: But I'll be happy to tell you what it is. 10 As I mentioned, iron, as being one of these metals is 10 It's in the European Journal of Pharmacology, the January 11 ubiquitous in the soil. We certainly do not see our water 11 5th, 2020 article. It's recently enough that they know 12 filled with iron, owing, I assume, to the adequacy of our about the newly invented chemotherapy stuff and they call 13 filtration systems. I'll defer to the sanitarians and them cytostatic pharmaceuticals as water contaminants and 14 engineers to report on the details of how these systems 14 report that these drugs cause DNA mutations even at low 15 work. HEARING EXAMINER ROBESON HANNAN: Now, you use the word HEARING EXAMINER ROBESON HANNAN: Would you mind doing 16 this? Would you mind submitting that article? Emailing it 17 ubiquitous. Now to my pea-brain that means a lot of. It's 18 common, correct? to Ms. Johnson so we have a copy in our record? If you can. DR. ELDADAH: Yes, that's correct. Sometimes they don't let you print it if you don't HEARING EXAMINER ROBESON HANNAN: I'm just making sure 20 subscribe. 21 21 I'm understanding your testimony. Okay. Okay, is that what MR. PUTMAN: Yes. I want to respect the copyright 22 you wanted to supplement with? 22 privileges, but I will look again at this journal and see if 23 DR. ELDADAH: Yes. 23 there is a way to buy a copy, and submit it to Ms. Johnson. 24 HEARING EXAMINER ROBESON HANNAN: Mr. Putman, do you 24 HEARING EXAMINER ROBESON HANNAN: Okay. All right. 25 have any questions based just on just what Mr. Eldadah just 25 Mr. -- you have no more questions then?

107 MR. KLINE: Yes. And I'm going to change, or alter our MR. PUTMAN: Not at this time; thank you very much. presentation because Mr. Etemadi, I think, has the subject 2 HEARING EXAMINER ROBESON HANNAN: Okay. Mr. Kline? matter -- he is most easily disposed of in the context of MR. KLINE: I would -- I would like to ask a procedural everything else we're talking about. question. Mr. Etemadi, would you please state and spell your name I'm in a position where I would either call another witness on this technical issue of groundwater HEARING EXAMINER ROBESON HANNAN: Wait. Let me just contamination, but it would probably take an hour or so, or swear him in. 45 minutes anyway. But -- so I can either try and -- we go MR. KLINE: Yeah, right. until we finish that; we go for part of it, or we take a 10 HEARING EXAMINER ROBESON HANNAN: Mr. Etemadi, please 10 break for lunch now. 11 raise your right hand. Do you solemnly affirm under penalties of perjury that 11 HEARING EXAMINER ROBESON HANNAN: Well, since we're 13 the statements you're about to make are the truth, the whole 12 between witnesses this would be a natural time to take a truth, and nothing but the truth? 13 break for lunchtime. 15 MR. ETEMADI: I do. Mr. Putman, do you have any objections to that? HEARING EXAMINER ROBESON HANNAN: Okay. Go ahead, Mr. 16 MR. PUTMAN: Not at all. 15 17 Kline. HEARING EXAMINER ROBESON HANNAN: Okay. So we will go MR. KLINE: Mr. Etemadi, what is your address, please? 18 17 off the record for one hour. Please mute your microphones. MR. ETEMADI: Good afternoon; 6449 Red Keel, Columbia, 19 18 Don't leave the hearing, but mute your microphones and your 20 Maryland 21044. 19 cameras or everybody will be able to hear you. Sometimes 21 MR. KLINE: What is your profession? 20 people hear -- you know, say stuff they don't intend. So 22 MR. ETEMADI: I made transportation planner, 21 Mr. Kline? 23 transportation engineer, and a planner. HEARING EXAMINER ROBESON HANNAN: Well, let me just say MR. KLINE: All I'd like to do is I would say, 25 something. He lives -- I didn't know he lived on Red -- did 23 unfortunately, the only way I can communicate with my 24 witnesses is through this vehicle. So I'm going to be changing the order of witnesses. So 106 108 1 for those listening, Mr. Von Gunten is going to be the next you say Red Keel? witness, and then we would go to Mr. Crum, Mr. Post, Ms. MR. ETEMADI: Yes, ma'am. Trock, and Mr. Eldadah. I'm sorry, Mr. Etemadi. Although, HEARING EXAMINER ROBESON HANNAN: In Columbia? I might ask you to consider me sort of stipulating to what MR. ETEMADI: Yes, ma'am. the traffic statement says because it's going to -- it won't 5 HEARING EXAMINER ROBESON HANNAN: Well, I live about come until the end and it's not going to have a lot of four streets away, but I never speak with Mr. Etemadi. I importance. don't know him personally, but apparently we are proximate. HEARING EXAMINER ROBESON HANNAN: Well, if you just So I'm just disclosing it for the record. MR. ETEMADI: Yes. I'm honored to be your neighbor, want to rely on the staff report and just have him say he 10 performed the staff report we don't need to go into it. 10 ma'am. MR. KLINE: All right. Maybe what we'll do is we'll HEARING EXAMINER ROBESON HANNAN: Well, anyway. Go 11 12 start with that on the afternoon session so he doesn't have 12 ahead. If anyone has an objection you can raise it, but go 13 ahead, Mr. Kline. 13 to hang around. HEARING EXAMINER ROBESON HANNAN: Okay. MR. KLINE: Mr. Etemadi, have you ever qualified as an 14 15 expert in traffic engineering and transportation planning 15 MR. KLINE: We'll see you at 1:25? 16 HEARING EXAMINER ROBESON HANNAN: That's perfect. 16 before Ms. Robeson Hannan or any other hearing examiner? 17 Thank you. 17 MR. ETEMADI: Yes. 18 MR. KLINE: Thank you. 18 MR. KLINE: Recently? 19 THE COURT REPORTER: We are off the record at this 19 MR. ETEMADI: Yes. Probably the most recent one was 20 time. 20 last year, maybe. Something like that. 21 (Recess at 12:22 p.m. EST, resuming at 1:26 p.m. EST) 21 HEARING EXAMINER ROBESON HANNAN: Yeah, I'm familiar. HEARING EXAMINER ROBESON HANNAN: All right. We're 22 Look, if you don't mind, Mr. Kline, may I do it this way. Mr. Putman, do you have any objection -- do you have 23 going to continue the hearing in CU 21-06. 23 Mr. Kline, I think we were ready to move onto a new 24 24 any reason to question Mr. Etemadi's qualifications as a 25 transportation planner and traffic expert?

25 witness.

109 111 MR. PUTNAM: No ma'am, I do not. I accept his MR. ETEMADI: So do you want me to tell you what the --2 qualifications. 2 HEARING EXAMINER ROBESON HANNAN: No, I just want to HEARING EXAMINER ROBESON HANNAN: He has qualified know what timeframe wise, what was the peak or is the peak before me before and so I will qualify him as that. 4 hour? MR. KLINE: Thank you. 5 MR. ETEMADI: Oh, the peak hour for this development Mr. Etemadi, have you prepared a traffic statement actually is not a -- well, I have to explain this. Because analyzing the Remembrance Park proposal? this development is not a typical cemetery or typical land MR. ETEMADI: Yes. use that we take it -- Institute of Transportation Engineers MR. KLINE: And what were your conclusions? trip generation manual to calculate the trip generation. We 10 MR. ETEMADI: The conclusion was that this proposed 10 looked at the activities that will be taking place during 11 development is not going to have any negative impact on our 11 the peak hour, peak period. I should say peak period. And 12 then we assumed what would be the peak hour, sometime 12 transportation facilities. 13 MR. KLINE: And that is because why? 13 between 8:00 and 9:00. But it's not --MR. ETEMADI: Well, we follow the guidelines, the HEARING EXAMINER ROBESON HANNAN: I just wonder -- I'm 15 just thinking of DPS and if I put that condition on is DPS 15 County's guidelines for transportation and look at public 16 facilities requirements. We prepare the traffic statements. 16 going to know what hours there's supposed to be not having 17 We submitted to staff and they have approved it and the funerals? That's why I'm asking. 18 conclusion in the traffic statement was that the 18 MR. ETEMADI: Okay. That has to be outside of the peak 19 transportation system is not going to be impacted 19 period --20 negatively. 20 HEARING EXAMINER ROBESON HANNAN: Okay. 21 MR. KLINE: And that works on the assumption for a 21 MR. ETEMADI: -- of the a.m. between 6:30 and 9:30 and 22 traffic statement; that there will not be more than 50 peak 22 the p.m. between 4:00 and 7:00. 23 hour person trips within a peak period; correct? 23 HEARING EXAMINER ROBESON HANNAN: Okay. MR. ETEMADI: Peak hour, not peak period. MR. ETEMADI: Those are the periods that should not 25 MR. KLINE: Okay. 25 have funeral or other activities that generate too much 110 112 MR. ETEMADI: Right. 1 MR. KLINE: In any event, so if Remembrance Park was 2 HEARING EXAMINER ROBESON HANNAN: Okay. I get it now. operated in accordance with the standard there would not be That's all I had. I was confused. Okay. more than 50 peak person trips during whatever the testing MR. KLINE: So that would be the Applicant's proffer time period is, then there would be no impact on the and make Mr. Etemadi available if Mr. Putman wants to ask surrounding road network, correct? him any questions. MR. ETEMADI: Yes, correct. HEARING EXAMINER ROBESON HANNAN: Mr. Putman, do you MR. KLINE: On the basis of that, without going through have any questions? all of the testimony and the methodology I'd just like to MR. PUTNAM: I do not. Thank you. 10 offer Mr. Etemadi's conclusion stated in his traffic study 10 HEARING EXAMINER ROBESON HANNAN: Mr. Kline, anything 11 and leave it at that unless somebody had some questions. 11 else? HEARING EXAMINER ROBESON HANNAN: I just had one really MR. KLINE: That completes our testimony on that 13 quick one. Is the restriction -- the restriction on traffic 13 subject matter. I want to ask if Mr. Etemadi can be 14 is no trips outside the peak hour instead of the peak 15 HEARING EXAMINER ROBESON HANNAN: He can be released. 15 period. Do we know what the peak hour is? MR. ETEMADI: Yes, ma'am. The peak hours -- well, the 16 Thank you Mr. Etemadi. 17 peak period is in the morning 6:30 to 9:30 in the morning. 17 MR. ETEMADI: Thank you, ma'am. Bye-bye. 18 HEARING EXAMINER ROBESON HANNAN: Right. 18 HEARING EXAMINER ROBESON HANNAN: Okay. Mr. Kline, MR. ETEMADI: And in the afternoon it is 4:00 to 7:00 19 your next witness. 20 p.m. But we will examine the traffic impact for the peak 20 MR. KLINE: Mr. Von Gunten, can you join us by putting 21 hour within those peak periods. 21 your face up on the screen, please? 22 HEARING EXAMINER ROBESON HANNAN: But you haven't done 22 HEARING EXAMINER ROBESON HANNAN: Is that -- I don't 23 that yet? 23 see his face. MR. ETEMADI: Yes. Yes, we have done that. 24 24 MR. KLINE: Gene are you 25 HEARING EXAMINER ROBESON HANNAN: All right. 25 MR. VON GUNTEN: (inaudible).

113 1 over what I noticed was that the focus of the article was on MR. KLINE: Well here -- we're having trouble hearing 2 you, and the Hearing Examiner needs to be able to see you when you're testifying. MR. VON GUNTEN: Yeah, can you hear me at least?

MR. KLINE: Yes.

MR. VON GUNTEN: Yeah, I'm trying to get the computer

to turn the camera on and that the -- for some reason, it's

not turning the camera on.

MR. KLINE: Okay. Can we have one minute Ms. Robeson

10 Hannan, please?

HEARING EXAMINER ROBESON HANNAN: Certainly. We'll go 11

12 off the record for, like, three minutes.

13 (Off the record at 1:35 p.m., resuming at 1:37 p.m.)

MR. KLINE: So Mr. Eldadah, you heard Mr. Etemadi's 14

15 suggestion. Apparently you had an opportunity to do some

16 research, I guess, based on Mr. Putman's resources over the

17 lunch hour? With Mr. Putman's and the Hearing Examiner's

18 approval, could be elaborate on his earlier testimony in

19 light of what he has been able to read over the last hour?

Is that acceptable to the Hearing Examiner and Mr. 20

21 Putman?

22 HEARING EXAMINER ROBESON HANNAN: I apologize. One

23 second.

24 Okay. Would you mind stating again -- for some reason,

25 Mr. Kline, you broke up. I turned something off, so can you

these cytostatic drugs, which are essentially

chemotherapeutic drugs. It's really the same term. And the

focus of the article is on the toxicity in the water supply.

But what the article really focuses on is it mentions

the main source of these chemotherapeutic drugs are

effluents from hospital, which of course, are enriched with

patients who are undergoing active cancer treatment. And

they also mentioned that community septic systems or other

10 waste disposal systems are another source of these

11 cytostatic drugs. So these are the main concerns in how

12 these drugs actually wind up in the water supply.

It does not talk about burial grounds, whether

14 conventional burial grounds or green burial grounds. But

15 this really begs the question that we have made sort of an

16 unquestioned assumption that patients who are receiving

17 active cancer chemotherapeutic drugs are equivalent to

18 patients who are dead, who had the chemotherapy in the past.

19 And it turns out that actually, as I read further, there

20 is -- it's understood that chemotherapy actually remains in

21 the body for a very short period of time.

The Dana Farber Cancer Center which is a very well-

23 known -- internationally known cancer center in Boston, they

24 suggest that chemotherapeutic agents remain in the body

25 mostly for up to 2 to 3 days. And typically, a patient who

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say what you said again?

MR. KLINE: Sure. Well, over lunch hour Mr. Eldadah

was able to, apparently, secure a copy of what Mr. Putman

had been relying on on his testimony and was able to come up

5 with more observations that he wanted to share for the

record, and with Mr. Putman. And I'm just asking if that is

okay with everybody to do it now, while we're waiting for

Mr. Von Gunten to join us.

HEARING EXAMINER ROBESON HANNAN: That's fine with me.

10 Do you have any objections, Mr. Putman?

MR. PUTNAM: I have none, and I apologize for ruining 11

12 Dr. Eldadah's lunch. I hope he got to eat.

HEARING EXAMINER ROBESON HANNAN: All right. Mr.

14 Eldadah, you're still under oath.

DR. ELDADAH: Absolutely. 15

16 HEARING EXAMINER ROBESON HANNAN: You're Dr. Eldadah,

17 correct?

