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# Transcript of Hearing 

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

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built, but gradually they have increased their footprint and increase their footprint, extended their paved parking lot with gravel, which becomes impacted and the next time the work on the parking lot they pave that too.

I haven't measured, but there is one property very near Reflection Park that looks to me to be 40 or 50 percent impervious cover. And there are several others that seem to exceed the 10 percent. What this means is that when we have a heavy rainfall, falls on those properties and runs off. And that which flows off of those properties will flow on to this parcel. That flow can saturate the ground, drag stuff down to the river, and into the traversing feeder streams and wash the necro-leachate from decaying bodies with it.

Now the substrate below this will cover in the watershed is mostly fractured shale. And this slurry, which is about 20 to 30 liters from the average adult decaying body, will flow down through that fractured shale and some of it will reach the watershed. Now I agree that some will biodegrade on site, but I'm concerned particularly about some of the newer chemotherapy medicines that are genotoxic, working by interfering with the DNA and cell division in a patient's cancer cells, but also with the healthy cells. Some of these drugs do not biodegrade. I read a report and a publication called Eco R.I. and I don't even know what the R.I. stands for, but it's an ecology news report that says;

Patuxent River and the Rocky Gorge Reservoir. HEARING EXAMINER ROBESON HANNAN: Okay. MR. PUTMAN: Which is the reservoir this backed up by
the T. Howard Duckett Dam. HEARING EXAMINER ROBESON HANNAN: Right. MR. PUTMAN: Okay. I'malso concerned that some of the nearby wells that serve rural cluster owners that are living and have been living with the environmental limitations imposed on watershed residential lots might be blindsided when their well water begins to smell and taste strange.
This RC zone was designed and established for residential use in protected properties like this. And
these conditional use things are creeping in and infringing on the environmental standards that those of us who live in
the watershed have been in compliance with for many years.
So the necro-leachate leaching down the hill and into the
17 river and the possibility that bodies buried in that
18 cemetery will contain these chemotherapies, some of which are synthetic agents that do not biodegrade, is of great concern to me.

I would also like to point out I see Mr. -- is it
Eldadah? Mr. Eldadah recited some common questions at a
meeting last December I think, and provided some answers.
And I would like to quote one of them. Someone -- or he proposed the question, is it hazardous to the water supply to put the body directly in the ground. His answer, and I think I'm quoting accurately, says there is no evidence to date that such practices contaminate groundwater. This is likely due to the natural filtering capabilities of soil and mandatory setbacks from water sources.

Now I'm not sure the source of his answer, but that answer is seriously incorrect. I simply googled necroleachate and found multiple published papers from Acta Scientific and many others which document contamination. HEARING EXAMINER ROBESON HANNAN: Can you spell -- you don't have to spell leachate, but can you spell the first -is it N-E-C-R-O leachate?

MR. PUTMAN: N-E-C-R-O-L-E-A-C-H-A-T-E. HEARING EXAMINER ROBESON HANNAN: Okay. MR. PUTMAN: This is the substance, about 20 to 30
liters per adult body that is a slightly thicker than water
fluid, somewhat salty, that leaches out of bodies and
into -- in this case, directly into the ground. I guess
what I would say is that an hour or two of searching the
internet will demonstrate, fortunately not a lot in this
country, but a few in Europe, and Brazil seems to have a major problem because of several of their large cities,
heavy populations in them and burial grounds that are too
close to the rivers and the water supplies. And they have
this huge problem. Now, much of their stuff is in

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Portuguese. So is not readily available, but there are some
translations of it that we can see. They have made this
mistake in Brazil and they are paying a tremendous price
right now. It's a mistake we don't need to make.
    Finally, one other thing -- and Ms. Hannan, I don't
want to quote to you with the zoning code. I'm pretty sure
you know it and Mr. Klein probably does too. But there may
be participants here -- so a little bit of the zoning code
says -- section 7.3.1 allows a cemetery as a conditional use
which may be permitted by the hearing examiner if the
proposed location is compatible with adjacent land uses and
will not adversely affect the public health, safety, and
welfare of the inhabitants of the area.
    There is clearly a great deal of available evidence to
the contrary, which cannot be ignored. Also the code
states, "The fact that a proposed use satisfies all specific
7 requirements to approve a conditional use does not create a
presumption that the use is compatible with nearby
properties and in itself is not sufficient to require
20 conditional use approval."
    In summary, Reflection Park is a lovely idea, but it's
absolutely in the wrong place. It's my understanding that
several sites were considered before this one was chosen. I
hope that developers will look again at alternate sites.
But Ms. Hannan, I urge that you denied this conditional use
application and I thank you for your kind attention.
    HEARING EXAMINER ROBESON HANNAN: Thank you for --
    MR. PUTMAN: I'll be happy to take any questions.
    HEARINGEXAMINER ROBESON HANNAN: Thank you. Thank you
for taking the time to come. When you said natural burial,
is it your understanding that these are -- I thought
cemeteries used lead lined caskets or something like that.
I'mjust going from memory. Is it your understanding that
these bodies are just going to be placed in the ground?
    MR. PUTMAN: That's what your applicant's paper says.
    HEARING EXAMINER ROBESON HANNAN: Okay. All right.
    MR. PUTMAN: They're going to be buried 4 feet in the
ground and covered with about 2 feet of dirt. Did I
misunderstand that Mr. Kline?
    HEARINGEXAMINER ROBESON HANNAN: No, I don't know. I
read the staff report and I haven't gone -- okay. That's
fine.
    MR. PUTMAN: I'm sorry. I've lost you.
    HEARINGEXAMINER ROBESON HANNAN: Can you hear me?
    MR. PUTMAN: Yes. Now I can.
    HEARING EXAMINER ROBESON HANNAN: I will have Mr.
Kline's witnesses address that.
    Mr. Klein, do you have any questions for Mr. Putman?
Putman, I'm sorry.
MR. KLINE: Yes, I do. I just wanted to -- I didn't
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hear. Did you swear him at the beginning?
MR. PUTMAN: I did.
HEARING EXAMINER ROBESON HANNAN: Yes, he did.
MR. KLINE: Very good. Sorry. Sorry, forgot.
MR. PUTMAN: I struggled over the whole truth. The
whole truth would take weeks or months. And I'm not fluent enough in it to give that.

MR. KLINE: Thank you for the reminder. And I do remember your comment. So what I want to start off with is,
what is your background? Do you have a background in
science or medicine that would make this all understandable to you?

MR. PUTMAN: Mr. Kline, I have been an environmentalist
for over 70 years. I have lived in the watershed for the
past -- over 30 years. I have -- I don't have academic
initials in this area. But I --
HEARING EXAMINER ROBESON HANNAN: Did you say you are
on the Patuxent Commission? No? Did you say you were --
you weren't testifying on behalf of some commission.
MR. PUTMAN: The Patuxent Watershed Protective
Association is a nonprofit environmental corporation
originally established when the so-called northern alignment
of the intercounty connector was proposed to run to the
watershed. And we opposed that from -- and we decided at
that point in time that we should have an organization that
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can pass along the accumulated knowledge to younger people.
As you can tell, I'm well past my expiration date.
And fortunately we are in process of bringing some
younger leadership into this organization. This
organization has -- and I personally have appeared multiple
times before the Planning Board and the County Council,
multiple councils and multiple planning boards in every case
involving an environmental issue involving this watershed.
I have -- I've lived here for a long time. I've seen what a
beautiful think it is.
I have studied a great deal. I'm primarily self-
educated in environmental matters. But I was sufficiently
educated that when I built my house here it became one of
the sites on the Sierra Club's annual solar tour because it
was an example of environmental and solar applications at
that time with ground breaking --
HEARING EXAMINER ROBESON HANNAN: Okay, thank you.
What I'm going to do -- I don't know if we got to Mr.
Kline's question. I just was looking at my notes and was
unclear. Mr. Klein, can you repeat your question, please?
MR. KLINE: Well, let me --
(Crosstalk)
MR. KLINE: Mr. Putman, you're well-read obviously. I
just wondered if you had any professional background,
education, or experience that would lend any weight in that
area. But I guess it would be fair to say that what you've
learned is just through -- by experience and reading.
MR. PUTMAN: And living here in the watershed.
MR. KLINE: I understand. You made a reference to
hearing Mr. Eldadah speak. So I gather you attended or
participated in one of the community meetings we conducted.
MR. PUTMAN: No sir, I didn't. I just read your
filings.
MR. KLINE: Well, how did you get the quote on Mr.
Eldadah then?
MR. PUTMAN: It's in your filing, Mr. Kline.
MR. KLINE: In our conditional use application?
MR. PUTMAN: Yes, sir.
4 MR. KLINE: So you didn't pick anything up from the
15 press? The recent coverage in the press?
MR. PUTMAN: Is that -- is my quote incorrect? Is it
7 necessary for me to find your document and --
MR. KLINE: No, I just asked you -- I just asked you if
9 you had read anything or seen anything in the media recently
about -- that actually did have some quotes from Mr.
1 Eldadah.
MR. PUTMAN: No, the way I found out about this project
Ming interesting to me. I heard about it on a local TV
broadcast by a young reporter who was on your site and also
remarked, strangely I thought, that this project was in the
Patuxent Watershed. That attracted my attention. And as I
said in my letter, I made contact with my normal contact in
the Department of Environmental Protection.
HEARING EXAMINER ROBESON HANNAN: Who is your normal
contact in the Department of Environmental Protection?
MR. PUTMAN: Alan Soucup.
HEARING EXAMINER ROBESON HANNAN: Could you spell the last name?

MR. PUTMAN: S-O-U-C-U-P.
HEARING EXAMINER ROBESON HANNAN: Okay.
MR. PUTMAN: Alan told me that he also had learned
about this on a radio broadcast as he was driving home from
work the previous evening. So I went back and I
investigated this whole process because often -- we have an
email site where we are on various County agencies' lists,
notified of things that are of interest to us. And normally
the past we've been notified of proposed incursions into the
watershed, primarily because of water and sewer category
change requests that were all reported to us by Alan Soucup
or someone in that department.
But I noticed that when -- what happened apparently
several years ago, was the whole process within the county
changed from a special exception process to what is now
called a conditional use process. And in the course of that
change, the Department of Environmental Protection was
written out of the loop. So they apparently do not get these conditional use requests. Now most of the things that go under the conditional use process don't involve major environmental issues.

And I think you would probably agree this is probably the first cemetery request that you've had. So this is an unusual situation here. I plan to contact my County Council rep and say we can't bypass the Department of Environmental Protection in the County review of these things. Too many risky things can happen if we do that. But that's an issue for another day and another forum.