18 DR. ELDADAH: Yes.

HEARING EXAMINER ROBESON HANNAN: Is that the correct? 19

20 DR. ELDADAH: It's doctor, typically addressing

21 (inaudible) service, yes.

22 HEARING EXAMINER ROBESON HANNAN: Okay. Go ahead.

23 DR. ELDADAH: Thanks. Yeah, so I had a chance to look

24 over the article and I learned a lot, and I appreciate Mr.

25 Putman bringing this to our attention. You know, reading it

has cancer will survive much longer than their last cancer

treatment, typically a patient who is having a toxicity from

their chemotherapy that therapy will be stopped and the

patient will typically not be under active chemotherapy.

They will probably be in a palliative care or hospice

And so the time between actually receiving chemotherapy

and the chemotherapy leaving the body, in most cases it

would likely be well before that individual dies. And so we

would expect that these chemo therapeutic agents are not

present in a deceased person's body in any appreciable

12 concentration. So what I gathered from these sources is

13 that really if there was a concern for the chemotherapeutic

14 agents, it's really from our wastewater systems from

15 (inaudible).

16 HEARING EXAMINER ROBESON HANNAN: I missed your last

word. From our waste water systems?

DR. ELDADAH: From our waste water systems and not from

19 patients who actually died; not from the bodies of cancer

20 patients who have died.

21 HEARING EXAMINER ROBESON HANNAN: And the two main

22 sources you mentioned were hospital effluents, and one other

23 thing?

24 DR. ELDADAH: Hospital effluents and then also just way

25 systems like waste systems.

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119 HEARING EXAMINER ROBESON HANNAN: I see. Okay. Thank whole truth and nothing but the truth? 2 you. MR. VON GUNTEN: I do. HEARING EXAMINER ROBESON HANNAN: And state your name Mr. Putman, do you have any questions -- or Mr. Kline, do you have any follow-up questions? and address for the record. MR. KLINE: I don't. And I think the direction you're MR. VON GUNTEN: Gene Von Gunten, I live at 1707 Old heading is fine. Let Mr. Putman ask him a question and Westminster Pike, Westminster, Maryland. The ZIP code is possibly if he has a response now, let him do it now also. 21157. HEARING EXAMINER ROBESON HANNAN: Okay. MR. KLINE: Mr. Von Gunten, what would you describe --HEARING EXAMINER ROBESON HANNAN: Did I hear -- just a MR. PUTMAN: My turn? 10 HEARING EXAMINER ROBESON HANNAN: Yes, Mr. Putman. 10 second. I'm sorry, Mr. Kline. I hear an echo. Is 11 MR. PUTMAN: I agree with what you say Dr. Eldadah, and 11 everybody's phone off, or a second device off? Okay. Let's 12 I want to agree with what you say. What I can't get over is 12 try it again. Is it gone? 13 the fact that these European studies, which are studying 13 MR. KLINE: Mr. Von Gunten? 14 this and -- I'm sure their hospitalization of cancer MR. VON GUNTEN: Yes. 15 patients is not greatly different from ours, and I'm sure 15 HEARING EXAMINER ROBESON HANNAN: Yeah, it's 16 that their recognition of effluent flow from septic tanks or 16 (inaudible). 17 from sewage treatment plants is not much different from 17 MR. KLINE: Sounds better. 18 ours, but they are still finding these synthetic 18 MR. VON GUNTEN: Good. 19 chemotherapies that find their way somehow into the water 19 MR. KLINE: Mr. Von Gunten, what would you define your 20 profession to be? 21 Now, I'm sure the hospitals, our waste disposal systems 21 MR. VON GUNTEN: I'm a retired environmental health 22 are partly at fault, but neither of us, I guess, knows what 22 specialist. I worked for 38 years in that field, both in 23 we could do to make those a lot better, but burying a body Frederick County, Maryland and also in Montgomery County, 24 that may have just been the result of the failure of the Maryland. 25 25 chemo therapeutic regimen and having that come out of that MR. KLINE: And what was the scope of your work in 118 120 body as it does, that's something that we can mitigate in those positions? the Patuxent Watershed. And that's all I'm trying to do. MR. VON GUNTEN: I was a specialist in water wells and So we're again, at that point where we must agree to septic systems, both in the evaluation, the permitting, and the management of those systems. HEARING EXAMINER ROBESON HANNAN: Okay. I don't hear a MR. KLINE: Ms. Robeson Hannan, I'm confident that Mr. Van Gunten has never qualified as an expert before you Okay. Mr. Kline, anything else? before. I am prepared to do a voir dire, unless you wanted You're on mute. to ask Mr. Putman if he would like to accept him as an MR. KLINE: Sorry. No, not on that subject matter. expert in environmental health specialist. 10 I'll just move on to our next witness. I think we'll have a 11 chance to continue to discuss this subject matter. HEARING EXAMINER ROBESON HANNAN: Well, I'd just like HEARING EXAMINER ROBESON HANNAN: Thank you. Okay, go 12 11 to hear -- he's never qualified. 13 ahead. And what is your work experience, again? MR. KLINE: That having been said, Mr. Von Gunten --14 MR. VON GUNTEN: I was a registered environmental 15 MR. VON GUNTEN: (inaudible). 14 health specialists, both in Frederick, and Montgomery MR. KLINE: Would you please introduce yourself and 16 15 Counties dealing with individual water wells and septic 17 spell your name and be prepared to be sworn in? 16 systems. MR. VON GUNTEN: Yes. My name is Gene Von Gunten. 17 HEARING EXAMINER ROBESON HANNAN: And you say dealing 19 First name G-E-N-E. Last name is two words; Von, V, as in 18 with -- what did you do with the individual water wells and 20 Victor, O-N, and then Gunten, capital Gas in George, 19 septic systems? 21 U-N-T-E-N. MR. VON GUNTEN: I evaluated sites as far as soil 22 HEARING EXAMINER ROBESON HANNAN: Okay. Please raise 23 your right hand. 21 testing and also plan review, issuing permits, inspecting Do you solemnly affirm under penalties of perjury that 22 systems and also working with home owners when their septic 25 the statements you are about to make are the truth, the systems failed. MR. KLINE: Mr. Von Gunten, your job when you retired

25 your job title was what?

123 MR. VON GUNTEN: I was manager of the well and septic MR. KLINE: And maybe this question seems unnecessary, 2 section at the Montgomery County Department of Permitting in light of the testimony we've heard before, but would you explain the policy reasons for ensuring where the depth of 3 Services. the buried bodies does not intrude into the high level mark MR. KLINE: And so you were responsible for ascertaining the safety of all wells and septic systems in of the water table? 6 Montgomery County? MR. VON GUNTEN: Well, the County Council developed a MR. VON GUNTEN: Yes, sir. concern, I believe probably in the mid-90s. I was working HEARING EXAMINER ROBESON HANNAN: And what are you for the County then. That there were cemeteries, in fact, proffering him as a (inaudible)? the first one was a private cemetery, where a gentleman was MR. KLINE: Well, as I say, an environmental health going to be interred on his family farm. And there was a 11 specialist with experience in the operation of wells and 11 feeling that we should do this in a method that doesn't pose 12 septic systems and the entire approval process to get 12 a threat to anyone's drinking water. 13 development approved in areas that did not have public sewer 13 So they consulted with my department and a decision was 14 and water. And --14 made that we would simply evaluate the soil and make sure HEARING EXAMINER ROBESON HANNAN: Well, how about this. 15 that we had an adequate soil bumper between the bottom of 16 That's a long specialty. How about environmental health 16 the grave and at the highest point that the seasonal water 17 table reaches, which is typically in the spring. And since 17 specialist in septic systems? 18 MR. KLINE: Perfect. 18 that time, there has been one other cemetery that was HEARING EXAMINER ROBESON HANNAN: Okay. Go ahead. 19 permitted in Comus, where this evaluation was done to make 20 Any objections from that -- Mr. Putman, do you disagree sure that that soil buffer is there. Now, this is somewhat 21 that he should be qualified? 21 unique --22 HEARING EXAMINER ROBESON HANNAN: (inaudible) just stop MR. PUTMAN: He sounds qualified to me. 23 HEARING EXAMINER ROBESON HANNAN: Okay. one minute. There is a phone number from where I'm hearing 24 MR. PUTMAN: I accept his credentials. someone speaking. It's 301-642-7 something. Can whoever 25 HEARING EXAMINER ROBESON HANNAN: Go ahead, Mr. Kline. that is on this call, please mute yourself -- mute your 122 124 MR. KLINE: Mr. Von Gunten, in your previous employment phone. Because I can't understand what he's saying. and since you've been involved in this matter, you're Okay. I apologize, Mr. Von Gunten, please go ahead. familiar with the provisions at Section 59.3.5.4.A.2.C of MR. VON GUNTEN: Okay. So the idea is to make sure the Montgomery County Code, which I will read so everybody that there is an adequate soil buffer beneath the graves so 5 knows what I'm talking about. that this leachate that's created by decomposition of human HEARING EXAMINER ROBESON HANNAN: I'm sorry. I hear remains is adequately filtered and does not pose a threat to another voice. Is anybody speaking in the background? the drinking water aquifer. MR. KLINE: Have you familiarized yourself, or were you All right. Go ahead. MR. KLINE: Mr. Von Gunten, the text of the county familiar with the aspects of green burial operations? 10 code section I just read to you is found in the use MR. VON GUNTEN: I was only on the periphery because 11 standards for a cemetery and it reads: 11 there was a proposal a few years ago that I was aware of in 12 "Where the subject property is located in an area 12 Baltimore County. That project has not actually gone to not served by public water and sewer, water table 13 completion, but of course, I become a lot more acquainted 13 14 tests must be conducted to assure that there is 14 with the concepts in working on this project. adequate filtration of drainage between burial 15 MR. KLINE: Would you say that the separation between 16 depth and the level of high water table." 16 burial depth and a high water table depth is a more critical 17 That's the end of the quote, and you have heard some 17 issue for a green burial cemetery? 18 dialogue about that subject today. So to start, and kind of MR. VON GUNTEN: Actually the processes of a green 19 burial cemetery would actually reduce the threat to the 19 take that phrase apart, is the subject property located in 20 an area where public sewer and water are available? 20 groundwater because we do not have those elements introduced MR. VON GUNTEN: Well, technically speaking, public 21 by the vault, the casket, embalming, and such. But there is 22 water is available. Public sewer is not available. So 22 still the biological element, which would be present in any 23 we're sort of in betwixt there, but for the purpose of this 23 cemetery. So for that reason, the soil buffer is a good 24 argument I think that the Code does apply here. This is an 24 idea, certainly. area where public water and sewer are not available. 25 MR. KLINE: So in order for the Applicant to

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1 demonstrate that there was adequate separation, would you

- 2 please describe your involvement in helping the Applicant
- 3 put together a program to demonstrate that there would be a
- 4 safe separation between burial depth and high water tables?
- MR. VON GUNTEN: Certainly. In 2020 the Applicant
- 6 retained a private soil and geology firm, known as ECS and a
- 7 geology study of the entire site, which included numerous
- 8 excavations with a backhoe down to about 12 feet in depth
- 9 and they found no sign of any shallow groundwater that would 9
- 10 have been a concern for the gravesite area.
- 11 And then, that report was presented to --
- MR. KLINE: And Mr. Von Gunten, before you leave that
- 13 just kind of elaborate on how -- what were their findings or
- 14 how did they come to those determinations in terms of what
- 15 they found in the field?
- MR. VON GUNTEN: Well, they had an excavator on site
- 17 with a backhoe and he dug these holes. And then, they had a
- 18 qualified geologist there and he examined the soil that came
- 19 out of the holes and examined the holes themselves and
- 20 concluded that there was no sign of any high water table at
- 21 any concern there.
- MR. KLINE: And what I'm leading up to is, what is the
- 23 factor that helps them make that determination (inaudible)
- 24 the coloration of the soil?
- 25 MR. VON GUNTEN: Yes. Well, they're looking for --
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- 1 actually they're looking for water that's present. But even
- 2 if it's not present they're looking for signs in the soil,
- 3 typically colors that are left behind by a receding
- 4 highwater table. And there's a very long term for that.
- 5 But they found -- in this case they found no such signs of
- 6 any morphology or colors that would indicate a high water
- 7 table.
- 8 MR. KLINE: So would you say that's a safety net test
- 9 to go beyond the just normal septic testing by going out and
- 10 doing something more scientific, I guess?
- 11 MR. VON GUNTEN: Yes. And in this case, of course, it
- 12 was followed up by additional testing conducted by a county 13 government.
- 15 government.
- 14 MR. KLINE: So when the next septic testing season came
- 15 along, meaning, I guess 2021, would you explain what the
- 16 Applicant did to determine the water table location and the
- 17 appropriateness for burial depth?
- MR. VON GUNTEN: Yes. First of all the Applicant
- 19 submitted a plan to the Department of Permitting Services
- 20 and their plan reviewer, who is a registered environmental
- 21 health specialist, reviewed the plan and indicated on --
- 22 HEARING EXAMINER ROBESON HANNAN: Who is their
- 23 (inaudible)?
- 24 MR. VON GUNTEN: His name?
- 25 HEARING EXAMINER ROBESON HANNAN: Yeah.

- 1 MR. VON GUNTEN: His name is Jason Fleming.
- 2 HEARING EXAMINER ROBESON HANNAN: Okay.
- 3 MR. VON GUNTEN: And Mr. Fleming indicated on the plan
- 4 the location of about a dozen additional sites where he
- 5 would like to see excavations made and the water table test
- 6 conducted in the typical fashion that the County conducts
- 7 for all properties when a septic system is being proposed.
- MR. KLINE: And what was Mr. Fleming's conclusions?
- 9 MR. VON GUNTEN: Well, first of all the inspector came
- 10 out. Her name is Kim Beal. She also is a registered
- 11 environmental health specialist and she found no signs of
- 12 any shallow ground water that would be of concern. And then
- 13 she forwarded her results to Mr. Fleming. And ultimately,
- 14 Mr. Fleming submitted a memo to the Park and Planning
- 15 Commission whereby he said that based upon the ECS study and
- 16 the actual field work that the water table levels were
- 17 considered acceptable for the grave site placement under the
- 18 conditions of the County Code.
- MR. KLINE: Ms. Robeson Hannan, that letter from Mr.
- 20 Fleming is an attachment D2 to the technical staff report.
- 21 It's in the record.
- 22 HEARING EXAMINER ROBESON HANNAN: Okav.
- 23 MR. KLINE: So we have the Well and Septic Division of
- 24 DPS concluding, based on a soils evaluation by ECS and
- 25 septic testing by Mr. Reece's firm, that the separation

- between burial depth and the water tests found in the field
- 2 were acceptable to meet the standards of the County Code?
- 3 MR. VON GUNTEN: Yes.
- 4 MR. KLINE: Okay.
- What I think I'd like to do is go beyond the questions
- 6 I thought I was going to ask you today and ask you to
- 7 comment on Mr. Putman's observations. And if we're kind of
- 8 boiling down, I think, to a point where does dirt and soil
- 9 have the ability to cleanse the leachate of the
- 10 deteriorating body so that when -- those elements finally
- 11 get to the water table, or get to the river, or get to the
- 12 reservoir, they are clean and noncontaminated? So what can
- 13 you tell us about this subject?
- 14 Gene, you're on mute, please.
- 15 HEARING EXAMINER ROBESON HANNAN: Sir, you're --
- 16 MR. VON GUNTEN: Can you hear me now? Sorry.
- 17 MR. KLINE: Yes, we can.
- MR. VON GUNTEN: If we break that down into its
- 19 component parts and first talk about the more biological
- 20 aspects of decomposing human remains there would be
- 21 bacteria, there would be viruses. There is no question, and
- 22 the literature clearly supports, that the soil is an
- 23 excellent media for attenuation and reduction of those
- 24 components, especially fine-grained soils that are
- 25 unsaturated. And that's exactly what we have here.

129 131 1 would probably be impossible to detect these components by Now, Mr. Putman is right, this soil is weathered up from a shale substrate. But on this site the shale is any test we have available now. weathered to the point where the soil has a loamy, or a MR. KLINE: Was there anything else that you wanted to clay-loam consistency which makes it an excellent filtration say on that subject? for the bacteria and the viruses. And the --MR. VON GUNTEN: The only other comment I would like to MR. KLINE: So are you telling us it's not gravel? make is that, obviously this is not the first cemetery in It's not rock anymore? It's broken up and become more the country, or Montgomery County. There are many refined than that, fine-grained? cemeteries in the Patuxent drainage area, and there are many MR. VON GUNTEN: Yes. Our soil is weathered up from cemeteries in other areas which are dedicated groundwater 10 rock. Our planet is a rock. And we have this a very thin 10 protection areas. I happen to live in one. 11 layer of soil on top of that, of which we all are dependent So this is not a precedent in the fact that we are 12 upon. And the depth of that soil varies from site to site. 12 locating a cemetery in a groundwater protection area. It's 13 And so that's why we do these tests, and on this site, we 13 anything but. And then, I would also like to add that if 14 have a soil layer that is more than 12 feet thick. Which 14 you look at the state as a whole, and consider have there 15 provides this excellent filtration that we are seeking. 15 been instances where cemeteries have led to the MR. KLINE: Go ahead in your answer and analysis. 16 contamination of water wells, the answer is no. And as 16 17 HEARING EXAMINER ROBESON HANNAN: Can I ask one more 17 early as -- as late as this week, I have queried people that 18 question. How far underground is the shale layer? 18 work for the Maryland Department of the environment, and MR. VON GUNTEN: I would say on this site it ranges 19 asked them, in their knowledge, do they know of any cases in 20 from perhaps 18 feet to 25 feet. 20 Maryland, and the answer is no. 21 HEARING EXAMINER ROBESON HANNAN: Okay. 21 MR. KLINE: Mr. Von Gunten, then in your professional 22 opinion does the Reflection Park Proposal satisfy the MR. VON GUNTEN: And when you first run into it, it's 23 not like you ran into the side of a building. It will 23 criteria in the Montgomery County zoning ordinance for 24 gradually go where the soil texture goes from being a loamy 24 having adequate -- the burial depth to the high water table 25 soil, something you could pick up and crumble in your hand, 25 test? 130 132 1 it transitions into something that starts to look like a MR. VON GUNTEN: Yes, it does. 1 2 soft rock. Perhaps would pick it up it would look like a MR. KLINE: In your opinion will the operation of the rock, but you could crumble it in your hand. And as you go proposed cemetery pose any risk to the water quality of the deeper, it becomes more and more of a solid piece of rock Patuxent watershed, or more particularly the reservoir? because the deeper soil has not felt the effects of wind and 5 MR. VON GUNTEN: In my opinion, it will not. MR. KLINE: Is the amount of separation -- let me put rain like the soil at the surface test. HEARING EXAMINER ROBESON HANNAN: Okay. Thank you. 7 it this way. If the reservoir is a mile away, that's more MR. VON GUNTEN: So there is a very little concern than the (inaudible) distance to cleanse any water that is here, if any at all about the bacterial and the viral going to get to the reservoir; am I correct? 10 components of the remains. MR. VON GUNTEN: Yes. And I think, without getting too And then we've got -- of course on the subject, the 11 technical, we should consider the water that leaches into 12 chemotherapy drugs. And I think in terms of the drugs that 12 the ground, whether it's from the graves, or from rain, or 13 are hydrocarbons -- that -- I'm sorry, that are organic, it 13 from somebody's septic system. In this particular landscape 14 would be useful to compare this site to a residential 14 position and in this soil type, and this geology, that water 15 building subdivision. And if we were to build lots on 15 tends to recharge the aquifer. It tends not to go into 16 these -- houses on this property, the amount of input into 16 what's called basic flow, which would be water that would 17 the aquifer from people who were undergoing chemotherapy 17 eventually flow into the stream. 18 treatment would be much greater than the fairly minuscule So the input from this site directly into the Patuxent 19 amount that would be left in someone's body who was 19 River, or even indirectly, is very, very slight. The vast 20 interred. 20 majority of this goes into -- back into the drinking water 21 So when we talk about pollution and groundwater, many 21 aquifer. 22 times we look at the total pollutant load, and I think it's 22 MR. KLINE: Which is subterranean to the subject 23 important to realize that in the context of this -- the size 24 of this property and the number of internments that the 24 MR. VON GUNTEN: Yes. The aquifer is actually below

25 the river.

total pollutant load here is going to be so slight that it

133 135 MR. KLINE: All right. So the effluent that comes from whole lot of runoff coming onto Reflection Park from a the degradation process is not going to migrate as far away neighbor, and on the other hand I think that the unique nature of it being a wooded site, and maintained as a wooded as the reservoir? MR. VON GUNTEN: It will not. site is certainly going to mitigate that threat. MR. KLINE: Okay. Fine. I have no further questions MR. PUTMAN: Thank you. of Mr. Von Gunten, and I think he and Mr. Putman might have I'm sorry I can't -- I have no further questions. a very interesting conversation now though. MR. KLINE: And I have no redirect questions of Mr. Von HEARING EXAMINER ROBESON HANNAN: Well, okay. Mr. Gunten either. HEARING EXAMINER ROBESON HANNAN: I just have one Putman, do you have any questions? 10 MR. PUTMAN: Thank you, Ms. Hannan. I do have a couple 10 question and that (inaudible). I assume that the water 11 of questions. 11 quality in the reservoir is tested regularly; is that The first goes to the shale substrate. In your opinion 13 would any of the necro-leachate from these graves go through 13 Oh, you're on mute. 14 the earth level and before they ever got to the water table MR. VON GUNTEN: Maybe somebody can explain someday why 15 level get to that fractured shale and following the law of 15 the thing mutes me on purpose. But maybe it doesn't like me 16 gravity, would they flow down to the river? 16 speaking. MR. VON GUNTEN: Well, first of all, we can't defy the 17 But you are correct. And the water quality is 18 rules of gravity, so all of the liquid will eventually flow 18 routinely monitored by WSSC because it's in their water, and 19 down into that shale layer. But the point of having the they serve that water to their customers. And I have had 20 soil buffer is that the bacteria and the viruses are 20 conversation with the chemist that works at WSSC and it's 21 rendered harmless probably in a few inches of soil, and we 21 amazing that sometimes their concern sort of dovetailed with 22 are providing four to six feet. So there's no question that concerns that other people have. 23 this treated and filtered effluent will reach the shale 23 Their biggest concern right now, in terms of inorganic 24 layer. 24 compounds is road salt. And road salt is a threat, a real threat, to their water system. And the point may come where 25 Now, at that point the vast majority of it, if not all 134 136 1 of it, will flow into the drinking water aquifer which is they have to treat their raw water for sodium. They do not subterranean and very little or none of it will flow into see any other inorganics that I know of cropping up. the Patuxent River. Now, they do, in all candor, they have a general MR. PUTMAN: Okay. And (inaudible). Thank you for concern about people that live in homes that have septic that answer. I have another question that involves the systems and there is a person living in the home who is depth at which the bodies are buried. It starts at the undergoing chemotherapy because the drugs are shed. They bottom of the grave will be 3-1/2 to 4 feet down, and then take the drugs every day, and the body sheds the drug. It 8 the coverage may be about 2 feet of earth on top. Given doesn't really stay in your body that long. And they are 9 what I said earlier about the high percentage of impervious concerned that perhaps people that live very close to the 10 surface of some neighboring properties, in a heavy rain reservoir, up, like say, Triadelphia. Those people whose 11 flow, what are the chances that some of that necro-leachate, septic systems are maybe a few hundred feet from the 12 instead of being gravity pulled underneath, that the flow of reservoir. In that case, a portion of their effluent that 13 water across the property would pull some of that out and goes through their septic system can contribute to base 14 flow it over the surface and down the hill? 14 flow, which means it flows, after being treated, into the MR. VON GUNTEN: Well, from my being on the site, what reservoir. So WSSC has a concern, long term, for those 16 strikes me as the large amount of imperviousness is the 16 instances. 17 industrial property to the rear, and to the east. And that 17 But in this particular case we're not dealing with 18 is all downgrade from the entire Reflection Park property. 18 living people shedding the drugs every day and we are a mile 19 Now, there is a large place of worship immediately to the 19 from the reservoir and there is no base flow component. 20 west, and perhaps that they have impervious areas like 20 HEARING EXAMINER ROBESON HANNAN: Would the drugs be 21 parking lots, but keep in mind, Reflection Park is an 21 shed by the time you're buried; do you know? 22 entirely forested property. And that makes it an excellent 22 MR. VON GUNTEN: Well, we better ask a medical doctor 23 place to mitigate any sort of runoff from the adjacent 23 that because I'm sure he's much more qualified than I am. 24 properties. 24 HEARING EXAMINER ROBESON HANNAN: Okay. 25 So on the one hand, I don't think there's going to be a 25 MR. VON GUNTEN: Did you want me to (inaudible)?

139 this. But after you die how long does it take the -- say HEARING EXAMINER ROBESON HANNAN: Not yet. Mr. Putman 1 you're not living, do the drugs -- is there any information 2 you had your hand up? on how the drugs excrete then? MR. PUTMAN: I did. Thank you. And I wanted to add DR. ELDADAH: Well presumably, after someone has died just a bit if I could to Mr. Von Gunten's response to that they are no longer in a position to be urinating or question. And I agree with him about the road salt. That is excreting drugs. But we know that based on this information an increasing problem. Several of my neighbors have road that the -- there isn't much drug left in a body after those salt in their well water and we're not sure how to mitigate two to three days. And also, again just reiterating, the that. 8 typical medical practice that it's likely that one would But I would say, with respect to WSSC, they are a continue to live for several days, if not weeks or months, 10 phenomenal organization and they are also a political 11 after their last chemotherapy treatment. HEARING EXAMINER ROBESON HANNAN: Okay. Thanks for re-11 organization. They will never say publicly that they cannot 12 13 summarizing that. 12 treat whatever we dump into that reservoir. They will treat 14 Are there any questions? 13 it until they'll get to the point where the water that comes 15 Okay. Thank you, Dr. Eldadah. 14 out of your faucet smells like Clorox. But they will never Mr. Kline, you can ask your next witness -- call your 16 15 admit that they can't treat that water. And they will never 17 next witness. 16 take a position in opposition to any citizen who wants to do MR. KLINE: Thank you. Mr. Crum would you please give 17 anything that's not a clear violation of code. 19 us your name and be sworn in. 18 So we need to take that political reality into 20 MR. CRUM: Sure. 19 consideration. They do a wonderful job with what we've got 21 HEARING EXAMINER ROBESON HANNAN: Let me -- Mr. Crum. 20 but so far we haven't polluted that reservoir to the extent 22 please raise your right hand. Do you solemnly affirm under 21 that it gets more difficult to impossible for them. And we penalties of perjury that the statements you are about to make are the truth, the whole truth and nothing but the 22 don't want to. 25 truth? 23 HEARING EXAMINER ROBESON HANNAN: All right. I take 24 that as a statement rather than a question. Anyone else have any questions? 138 140 MR. CRUM: I do. Okay. Seeing none, Mr. Kline, do you have any follow-HEARING EXAMINER ROBESON HANNAN: Okay. 2 2 up? MR. CRUM: For the record my name is Stephen Crum. You're on mute. S-T-E-P-H-E-N, last name, C-R-U-M. I work with the firm of MR. KLINE: Sorry. No. No redirect and we'd move on Macris, Hendricks & Glascock. Our office address is 9220 5 to our next witness. Wightman Road, Suite 120 in Montgomery Village, Maryland. HEARING EXAMINER ROBESON HANNAN: Okay. Let me -- I My email address is SCrum@MHGPA.com. think Mr. Eldadah -- you may be excused Mr. Von Gunten. HEARING EXAMINER ROBESON HANNAN: Now, Mr. Kline, Mr. Thank you. Crum has qualified as an expert before us. What are you MR. VON GUNTEN: Thank you. proposing him to testify as a civil engineer or? 10 HEARING EXAMINER ROBESON HANNAN: Dr. Eldadah, can I 11 MR. KLINE: Yes, ma'am. HEARING EXAMINER ROBESON HANNAN: Mr. Putman, do you 11 just ask him a question? 13 have any objections to Mr. Crum qualifying as a civil MR. KLINE: The Applicant has no objection. 14 engineer? An expert in civil engineering? HEARING EXAMINER ROBESON HANNAN: Okay. Dr. Eldadah, MR. PUTMAN: Absolutely not. 14 you're obviously you're still under oath. HEARING EXAMINER ROBESON HANNAN: Okay. Go ahead, Mr. 16 I think you gave me the timeframes earlier that chemo 17 Crum. 16 leaves the body. Can you just go through that again because MR. KLINE: And Mr. Crum, I'm going to kind of let you 17 I have to wait 10 days for the transcript so I want to make 19 do this on your own because you probably have the exhibits 18 sure I have it right. 20 in the order you'd like to have them. But it's a little DR. ELDADAH: Yes, certainly. So I'm quoting from a unusual because normally we'd be starting with you trying to 20 source from the Dana Farber Cancer Center that says most educate everybody about the features of the property, but I 21 chemotherapy drugs remain in the body for only a few hours think everyone's probably developed a decent sense now of how it's shaped, how it's organized topo. But why don't 22 or days. They're broken down by the kidneys and liver and 25 you -- let's go and do what I'll call a conventional civil 23 excreted in the urine, stool, or sweat. HEARING EXAMINER ROBESON HANNAN: Okay. And then, do 25 you have any information -- I don't know if they've tracked