MR. KLINE: Okay. Thank you for your answer. But as you pointed out, Mr. Soucup is responsible for sewer and water category changes and would have no role in this analysis himself, correct?

MR. PUTMAN: I don't know exactly what everyone does in the Department of Environmental Protection, but the very name of their department would seem to me that they would be involved in a departmental issue. Most of the issues that come to their attention involve sewer and water category changes. And that's most of the things I've been involved in in the last couple of decades have been that type. This is the first cemetery that I have been involved in.

Oh, and I should say at this point that in searching, I find that there are a number of funeral directors in the

1 area that are willing to do a green burial preparation and there are a number of cemeteries in Maryland and in the Washington metro area which either are completely or partially green burial. So that feature is available, being offered by a number of other conveniently located facilities. So this one is not needed because of a lack of availability. And you can find those by an internet search as well.

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?
3 Do you know those people and their names?
14 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 checklist of things that they are checking. And you have 4 complied with all of those. But there is no item on their 25 checklist that says, does this make common sense.


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

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whole truth and nothing but the truth?
    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
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.
Right now all I want to do is ask him -- Mr. Jones, I would
like to start with Mr. Eldadah, but would you like me to
come back and ask you any questions on the same subjects
raised by Mr. Putman after?
    MR. MOKHTARZADA: No, not on this subject. I think
Basil is completely capable of answering. I was just
wondering if it would be useful for the hearing examiner to
have a little bit more background before we get into the
details. Just background of the project. You know, if that
would be useful at all.
    HEARING EXAMINER ROBESON HANNAN: What type of
background?
    MR. MOKHTARZADA: It sounded like you had some
questions about what green burial was and kind of how it
works and the use of caskets --
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    HEARING EXAMINER ROBESON HANNAN: Well, I thought --
    okay. Maybe I assumed Mr. Eldadah was going to address
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
way to -- do you want to just proceed with Mr. Eldadah about
the overall project and then get into the --
MR. KLINE: Well, the predicament I have now is,
whereas when I threw my suggestion on the table before I
didn't expect we would get into the depth of the discussion
in terms of health issues. Environment yes, but health
issues -- and that would have been much later in our
presentation. I'm almost now at a point, sort of taking a
Mr. Jones' comment, that we maybe ought to start from
scratch and walk you through the whole plan so you
understand it better.
HEARING EXAMINER ROBESON HANNAN: Well, I think that --
I'm agreeing with you.
MR. KLINE: Yeah, I think so.
HEARING EXAMINER ROBESON HANNAN: I would like to just
get your sense of the overview and then will do our best to

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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 in terms of -- what I wanted you to testify in the beginning was why this is happening. What's happening here? And I guess I would like for you to kind of understand what's the motivation, what's the stimulus for. And was the mission of -- so let me begin by basically asking him I guess some basic questions. The applicant is Reflection Park Inc. What is Reflection Park Inc.?

MR. MOKHTARZADA: So Reflection Park Inc. is a $501 \mathrm{C}(3)$ 16 nonprofit organization. It's incorporated in the state of
Maryland. And the purpose of the organization is to 18 establish the first fully green burial ground in Montgomery
County. It was mentioned earlier that there are other burial -- green burial grounds, but they are within other cemeteries.

In furtherance of our mission to restore mankind's relationship with the cycle of life, death, and renewal so that people will (inaudible) and purpose. There are three -- sorry. Go ahead. You are on mute.

MR. KLINE: Could you go -- I'm sorry. Could you go back and repeated? It broke up and we lost some in there.
And I think that was important what you just said.
MR. MOKHTARZADA: Okay. Where did I -- should I just
start with the purpose again?
MR. KLINE: Well, your mission, yeah. You were saying 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.
19 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.
24 And the third is to promote environmental stewardship.
25 There is a reason a green burial is called a green burial.


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on or near the main road. It was inside of a neighborhood
with a very small street going to it and we felt that a
small neighborhood like that would probably not appreciate
funerals happening there.
    We did look around the county. It's quite difficult if
you look in Montgomery County to find a large multi-acre
lot, }10\mathrm{ plus acres, 20 plus acres. And because we wanted it
to be a natural looking thing, we actually weren't
interested in buying a parking lot or something like that.
We actually appreciated the existing woods that are there
and felt like we would be in a good position to preserve it.
    MR. KLINE: When you purchased the property you were
aware of its proximity, or if you want to call it that,
within a mile, of the reservoir and the Patuxent Watershed?
    MR. MOKHTARZADA: We were. And we had early meetings
with Parks and Planning because we said, hey, we are
thinking of purchasing this property. Is this -- what do
you think. And we presented kind of our ideas and stuff and
they indicated that, from their perspective, they did not
see an issue and that they would support the project.
    HEARING EXAMINER ROBESON HANNAN: Mr. Kline, may I
interrupt a second? I can't remember, maybe I got lost in
the procedural stuff. I can't remember swearing him in and
whether he stated his name and address for the record.
Because all that's coming up on my list of people is Haroon
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and I realized -- so let me just, out of abundance of
caution -- can you please raise your right hand?
Do you solemnly affirmunder penalties of perjury that
the statements you are about to make are the truth, and have
made, are the truth, the whole truth, and nothing but the
truth?
MR. MOKHTARZADA: I do again.
HEARINGEXAMINER ROBESON HANNAN: Oh, you did? Did you
state your name and address?
MR. MOKHTARZADA: Yes, I'm Haroon Mokhtarzada.
HEARINGEXAMINER ROBESON HANNAN: Okay. Can you spell
your last name for the court reporter, please?
MR. MOKHTARZADA: Sure. It's M like Mary, O-K-H-T like
Tom, A-R-Z like zebra, A-D like David, A.
HEARING EXAMINER ROBESON HANNAN: Thank you, very much.
And did you give us your email address?
MR. MOKHTARZADA: Yes, my email is HaroonM@Gmail.com.
HEARING EXAMINER ROBESON HANNAN: Okay, thank you.
Thank you for taking the time to redo that just to satisfy
my anxiety. Okay. Go ahead, Mr. Mokhtarzada. Apologize.
How do you say?
MR. MOKHTARZADA: Yeah, that's right. It's
Mokhtarzada.
HEARINGEXAMINER ROBESON HANNAN: Okay. Go ahead Mr.
Kline and Mr. Mokhtarzada. Thank you.
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MR. KLINE: Mr. Mokhtarzada, is it fair to say that your goal, your dream is that when you are all finished and 75 years from now the property will look like it looks today?

MR. MOKHTARZADA: No. It will look better than it looks today.

MR. KLINE: Can you elaborate on that?
MR. MOKHTARZADA: Yeah, today it's basically an
abandoned property. And it seems that it used to be
something that maybe was farmland or something so that the
trees that are on the property are all tulip poplars. There
is actually some trash and debris on the property. It just
hasn't been kept at all.
When we are done with this, this will be a really
beautiful, wooded lot with trails that the community can
hike through with a really beautiful community center that
will -- people will be able to have memorial events and
other uses. And we think it will be kind of a real treasure to the local community.

MR. KLINE: Thank you. I have no further questions of Mr. Mokhtarzada. And he is available for any questions that
Mr. Putman would like to ask him.
HEARING EXAMINER ROBESON HANNAN: I just have one question. Do you have an expert who is going to testify on
the water table testing? A separate expert?

MR. KLINE: I think the question was probably addressed to Mr. Mokhtarzada. But you will hear testimony on that subject from three more witnesses. HEARINGEXAMINER ROBESON HANNAN: Okay. All right.
Mr. Putman, do you have any questions?
MR. PUTMAN: No, I don't. I agree with most of what
Haroon said except that the place is wrong. It's a lovely
idea and his efforts and the expense that he has incurred so
far, and time and money is impressive. It's just a shame
that it's in the wrong place.
HEARINGEXAMINER ROBESON HANNAN: Okay. Thank you. Go ahead Mr. Kline.

MR. KLINE: Mr. Eldadah, would you please go ahead and
raise your hand and introduce yourself to the hearing
examiner so she can swear you in?
MR. MOKHTARZADA: Sure. My name is Basil Mokhtarzada. HEARINGEXAMINER ROBESON HANNAN: Just a second. Just
a second. Okay. For the record, your right hand is raised.
Do you solemnly wear under penalties of perjury that
the statements you are about to make are the truth, the
whole truth, and nothing but the truth?
MR. MOKHTARZADA: I do. HEARINGEXAMINER ROBESON HANNAN: Please state your
name, mailing address, and email address for the record.
DR. ELDADAH: My name is Basil Eldadah. It spelled; B-
right questions. So I'm going to ask you if you could
please, taking your background and your knowledge, and
address Mr. Putman's questions addressing the health issues
and the environmental issues of the green burial process.
And then we will work into how it relates to the site
itself. And maybe you ought to start with the actual burial
process and give another just more elaborate description on
the process.
DR. ELDADAH: Certainly. So as Haroon as mentioned,
our intention is to provide green burial, which is a natural
approach to burying bodies that involves no embalming, no
concrete liners or vaults, no metal caskets, no hardwood
caskets that may contain varnishes, adhesives, and other
toxic chemicals. So it's a natural way of returning our
bodies to the ground from whence they came and providing
opportunities for a natural, and I should say rapid
decomposition of bodies. Our typical procedure would be to
dig grave plots that occupy a --
HEARING EXAMINER ROBESON HANNAN: I couldn't -- I
missed that word. A grave. What did you say?
DR. ELDADAH: Plot, a grave plot.
HEARING EXAMINER ROBESON HANNAN: Plot. Plot.
DR. ELDADAH: Yes. The area of land that a typical
grave would occupy is $4^{\prime} \times 10^{\prime}$. The actual hole that dug
within the ground would be closer to about $3^{\prime} \times 7$ '. But