141 143 engineer's layout and bring up the first exhibit you think 1 above mean sea level. 2 is a good one to start talking from. HEARING EXAMINER ROBESON HANNAN: Okay. MR. CRUM: Sure. Could I have Exhibit 38-B, please? MR. CRUM: There is a promontory in the middle of the HEARING EXAMINER ROBESON HANNAN: E? site that was described earlier by Mr. Goodnoe and that's MR. CRUM: Bas in boy. about 412 feet above mean sea level. HEARING EXAMINER ROBESON HANNAN: Okay. Hold on one HEARING EXAMINER ROBESON HANNAN: Thank you. sec. My computer is very slow loading. Okay. It should be MR. CRUM: There are two unnamed tributaries that 8 up. traverse through the site. One -- they're both tributary to the lower Patuxent River Rocky Gorge Watershed. One flows MR. CRUM: I see it. 10 HEARING EXAMINER ROBESON HANNAN: It's hard to get this 10 from the northwest to the southeast and the other flows from 11 property entirely on the screen. Okay. Go ahead. 11 the southwest to the northeast and again, they form a MR. CRUM: Yeah, we experienced the same problem trying 12 confluence near the eastern boundary of the property. 13 13 to fit it on a piece of paper as well. HEARING EXAMINER ROBESON HANNAN: Okay. So the subject property is approximately 40.4 acres. I MR. CRUM: The entire property is forested. There is 15 think the reference from both the staff report and others 15 some evidence on the western portion, the narrow portion of 16 that have testified today indicate that it is flag shaped, 16 the property that that forest is somewhat younger than the 17 meaning that there is a narrow portion and then a much wider 17 eastern portion of the property and there's some evidence 18 portion of the property. The field of the flag, if you 18 based on soils maps and aerial photography from the late 19 were, is the eastern portion of the property and the narrow 19 '50s that that area was perhaps in agricultural use at the 20 portion is the western portion of the property. The 20 time. 21 narrowest portion is along New Hampshire Avenue which is 21 The property does not have any improvements on it and 22 there is no evidence of any historic resources, nor is it 22 where the access point is. 23 And just orientation, it's approximately 2,760 feet 23 listed on any historic resource atlas maintained by 24 south of Ednor Road on New Hampshire Avenue and 2,940 feet 24 Montgomery County or the Maryland Historic Preservation 25 north of Norbeck Road. There are some intervening streets 25 Commission. 144 142 that are smaller but those are the two major intersections HEARING EXAMINER ROBESON HANNAN: Okay. 1 that would orient somebody to where the property is located. 2 MR. CRUM: So moving along, Exhibit 39 and page 4, HEARING EXAMINER ROBESON HANNAN: Okay. please. There we go. MR. CRUM: Moving on to topography, if I could have This is the staff report from the Planning Commission Exhibit 38-H. hearing and the planning staff has identified the neighborhood surrounding the property to be approximately a HEARING EXAMINER ROBESON HANNAN: It's coming. 2,000 foot radius circle with centered in the site, and that -- we agree with that that's an appropriate MR. CRUM: I see the blue bar. HEARING EXAMINER ROBESON HANNAN: This isn't good. I'm neighborhood for the purposes of analyzing this site. This 10 referring, for the record, to waiting for the screen to 10 image gives us a good overview of the various land uses in 11 load. All right. Now that it's nighttime, go ahead, Mr. 11 the vicinity and within the neighborhood there's a 12 Crum. 12 residential subdivision to the south. There's the Bartley MR. CRUM: So Exhibit 38-H is the approved Natural 13 Corporate Concrete contractor site, which is a commercial 14 Resource Inventory Forest Stand Delineation plan that was 14 use immediately adjacent to the southern boundary of the 15 reviewed by the staff at Park and Planning. And it gives us 15 property. The Ednor local park adjoins the northwestern 16 a good picture of the topography of the site, the property 16 boundary of the property and there are several single family 17 is characterized by topographic relief in the range of 3 to 17 detached dwellings in a small subdivision bordering the 18 25 percent slopes. The majority of the property is in the 18 eastern boundary. 19 range of 8 to 15 percent slopes and moving from west to east The area to the northwest of the narrow portion of the 20 the highest portion of the property is along New Hampshire 20 site has a number of religious uses. And then, there is a 21 Avenue. It has an elevation above mean sea level of 21 major religious assembly use identified as Camp Sunshine on 22 approximately 548 feet and the lowest portion is in the very 22 this image. 23 southeastern corner of the property and -- which is where 23 So that sort of gives us a vies of the neighborhood. 24 two of the onsite streams form a confluence and leave the 24 Directly across New Hampshire Avenue is the Hampshire Greens site. And there's an elevation there of about 400 feet 25 Golf Course and the residential community that's a part of

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1 that golf course community.

2 HEARING EXAMINER ROBESON HANNAN: Okay.

3 MR. CRUM: Let's see. Exhibit 42, please.

So this is a rendering that was prepared for the

5 project and I think that this best demonstrates the -- how

6 the subject application fits into the neighborhood. And

7 that it's well-buffered from the residential uses, the

8 single family detached residential uses. It's well buffered

9 from the Norwood -- or the Ednor local park. I would note

10 that the chairman of the Planning Commission during the

11 hearing indicated he was very complimentary of the

12 Applicant's use of a trail system and wanted to know whether

13 there was a possibility that the trial system could be

14 connected to the Ednor local park. And the Applicant

15 indicated that they would certainly consider that in the

16 future if the Parks Department felt that that was

17 appropriate.

18 So again, this exhibit it shows the -- how much forest

19 is going to be retained along the perimeter. It

20 demonstrates adequate buffering. The Ukrainian church

21 that's right next door we're going to provide some plant --

22 the Applicant's going to provide some planting there to

23 augment that -- the buffer that's there.

24 HEARING EXAMINER ROBESON HANNAN: Okay.

MR. CRUM: Okay. The next exhibit that I would like

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1 erosion and protection of properties from flooding.

HEARING EXAMINER ROBESON HANNAN: No, it's okay. I

3 apologize -- sorry.

25

4 HEARING EXAMINER ROBESON HANNAN: It's okay.

would be 38-C. Sorry to make you jump around so much.

HEARING EXAMINER ROBESON HANNAN: For the record, I

just groaned because I'm not used to this computer and it's

7 touchy. Okay. Go ahead. And slow.

8 MR. CRUM: So the Cloverly Master Plan, while that

9 Exhibit's going up. The Cloverly Master Plan of 1997

10 identifies three broad communities within the Cloverly

11 Master Plan. An agricultural wedge, a residential wedge,

12 and suburban communities. And roughly they run from north

13 to south in the Cloverly Master Plan. And the subject

14 property is within the agricultural wedge.

15 The '97 master plan recommends that future land uses

16 within the agricultural wedge maintain an existing mix of

17 low density residential neighborhoods, open space, which

18 preserves the valley of the Patuxent River tributaries and

19 in turn creates the community's rural character and keeps

20 the built and the natural environments in balance.

21 And I think that -- it's my opinion that this cemetery

22 use certainly meets the -- is in conformance with the open

23 space recommendations from the master plan. And the -- you

24 know, that it preserves the rural character. The master

25 plan also makes recommendations for greater front yard

1 setbacks of 100 feet for non-residential buildings.

2 And can you zoom in on the New Hampshire Avenue

3 portion? Oh, we're still not going to be able to read those

4 numbers probably. Anyway. So there are three buildings, I
 5 think that's been previously testified. There are going to

6 be three buildings in this first phase. And the set-backs

7 41-4 --- 1-i-- --- 1 --- 1 22 4 f--4 00 5 f--4 --- 102 2

7 that are being proposed are 122.4 feet, 98.5 feet and 92.3

8 feet, and those respectively are the small maintenance

9 building, the office building and the front pavilion, the 10 entry pavilion.

Another important point is that all three of these

12 buildings present their narrowest side to New Hampshire

13 Avenue, further reducing their impacts and they are all

14 relatively low buildings. The pavilion is open-sided with

15 simply a roof and a floor structure. So I think that given

16 the setbacks, effectively these buildings conform with the

17 recommendations of the master plan.

18 HEARING EXAMINER ROBESON HANNAN: Okay.

19 MR. CRUM: Let's see. So the next thing I'd like to

20 talk about is the Patuxent River primary management area,

21 and our impervious surfaces. So the goal of the Patuxent

22 River Watershed Master Plan from 1993 includes the

23 protection of water quality in the Rocky Gorge and

24 Triadelphia reservoirs. Protection of water quality in the

25 watershed streams, protection of stream channels from

One of the vehicles for accomplishing these goals is

3 limiting the construction of additional or new impervious

4 surfaces within the watershed. The establishment of a

5 primary management area, or PMA provides a methodology and

6 criteria for protecting the water quality within the

7 Patuxent River Watershed. The guidelines for environmental

8 management of development in Montgomery County 2000 -- we'll

9 just call them the environmental guidelines, provide the

10 criteria for establishing buffers to protect the quality of

11 the Patuxent River.

12 The primary management area for the Patuxent River

13 under the Maryland Patuxent River Policy Plan is defined as

14 all the land within a quarter of a mile of 1,320 feet from

15 the Patuxent River mainstem. And one-eight of a mile, or

16 660 feet from all tributaries on the Patuxent River.

17 Montgomery County further expands the Maryland PMA to

18 include land within a quarter mile or 1,320 feet from the

19 Hollings River mainstem. The Hollings River mainstem is a

20 major tributary to the Patuxent.

21 Exhibit 38-Z, please.

22 HEARING EXAMINER ROBESON HANNAN: Okay. That should be

23 on your screen.

24 MR. CRUM: I'm not seeing it.

25 HEARING EXAMINER ROBESON HANNAN: Okay. Let me try

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149 151 again. and/or accomplish master plan goals it is desirable for MR. CRUM: And that doesn't mean anything, but. greater than 10 percent of the impervious surfaces to be HEARING EXAMINER ROBESON HANNAN: How is it now? constructed within the PMA transition area. Then the area MR. KLINE: Not yet. of the impervious surfaces that make the average over the HEARING EXAMINER ROBESON HANNAN: No? All right. entire tract area. (Off the record discussion; exhibit loading.) If you can zoom in on the notes in the lower -- yeah, 6 HEARING EXAMINER ROBESON HANNAN: What was the Exhibit? those guys. 8 I'm sorry. 8 So our analysis is that if we look at the tract area as MR. CRUM: 38-Z as in zebra. a whole, it's 40.4 acres, 10 percent of that would be 4.039 10 HEARING EXAMINER ROBESON HANNAN: How's that? 10 acres, and if we average everything over the entire tract 11 MR. CRUM: That's great. HEARING EXAMINER ROBESON HANNAN: Yaa. Go ahead. 12 11 area, we are at 9.8 percent impervious. If we look at 13 MR. KLINE: And what is this, Mr. Crum? 12 simply the area in the PMA transition area the area of the MR. CRUM: This is an impervious surface exhibit that 13 transition area is 24.12 acres, 10 percent of that would be 15 was prepared at the request of the staff at Park and 14 2.41. 16 Planning. And there's a curved line just to the east of the 15 Because we have cited that the major buildings and 17 roundabout on the main cemetery road. Keep going to the 16 several of the cemetery roads in that area, that yields an 18 west. West, west, west. There you go. Almost. Lower, the 17 impervious area of 12.8. But because we believe that the --19 roundabout. The circle in the -- no, not the big circle, 18 by protecting the character of the neighborhood by having 20 the very small circle near the front. Go -19 those larger buildings more centrally located we are keeping 21 MR. KLINE: No, on --20 the rural character of the neighborhood, as well as the 22 MR. CRUM: There you go. 23 MR. KLINE: Yeah. Yeah. 21 rural character of New Hampshire Avenue that we -- and staff MR. CRUM: Okay. So that curved line is the limits of 24 22 agreed with us, that we should be able to allowed to average 25 the DMA. 23 over the entire tract area. So we believe that it's my 24 opinion that we meet the criteria of not exceeding 10 25 percent of impervious surfaces for the subject property. 150 152 HEARING EXAMINER ROBESON HANNAN: I'm sorry. 1 HEARING EXAMINER ROBESON HANNAN: Okay. 2 MR. CRUM: That's okay. MR. CRUM: Okay? 3 So all but about 5.1 acres of the subject property is HEARING EXAMINER ROBESON HANNAN: Yes. located within the PMA. It's within a quarter mile of the 4 MR. CRUM: Next up is -- Mr. Eldadah went through the Patuxent River mainstem. The environmental guidelines proposed uses. Do you want me to go through that or not? recommend that the following land features to be included HEARING EXAMINER ROBESON HANNAN: No. no. within a PMA stream buffer are the 100 year floodplains, MR. CRUM: Okay. In the interest of time, that sounds 8 non-title wetlands, slopes of 25 percent or greater that are 8 good. 9 abutting or adjoining a stream and any flood plain or So as we're aware, the subject property is in the rural 10 streamside wetlands, and habitat for rare or sensitive 10 cluster, the RC zone. The intent of the RC zone is to 11 vegetation. So the stream valley buffer is that squiggly 11 provide designated areas of the county for a compatible 12 line that traverses around -- yeah, that's correct. That's 12 mixture of agricultural uses and very low density 13 the stream valley buffer. 13 residential development to promote agriculture and to So everything -- so we -- the stream valley buffer 14 protect scenic and environmentally sensitive areas. 15 complies with those environmental guidelines. There's steep | 15 However, the Cloverly Master Plan specifically 16 slopes, the flood plains, the wetlands, and then the stream 16 recommends that the RC zone property within the agricultural 17 channels are all within that stream valley buffer. The area 17 wedge be developed in a manner to create and preserve open 18 between the stream valley buffer and the limits of the PMA 18 space in lieu of an agricultural use. I think the 19 are defined as the PMA transition area. So there's no 19 recognition there was that with the herbicides and 20 impervious surfaces proposed within the stream valley 20 fertilizers that an agricultural use or even animal waste 21 buffer. The environmental guidelines go on to say that the 21 would entail -- would compromise the integrity of the 22 transition area -- the impervious areas within the 22 watershed. So the Cloverly Master Plan recognized that even

25 maintaining community character or to achieve compatibility 25 wedge be developed as open space.