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A-S-I-L, E-L-D-A-D-A-H. My home address is 15116 Bauer
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A-S-I-L, E-L-D-A-D-A-H. My home address is 15116 Bauer
Drive, Rockville, Maryland, 20853. And my email address is
Drive, Rockville, Maryland, 20853. And my email address is
EldadahB@gmail.com.
EldadahB@gmail.com.
HEARINGEXAMINER ROBESON HANNAN: Thank you. Go ahead,
HEARINGEXAMINER ROBESON HANNAN: Thank you. Go ahead,
Mr. Kline.
Mr. Kline.
MR. KLINE: Mr. Eldadah, what is your role with the
MR. KLINE: Mr. Eldadah, what is your role with the
applicant, Remembrance Park Inc.?
applicant, Remembrance Park Inc.?
DR. ELDADAH: I'ma cofounder of the nonprofit
DR. ELDADAH: I'ma cofounder of the nonprofit
organization and I also serve as president and secretary of
organization and I also serve as president and secretary of
the organization.
the organization.
MR. KLINE: Mr. Eldadah, would you give us your
MR. KLINE: Mr. Eldadah, would you give us your
professional training? Since it's going to be relevant in
professional training? Since it's going to be relevant in
answering and responding to some of Mr. Putman's questions,
answering and responding to some of Mr. Putman's questions,
can you give us your background please?
can you give us your background please?
DR. ELDADAH: Yes, I have a medical degree and further
DR. ELDADAH: Yes, I have a medical degree and further
some specialty training in internal medicine and clinical
some specialty training in internal medicine and clinical
pharmacology. And I also have a PhD in neuroscience. I
pharmacology. And I also have a PhD in neuroscience. I
currently work for a large biomedical research funding
currently work for a large biomedical research funding
agency.
agency.
MR. KLINE: Mr. Eldadah, what you heard Mr. Putman
MR. KLINE: Mr. Eldadah, what you heard Mr. Putman
talking about, you've developed a familiarity with the
talking about, you've developed a familiarity with the
subject that he talked about today, have you not?
subject that he talked about today, have you not?
DR. ELDADAH: Yes, you can say that.
DR. ELDADAH: Yes, you can say that.
MR. PUTMAN: Well, I'm not sure --
MR. PUTMAN: Well, I'm not sure --
MR. KLINE: Well, I'mnot smart enough to ask you the

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MR. KLINE: Well, I'mnot smart enough to ask you the
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1 each grave would be able to claim that piece of land, $4^{\prime} \mathrm{x}$
2 10'. And as Haroon mentioned, our expectation is that the burial density with that dimensioning would be at most 600 graves per acre.

The Green Burial Council is a nonprofit 501C(3) organization that promotes green burial options across United States. And they also provide guidance and certification for green burial cemeteries. And they also -and 600 graves per acre is their recommendation for maximum grave density because it does allow for a lighter use of the lands and is more consistent with the environmental stewardship goals that the Green Burial Council promotes.

So the graves will be dug at the depth of approximately 4 feet. This is a happy medium between a grave that is not too shallow, that would invite animals, or perhaps smells 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 recommends a grave depth of about 4 feet.

And that is our intention, that is how we expect to bury. After a body is placed in the grave we expect to cover it with dirt, typically with hand shovels, which is different from many other traditional cemeteries, and this allows us to not only return the dirt into the grave but it also allows families and other members of the group attending the funeral to participate in the funeral. And this is an important aspect of the funeral process.

## Yes?

MR. KLINE: Basil, could you go back and maybe do a
little bit more explanation of how you are wrapping the bodies and what you are placing them in the ground with? What's involved in that? Or the options that are available?

DR. ELDADAH: Yes. So a green burial involves using only natural, readily biodegradable materials for shrouding 10 the 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.

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

| 45 | 47 |
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| 1 from those. Would you just kind of elaborate on -- by | 1 body water would be approximately 35 kg . |
| 2 elimination of the vaults and the caskets and some of the | 2 In addition, during the decomposition process that |
| 3 other things we see today, some of the environment | 3 occurs naturally, some of the tissues that are normally more |
| 4 benefits that flow from | 4 solid would liquify as a natural part of that process. |
| 5 DR. ELDADAH: Yes. So green burial does not use any of | 5 so that would also add to this total amount of liquid that |
| 6 these concrete liners or | 6 is referred to here as necro-leaching |
| 7 these containers retard -- they do not prevent, but th | 7 MR. KLINE: You mention that on |
| 8 retard the natural decon | 8 green burials is that there woul |
| 9 But these materials are actually quite environmentally | 9 anything to try and preserve the body, and that was a good |
| 10 unfriendly. The production of concrete that is used in the | 10 thing. But Mr. Putman made an interesting point, and that |
| 11 grave liners and vaults releases a tremendous amount | 11 is sometimes when bodies are buried, they have residual |
| 12 carbon in | 12 chemicals in them that work may be part of medic |
| 13 caskets made out of metals or hardwoods they also are | 13 treatments they were having. Based on your medical |
| 14 environmentally friendly. Many of them use varnishes | 14 experience what happens to those chemicals or medicines as |
| 16 There is also no embalming. This is important. | 16 DR. ELDADAH: So every organic chemical has a natural |
| 17 embalming uses formaldehyde, or formaldehyde like chen | 17 half-life. Whether it is in the body where it is |
| 18 And although it's not clear whether those materials put | 18 metabolized by the kidneys or the liver, or it may also just |
| 19 the ground because any risk, they are toxic to the funera | 19 naturally degrade as a result of chemical processes outside |
| 20 workers and morticians whose handle those chemicals, and | 20 the body. And so that would be the expectation for |
| 21 there is a higher rate of certain neurologic conditions like | 21 agents whether they are chemotherapeutic agents or other |
| 22 myocardial sclerosis in people who routinely conduct | 22 drugs that are intended to treat other diseases. They all |
| 23 embalming. | 23 are organic compounds naturally and biodegrade |
| 24 MR. KLINE: I'm trying to think for the best -- well, | 24 These chemotherapy agents, by their nature, are toxic <br> 25 to cells, and in treatment to cancer typically with a |
|  | 25 to cells, and in treatment to cancer typically with a |
| 46 | 48 |
| 1 I guess I want to thank Mr. Putman for introducing | 1 traditional chemotherapeutic agent they target cells that |
| 2 to that somewhat frightening term, necro-leachate. So what | 2 are rapidly dividing. So a cell that is not dividing |
| 3 is that? | 3 rapidly, typically would not be affected. This is again, by |
| 4 DR. ELDADAH: That is also a term that I had not come | 4 traditional chemotherapy agents. |
| 5 until receiving Mr. Putman's letter was introduced to. | 5 I should mention that these agents, while the |
| 6 Although after also conducting Google searches I suspect | 6 toxic to certain cells, they are safe enough to actually be |
| 7 similar searches to what Mr. Putman conducted I also found | 7 given to living human beings. They are not so toxic that |
| 8 that this is a term that does, indeed, exist. And I believe | 8 they are actually -- they kill humans. And so, of course, |
| 9 that the term is comprised of two terms, necro, meaning or | 9 with all agents the -- all drugs their effect is dependent |
| 10 relating to death. And leachates, meaning that which | 10 not only on their composition but also their concentration. |
| 11 leaches into the ground. | 11 And we can talk a little more about the concentration of |
| 12 MR. KLINE: So what is the element or what is the | 12 these drugs in the soil if you like. |
| 13 composition that that part of the body that composes the | 13 MR. KLINE: Well, actually that is where I was going |
| 14 part that is being -- basically, being leached? | 14 go. So as the body dissolves do these elements in |
| 15 DR. ELDADAH: So Mr. Putman cites this article in Acta | 15 themselves, basically dissolve, or are they distributed -- |
| 16 Scientific, which describes this necro-leachate as the total | 16 are they basically absorbed into the soil in some fashion? |
| 17 amount of liquid that emanates from a body after death. So | 17 What I'm trying to lead up to is -- well you. Go ahead. |
| 18 it's -- I suspect where this figure derives from is the | 18 Just answer what I've that's the direction I think you are |
| 19 amount of total body water in a typical adult, which for a | 19 going. |
| 2070 kg adult total body water which is all the water within | 20 DR. ELDADAH: Yes. Yes. Certainly. Thanks. So yeah, |
| 21 our bodies is approximately, depending age and sex, and | 21 that is true. So we should mention that soil is an |
| 22 frailty or other conditions, something on the order of about | 22 excellent medium for decomposition of all organic compounds, |
| $2350 \mathrm{pe}$ | 23 and that really is the basis for green burial. It is, |
| 24 I suspect that's where that figure comes from out of 25 the 70 kg body a liter weighs a kilogram. And so the total | 24 perhaps, the most natural and quite efficient way of 25 allowingthe body to return to the earth. |


| 49 | $51$ |
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| 1 I should also just mentioned that we appreciate Mr. | 1 naturally will decompose over the course of approximately |
| 2 Putman's concern, and it's a concern that we share as well. | 2 four to five months or so, give or take. So this leaching |
| 3 Environmental stewardship is one of our main mission areas. | 3 or this filtration of the liquid is happening over the |
| 4 So we too want to ensure that this p | 4 course of let's just say four months as an estimate. That |
| 5 protective of the environment. We think that we have | 5 comes out to about a quarter of a teaspoon per day per cubic |
| 6 designed this at burial ground with these environmental | 6 foot of soil. So it's a very, very, very tiny amount of |
| 7 concerns in mind, and have taken lots of pains and spen | 7 liquid that is being filtered through. And that's why we |
| 8 1 | 8 feel confident in saying that the ability for these -- this |
| 9 we are being respectful and true to our environment | 9 liquid to effect the water table or water sources, we feel |
| 10 m | 10 confident in saying that this will not have an effect. |
| 11 HEARING EXAMINER ROBESON HANNAN Well, I | 11 And this is irrespective of the requirement that we |
| 12 question is, is this going -- are the toxic chemicals going | 12 have adhered to situate our graves a significant distance |
| 13 to leach into the groundwater, or the river, or neighborin | 13 away from the water sources that run through the back of the |
| 14 | 14 property |
| 15 DR. ELDADAH | 15 But there is even one more point that I think is |
| 16 believe we have others who will address that as well. An | 16 important to mention which is what is it in this fluid that |
| 17 our response to that is we do not believe | 17 is of concern. Why are we concerned about this in the fi |
| 18 it's simply for a couple of reasons. But one is simply just | 18 place. So the vast majority of decomposition of human |
| 19 the math. The scale at which this is going to happen. | 19 bodies is due to our own bacteria that we carry with |
| 20 if you take the 30 to 40 liters of fluid that was cited | 20 that we're all living with right now. We're actually |
| 21 Mr . Putman's letter, that equates to approximately 10 | 21 outnumbered. Our own cells are outnumbered by bacteria 10 |
| 22 gallons. That's per body. | 22 to 1 . It's safer to say that we are a conglomeration of |
| 23 | 23 bacteria with some human cells attached |
| 24 mentio | 24 These are bacteria that live on our skin, and our |
| 25 as you have in your report, we conducted extensive tests and | 25 respiratory tracts, in our intestinal tracts, and these |
| 50 | 52 |
| 1 dug over 20 test pits across the property to determine the | 1 bacteria by and large, are symbiotic with us. They do not |
| 2 level of seasonally high water table. | 2 cause disease typically during life. And they do not -- the |
| 3 And we found that in most of the test | 3 evidence is very limited that they cause any disease to |
| 4 seasonally high water table was a not found even after | 4 others after burial. |
| 5 digging to a depth of 10 feet. And for those areas where | 5 And this gets at kind of a larger issue that we ar |
| 6 the seasonally high water table was found at a shallower | 6 trying to address through this project and our large |
| 7 depth, we have designed the cemetery to avoid those areas. | 7 mission, which is to address this notion that somehow dead |
| 8 So we have, at least, on average, 6 feet at least of soil | 8 bodies are toxic. This idea probably emanated, or at least |
| 9 between the bottom of the grave and where the seasonally | 9 it had a big push during the middle ages when there was |
| 10 high water table would be expected to be. So for every | 10 pandemic of bubonic plague and people didn't understand the |
| 11 grave, that's 240 cubic feet of soil. | 11 nature of infectious diseases and the plague spread rapidly |
| 12 Now, if you take 10 gallons of necro-leachate, filtered | 12 throughout Europe. There burial practices that they used at |
| 13 through 240 cubic feet, that's equal to 1 gallon filtered | 13 that time probably were not nearly as attentive to |
| 14 over 24 cubic feet, or .04 gallons filtered through 1 cubic | 14 environmental concerns as we are today. |
| 15 foot. So .04 gallons is equal to about two-thirds of a cup. | 15 But the notion that's |
| 16 And a cubic foot is about the amount of soil that you would | 16 HEARING EXAMINER ROBESON HANNAN What about the |
| 17 have in a medium size potted plant. So just based on this | 17 chemotherapy drugs? |
| 18 calculation, filtration of this necro-leachate is equivalent | 18 DR. ELDADAH: So I should mention that there are |
| 19 to pouring about two-thirds of a cup over a medium size | 19 of different chemotherapeutic agents and they are organic |
| 20 potted plan | 20 compounds. And so as a result they are subject to the same |
| 21 But there is one aspect of this that hasn't b | 21 processes of degradation and decomposition as many other |
| 22 mentioned yet, and that is what is the period of time over | 22 compounds. These chemotherapeutic drugs, Ithink it's safe |
| 23 which this is happening. This is not equivalent to simply | 23 to say, are not any more toxic than pesticides that are |
| 24 watering your plants with two-thirds of a cup and over the | 24 applied to many areas of land around the property that we |
| 25 course of a couple of seconds. A body that's buried | 25 are discussing. |


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| But we also need to consider that the people who have chemotherapy are excreting those agents all the time in their urine and in their feces and those agents are going into the ground through septic systems or other sources. So these chemotherapeutic agents are, indeed, in the environment all the time. <br> But, the point I want to make is that the concentration of these agents is extremely, extremely low. There is no such thing as a pure water or pure (inaudible). It is simply just that the dilution of these agents is so great that it renders these agents, we believe, harmless. <br> So I also want to make the point that the vast majority of causes of death in this country are not infectious in nature. The top causes of death in this country are cardiovascular disease, cancer, accidents, chronic lung disease, stroke, Alzheimer's disease, diabetes, and kidney disease. These are non-infectious diseases, and so we would not expect that people who died from these diseases would have any greater infectious risk than anyone else. <br> And then, I also want to make one other comment which is -- <br> HEARINGEXAMINER ROBESON HANNAN Can I ask you one more <br> question about the chemotherapy? I'm sorry. Is it your <br> position that the 6 feet -- you said the graves will be 6 <br> feet above the highest seasonal water table? |
| DR. ELDADAH: At least. <br> HEARING EXAMINER ROBESON HANNAN At least. So is it <br> your position that the chemotherapy -- can the soil -- will <br> the soil act to decompose the chemo drugs? Is that your <br> position, or is it just that there will be minuscule amounts over a period of time? <br> DR. ELDADAH: Oh, the soil and what is in the soil <br> exerts a tremendous effect on the decomposition of these organic chemicals. <br> HEARING EXAMINER ROBESON HANNAN Are chemo drugs organic? <br> DR. ELDADAH: Yes, they are. They are. <br> HEARING EXAMINER ROBESON HANNAN Okay. <br> MR. PUTMAN: May I interrupt, please? <br> HEARING EXAMINER ROBESON HANNAN It's his -- you can <br> ask a question, and you're going to get a chance to <br> retestify. <br> Mr. Kline, do you want to let Mr. Putman intervene, or -- <br> MR. KLINE: I'm sure he's trying to get a <br> clarification, and I think it's okay to let him ask the <br> question. Sure. <br> HEARING EXAMINER ROBESON HANNAN Okay. Go ahead, Mr. <br> Putman. <br> MR. PUTMAN: Thank you, Ms. Hannan. |

Eldadah's credentials, I was unaware of at the outset. But
he has referenced several times organic chemotherapy.
MR. KLINE: Okay. I am going to object now, because
it's not a question it seems like.
MR. PUTMAN: Well, my question is -HEARING EXAMINER ROBESON HANNAN Yeah.
MR. PUTMAN: -- is he familiar with the inorganic
chemotherapies that are being referenced in European
literature now, that's a problem not only with green burial,
but it's a problem with the traditional cemeteries? The
organic chemotherapies that have been introduced --
HEARING EXAMINER ROBESON HANNAN Okay. I'm taking -MR. KLINE: We're glad to answer the question.
HEARING EXAMINER ROBESON HANNAN -- question -- this is
the time for cross examination. So you can put your hand
down and I'll let him answer.
Is your testimony addressing inorganic chemotherapy,
Dr. Eldadah?
DR. ELDADAH: So yes, it is true that there are
multiple agents. Whether they are referred to as organic
compounds or they may have non-organic aspects to them as well.

So for example, it says platin or Carboplatin are
chemotherapeutic agents that have platinum in them.

Platinum, of course, is a naturally occurring metal that is
found in the ground. So our assertion is that the soil acts
as a natural filter and promotes the degradation of really
any compound. It suggests that organic compounds tend to be
most readily susceptible -- or readily biodegradable and
susceptible to that process.
HEARING EXAMINER ROBESON HANNAN Okay. I interrupted your flow. I apologize.

Mr. Kline, do you want to go ahead?
MR. KLINE: Well, I think I've exhausted -- well, maybe
I should ask Mr. Eldadah, but I think he's probably
exhausted his response to Mr. Putman's comments. If I'm
wrong and that, please continue. But if not, we would
probably go not to some of his other operational testimony.
HEARING EXAMINER ROBESON HANNAN That's fine.
MR. KLINE: So I was going to suggest that we make Mr.
Eldadah available for Mr. Putnam's cross-examination on that
subject now because he's not going to have any questions
about the remaining testimony.
HEARING EXAMINER ROBESON HANNAN Okay. Mr. Putman,
would you like to cross-examine Dr. Eldadah, please?
MR. PUTMAN: Thank you, Ms. Hannan.
Again, I greatly respect your background and your
credentials and the project that you have underway. And my
objection is not to the project. I agree with almost