23 though the RC zone is sort of set up for agricultural uses

24 that they are recommending that the uses in the agricultural

23 transition area are not to exceed 10 percent.

There's a clause, however, that if in the interest of

153 155 Again, it's my opinion, that a cemetery, especially a 1 narrow strip. That's the way it came. And to the best of cemetery designed to be reforested as Mr. Goodnoe explained, our research it's been in this configuration for a number of is in conformance with that recommendation from the master 3 years. MR. KLINE: Presumably prior to the imposition of rural HEARING EXAMINER ROBESON HANNAN: Okay. cluster zoning on the property? MR. CRUM: You also have a variance before you. It's MR. CRUM: Presumably, yes. A6693. So the variance -- the RC zone requires a lot width MR. KLINE: Yeah. at both the front building line and the front lot line to be MR. CRUM: So we need the variance in order to move 300 feet. The subject property, after dedication will have 9 forward. We didn't create the condition that requires the 10 a lot width at the front building line of 205.8 feet and at 11 the front building line -- front lot line it will be 214 10 variance. We're asking for the minimum necessary to satisfy 12 feet. So we need a variance of 94.2 feet in one position 11 the zoning ordinance and if we -- if the variance were 13 and 86 feet in the other. 12 denied this not only would a cemetery use not be allowed, MR. KLINE: Steve, can we pull up the -- maybe a blowup 13 the property couldn't be developed in the RC zone without 15 of that so we can just understand it a little better? 14 acquiring adjoining property. So we don't think it's in 16 MR. CRUM: Sure. 38-A. Exhibit 38-A. 15 the -- in anybody's best interest to not consider the 17 HEARING EXAMINER ROBESON HANNAN: Okay. 16 variance an essential component regardless of the 18 MR. CRUM: That --17 development proposal. HEARING EXAMINER ROBESON HANNAN: This is 38-A. Did you 19 18 HEARING EXAMINER ROBESON HANNAN: Okay. 20 want 38-B? MR. KLINE: In other words, you cannot get a building 21 MR. CRUM: Well, 38-A has the dimensions; 38-B is 20 permit to build on this property without the variance? 22 probably a --23 HEARING EXAMINER ROBESON HANNAN: Oh. 21 MR. CRUM: That's correct. MR. CRUM: So in the table in the upper right-hand 2.2. HEARING EXAMINER ROBESON HANNAN: Right. 25 corner are the dimensions if you don't want to --23 MR. KLINE: Thank you. 24 MR. CRUM: Sure. 25 Staff, in their staff report also identified a waiver 154 156 for the location of parking spaces. It's a fairly large MR. KLINE: Yeah, I'd rather have it graphically. I'm property and while we comply with the number of parking not so worried about the numbers. spaces required, the distance from the establishment served MR. CRUM: Okay. All right. So then B. that's in Section 59.6.2.5.B requires that all parking HEARING EXAMINER ROBESON HANNAN: I think it's just spaces be within a quarter of a mile of the establishment 5 loading. There we go. served. MR. KLINE: And could you extenuate that down to the Staff took the position that the entrance to the lower left-hand corner, right along New Hampshire Avenue? cemetery which is the driveway entrance on New Hampshire HEARING EXAMINER ROBESON HANNAN: Yes. Hold on, it's Avenue is the entrance to the establishment served and if still loading. you go a quarter mile you won't reach all the parking spaces 10 MR. KLINE: Yeah, okay. that are at the rear of the property. So we're asking for a Because, Steve, I think I see some lines along there waiver. We believe the parking spaces are most convenient 11 to the buildings and most convenient to the use of the 12 parallel to New Hampshire so you probably have the right cemetery, but due to the flag shaped nature to the lot, 13 dimensions on there, right? 15 it -- we don't comply with that one-quarter mile MR. CRUM: Yes. 14 16 requirement. 15 MR. KLINE: Yeah. Great. HEARING EXAMINER ROBESON HANNAN: Okay. 17 16 MR. CRUM: So --MR. CRUM: Next up is lighting. And let me see. That 17 HEARING EXAMINER ROBESON HANNAN: So this is 38-B. 19 would be Exhibit 38-U. MR. CRUM: Yes. So there's -- we've identified the 20 HEARING EXAMINER ROBESON HANNAN: Just a second. 19 center line of New Hampshire Avenue and then we provide the 21 MR. CRUM: Sure. 20 required dedication to achieve 120 foot right-of-way in 22 HEARING EXAMINER ROBESON HANNAN: Okay. You should be 21 accordance with the master plan, and that's where the front 24 MR. CRUM: Yes. So this is a photometric analysis 22 lot line will be measured from. And then, there's a 50 foot 25 that --23 building setback line which is the longer of the two and so 24 because this is the shape of the property that the Applicant

acquired, they didn't sell portions off to create this

159 HEARING EXAMINER ROBESON HANNAN: Now, I've been told own septic system that will be approved by --2 how to do this one. I guess I'll have to -- I can't see the MR. CRUM: Yes. Yes. The Department of Permitting footcandle measurements, but I'll take -- go ahead. Services requires that separate buildings have separate MR. CRUM: You're going to have to zoom in really 4 septic systems. 5 tight. HEARING EXAMINER ROBESON HANNAN: Right. 6 So this is a photometric analysis that was prepared for MR. CRUM: So this building will be served by a septic the Applicant. It indicates the location of the lights, the system in phase 1 and there will be a second septic system site lights. And we've chosen fixtures that are -- that for the community building when it comes online in the rear. have cutoff lenses in the fixtures which project light HEARING EXAMINER ROBESON HANNAN: Okay. 10 downward. In no case does the footcandle value at the 10 MR. KLINE: Thank you. MR. CRUM: Sure. They -- the maintenance buildings are 11 property line exceed .1 footcandles. The lights are placed 11 12 along the access road, leading to the community building. 12 both -- basically they are not Sears catalog buildings, but 13 they are the next best thing. They are pre-manufactured 13 We did not include lights on the two loop roads that 14 serve only the cemetery uses primarily because, as was 14 structures and are very utilitarian. But we believe that 15 testified earlier, we intend the cemetery use to be a dawn 15 they are well buffered as part of the overall development. 16 to dusk kind of operation. But the community building may So in conclusion, it's my opinion that the Applicant's 17 be used after dark so we've provided sufficient lighting to 17 proposal meets all of the requirements of the RC zone. It 18 safely negotiate the cemetery roadway to the community 18 meets the requirements for the conditional use definition of 19 building and the parking area. Again, the lights are full 19 a cemetery. It's compatible with the adjacent land uses. 20 cutoff lenses. The table gives the number of lights and we 20 It won't have an adverse impact on the surrounding area. 21 comply with all the footcandle requirements. 21 The gravesites are sufficiently set back from the 22 22 surrounding properties to establish a buffer or a planted Lastly is the site signage. And that -- sorry, is 23 Exhibit 21-A. 23 buffer will be established. HEARING EXAMINER ROBESON HANNAN: Okay. You can go Based on the water table testing that we did, both in 25 ahead. It's going to pop up in Adobe without the screen --25 2000 and 2001 or 2020 and 2021, there will be adequate 158 160 MR. CRUM: Okay. filtration of drainage between the burial depth and the high HEARING EXAMINER ROBESON HANNAN: -- to the side in a groundwater table. I believe -- it's my opinion that the minute. But you can go ahead and testify. proposal conforms with the recommendations of the Cloverly MR. CRUM: So the front fencing is designed to Master Plan. I think as far as adequate public facilities, incorporate a sign at this point where it meets the public water is available. The community building will have a sprinkler system. There will be an on-site hydrant. All requirements of the zoning ordinance for location size and details. It is not intended to be lit and no variance would of the structures will be served with public water. We've received results from our percolation testing be required. It's a simple sign that just identifies the cemetery name. 9 that demonstrate that we will have adequate septic systems. 10 HEARING EXAMINER ROBESON HANNAN: Okay. 10 The Department of Permitting Services has approved our storm MR. CRUM: And then, I guess the last thing is the 11 water management concept for the entire property. So storm 11 12 two -- the maintenance buildings and the office building 12 drainage is taken care of. And any other public facilities 13 which are Exhibit 21-C, 21-D and 21-F. 13 adequacy will be tested during the preliminary subdivision HEARING EXAMINER ROBESON HANNAN: Okay. This is C. 14 plan process. MR. CRUM: Okay. So this is the office building. I'm It's my opinion that we comply with the PMA 15 16 testifying to this because the structural engineer that 16 requirements. We comply with the development standards 17 prepared these plans isn't here. It's a fairly basic 17 assuming that the one -- the two variances are granted. And 18 building and as Mr. Eldadah testified earlier, and Mr. Kline 18 the use will result in something that is consistent with the 19 indicated that if you leave the record open we'll give --19 character of the surrounding neighborhood. 20 provide some more definition for the materials on the 20 MR. KLINE: Mr. Crum, are the conditions recommended in

23

24

21 the staff report acceptable to the Applicant and would be

25 there anything about the discussion you heard earlier in the

MR. KLINE: And last, without belaboring the issue, was

22 deemed acceptable if the conditional use is granted?

MR. CRUM: Yes.

21 elevations. But it's a single-story. It meets the zoning

23 building.

24 25

22 requirements for height, and you know, a relatively simple

HEARING EXAMINER ROBESON HANNAN: Okay.

MR. KLINE: And before you leave that it will have its

163 dialogue with Mr. Putman that you have professional story. But that's where we are and that's where your exposure, experience to that you would like to add to that property is. So that is not of your doing, but it is a 3 discussion? potential environmental mess. Thank you. MR. CRUM: I guess the only thing that I would add is MR. CRUM: You're welcome. 5 regards to the impervious surfaces that we are proposing. I MR. KLINE: No further questions. HEARING EXAMINER ROBESON HANNAN: Okay. Do you have 6 think Mr. Putman began his statement with -- that the master plan requires a 10 percent impervious surface cap. And we another witness, Mr. Kline? do comply with that cap. If this property were used for MR. KLINE: I have two more, but we're going to be agriculture, which it could be, I think would be more wrapping it up fairly soon. 10 detrimental to the watershed than -- depending on the type 10 HEARING EXAMINER ROBESON HANNAN: Okay. 11 of agriculture that was proposed. But it could be more 11 MR. KLINE: Mr. Post, could you please put your face on 12 detrimental to the watershed than a cemetery would be. 12 the screen and introduce yourself? MR. KLINE: If the property was developed in accordance 13 MR. POST: Do I need the -- am I on? 14 with -- I'm sorry. If the property was developed as a MR. KLINE: We can hear you. We can see you. 15 residential subdivision, I guess you could have eight 15 HEARING EXAMINER ROBESON HANNAN: I've got you. 16 houses. A cluster is what, one house per 5 acres? 16 MR. KLINE: Just give us your name, first of all. MR. CRUM: That's correct. 17 MR. POST: David Post. 17 18 MR. KLINE: Am I right about that? Okay. 18 HEARING EXAMINER ROBESON HANNAN: Okay. Please raise 19 MR. CRUM: Yes. 19 your right hand, Mr. Post. 20 MR. KLINE: So what eight houses likely have as much Do you solemnly affirm under penalties of perjury that 21 imperviousness and maybe greater effluent discharge than 21 the statements you're about to make are the truth, the whole 22 what we are going to get out of the cemetery? truth and nothing but the truth? MR. CRUM: Certainly from a septic system point of 23 MR. POST: I do. 24 view. I think there would be greater impacts to the HEARING EXAMINER ROBESON HANNAN: Please state your 24 25 watershed with eight septic systems for six bedroom homes. 25 name, address, and email for the record. 162 164 1 And the -- I mean, there would be an extensive driveway very MR. POST: David; D-A-V-I-D, Post; P—O-S-T, with the 2 similar to what we have shown because we would have to MHG at 9220 Wightman Road, Suite 120 in Montgomery Village, 3 provide buyer access. And when there is a shared fire Maryland. Email address is DPost@MHGPA. 4 access, it needs to be 20 feet wide, which is what the HEARING EXAMINER ROBESON HANNAN: Mr. Kline. 5 cemetery roadway is. Then if you add all the roof areas of 5 MR. KLINE: Mr. Post, what is your profession, sir? 6 eight dwellings and potential patios, swimming pools, the MR. POST: I'm a landscape architect licensed in kinds of things that you would find in a typical residential Maryland, Virginia, DC. And I'm also a certified arborist. 8 development, it could easily exceed 10 percent impervious MR. KLINE: And the Hearing Examiner always likes to 9 surface. 9 test witnesses by saying do you remember what your serial 10 MR. KLINE: Thank you. I have no further questions of 11 Mr. Crum. He is available for cross-examination. 10 number is, your certificate number as a certified --HEARING EXAMINER ROBESON HANNAN: Okay. Mr. Putman or MR. POST: My Maryland license number is 615, which I 12 13 anyone else, do you have any questions of Mr. Crum? 12 got 1985. And my arborist certification is MA5220A, which I MR. PUTMAN: I guess I want to be sure that Mr. Crum 13 got in 2011. 15 understood my impervious surface issue. It is not with this MR. KLINE: All right. Mr. Post, have you ever 16 property. I agreed that you are very close to the 10 15 qualified as an expert in the field of landscape 17 percent impervious. My statement involved some of your 16 architecture before the Office of Zoning and Administrative 18 neighbors who far exceed the 10 percent imperviousness. And 17 Hearings in Montgomery County? 19 when a heavy rain comes is going to run off their property 18 MR. POST: I have. 20 onto yours. And that combined with a heavy rain on your 19 MR. KLINE: Recently? 21 property, I believe is going to float some of that stuff 20 MR. POST: In the 1980s. 22 that we don't want, down the hill, over the surface into the 23 water. 21 MR. KLINE: 1980s? 24 And how we got that much imperviousness on some of 22 MR. POST: Probably around 1989 I'm guessing. 25 those New Hampshire Avenue properties is a whole other 23 MR. KLINE: Well, we will say that was the first time 24 probably, right?