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| ga | 1 the gentleman talking about the operational issues but, can |
| I would say that there are synthetic chemotherapeutic | gh |
|  |  |
| re not only from green burials b | 4 sort of the high level overview of |
| l cemeteries. And the Europe | 5 accomplish on the property? And then, I'll bas |
| ing to take some steps that appear to be the best | 6 |
| pror | g examiner understands the phasing steps. |
| 8 in this country widely yet because the FDA and the EPA dont | 8 THE WITNESS: Yes, certainly. So as a big picture, as |
| agree on jurisdiction. But the pros |  |
| 10 somewhat from the organic, but from the inorgani | 10 natural looking |
| motherapeutic agents have been introduced in re | 11 cemetery. And so our plan is, as you enter the propert |
|  | 12 New Hampshire Avenue there would be a line of trees, |
| 13 And so my question is, are you go | 13 of all, that ensures -- maintains the character -- the rural |
| t are fill of chemotherapy from green burial, and how | 14 character of the area. Beyond |
| do that? Or, are you going to ta | 15 gate that would also be construc |
| 16 DR. ELDADAH: It is not our intention to restric | 16 more naturalistic looking s |
| al option | 17 And then, beyond that entrance, I gate through w |
| certain courses of treatn | 18 the internal |
| en burial process is an effective way of providing | 19 vegetation and trees, and then there would be th |
| composition of bodies regardless of how they have | 20 buildings constructed. One would be the entry |
|  | 21 the right. This is an open air pavilion that would |
| R. PUTMAN: Thank y | 22 a gathering space. There are many green b |
| 23 that is, you are in a rural cluster zone which presc | 23 that would likely be initiat |
| ell and septic. And do you intend to get well water out of well drilled on your property for the use of your | 24 march towards the burial site. It would also be a meeting 25 space for individuals looking to take advantage of the |
|  |  |
| 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? <br> 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. <br> MR. PUTMAN: Okay. The last question in this particular regard, if the wells of adjoining RC property owners are fouled by any runoff from Reflection Park, how will you indemnify that? Or will you? <br> DR. ELDADAH: We are certainly very sensitive to the concerns of our neighbors and the last thing we want to do is create environmental concerns for them. <br> We have taken pains to ensure that the wells around the -- with our neighbors are addressed and that we are maintaining appropriate setbacks from those sources we believe it will be well beyond what the County requires for maintaining setbacks from those wells. Most of the properties in our area are served by municipal water supply. <br> MR. PUTMAN: Thank you. That's --I have no more questions for Mr . Eldadah. <br> HEARING EXAMINER ROBESON HANNAN Thank you. Mr. Kline? MR. KLINE: Mr. Eldadah, I said you were going to be | natural hiking trails that we plan on building on the site. <br> 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. <br> Beyond those buildings, the road would proceed through down about the center of the property in the cul-de-sac -or around about and there would be burial areas on both sides of that road. That would be the first phase of our construction. That takes us approximately, I believe, 900 feet or so, into the property from New Hampshire Avenue. <br> That first phase would -- is what we intend to construct first. And would probably be the only development on the area -- on the property for approximately five years or so. And depending on how many burials we have over the course of several years, that would -- oh, thank you. <br> So you can see the plan here. And so what I'm referring to is the operations up to that first circle there. Yes, thank you. And so you can see burial area on <br> 24 both sides. You also see, a little closer to New Hampshire <br> 25 Avenue, there is a large septic fields. That's an |
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| 1 compliance with the requirements for septic fields in this | 1 MR. KLINE: Okay. Thank you. So let me take you away |
| 2 a | 2 from the physical aspects of it and talk about the |
| 3 And then, you can see that the second phase of this | 3 operational aspects. When do we open up and what happened |
| 4 operation will proceed from the ground about further on | 4 and we open up, and just walk us through a day at Reflection |
| 5 t | 5 P |
| 6 you see the construction of a larger community building in | 6 DR. ELDADAH: Sure. So when we open up, I assume that |
| 7 the corner of the property with its associate parking lot | 7 you mean a time of day, rather than a year. |
| 8 and a larger maintenance shed that would be required for | 8 MR. KLINE: Yeah. Yes, correct. Daily operations, |
| 9 maintaining the grounds in this larger area. | 9 right. |
| 10 You can also see that there are multiple hiking trails | 10 DR. ELDADAH: Yes. So we expect that operations will |
| 11 that wind through the property. And this is an important | 11 occur during daylight hours. So staff and visiting hours |
| 12 part of our mission because we want to be able to create a | 12 would typically be between 8:30 a.m. and sunset. And so the |
| 13 naturalistic looking cemetery that people will be able t | 13 grounds would be open and available much like any park for |
| 14 take advantage of and enjoy. Not simply for the sake of | 14 anybody to come and visit and hike or conduct business with |
| 15 visiting the graves of family members or friends, but a | 15 |
| 16 for other visitors who simply want to be able to | 16 We expect that burials will typically occur outside |
| 17 advantage of the natural beauty of the proper | 17 the normal peak traffic hours so it's something like between |
| 18 MR. KLINE: Mr. Eldadah, let me take you back | 18 9:30 a.m. and 3:30 p.m. We expect that there will be |
| 19 and that | 19 starting out |
| 20 brought to my attention that the office building, we dont | 20 HEARING EXAMINER ROBESON HANNAN Would you object? |
| 21 have any elevations in the application or in the file yet. | 21 there a condition to that effec |
| 22 Madam Hearing Examiner, could you -- or at the | 22 MR. KLINE: We have agreed that certain activities |
| 23 conclusion of the hearing could we ask you to leave the | 23 would not occur during peak hours, yes. That -- there is a |
| 24 record open long eno | 24 condition to that |
| 25 The problem was -- | 25 HEARING EXAMINER ROBESON HANNAN Okay. Go ahead, Dr. |
| 62 | 64 |
| 1 HEARING EXAMINER ROBESON HANNAN And this would be the | 1 Eldadah, I'm sorry |
| 2 large office building | 2 DR. ELDADAH: That's okay. We expect that initially |
| 3 MR. KLINE: No, ma'am. It's right -- it's | 3 our staffing would likely be small. Perhaps there would be |
| 4 north -- be on the upper side -- there you go. On the uppe | 4 one person and an executive director there on site. And as |
| 5 side of the entrance of the driveway as you come in there | 5 we grow, we expect that we will have up to perhaps three |
| 6 will be a small office building. | 6 additional staff. And we'll also have a few groundskeeping |
| $7 \quad$ Mr. Eldadah, can you give us the dimensions and the | 7 staff as well, which may be part of our organization and/or |
| 8 height of the building? | 8 may be contracted out. |
| 9 DR. ELDADAH: Yes. So we have indicated that the small | 9 MR. KLINE: You didn't mention any specific numbers, |
| 10 office building would have a footprint of 24 by 26 feet. | 10 but the numbers that are in the staff report and the |
| 11 And a height we have indicated a maximum of 24 feet, though | 11 statement of operation are representative of the staff |
| 12 we expect that will likely -- the finished building will be | 12 numbers, right? |
| 13 less than that. | 13 Give the hearing examiner a sense of the maximum at any |
| 14 MR. KLINE: And would you explain why we didn't have | 14 given time of staff. |
| 15 the elevations into the record, I guess, over time the idea | 15 DR. ELDADAH: So we've written into the report what we |
| 16 of what it should look like has evolved, and could you | 16 plan on is that the maximum staff would be an executive |
| 17 elaborate on that? | 17 director plus up to three additional staff. And |
| 18 DR. ELDADAH: Yes. We were concerned with simply | 18 groundskeeping staff would be an additional up to three |
| 19 identifying the appropriate placement and footprint of the | 19 individuals. |
| 20 building. But we are still determining the final look | 20 MR. KLINE: And Madam Hearing Examiner, before I |
| 21 the building. However, we do know that the exterior look | 21 proceed, can I correct, or maybe elaborate on the answer to |
| 22 will have -- will fit in with the rural character of th | 22 your question? |
| 23 property and we expect that it will be | 23 Staff recommended condition number 7, which was |
| 24 akin to an Amish shed type structure with a wooden, or wood- | 24 acceptable to the Applicant reads, 'Trip generation for |
| 25 like exterior and the windows and doors -- that's it. | 25 approved uses must not exceed 50 peak hour person trips |


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| 1 within the peak weekday, morning and evening peak periods." | 1 taking advantage of the natural resources on the property |
| 2 And we've always been stated that in the reverse that w | 2 that are available there. |
| 3 would -- any activities of any density would always occur | 3 So these would be small classes we expect and they |
| 4 outside of the peak hours | 4 would also be subject to the similar constraints regarding |
| 5 HEARING EXAMINER ROBESON HANNAN Peak hours or | 5 traffic and the size of the groups on the site. And then, |
| 6 periods? | 6 we also expect there might be meetings of -- related to |
| 7 MR. KLINE: Peak -- oh yeah. I'm sorry, peak period | 7 green burial for environmental groups who wish to take |
| 8 yes, ma'am. | 8 advantage of the site to conduct their meetings or maybe |
| 9 HEARING EXAMINER ROBESON HANNAN Okay | 9 workshops on natural green burials, funerals, other topics |
| 10 | 10 related to the larger mission of our organization; lectures |
| 11 that's acceptable to the Applicant. | 11 and seminars, so things of that nature. |
| 12 HEARING EXAMINER ROBESON HANNAN Okay. Thank you | 12 We really intend for this to be a community resource |
| 13 MR. KLINE: Mr. Eldadah, so we talked about the hours | 13 and to be available for the community to take advantage of. |
| 14 of operation and the number of people that will be working | 14 MR. KLINE: And to go back, and have you reiterate |
| 15 there; can you give | 15 something that you mentioned earlier. There will be times |
| 16 activities? When people are coming and maybe break it out | 16 in the day when there will be no staff on the property, yet |
| 17 into the burial part side of it as compared to the quote | 17 the property will be open for the general public to walk on |
| 18 community side of it, that I know you folks are trying to | 18 and just enjoy the setting? |
| 19 foster and encourage on the property? | 19 DR. ELDADAH: Yes, that's correct. |
| 20 Dr. ELDADAH: Yes. So the primary activity wout | 20 MR. KLINE: So that's sunrise to sunset? Is that |
| 21 course, be burial related. And so the prip | 21 is that |
| 22 would be -- would involve what you might call preneeds | 22 DR. ELDADAH: Yes, we expect that that will be our |
| 23 a | 23 normal operating ho |
| 24 nee dof a burial where a family may come and visit the site | 24 MR. KLINE: Mr. Eldadah, in terms of trying to educate |
| 25 and they would see the different options available to them. | 25 your neighbors, can you describe your outreach efforts to |
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| 1 We except that that would occur during the normal operating | 1 talk to the neighborhood about what's going on here? |
| 2 h | 2 DR. ELDADAH: Yes, certainly. So as you know, we've |
| 3 And then, we expect more rarely, for burials to occur. | 3 conducted some community meetings where we've invited our |
| 4 We think, our best guess is that starting out we may have | 4 neighbors to attend, and we've informed them of our plans. |
| 5 something on the order of perhaps one burial a week. And | 5 We presented the drawings many of which are exhibits here |
| 6 our peak, perhaps, we would have something like, maybe, | 6 this hearing. |
| 7 three, four burials a week. It's a hart to estimate but | 7 And we have also addressed concerns that some neighbors |
| 8 that's what we're assuming. These burials would occur, | 8 have expressed, similarly to Mr. Putman's concerns regarding |
| 9 again, during the hours as I mentioned. And they would | 9 water quality, as well as some concerns about traffic in the |
| 10 occur Monday through Friday, as well as on weekends. | 10 area. We have largely very supportive feedback from our |
| 11 So that is the burial aspect. We have designed phase 1 | 11 neighbors and we think that we've addressed any concerns |
| 12 in such a way to accommodate these burials both in terms | 12 that they have expressed. |
| 13 the number of plots as well as the roadway constructed | 13 We've also conducted a larger outreach effort to |
| 14 internally that would be able to absorb any of the traffic | 14 various communities in the area. The Green Burial |
| 15 attending a funeral so we do not expect that traffic will | 15 Association of Maryland, for example, is one organizatio |
| 16 need to spill out onto New Hampshire Avenue. | 16 that's a very interested in promoting green burial in our |
| 17 Those are the burial activities. As we mentioned, our | 17 area. There well aware and supportive of this effort, as |
| 18 larger, overarching mission is to just bring a little more | 18 well as the Green Burial Council, the national organization |
| 19 normality to the process of death. And so consistent with | 19 overseeing green burials in this country. |
| 20 that mission, is to provide a space where activities in | 20 MR. KLINE: I do like you to elaborate on your follo |
| 21 addition to burials can take place that are normal parklike | 21 up recently. We did the initial, what I will call the |
| 22 activities. So we would expect that in addition to | 22 conventional or typical calling on the Cloverly Civic |
| 23 individuals who wish to hike the grounds, we may also allow | 23 Association, calling on the Hampshire Greens Homeowners |
| 24 groups to conduct, for example, nature classes on the site | 24 Association. You had virtual meetings with all of them, but |
| 25 for children and other individuals who are interested in | 25 then recently there has been a flurry of media interest in |

your application, and that triggered some phone calls. And
I would like you to tell the Hearing Examiner about your
follow-up in terms of trying to answer the questions that
were -- came up just before the hearing.
DR. ELDADAH: Yes. So there were -- that's right. We
did have some media attention from a couple of different
news outlets who were interested in this -- what they felt
was a novel concept of green burial a practice that has been
around for quite some time. And in fact, we're not the
first green burial ground by any stretch. There have been
green burial grounds developed all over the country,
stretching back decades.
Nevertheless, yes, there was some media attention and
4 interest in our burial ground, and we also received some
15 additional concern from one individual who wanted to be --
6 he wanted us to address the concerns about water quality.
This came to us in the form of an email, I believe, and we
reach out directly to that individual and provided him much
of the same information that we discussed today.
MR. KLINE: Thank you. I guess I would kind of like to
wrap up. Going back to Mr. Mokhtarzada's comment about your
mission and what your end state, in your opinion, when you
are all finished, will Reflection Park be compatible and
armore mith the surrounding area, and its character?
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perhaps be more so than it is now. But yes, it is our
intention to develop a parklike environment that is
consistent with the existing and surrounding area.
MR. KLINE: Based on your testimony, at the beginning of your testimony today, do you believe the science is there to demonstrate that the degradation of the bodies through the green burial process will not put at risk, the water table or, I'm sorry, the water quality in the Patuxent 9 Watershed or the Rocky Gorge Reservoir?
10 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.
18 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.

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MR. KLINE: And the Applicant has filed a preliminary 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 Department of Environmental would look at and could comment on. So do you anticipate in future reviews there will be more scrutiny on the water quality issues?

DR. ELDADAH: You would know better than I, but that 0 sounds likely, and we would be happy to address those concerns as well. We feel that -- the evidence we have today should be able to satisfactorily address those concerns.

MR. KLINE: And the last question, boiling down to the -- what's going on -- what's going to be happening on the property, both in the ground and on the surface of the ground, in your opinion, do you believe that the proposed use will cause any harm to the neighborhood due to noise, odors, dust, or illumination, or lack of parking to take care of the people coming onto the property?

DR. ELDADAH: No, we do not. We expect that this will not adversely impact on the neighborhood. We think actually that this project is, perhaps, much preferable to other options that this land could be used for. I think if you had to choose your neighbor I think a cemetery would
probably be a very desirable one.
MR. KLINE: I have no further questions of Dr. Eldadah.
He is available for any cross-examination Mr. Putman might
have on the -- since the last time we had cross-examination.
HEARING EXAMINER ROBESON HANNAN: Mr. Putman, do you have any questions?

Mr. Putman, you're on mute.
MR. PUTMAN: I know. I've hit it three times. Am I live now?

HEARING EXAMINER ROBESON HANNAN: Yes, you are. You're
alive. You're not ready for the green burial yet.
MR. PUTMAN: No. As I said before, these young men are
very impressive. Their project sounds wonderful to me with
one exception and that's its location. I have no further
questions of these gentlemen. And I thank them for being so
forthcoming as they have been this morning. If they could
just move it out of the watershed I would be there. I would
buy a spot. I would help them any way I could.
HEARING EXAMINER ROBESON HANNAN: Okay. Well, I think
from what Mr. Kline said, we're going to have more testimony
on the impact on the water quality. So you may want to
stick around, Mr. Putman.
MR. PUTMAN: I will. Thank you.
HEARING EXAMINER ROBESON HANNAN: Okay. Mr. Kline?
MR. KLINE: Sure. Apropos of that, I'm going to give

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| 1 you the opportunity to qualify the first expert I've ever | 1 family cemeteries which I can't give you the names, it's |
| 2 had in cemetery design. So I'd like Mr. Goodnoe to please | 2 confidential. But they are in Texas and in Michigan. I'm |
| 3 introduce himself. Give the hearing examiner your name and | 3 working on another cemetery in Ohio, so I have several irons |
| 4 then let her swear you in. | 4 in the fire. |
| 5 MR. GOODNOE: Thank you. | 5 MR. KLINE: All right. Mr. Goodnoe, have you ever been |
| 6 HEARINGEXAMINER ROBESON HANNAN: Okay. You know, this | 6 qualified as an expert in either land planning or in |
| 8 <br> MR. KLINE: Yeah. Right | 7 landscape architecture, or cemetery design by a hearing |
| 9 Mr. Goodnoe -- | 8 examiner such as Ms. Robeson Hannan, or a commission, or a |
| 10 HEARINGEXAMINER ROBESON HANNAN: I've had golf course | 9 court of law in the past? |
| 11 design, I've had lots of designs, but not this one. | 10 MR. GOODNOE: Specifically, I was expert witness for a |
| 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 affirmunder penalties of perjury that | 12 expanding an interstate intersection and was taking cemetery |
| 14 the statements you're about to make are the truth, the whole | 13 land from a Catholic cemetery. I was expert witness to the |
| 15 truth and nothing but the truth? | 14 impacts of development. |
| 16 MR. GOODNOE: I do. | 15 I have spoken at the International Cemetery and Funeral |
| 17 HEARINGEXAMINER 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, |
| 19 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 | 18 and I was a featured speaker at the first Green Burial |
| 212450 North Dicksboro Road, Ann Arbor, Michigan. My email is | 19 Conference this year in 2020. The International Cemetery |
| 22 Jack@JackGoodnoe.com. | 20 and Funeral Association education program held at Memphis |
| 23 HEARINGEXAMINER ROBESON HANNAN: Okay. | 21 University; I was an instructor there for 10 or more years. |
| 24 MR. KLINE: And would - | 22 And the National Catholic Cemetery Conference has an |
| 25 HEARINGEXAMINER ROBESON HANNAN: (inaudible). | 23 education program held at Notre Dame, and I've been an |
|  | 24 instructor there for eight years, I believe. |
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| 1 MR. KLINE: And with what firm are you associated, Mr. | 1 you seeking to qualify Mr. Goodnoe as an expert in cemetery |
| 2 Goodnoe? | 2 design? |
| 3 MR. GOODNOE: My own firm. I have a consulting firm, | 3 MR. KLINE: I think that's the only -- well, I think |
| 4 Jack Goodnoe Cemetery Planning and Design and I'm a | 4 that's the best category for his level of expertise, yes, |
| 5 registered landscape architect, and began cemetery planning | 5 ma'am. |
| 6 in the 1980s, and started my own business in the '90s and I | 6 HEARING EXAMINER ROBESON HANNAN: Okay. Well, it -- |
| 7 have been exclusively planning cemeteries for the last 35 | 7 are there any objections, Mr. Putman to qualifying him as |
| 8 years. | 8 such? |
| 9 MR. KLINE: And you -- | 9 MR. PUTMAN: None. |
| 10 MR. GOODNOE: And most recently have become a source | 10 HEARING EXAMINER ROBESON HANNAN: Okay. Well, given |
| 11 for consultation for green burials cemeteries around the | 11 that I will go ahead and qualify him as an expert in |
| 12 country. | 12 cemetery design. My first such expert. |
| 13 MR. KLINE: Could you give us an estimate of how many | 13 Go ahead, Mr. Kline. |
| 14 cemeteries you've designed over your professional career? | 14 MR. GOODNOE: There aren't many of us. |
| 15 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. |
| 18 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 | 19 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 |
| 21 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? |
| 25 in Boston. I'm working on two personal cemeteries, private | 25 MR. GOODNOE: Very much so. The first one in the U.S. |


understanding of how unique each site is and it's especially important with green burial because the premise of green burial, of course, is environmental responsibility and environmental sustainability.

So there was a tremendous effort on the part of the petitioner in this case, and the team, to understand exactly the environmental conditions that we were working with so that all solutions were tied to the land. We can only be as responsible in as much as we understand the land. So it 0 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.
15 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

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to make sure I understood that. Thanks.
MR. GOODNOE: I'mglad 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.
So this --
HEARINGEXAMINER ROBESON HANNAN: And the purpose of
the soil tests, are you saying the purpose of the soil test
is to understand the height of the water table?
MR. GOODNOE: That and the permeability of the soil and the stability of the soil. And it's --
HEARINGEXAMINER ROBESON HANNAN: Okay. Go ahead.
MR. GOODNOE: And it's suitability for hardwood forest.
All of the things necessary to drive development as it
affects what's below the surface.
HEARINGEXAMINER ROBESON HANNAN: Now, what marks the
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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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
table investigations were done with test pits but I'll let
the engineer speak to that.
HEARING EXAMINER ROBESON HANNAN: Okay. Thank you.
MR. GOODNOE: Sure. And just out of interest the red
and white dots indicate places at this point in the planning
process that there might be -- they're special. They're on
the edge of promontories that would have good views. Or
they're special niches within the extreme corridor that
could become places for meditation, or trail rest points
along trails, just special areas on the site that we want to
use for structuring the circulation and land use systems.
Okay. The next one, please. Using this information we
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
because the next one doesn't show all of the woodlands.
This indicates -- just portrays how much of the site will be

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heard you say the water tests were marked in blue circles,