25

MR. POST: That was the first time and maybe the only

165 167 time. sites on the property. So over a period of decades, as Jack 2 MR. KLINE: Okay. In any event, I'm glad to go through described, or Mr. Goodnoe described, we will clear some, we voir dire, but I would like to offer him as an expert in will reforest some, we will clear some more, we will landscape architecture. reforest some. HEARING EXAMINER ROBESON HANNAN: Any objections? And that will take well into beyond most of our lives Hearing none, I will so qualify him. probably to -- all that to occur. So the trees that will MR. KLINE: Mr. Post, again, I'm not going to ask you get planted will be native to this area, Montgomery County, any specific questions, but you actually had a really Maryland, and may include Tulip Poplars but more likely will critical role in this because as you've heard, we want to be -- include other species that would be typical to the 10 take this property back to being a forest after having taken 10 hardwood forest in this area and give it a lot more 11 back down all the forest. So I will start off by asking the 11 diversity than it currently has. 12 guestion that Josh Penn asked you. Why do you want to take HEARING EXAMINER ROBESON HANNAN: Have the plantings 13 all the forest that's out there and knock it down and start 13 been identified yet? Or are you leaving those to -- are 14 all over again? Tell me what the advantages are to the 14 they in the final forest conservation -- or the PFCP? Or 15 cemetery and the public by doing that. 15 are you waiting? MR. POST: It's an interesting process going through MR. POST: The actual tree species are not identified 16 17 the forest conservation regulations. And being part of it 17 in the preliminary forest conservation plan. 18 since 1989 when we were first writing this state 18 HEARING EXAMINER ROBESON HANNAN: Will they be in the 19 legislation -- or it's an act I guess. But it's been 19 final? 20 something that I've been doing for decades now. It's a 20 MR. POST: Because the trees are not required to meet 21 great tool for doing site analysis. 21 the forest conservation regulation, there is not a -- there And it was the very first thing that we did on this won't be a required number of trees to be planted. So this 23 site was to determine what kind of forest we are dealing is really at the volunteering -- I guess the client or the 24 with, what kind of streams we have and if there were any developer would be volunteering to plant these trees. So 25 wetlands. Which by the way, none are mapped on this it's part of their --166 168 1 property, but we did find a small wetland area on the HEARING EXAMINER ROBESON HANNAN: Wouldn't that be on southern portion of the site when we were doing our the landscape plan that? fieldwork. We also survey a lot of trees, over 500 trees MR. POST: There are some landscape requirements. And 4 and that doesn't even include the ones in the floodplain, we have a plan that does identify all of the plants that 5 that are of a 24 inch caliper size and looking for what would be required for the landscape design. 6 are -- the county describes as specimen trees. So that was HEARING EXAMINER ROBESON HANNAN: But -- okay. So you part of the work that we did when we were out there. And it are showing the minimum required by the ordinance, but you took weeks of fieldwork to get all that information. are not showing what's actually going to be planted there? MR. POST: That's true. We're not showing every plant So what we discovered was that this was a forest that 10 was obviously previously disturbed. The area closest to New 10 that will be planted eventually. That's true. 11 Hampshire Avenue, most recently disturbed. We don't know MR. KLINE: We will probably have a list of the -- I 12 exactly when because some of the trees are pretty large. 12 guess a portfolio of trees that we will select and then 13 But it's a typical Tulip Poplar forest that's almost 100 13 maybe an individual person who wants a specific species 14 percent Tulip Poplars as far as the canopy of this property 14 close to the grave could pick it. We're not just going to 15 is concerned. So we know that it was disturbed at some 15 leave it open. We're going to have some selected species, 16 point. This type of forest would typically succeed into 16 are we not? 17 more of an oak, beech type of forest eventually. It might 17 HEARING EXAMINER ROBESON HANNAN: Okay, because --18 take another hundred years or something to do that, but 18 MR. POST: There would be some guidelines. HEARING EXAMINER ROBESON HANNAN: Just a second, Mr. 19 that's sort of the process. So that's what this forest is 20 in. 20 Klein. The only reason I ask is that Constellation Potomac We feel that this is a wonderful type of project for 21 Energy case that says I can't leave a landscape plan subject 22 this type of site because of the way that the reforestation 22 to -- these -- would you amend your -- would you have to 23 is implemented. And we are not clearing 12 acres to start amend your landscape plan for this? 24 with here. We are only clearing a few acres to build the 24 MR. POST: I don't believe so. If we provide what is

25 required by the landscape plan but then wanted to change

25 first phase and clear for the first internment sites, burial

169 171 that, we would have to amend that plan. Does that answer illustrative example of the planting that would occur 2 the question? relative to the gravesites that were going in. And it was almost to be determined by the purchasers of the graves as MR. KLINE: Ms. --HEARING EXAMINER ROBESON HANNAN: Yeah, but then you to what went in and where and when. MR. POST: So the landscape plan requirements are would have to come in and amend the special exception. MR. KLINE: Well, what I thought was we had a primarily for screening the parking lot and any incompatible preliminary forest conservation plan that said we will be HEARING EXAMINER ROBESON HANNAN: The parking lot reforesting and they will come from this universe of trees that are eligible. And maybe -- so that at least narrows building and site perimeter is what the landscape -- I'm 10 down the species. And does it not have some kind of 10 just thinking I don't want to create big problems. I 11 replanting rate also? 11 just -- I understand your concept. And it's nice that a MR. POST: We have to provide a final forest 12 family is going to be able to choose. Are they going to 13 conservation plan. On the final forest conservation plan we 13 have a list of trees to use from? Or is there criteria for 14 will indicate any trees that would be required to be 14 these trees like native species; what is it? 15 MR. POST: The plan is to provide a list of native 15 planted. HEARING EXAMINER ROBESON HANNAN: Well, forget the 16 species that they could choose from, yes. 16 17 HEARING EXAMINER ROBESON HANNAN: Okay. And are they 17 required part. Forget the required part because that's not 18 what the case law says. The case law says -- and we 18 going to be -- are these areas -- they are just going to be 19 typically condition all -- everything has to be developed in 19 in the grave -- the areas marked for graves on your plan? 20 accordance with the landscape plan and the -- so you are 20 MR. POST: If you look at --21 adding -- I see Mr. Crum's hand up. You're going to be 21 HEARING EXAMINER ROBESON HANNAN: The plantings will be 22 adding trees. I've never -- I've never had this before. I 22 in specific areas that are marked on your plans; is that 23 understand what you are saying. I understand the concept. 23 correct? 24 But I'm kind of approving -- do you have areas -- let me --24 MR. POST: If you look at Exhibit 38-S it gives sort of 25 an example of what we think it would look like. 25 Mr. Crum, do you want to jump in on this? 170 172 MR. POST: We can show you the exhibit that we had put HEARING EXAMINER ROBESON HANNAN: It's loading, just for the record. That's -together that shows where we would potentially plant the MR. POST: So since we haven't gotten to the detail of trees if that -laying out the actual burial sites, the idea was to create MR. CRUM: I guess -- I guess I just wanted to say, spaces between various groups of gravesites that would be let's not confuse a forest conservation plan with the used for tree planting, for example, and for the trail 6 landscape plan. system and things like that. MR. POST: Right. Right. MR. KLINE: So are we waiting for 38-S right now? MR. CRUM: The landscape plan does identify the Yeah species, how many trees we are planting as part of the 10 HEARING EXAMINER ROBESON HANNAN: I have -- I'm trying 10 conditional use application. 11 to pull up 38-S. HEARING EXAMINER ROBESON HANNAN: Right. MR. KLINE: Yeah. 11 13 HEARING EXAMINER ROBESON HANNAN: Is that what you want 12 MR. CRUM: We're --14 pulled up? HEARING EXAMINER ROBESON HANNAN: But you're not MR. POST: Yes. 14 showing every tree. (Inaudible) HEARING EXAMINER ROBESON HANNAN: They transitioned me MR. CRUM: We're showing all the trees that will be 17 to a county computer and it's not as good as mine. But 16 planted as part of the landscape plan, as part of the 18 that's okay. I apologize for the delay. 17 conditional use. MR. POST: We have the same problem sometimes. 18 MR. POST: Which is Exhibit 38-R or 38-P. HEARING EXAMINER ROBESON HANNAN: It's still not up. 19 HEARING EXAMINER ROBESON HANNAN: Well, I've got --21 Oh, here it's coming. 20 I've got P loading. 22 MR. POST: So in this exhibit, what we are showing are 21 MR. POST: Yeah. rectangles to represent burial sites, and then green squares that represent where trees may be planted. So when the MR. KLINE: And what I wanted to add, you might actual layout of the cemetery is done, those areas would be 23 remember on one of Mr. Goodnoe's exhibits when we did the 24 detail of this southwest corner, there was little box up at

25 the top that kind of showed what was a typical example or an

175 specifically identified as locations for trees. 1 ahead. HEARING EXAMINER ROBESON HANNAN: Okay. I guess my 2 MR. KLINE: So -question is, are those locations, the green squares, are MR. POST: So -they set in stone? Like we normally -- as you may know, we 4 MR. KLINE: Go ahead. Go ahead, David. Sorry. normally have conditions that say like all development has MR. POST: Oh, I was just going to say, so we have a to be in compliance with the conditional use site plan and mixture of shade trees and evergreen trees and ornamental landscape plan. But these -- what I'm hearing from you is trees and shrubs all mostly native. I think it's all native these locations are not set in stone. species along the borders to provide the appropriate kind of MR. POST: They have not been set in stone yet. So buffering from the existing church on the north and the 10 this is representational of what it would be. 10 existing house on the south. And then along the New 11 MR. KLINE: Madam Hearing Examiner, I'm back where Mr. 11 Hampshire Avenue section we've got planting along there to 12 Crum was a minute ago. And I can understand why you want us 12 buffer the view from New Hampshire Avenue. And we are 13 to make sure that we comply with anything we show on the 13 showing trees in the parking lot to provide adequate shading 14 landscaping plan. But we should have some -- be able to 14 that's required there. 15 have some flexibility to plant trees beyond what we need to HEARING EXAMINER ROBESON HANNAN: Okay. 15 16 plant to satisfy the force conservation law and not have to MR. POST: We have to -- if you want to see the 17 nail it down at this point in time because they are 17 landscaping for the community building, that will be on 18 gratuitous extra plantings and therefore shouldn't have to 18 another sheet. So we could go to that if you want to look 19 be locked in. 19 at it. HEARING EXAMINER ROBESON HANNAN: Are these part of 20 MR. KLINE: But is it visible from any off-site 20 21 the -- your forest conservation requirements or no? 21 location? 2.2. MR. POST: Is that land -- is that building? 22 MR. POST: They are not. 23 MR. KLINE: They are over and above. 23 MR. KLINE: The community building, yeah. 24 24 MR. POST: We are preserving enough existing forest to MR. POST: Well, it would be if you walked through the 25 meet the requirements of the forest conservation regulation. 25 woods to the edge of the property. 174 176 MR. KLINE: It's purely an amenity as part of the HEARING EXAMINER ROBESON HANNAN: Off-site. Off-site. burial program. 2 MR. KLINE: Yeah. Well, at best, you would have to be HEARING EXAMINER ROBESON HANNAN: Okay. probably somewhere in the parking lot of the church to the MR. POST: So we called it reforestation, but is not north before you would see the building? really. It's more like memorial tree planting sort of. MR. POST: Yes. HEARING EXAMINER ROBESON HANNAN: All right. Yeah. I MR. KLINE: I'm trying to speed things up and I just guess -- okay. That's fine. didn't think that we'd have to --HEARING EXAMINER ROBESON HANNAN: Yeah, it's okay. We MR. KLINE: Okay. HEARING EXAMINER ROBESON HANNAN: Go ahead. can -- it's fine. I understand what you're doing. 10 MR. KLINE: Okay. 10 MR. KLINE: Yeah, right. Well, in that regard then, MR. POST: On that same exhibit, if you still have it 11 let me make it simple. Mr. Post, does your forest 12 up, it does show the landscaping that we are proposing 12 conservation plan satisfy the requirements of Chapter 22A of 13 around the front portion of the site and adjacent to the 13 the Montgomery County Code? 14 existing residence that's on the southern part of the MR. POST: Yes, it does. MR. KLINE: Okay. And does your landscaping plan 15 property there. 15 MR. KLINE: And that was intended to address the 16 satisfy all of the numerous landscaping requirements within 17 reference in the staff report to naturalizing the 17 59.6 point something or other with all the --18 landscaping then you get a little bit better screening, 18 HEARING EXAMINER ROBESON HANNAN: Five. 19 MR. KLINE: Screening, perimeter, canopy? Are all the 20 HEARING EXAMINER ROBESON HANNAN: Right. Was that the 20 standard satisfied also? 21 concrete batching plan? Or are those the RC zone 21 MR. POST: Yes, they are. In the parking lot 22 (inaudible)? 22 requirements for interior landscaping are also satisfied. MR. POST: Well, we believe it's a tenant house for the 23 MR. KLINE: Thank you. So I therefore have no further 24 questions of Mr. Post. 24 concrete benching plan.

HEARING EXAMINER ROBESON HANNAN: Okay. Anyone else?