| 85 | 87 |
| :---: | :---: |
| 1 wooded. Oh, I'm sorry. I guess there's one -- let's go | 1 phase 1. And the reason that the -- the right hand side of |
| 2 back. I apologize. There's one that wasn't included here | 2 the diagram is green is that that is all the existing |
| 3 that doesn't show the woodland | 3 woodland that remains in place for the early stages of |
| $4 \quad$ But imagine this represents how the site will be | 4 development. At the lower left, what you see, and I think |
| 5 percent wooded when it's complete. And the small yellow | 5 there is even a blowup of this on the next slide. Let's try |
| 6 lines indicate what would be considered section development. | 6 one more. No, I guess it's not in this presentation. |
| 7 So as Mr. Eldadah was pointing out earlier, the early | 7 So if you see the checkered portion at the lowe |
| 8 development is probably limited to four or five acres | 8 what that's describing is that during the burial process the |
| 9 the next half of a decade. Because we're developing the | 9 existing softwoods will be removed from the site in |
| 10 site at approximately one to two acre units as we go | 10 effort to create a meadow, and the burials will actually |
| 11 But this -- you've seen the plan; this represents - | 11 take place in a meadow, on a section by section basis, which |
| 12 this shows how the road system coordinates with the analy | 12 these small rectangles represent. As the burials take |
| 13 you saw earlier of topography. So the curving road is not | 13 place, there will be a reforestation process, so every |
| 14 just aesthetically pleasing, but it's a way of reducing th | 14 burial is followed by a tree planting, of some ratio that's |
| 15 amount of grading that's required, which is not only a | 15 per the agreemen |
| 16 environmental issue, but a cost issue. So the road very | 16 But the section will be reforested as you go and |
| 17 much responds to the organic topographically of this sit | 17 creating a -- basically a new forest on a section by sectic |
| 18 and then the loops of the burial in the larger part of the | 18 basis. And the phasing plan will then move across the site, |
| 19 flag are a way of phasing the cemetery over time. | 19 which was the previous slide, and maybe it's worth going |
| 20 And I think -- I would like to point out that one thing | 20 back one. And this, is an overview of how that might take |
| 21 that's often hard to understand at this level of approval is | 21 place in five stages, which very easily could be 100 to 150 |
| 22 that what we're seeing here is probably -- I'm guessing | 22 years. So you can see phase 1 in the upper left, uses the |
| 23 frommy experience a 200 year plan. That means that you | 23 small part of the flag for all of the development offering |
| 24 will see very, very little of this developed in our | 24 burial to the community |
| 25 lifetime. If they take down an acre -- let me back up. | 25 In phase 2, the community center is developed, and in |
| 86 | 88 |
| 1 It just will be a very prolonged period of development. | 1 association with that there would be some additiona |
| 2 The significant elements that we will see soon are down at | 2 sections opened up that are adjacent to the existing road. |
| 3 the lower left is the entry gate and the entry buildings | 3 And one remote because there are actually -- part of the |
| 4 accommodating people arriving and inquiring about | 4 green burial scenario is that there are many people who |
| 5 cemetery. And then, in the upper middle of the site is the | 5 would just as soon walk 400 or 500 feet to leave the road |
| 6 community center which will be done within a two to four | 6 behind. So we offer that option early in the process of |
| 7 year period. Those two developments will happen soon. | 7 what might be considered a very remote sites for people to |
| 8 But the rest of the development and the burial will be | 8 have a green burial. |
| 9 over a very prolonged period. And so we have what is a | 9 But then, you can see that how over time phase 3, 4, |
| 10 little hard to see here is the trail system. Incorporated | 10 and 6 incrementally begins to develop and reforest on a |
| 11 in this is a walking trail system that would traverse the | 11 section by section basis. And if there are details of that |
| 12 entire site and access some of the more beautiful natural | 12 required I would defer to the landscape architect on the |
| 13 areas that will not be developed as a cemetery. | 13 team to describe how we're meeting the County's requiremen |
| 14 MR. KLINE: Mr. Goodnoe, could I interject for a | 14 in that regard. But that may be a detail that you do or |
| 15 second? You made a comment about this is sort of an end | 15 don't want to deal with at the moment. But be it known that |
| 16 state picture, after reforestation. I don't have the | 16 this process follows the guidelines that have been |
| 17 gentleman who is ready to testify, to the forest | 17 established for reforestation. |
| 18 conservation plan for a while, so I think I need you to | 18 HEARING EXAMINER ROBESON HANNAN: Okay. |
| 19 educate the hearing examiner on the program of the applicant | 19 MR. GOODNOE: And then, lastly in this presentation |
| 20 of clearing, burying, and then reforesting. Could you | 20 we've included some images of existing green burials just to |
| 21 elaborate on that, please? | 21 give you a sense of what they look like when they're done. |
| 22 MR. GOODNOE: Certainly. Maybe we can go -- I think | 22 The Talk to Preserve is one that is primarily a meadow, but |
| 23 the slide that helps describe that is subsequent to this. | 23 they do offer tree burials so they will have more of a look |
| 24 (Off the record discussion; exhibit loading.) | 24 of a scattered prairie with trees when they are done. |
| 25 MR. GOODNOE: This is a diagram of the early -- of | 25 Duck Run which is in Virginia is a meadow, again; |


| 1 | natural grasses left, which they mow biannually just to keep |
| :--- | :--- |
| 2 | invasive materials out. They also have introduced a tree |
| 3 | planting program, but it will be primarily meadow as |
| 4 | aesthetic. And the next one if we could? |
| 5 | These are two cemeteries, one in New York, and the one |
| 6 | on the right is the original green burial cemetery in |
| 7 | America in Westminster, South Carolina, which is |
| 8 | predominantly woodland. So again, you have the meadow |
| 9 | option and you can see on the left that Green Springs in New |
| 10 | York, how the access systemhere is nothing more than a |
| 11 | mowed path. They have not even paved the road. We believe |
| 12 | that a paved road not only meets some of the County |
| 13 | requirements, but is good planning in areas that will |
| 14 | have -- requires snow removal and are temperate enough to |
| 15 | have water issues if you don't offer some sort of stabilized |
| 16 | surface. |
| 17 | And we have a couple of more; the next one. This is a |
| 18 | cemetery that I worked on, Penn Forest in Pennsylvania and |
| 19 | this is a burial area. In this case it is a meadow within a |
| 20 | woodlands and you can see that their memorialization system |
| 21 | is a flat stone engraved marker which they can mow over when |
| 22 | they need to. |
| 23 | Steelman Town in New Jersey is a primarily a forested |
| 24 | wetland -- excuse me, burial ground. And they are |
| 25 | selectively clearing and reforesting as they go also. And I |

think we have one more.
This is a cemetery that I designed in Michigan and it
is a meadow with a mowed path for access. And you can see
in this case the memorialization system is a stone wall with
memorials carved into the stone. And in some cases, a
boulder is allowed along the pathway. But this gives you a
sense of just how soft and naturalistic the natural cemetery
will look. And I will point out that even though these are
the meadows cemeteries the Reflection will be, at first, a
0 meadow cemetery transitioning to a Woodland Cemetery.
11 And I think that's it then. I can certainly answer any questions.

MR. KLINE: Well, Mr. Goodnoe, let me ask you a couple of more myself. So the images you showed us are very helpful. They are representative of what you think the end state look will be on this property?
17 MR. GOODNOE: I think more than any of these it will be 18 a true forest when it's done. It will transition through
19 the stages you saw from meadow to a newly planted meadow
20 to a mature woodland, and in the end, be a forest.
21 MR. KLINE: And, in your opinion then, would the ultimate cemetery in the design and be compatible and be in
the character of the rural, rustic flavor of the
neighborhood?
MR. GOODNOE: Not only in character, but to reinforce
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Mr. Eldadah's comment, I think it will be an enhanced and environmentally far more stable and diverse ecologic entity.
MR. KLINE: You had the opportunity to hear Mr.
Putman's concerns. In your professional experience have you encountered these issues in other cases and if so, can you share your observations with us?

MR. GOODNOE: It's a very common and understandable concern. It has come up in public meetings many times, but
we've always been able to demonstrate that it, is in fact,
not a concern. And I -- many of the comments that I would
make have already been made about the separation and the
capacity of soil to clarify.
And most importantly, I think --
HEARING EXAMINER ROBESON HANNAN: The separation of the graves from the water table? Is that the separation you're talking about?

MR. GOODNOE: Yes. Yeah. I will say from experience
in 50 years of designing cemeteries and dealing with them in
all regards across the country I have never, ever come
across a case of contamination of ground water.
MR. KLINE: Elaborate on that. Do you mean from a
cemetery having an effect on ground water quality?
MR. GOODNOE: Yes. There's never been any instance, to
my knowledge, where any of the cemeteries that I've worked
with, and as I say over 120 of them where there was ever
community demonstration that a cemetery was responsible for ground water and well contamination.

MR. KLINE: You indicated to me that you had done some
literature survey research to see what happens around the
world on the subject. Can you share with us your
conclusions based on what you read?
MR. GOODNOE: Sure. I documented for the record four
sources and if you would like to I'll quote them. These
were studies done in the 1980s and '90s and nothing's been
done since then and I think it's because these efforts
pretty much demonstrated that it was not an issue. But let me quote them.

There was a study in 1992 by the Ontario Ministry of
the Environment. It was called Cemeteries and Ground Water

- an Examination of Potential Contamination. And the quote
that I have -- the summary quote that I have from that
report was;
"The analysis of ground water samples collected at wells located down gradient of six cemeteries in Ontario indicated that cemeteries are not a significant source of groundwater contamination."
HEARING EXAMINER ROBESON HANNAN: Was that a green cemetery?

MR. GOODNOE: No, no. that's a conventional cemetery.
But I should say, just in terms of the science even though

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vaults are -- typically use, and I don't know whether all
these cemeteries had vaults or didn't, my guess is that some
of them were old enough to not have vaults, concrete vaults.
But I will say the concrete vaults, because gasses build up
in the vault have a relief valve and even though the
manufacturers like to claim that it's water tight and
permanent evidence is that there is seeping, there's
groundwater infiltration and seeping in a conventional
cemetery.
    So I believe these studies probably represent
conventional cemeteries which do, in fact, would have the
same effluent potential as a green cemetery. In fact, the
green cemetery as Mr. Eldadah pointed out, the green burial
system facilitates rapid decomposition and dissipation and
soil clarification of these things more than a traditional
cemetery would. That said, there was a study in 1992 by the
World Health Organization, and one of the summary quote that
I have extracted from that is;
    "Recent work was conducted on groundwater samples
    beneath the Cheltenham Cemetery located in
    Australia.The results from these investigations
    showed no significant presence of pathogens."
    HEARING EXAMINER ROBESON HANNAN: Can you give me in
the identity -- the identity -- the name of that study
you're quoting from?
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MR. GOODNOE: It comes from a 1992 study by the World
Health Organization. And I would have to supply you with
the exact title of the study. It must have a separate
title. But it comes from the World Health Organization.
And a third study that I have -- I'm aware of is
called, Soil and Groundwater Quality Study of the Mount
Pleasant Cemetery of Brampton, Ontario.
HEARINGEXAMINER ROBESON HANNAN: Now these are all conventional cemeteries?