HEARING EXAMINER ROBESON HANNAN: Okay. All right. Go 25

Conducted on July 30, 2021 179 Mr. Putman, do you have any questions of Mr. Post? 1 on that. So it should read Reflection Park now. MR. PUTMAN: I do not, thank you. HEARING EXAMINER ROBESON HANNAN: Now I had Mr. Post HEARING EXAMINER ROBESON HANNAN: Thank you. Okay, Mr. with a hand up as well. Mr. Post? MR. POST: I was just going to point out that on the MR. KLINE: Madam Hearing Examiner, can I take a step photometric -- let's see, I forget what the exhibit number back question why somebody has brought me a note because is. Exhibit 38-U, it does show up lights for the sign. somebody outside the office is monitoring this better than MR. KLINE: Oh, okay. Wonderful. Can you be -- give I'm able to and has pointed out that Mr. Crum may have us more detail? Ground mounted? Two lights? What? indicated that the sign in the front is not going to be MR. POST: There are two ground mounted accent lights, 10 illuminated. Steve, is that what you said? HEARING EXAMINER ROBESON HANNAN: Yes, I think that is 10 13 watts each, by Hadco Lighting. 12 what he said. MR. KLINE: With any cutoffs at all Mr. Eldadah? Do 13 MR. CRUM: That is what I said. 12 you want them shut off at any time, particular time? Or MR. KLINE: And I've been brought a note saying that 13 just on at all times? 15 apparently at some point in time the client decided that DR. ELDADAH: Our preference would be that they are 16 they would like to have illumination. Mr. Eldadah, maybe 15 illuminated all the time for any passes by to know that we 17 you could help us in this regard. 16 exist. DR. ELDADAH: Yes, I believe it was in our discussions 17 MR. KLINE: So we could put a -- we could put a timer 19 that we wished to provide illumination within the limits 18 on so that they can --20 that would be acceptable of the front sign as a way of HEARING EXAMINER ROBESON HANNAN: Wait. I don't see 21 indicating the presence of this -20 these -- just a second. I don't see the signs, the lights. 22 HEARING EXAMINER ROBESON HANNAN: Has planning staff 23 ever seen this proposal? 21 MR. POST: Yeah, on Exhibit 38-U. MR. KLINE: No, they did not. 24 22 HEARING EXAMINER ROBESON HANNAN: Hold on. 25 HEARING EXAMINER ROBESON HANNAN: I don't mean to cut 23 MR. POST: Which is kind of small to see, but there are 24 two dots in front of the sign. HEARING EXAMINER ROBESON HANNAN: Okay. Let me -- can 178 180 you off. you describe where? MR. KLINE: No, they -- it was presumably a decision MR. POST: Right there where your cursor just was, to made after staff had gotten going on the staff report. the right. HEARING EXAMINER ROBESON HANNAN: Okay. Unfortunately, HEARING EXAMINER ROBESON HANNAN: This square? I've got to refer it as a proposal to them. So I'm required MR. POST: No, to the right where the -- to the north to. They don't trust me to make changes without them slightly. Right -- yeah, you are almost there. reviewing it. HEARING EXAMINER ROBESON HANNAN: Are they shown on MR. POST: And so on -this plan? HEARING EXAMINER ROBESON HANNAN: Just a second. Mr. MR. POST: Yeah, there is two. They're very hard to 10 Putman, I see your hand up. Mr. Putman? MR. PUTMAN: Yes ma'am, while we're are on the subject 10 see because of the graphics are just small. There's two 12 of the sign, the sign that was shown a little while ago says 11 dots right in front of pier to the north side of the 13 Remembrance Park. But I thought we were having a hearing on 12 driveway. And those are the sign lights. 14 Reflections Park. Can someone tell me what the difference MR. KLINE: The bolder line is the fence. 13 15 is? Or are we talking about two different things? 14 HEARING EXAMINER ROBESON HANNAN: Okay. MR. KLINE: Sure. No, good question. Thank you for MR. POST: Yes, and they're item -- the square with the 15 17 pointing that out. It just shows you that that exhibit goes 16 arrow in it, it says there are two labeled AC1 on the plan. 18 back some time. When we embarked in the beginning of this, 17 HEARING EXAMINER ROBESON HANNAN: Okay. All right. 19 we were working on a working name for the park as MR. KLINE: So we would like to correct our testimony. 20 Remembrance Park. As it turns out there is another 19 And yes, the lights in front will be illuminated. Or I'm 21 Remembrance Park in Montgomery County and they asked us to 20 sorry, the sign will be eliminated by two ground mounted 22 come up with a name. And frankly the client took advantage 23 of the opportunity, came up with something even closer to 21 lights with low, discrete lighting.

23 where are they? Am I looking at --

25 Those -- okay. So those are posts.

HEARING EXAMINER ROBESON HANNAN: Okay. Now, just --

MR. KLINE: Go up. Go up. Scroll up. There you go.

24 their -- the essence of what they are trying to accomplish.

25 We just didn't -- work smart enough to change the language

	181		183
1	HEARING EXAMINER ROBESON HANNAN: Those are the pole	1	email for the record, please.
2	lights.	2	MS. TROCK: My name is Beyhan Trock. It spelled;
3	MR. POST: Yeah, they are very hard to read on here,	3	B-E-Y-H-A-N. The last name is; T-R-O-C-K. I live at 205
4	but they're shown right in front of the pier on the north	4	Normandy Drive in Silver Spring, Maryland. My email address
5	side of the driveway there is two sort of squares there that	5	is BeyhanTrock@gmail.com.
	look like blobs.	6	HEARING EXAMINER ROBESON HANNAN: Okay. Thank you.
6	HEARING EXAMINER ROBESON HANNAN: Here?	7	Mr. Klein?
7		8	MR. KLINE: Ms. Trock, what is your profession?
8	MR. POST: Those, yeah.	9	MS. TROCK: I'man architect registered in Maryland.
9	HEARING EXAMINER ROBESON HANNAN: Here?	10	MR. KLINE: And how long have you practiced
10	MR. POST: Yeah.	11	architecture?
11	HEARING EXAMINER ROBESON HANNAN: Okay.	12	MS. TROCK: I hate to say almost 48 years. MR. KLINE: How about giving us maybe the last two or
12	MR. POST: And I don't know why they don't have a	13 14	three names of firms you been associated with that we would
	label. I should have caught that.	15	recognize?
14	HEARING EXAMINER ROBESON HANNAN: Okay. Well, now we	16	MS. TROCK: I was with DNC Architects. I was with
	know where we are. Or I know where you are. All right. So	17	Sheila Brahms Architect. I was with Groopman and Parker
	there are we don't have to refer that back.	18	designing schools for
17	MR. KLINE: Thank you.	19	HEARING EXAMINER ROBESON HANNAN: Well, let me do this.
18	HEARING EXAMINER ROBESON HANNAN: Mr. Putman, you still	20	Are you licensed? Are you an architect licensed to practice
19	have your hand up. Did you want to say something?	21	in Maryland?
20	Mr. Putman? You are muted.	22	MS. TROCK: Yes.
21	MR. PUTMAN: Am I lowered now?	23	HEARING EXAMINER ROBESON HANNAN: Okay. Have you ever
22	HEARING EXAMINER ROBESON HANNAN: Yes.	24	testified as an expert witness before?
23	MR. PUTMAN: Thank you.	25	MS. TROCK: No. No.
24	HEARING EXAMINER ROBESON HANNAN: Okay. Mr. Kline, do		
25	you want to go ahead?		
	182		184
1	MR. KLINE: Well, I was finished with Mr. Post. So	1	HEARING EXAMINER ROBESON HANNAN: Does anyone have any
2	I he is available for cross-examination if Mr. Putman has	2	objections to qualifying Ms. Trock as an expert in
3	any questions.	1	
		3	architecture? Okay Hearing none I'm going to qualify her as an
4	HEARING EXAMINER ROBESON HANNAN: Mr. Putman, do you	4	Okay. Hearing none, I'm going to qualify her as an
5	have any questions of Mr. Post?	4 5	Okay. Hearing none, I'm going to qualify her as an expert in architecture.
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HEARING EXAMINER ROBESON HANNAN: Name, address, and

25

Transcript of Hearing

Conducted on July 30, 2021 185 187 1 of what the cemetery stood for. So we wanted that first MR. PUTMAN: Thank you, young lady. 2 MS. TROCK: You're welcome. pavilion; we were calling it a gazebo at one time, to be MR. KLINE: Ms. Trock, would you explain the portfolio a -- to have natural feel to it, natural materials, be open of buildings you were assigned to try and design? And tell so that you can the past it to the cemetery and the trees us what kind of integration, or homogeneity, or 5 beyond, and immediately let people know that they are compatibility you try to build into the very structures? 6 entering a park that was -- that's it, a park, that you're And if you need either a site plan or your individual entering a forest. elevations, just let us know and the hearing examiner will And then of course you would stop off to the left and go to the office and talk about people in your family, et pull them out. 10 MS. TROCK: A site plan would be nice just to start 10 cetera. Or meet up with people that are going to go into 11 with. I'm not sure what you'd --11 the park together. But that was your first experience. And MR. KLINE: Yeah, the whole --12 then you would start driving through the park very slowly 13 meandering along the typography until you get to that 13 MS. TROCK: Labeled the numbers of the site. 14 MR. KLINE: If we could get Mr. --14 roundabout. And that would have been the end of phase 1. 15 HEARING EXAMINER ROBESON HANNAN: I'm going to get --And that's that we were thinking that at that point 16 38-B. 16 people would get out of their cars and actually be able to 17 MR. KLINE: If -- I was going to suggest Mr. Crum's 17 park there and start being able to walk into the trails all 18 rendered site plan. I don't know what one that was. 18 the way back until we started to develop the rest of the HEARING EXAMINER ROBESON HANNAN: Oh. 19 site. And as you keep going -- once we started to build the 19 20 MS. TROCK: Just the one that shows the buildings at 20 road to go up, you still meander. And if you stop right 21 the very front and also the larger building in the back. 21 there at the crux or -- yeah, there is little parking spaces 22 You're not going to see them very well because 22 right there. 23 it's (inaudible). 23 That's your first view of the actual assembly hall. If 24 HEARING EXAMINER ROBESON HANNAN: I just need to know 24 you look up the hill you were see the assembly hall in front 25 what exhibit. 25 of you. And then you work your way up around the assembly 186 188 MR. KLINE: Mr. Crum, can you help us? Do you remember 1 hall and go to the back of it and that's where the parking which your rendered elevation site plan was? spaces are. So you go the other way, that way. Yeah. And MR. CRUM: I'm working on it. you go into the parking spaces. And from those parking MR. KLINE: Okay. spaces is the front of the building where you will actually THE COURT REPORTER: 46 -- no. enter the building. And at that point we could -- I could (Crosstalk) go to a plan and show you what the building is all about. HEARING EXAMINER ROBESON HANNAN: 42. MR. KLINE: Yeah. We probably should get your MR. KLINE: Yeah, that -elevations up now. MS. TROCK: Maybe we don't even --MS. TROCK: Or the plan and the elevations would be MR, KLINE: 42. MS. TROCK: Maybe we don't need to show the site plan 10 great. 12 because if we just get to the -- (inaudible) the genesis of HEARING EXAMINER ROBESON HANNAN: Okay. Can you give 11 13 style and scale --12 me an exhibit? HEARING EXAMINER ROBESON HANNAN: Okay. You should be 13 MR. KLINE: I'm looking. 15 able to see it. Wait a minute. There. 14 HEARING EXAMINER ROBESON HANNAN: It's not visual PDF MR. KLINE: All right. Okay. 15 image? MS. TROCK: Okay. So if you zoom right into the 16 UNKNOWN SPEAKER: No. It should be up at the very 18 middle, you can see were the main building is and that's on 19 the flag. UNKNOWN SPEAKER: They are at the top. MR. KLINE: How about if we talk about them in the 19 MR. KLINE: Oh, okay. Yes, Exhibit 21. 21 order of phases they are coming so you can talk about how 20 HEARING EXAMINER ROBESON HANNAN: Okay. 22 you are building character? MS. TROCK: Okay. So when people come onto this site, 21 MS. TROCK: That's the entrance gate. 24 they know that there's a cemetery here. But we believe that 22 UNKNOWN SPEAKER: E through H.

23

MS. TROCK: This is the entrance pavilion. So this is

24 the entrance pavilion. You can see it's 20 by 20. It's 25 open on all four sides. It has a skylight at the top of it.

25 they need to be greeted with something that was indicative

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1 So a tree will literally be growing inside the middle of

- 2 this pavilion. And there are benches on all four sides.
- 3 And above those benches are displays of things that are
- 4 coming up in the community, displays about green cemeteries
- 5 or trails that are in the park, anything that people might
- 6 be interested in as they meet, as they congregate for
- walking on the trails or for meeting with people for burial
- or for whatever reasons that they come there. But the
- materials and the overhanging roof are an indication of the
- 10 building that they are going to see at the end, which is the 11 assembly hall.
- 12 HEARING EXAMINER ROBESON HANNAN: Okay.
- 13 MR. KLINE: And before you leave this discussion here,
- 14 you remember hearing Mr. Crum talk earlier about the plan
- 15 talking about 100 foot setback in order to have a rural feel
- 16 along the frontage. These buildings are close, but not
- 17 exactly at that. Can you talk about how their design still
- 18 lends to that rural, rustic character?
- MR. PUTMAN: Well obviously, the materials because
- 20 we're going to be using maybe stone or brick for the base of
- 21 a lot of these posts and columns, and then wood columns
- 22 above that and then an overhanging roof. I'm not sure what
- 23 the materials are going to be of the roof, but the slope of
- 24 them obviously suggests residential architecture. Nothing
- 25 is going to be too tall. And also the overhanging roof also
- 190

1 suggests shade and shelter, which we think is really

- important for any building in a site like this.
- HEARING EXAMINER ROBESON HANNAN: Okay. And do you
- 5 MS. TROCK: The next one is --
- MR. KLINE: Yeah, we'll --
- MS. TROCK: No, we will probably -- not that one.
- Probably D. No, not D, H. D and H.
- MR. KLINE: Yeah, right.
- 10 MS. TROCK: Yeah.
- MR. KLINE: Because this is clearly the building that
- 12 got the most architecture associated with it. And now
- 13 you've got the floor plan. So maybe we ought to look at the
- 14 outside first?
- 15 MR. PUTMAN: Yeah, so scroll down to the ones below.
- 16 Oh, you were in there. Could you just scroll to them?
- 17 Because they were -- all four of them --
- HEARING EXAMINER ROBESON HANNAN: Hold on. Hold on.
- 19 Hold on. Do you want the large maintenance building?
- 20 MR. KLINE: No, we want within E and H community
- 21 building plans. There should be four of them --
- 22 HEARING EXAMINER ROBESON HANNAN: Oh, I'm sorry.
- 23 MR. KLINE: There you go. There we go. Great.
- 24 MS. TROCK: Well, the one on top, the drawing on top is
- 25 actually what the entrance façade looks like. When you are

- 1 coming from the parking lot, this is what you would see.
- The entrance is where you see the guy sort of on the left.
- And of course we would have ADA accessible ramps to get up
- to the building.
- And what I tried to do is, the building is 25 feet to
- the top, which is not really very tall for a building that's
- going to hold 200 people in assembly. But we also broke
- down the scale of the building by putting smaller pieces
- with smaller roofs so that the building was sit on the
- 10 landscape comfortably so they wouldn't feel like just a big
- 11 commercial building sitting on top of the building -- I
- 12 mean, of the land.
- And then the one below is a façade looking from down 13
- 14 the hill looking back up at the community building, the one
- 15 below. And then I would really like to take you to the
- 16 plan, which is the first drawing, the one top left. Yeah.
- 17 So just to orient you, where the cars are is for you
- 18 get dropped off. And you walk up to the building and you go
- 19 past and entrance. And that big thing with all the circles
- 20 in it is the assembly hall. And those are -- this hall will
- 21 hold maybe 200 people seated. I'm showing 160 people
- 22 sitting at tables there. And surrounding that assembly hall
- 23 are all of the spaces that support that assembly hall. On
- 24 the left you have the spaces that don't have windows on the
- 25 really like the kitchen area, the body preparation area, the
- bathrooms, coat closets, mechanical.
- But on the front at the top or people most will see
- things first, you will see a library, the entrance lobby,
- the office, and also meditation room. And then off to the
- right as you keep going, you actually exit the building
- under a pergola and you're outside. And what I wanted to show you here is that those little spaces each have some
- sort of a patio or outdoor space, an outdoor room so that
- 9 you always feel that when you are inside this building you
- 10 are also sort of outside the building.
- That's why the assembly hall, the whole wall at the
- 12 bottom of it is glass so that you are looking out over the
- 13 landscape. And I can show you that in number 3, the sheet
- 14 number 3. That's the façade that you would see of the
- 15 assembly hall. So you can see there is plenty of light.
- 16 There is plenty of openness so that you are witnessing the
- 17 trees, the landscape, the sun, and you are part of the
- 18 experience of being in this park.
- I think it's really important that outside and inside
- 20 are very connected here. I think it's also important to use
- 21 natural materials that are serene, that are harmonious with
- 22 the landscaping. Also that the scale is nothing -- I
- 23 already talked about it -- is nothing too confrontational,
- 24 for lack of a better word. And the colors are also like
- 25 trees, and like wood so just something more natural. And if

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1 you go to the last one, number 4, it's cutting a section

- 2 through it so you can see what the inside would feel like
- 3 being inside that space and how they -- the support spaces
- 4 are lower in scale obviously, lower ceilings. And at the
- 5 bottom, that's what the building looks like on the site.
- 6 You can see it sits at the -- what did you call it? It's a
- wonderful word for the top of that hill. I think it's a
- perfect location for it.
- MR. KLINE: You must have talked to Mr. Goodnoe about 9 10 his idea of using meadows and everything since you're using
- 11 a prairie school style of architecture to blend in with his
- 12 idea of the ground plane.
- MS. TROCK: Yeah, that's exactly right. Frank Lloyd
- 14 Wright had this prairie school of design that I thought was
- 15 just really beautiful where overhangs sort of reach out to
- 16 landscape and create shelter for you while you are outside
- 17 and cool places to stand. I think it's a very serene style
- 18 of architecture and I think it works really beautifully
- 19 here.
- 20 MR. KLINE: Ms. Trock, in your professional opinion,
- 21 does this building embody or incorporate elements that you
- 22 would find in houses in the surrounding area? Is not an
- 23 industrial or commercial building. It's got residential
- 24 elements in the design?

low sloped roofs, yes.

12 of feel, that relate to a human being.

MS. TROCK: Yeah, absolutely. I've been doing

2 And these are the materials that I use when I really want a

3 house to sort of sink back into the landscape. You know,

4 for clients who really don't want the building to stand out

5 too much but still want them to be pretty, this is the style

6 that I go for. Low walls on the outside, overhanging roofs,

And also the scale that nothing is too big. So that

10 this building. You don't have these huge, huge windows, but

11 all the windows are broken down into scales that we can sort

MR. KLINE: Do you feel that the structures you've

MS. TROCK: I do, especially the low walls that are

17 around the building. The low walls are going to be of stone

18 that we probably will find on site. And the low walls will

20 vegetation so that it will feel almost like vegetation is on

21 top of the building or that the building is going out of the

22 vegetation itself, which I think is going to be really nice.

14 talked about today are harmonious with the character of the

15 built environment surrounding the subject property?

19 also have planters on top of urns with all types of

9 you can sort of tell how big a person is in relationship to

- one, but you can see the urns on the low walls in front. On
- the right side you can see where those people are standing.
- Yeah. So those people are actually outside underneath a
- roof and the walls are actually holding them in the room
- where they are standing.
- And on the left side where you see that red line, that
- person is standing out on the back deck. The whole façade
- facing the -- down the hill is a deck so that people can
- also congregate out there. We wanted the space -- we wanted
- 10 the space to be a community space that was spiritual, but
- 11 not particularly religious. Just a place where you could
- 12 feel that you had community because they are going to be
- 13 community meetings in this building as well. There are
- going to be lectures in this building. There are going to
- 15 be talks about the direction of how we treat death in our
- 16 society. Things like that.
- 17 But also the library I think is important, that people
- 18 can split up in groups if they want to, to get into smaller
- places like the library, the meditation room, to have
- 20 smaller discussions about the experience of death and what's
- 21 happening to the family. Things like that.
- 22 HEARING EXAMINER ROBESON HANNAN: Okay. Mr. Kline, is
- 23 there anything else?
- 24 MR. KLINE: No, you were exactly right. I thought Ms.
- Trock's comments were just a nice way to wrap up our

presentation. And we -- that does complete our

- presentation. She is available to answer any questions that
- Mr. Putman might have.
- HEARING EXAMINER ROBESON HANNAN: Mr. Putman?
- MR. PUTMAN: I have none. It's a lovely presentation.
- I hope on the south side you will extend the overhang so
- that it blocks the high summer sun, but allows the low
- winter sun to give you some solar beam.
- MS. TROCK: Exactly. You will see that under the small
- 10 windows at the top there's going to be an overhang, another
- overhang. So there will be two overhangs because I know
- 12 exactly what you're talking about. And that --
- 13 MR. PUTMAN: It's a lovely -- a lovely design. Thank
- 14 you.
- 15 MS. TROCK: Thank you.
- MR. KLINE: Madam Hearing Examiner --16
- HEARING EXAMINER ROBESON HANNAN: Anything else? 17
- MR. KLINE: That completes the Applicant's
- 19 presentation.
- HEARING EXAMINER ROBESON HANNAN: Okay. With that, Mr.
- 21 Kline, do you want to make a closing statement? Or does Mr.
- 22 Putman want to make a closing statement?
- MR. KLINE: Well, I will go first, I guess. And that
- 24 is -- I think it was Haroon who used the comment about the
- 25 intense amount of time that had been spent on basically --

194 1 residential architecture on my own for about 14 years now.

You can see the planters on the far left on the top 24 one. Those walls are important to sort of acclimate you to 25 where you're going. Oh, I didn't draw any plans on this

_	Conducted on	IJ	11y 50, 2021
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1	the gestation period of his plan to go long time but they	1	at it.
2	really wanted to invest in the physical aspects of it, their	2	HEARING EXAMINER ROBESON HANNAN: Well, why don't we
3	mission, and to accomplish that. So it's a very unique	3	just send it to Patrick Butler? MR. KLINE: Sure. Sure. We will do so.
4	situation. I think Mr. Putman has brought to our attention	5	HEARING EXAMINER ROBESON HANNAN: And let him that's
5	a risk that could exist. And hopefully the presentation	6	why he gets paid the big – no.
6	today showed how we anticipated that and did everything we	7	MR. KLINE: Okay, very good.
7	needed to do in order to address it, and certainly all of	8	HEARING EXAMINER ROBESON HANNAN: Don't I didn't say
8	the public agencies who looked at it agreed with that.	9	that.
9	This is only one step in the process. Actually, the	10	MR. KLINE: I understand.
10	preliminary plan and subdivision that will follow will	11	HEARING EXAMINER ROBESON HANNAN: He does (inaudible).
11	probably in some ways get into more of the details of the	12	MR. KLINE: But no, that
12	environmental water quality issues themselves. But I hope	13	HEARING EXAMINER ROBESON HANNAN: He works hard for his
13	that you agree that the thought that's gone into this and	14	money and that's the truth.
	the scrutiny of the subject matter and the importance of	15	MR. KLINE: But the completeness of the presentation
	protecting the watershed has been incorporated in the	16	today is borne out by the fact that only had to give you one
	design, and that you find that it meets the standards of the	17	thing after the hearing. And normally there is a longer
	zoning ordinance and the master plan, and would ask that	18	list than that.
	you I'm sorry that you publish a report approving the	19	HEARING EXAMINER ROBESON HANNAN: You're killing me Mr. Kline. Okay. That's okay. So how long do you think you
	application.	20 21	will need to get the rendering into me and
20	HEARING EXAMINER ROBESON HANNAN: Okay. Mr. Putman,	22	MR. KLINE: Sure.
21	final words?	23	HEARING EXAMINER ROBESON HANNAN: You should send it to
22	MR. PUTMAN: The presentation has been excellent. The	24	OZHA and Mr. Butler and
	witnesses are very capable, obviously. And Mr. Kline has	25	MR. KLINE: Sure. And Mr. Putman.
	orchestrated this like a symphony conductor. And you have		
	aided and abetted him when he missed anything. So this has		
23	198	₩	200
1	been my first experience with a conditional use hearing.	1	MR. PUTMAN: Putman, yes.
2	It's been very informative. I will rethink my objections,	2	MR. KLINE: Yeah, sure. Well, I would say probably
3	but I don't think I will change them because the European	3	Basil could answer the question, but probably I would get it
4	data is so far ahead of the U.S. data in this regard. But I	4	done by Tuesday or Wednesday. And I think I can get you a
5	think it's a risk we don't need to take.	5	response within the 10 days you normally ask for for the
6	HEARING EXAMINER ROBESON HANNAN: Okay.		printing of the transcript. I think that's fairly
7	MR. PUTMAN: Thank you for the opportunity to speak.	6	
8	HEARING EXAMINER ROBESON HANNAN: And thank you for	7	straightforward.
9	your time and presence and education.	8	HEARING EXAMINER ROBESON HANNAN: But I need to give
10	Mr. Kline, do you you get the last word before we	9	time for them to comment. I have the 10 days expiring
	talk about submittals and the date the record will close.	10	
12	MR. KLINE: Nothing to add. We've been talking for 6	11	MR. KLINE: Yeah.
l		12	HEARING EXAMINER ROBESON HANNAN: So if you got it in
14 15	what we would like to have as the office in the front, to		by the 3rd, I can ask for any comments by the 6th.
l	incorporate that in the record.	14	MR. KLINE: Okay. More than likely, Mr. Butler will
17	HEARING EXAMINER ROBESON HANNAN: And you have to send		call you back or listen to you then he will than me. But
	that to staff too.		I'll I think Basil, am I correct that you can get me
19	MR. KLINE: Okay.	17	something I can transmit it by Tuesday?
20	HEARING EXAMINER ROBESON HANNAN: And I can just see if	18	DR. ELDADAH: Yes, that should work. Just to clarify,
21	they have any comments. They may not.	19	
22	MR. KLINE: Very good. I might add, as you may know,	20	the
23	Ms. Testay has told me she is retiring at the end of the	21	MR. KLINE: Yeah, sure. Ideally
	month of August and is on vacation for much of August. So I	22	HEARING EXAMINER ROBESON HANNAN: I thought it was
25	may have to do a little work to find somebody to take a look	23	going to be an elevation that you were submitting.
		24	MR. KLINE: Ideally, all four sides of the office
1		1	

25 building.

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DR. ELDADAH: Okay.	203 1 CERTIFICATE OF COURT REPORTER				
2 HEARING EXAMINER ROBESON HANNAN: And the office	2 I, Jesse Greer, the officer				
3 building, which one are we we are talking about the one	3 before whom the foregoing proceedings were taken,				
4 in the front?	4 do hereby certify that said proceedings were				
5 MR. KLINE: Correct.	5 electronically recorded by me; and that I am				
6 MR. CRUM: The smallest.	6 neither counsel for, related to, nor employed by				
7 HEARING EXAMINER ROBESON HANNAN: Nearest New	7 any of the parties to this case and have no				
8 Hampshire?	8 interest, financial or otherwise, in its outcome.				
9 MR. KLINE: Correct.	9				
10 MR. CRUM: That's correct, the small office building.	10 0				
HEARING EXAMINER ROBESON HANNAN: Okay. So when can	11 Seur S				
12 you get that?	11 Seur du				
13 MR. KLINE: Mr. Eldadah indicates he can probably get	13 Jesse Greer				
14 it to me by Tuesday and I can get it to Park and Planning	14				
15 and everybody else on the same day.	15				
16 HEARING EXAMINER ROBESON HANNAN: Well, I will give	16				
17 Patrick a heads up as to what's going on and then we will	17				
18 plan on that and I'll try to get comments. I guess I could	18				
19 wait until the 9th for the comments.	19				
20 MR. KLINE: Yeah.	20				
21 HEARING EXAMINER ROBESON HANNAN: And anybody else's	21				
22 comments. Mr. Putman, if you want to comment on the	22				
23 exterior of this building, you're more than welcome.	23				
24 I see your hand up. Is that Ms. Trock? You're muted	24				
25 Ms. Trock.	25				
202	204				
1 MS. TROCK: I wanted to correct the record. Is not 48	1 CERTIFICATE OF TRANSCRIBER				
2 years I've been an architect. It was 38 years (inaudible).	2 I, Molly Bugher, do hereby certify that the foregoing				
3 MR. PUTMAN: Yeah, I was working on that math.	3 transcript is a true and correct record of the recorded				
4 HEARING EXAMINER ROBESON HANNAN: You're shortchanging	4 proceedings; that said proceedings were transcribed to the				
5 yourself.	5 best of my ability from the audio recording as provided; and				
6 Now, I lost my train of thought. So we will leave it	6 that I am neither counsel for, related to, nor employed by				
7 at that way. If you could get me the rendering by the 3rd,	7 and of the parties to this case and have no interest,				
8 then I can ask for comments by the 9th. And then I should	8 financial or otherwise, in its outcome.				
9 have the transcript. And for everyone, just a reminder. If	9				
10 you the transcript will be posted on our website. And I	10				
11 have 30 days from August 9th to write a decision. If you	11 00 00 18				
12 disagree with my decision, you can request an appeal to the	12 Mally Dugher				
13 Board of Appeals. And it will have instructions and how to	13 Molly Bugher				
14 contact the Board of Appeals.	14 Date: August 10, 2021				
15 You're smiling Mr. Kline.	15				
16 MR. KLINE: I'm going to be talking a lot about you	16				
17 next Wednesday at the Board of Appeals.	17				
18 HEARING EXAMINER ROBESON HANNAN: Okay. Thank you.	18				
19 Thank you, very much everyone. Mr. Putman, it was a	19				
20 pleasure.	20				
21 MR. KLINE: Very educational.	21				
22 HEARING EXAMINER ROBESON HANNAN: I will look forward	22				
23 to the plans. Thank you.	I and the second				
[25 10 100 Famor 1 10 10 10 10 10 10 10 10 10 10 10 10 1	23				
24 MR. PUTMAN: Thank you. 25 (The recording was concluded at 4:05 p.m.)	23 24				

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