MR. GOODNOE: They are because they are in 1992. They
would have preceded green cemeteries.
HEARINGEXAMINER ROBESON HANNAN: They would have what?
MR. GOODNOE: Preceded the presence of green
cemeteries.
HEARINGEXAMINER ROBESON HANNAN: Okay.
MR. GOODNOE: Because as I say, I'm sure that some of
them were vaultless, many are vaultless, which would
effectively be the same as a green cemetery, except that it
probably had coffins that were made of artificial materials
so their capacity to contaminate would be greater than a
green cemetery. And even so, this study conducted by Beak
Consultants, Ltd. The summary statement here is;
"Based on the analysis results there does not
appear to be an occurrence of the elevated levels
of concern for the parameters tested in either

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significant. And that is in 1980, when the U.S. EPA
performed its Superfund program they began to look at
cemeteries as potential Superfund sites. And the conclusion
of that is that the EPA Superfund program of 1980 found no
instances of groundwater contamination at cemeteries
requiring Superfund intervention except cemetery dump sites,
not the burial, but the dump sites that often accompany
conventional cemeteries. The waste products of conventional
cemeteries are not going to be present here, they will be
properly handled and disposed of at Reflection, and there
will be no conventional dumpsite as such Reflection
Cemetery.
HEARINGEXAMINER ROBESON HANNAN: Were any of the green
cemeteries that you've worked on near a source for drinking
water, to your knowledge?
MR. GOODNOE: Yes. They are. The one in Pittsburgh
there were homes at the edge of the site, within 200 feet of
the burial location, and they are being buried today and the
homes are -- I can't honestly say that they've ever had
their water tested, but they are in proximity to homes.
There's a cemetery -- a green cemetery, in Tampa,
Florida that I worked on, which is actually a wetland during
the wet season, and the green burial community is perfectly
comfortable with being buried in the water, believe it or
not. They consider it a natural environment. So the
cemeteries I have worked on have had water on or near the
site.
HEARINGEXAMINER ROBESON HANNAN: Okay. Thank you.
MR. GOODNOE: I should also mention, if I can that it's
little known, but most cemeteries bury in one portion of
their site or another, they contact ground water during the
process. It's very, very common to hit ground water in a
conventional cemetery. The public's just not aware of that.
HEARINGEXAMINER ROBESON HANNAN: Okay. Thank you. Go
ahead, Mr. Kline.
MR. KLINE: I really don't think I have any more
questions -- well no, I take that back. I probably should
say -- no, I take that back. I believe Mr. Goodnoe covered
all the points I wanted to and so he's available for any
questions fromMr. Putman.
HEARINGEXAMINER ROBESON HANNAN: Mr. Putman, do you
have any questions?
MR. PUTMAN: I do. That was an excellent presentation.
HEARINGEXAMINER ROBESON HANNAN: I figured you would.
Go ahead.
MR. PUTMAN: Even though I don't think you were sworn,
you look like a very honest man to me and I --
you look like a very honest m
MR. GOODNOE: No, I --
the groundwater or the soils of the cemetery.
And then, I have one a final reference that I think is
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| :---: | :---: |
| 1 HEARING EXAMINER ROBESON HANNAN: Oh, no, don't tell me | 1 children? |
| 2 I forgot it. | 2 MR. GOODNOE: I will defer to Mr. Eldadah's response on |
| 3 MR. GOODNOE: I did. I remember. My memory's good | 3 that. The science of that is -- was well discussed by Mr |
| $4 \mathrm{e}$ | 4 Eldadah. That's not my expertise, but I will say that as an |
| 5 HEARING EXAMINER ROBESON HANNAN: Okay | 5 environmentalist I know the power of the soil to clarify and |
| 6 MR. PUTMAN: With respect to Ms. Hannan's question you | 6 the engineers should speak to that. All I can tell you is |
| 7 said that there were residences nearby a cemetery that you | 7 that in my 40 years I have never, honestly, ever heard of an |
| 8 d | 8 issue of contamination associated with any of my cemeteries. |
| 9 those | 9 |
| 10 public water that had been treated; | 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 |
| 12 MR. PUTMAN: And the second question goes to | 12 natural systems will clarify any concern that you have and |
| 13 MR. GOODNOE: No, that's a good question. I belie | 13 that the impact is so minimal as to be negli |
| 14 that Pittsburg cemetery, actually the owner of the cemetery | 14 HEARING EXAMINER ROBESON HANNAN: Okay. Let |
| 15 resided in one of the houses, the nearest house | 15 I see a hand raised from Mr. Eldadah. Did you have a |
| 16 they're in a remote enough | 16 question or do you want to add testimony? |
| 17 confide | 17 DR. ELDADAH: I just wanted to address that last issue |
| 18 setting. | 18 that Mr. Goodnoe prompted, I need to address |
| 19 MR. PUTMAN | 19 HEARING EXAMINER ROBESON HANNAN: Okay. Le |
| 20 watershed that is -- that flows to a reservoir used for | 20 is cross-examination of Mr. Goodnoe. I'll let you address |
| 21 drink | 21 it, but then Mr. Putman would get additional cross of you. |
| 22 | 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? |
| 24 worried about this necro-leachate getting to the water | 24 MR. KLINE: I do think it would probably make sense as |
| 25 table. If it just gets below the earth's surface on the | 25 long as Mr. Putman's okay with that. |
| 98 | 100 |
| 1 ground and into the fractured shale gravity will take it | 1 HEARING EXAMINER ROBESON HANNAN: Okay. Let me check |
| 2 down to the water. That's my concern. This is a well- | 2 this first |
| 3 designed funeral place or burial place, excep | 3 Mr. Putman, do you have any other questions of Mr |
| 4 location in the watershed above a drinking water reservo | 4 Goodnoe? |
| 5 MR. GOODNOE: If I understand your question, there's a | 5 MR. PUTMAN: I don't think so, thank you |
| 6 cemetery here in Michigan where the cemetery borders on a | 6 HEARING EXAMINER ROBESON HANNAN: Okay. Then we're |
| 7 wetland which is the perimeter of a lake, which is | 7 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 | 8 back, I don't know. And you can -- Mr. Eldadah, you can |
| 9 years and to my knowledge with absolutely no adverse | 9 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 | 11 DR. ELDADAH: Thank you. I just wanted to provide a |
| 12 the graves. | 12 little commentary on this distinction that we are making |
| 13 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 cemet | 15 not carbon based. |
| 16 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 zin |
| 22 documents that do not reflect any -- I don't know how to say | 22 or manganese. |
| 23 this. That don't reflect the fact that these synthetic | 23 HEARING EXAMINER ROBESON HANNAN: I miss of the first |
| 24 chemotherapeutic agents do not biodegrade and small traces | 24 one. Did you say gold |
| 25 of them seem to have an effect genetically, especially on | 25 DR. ELDADAH: Gold, yes. Gold. |


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| 1 HEARINGEXAMINER ROBESON HANNAN: Okay. | 1 said? |
| 2 DR. ELDADAH: So these are metals that, you know, of | 2 MR. PUTMAN: I do not have the pharmacological |
| 3 course where they take it from the -- they naturally occur | 3 credentials of Dr. Eldadah. I would just refer to the |
| 4 in the ground, and so these metals are returned to the | 4 statement from the European Journal of Pharmacology in |
| 5 ground. And so I think it would be safe to say that many of | 5 January of 2020 in my original testimony, and that's |
| 6 these -- and this distinction between organic and inorganic | 6 entitled Cytostatic Pharmaceuticals as Water Contaminants, |
| 7 compounds and their effect on the soil, while it's not | 7 reports that these drugs cause DNA mutations and that 98 |
| 8 possible for a metal to biodegrade in the same way as an | 8 percent of them cannot be removed by septic systems and |
| 9 organic compound, nevertheless this compounds contain metals | 9 wastewater treatment plants. |
| 10 that are returning to the soil from whence they came. | 10 I have no reason to doubt that, but I have not the |
| 11 HEARINGEXAMINER ROBESON HANNAN: To your knowledge are | 11 technical background that Dr. Eldadah has. |
| 12 the necro-leachates are they the in organic ones? Those are | 12 HEARINGEXAMINER ROBESON HANNAN: Dr. Eldadah, can |
| 13 most -- are you saying they are mostly metal? | 13 you -- just one second. |
| 14 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 HEARINGEXAMINER ROBESON HANNAN: Can you educate us as |
| 18 HEARINGEXAMINER ROBESON HANNAN: Are the types of | 18 to what those are, Dr. Eldadah? |
| 19 metals you're referring to, are they inert? | 19 DR. ELDADAH: Well, cyto means cell, static means not |
| 20 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 | 23 dividing cells like cancer cells. |
| 24 naturally occur in the earth. Iron is another one of these | 24 HEARINGEXAMINER ROBESON HANNAN: Okay. All right. |
| 25 metal steps used in these inorganic chemotherapeutic agents. | 25 Any more questions, Mr. Putman? |
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| 1 Iron certainly reacts, but it's also ubiquitous in the soil. | 1 MR. PUTMAN: I guess we'll just have to agree to |
| 2 HEARINGEXAMINER ROBESON HANNAN: But what is -- aren't | 2 disagree. Thank you for the opportunity. |
| 3 they present in our water? Aren't they -- are some of them, | 3 HEARINGEXAMINER ROBESON HANNAN: Mr. Putman, can you |
| 4 even though they are in organic, or present in the soil, | 4 do this? Do we have the citation to the article that you |
| 5 would you want them in your drinking water and high | 5 are reading fromand our record? |
| 6 concentrations? | 6 MR. PUTMAN: Well, it was in my testimony, my testimony |
| 7 DR. ELDADAH: Yes, perhaps not. I believe that the | 7 today. |
| 8 current systems for handling well water and municipal water | 8 HEARINGEXAMINER ROBESON HANNAN: Oh. |
| 9 are adequate to filter out the naturally occurring metals. | 9 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 | 12 about the newly invented chemotherapy stuff and they call |
| 13 filtration systems. I'll defer to the sanitarians and | 13 themcytostatic 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. | 15 levels. |
| 16 HEARINGEXAMINER ROBESON HANNAN: Now, you use the word | 16 HEARINGEXAMINER ROBESON HANNAN: Would you mind doing |
| 17 ubiquitous. Now to my pea-brain that means a lot of. It's | 17 this? Would you mind submitting that article? Emailing it |
| 18 common, correct? | 18 to Ms. Johnson so we have a copy in our record? If you can. |
| 19 DR. ELDADAH: Yes, that's correct. | 19 Sometimes they don't let you print it if you don't |
| 20 HEARINGEXAMINER ROBESON HANNAN: I'm just making sure | 20 subscribe. |
| 21 I'munderstanding your testimony. Okay. Okay, is that what | 21 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 HEARINGEXAMINER ROBESON HANNAN: Mr. Putman, do you | 24 HEARINGEXAMINER 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? |


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



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everything else we're talking about.
    Mr. Etemadi, would you please state and spell your name
and --
    HEARINGEXAMINER ROBESON HANNAN: Wait. Let me just
swear him in.
    MR. KLINE: Yeah, right.
    HEARINGEXAMINER ROBESON HANNAN: Mr. Etemadi, please
raise your right hand.
Do you solemnly affirmunder penalties of perjury that
the statements you're about to make are the truth, the whole
truth, and nothing but the truth?
    MR. ETEMADI: I do.
    HEARINGEXAMINER ROBESON HANNAN: Okay. Go ahead, Mr.
Kline.
    MR. KLINE: Mr. Etemadi, what is your address, please?
    MR. ETEMADI: Good afternoon; 6449 Red Keel, Columbia,
Maryland 21044.
        MR. KLINE: What is your profession?
        MR. ETEMADI: I made transportation planner,
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        HEARING EXAMINER ROBESON HANNAN: In Columbia?
        MR. ETEMADI: Yes, ma'am.
        HEARING EXAMINER ROBESON HANNAN: Well, I live about
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        don't know him personally, but apparently we are proximate.
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    ahead, Mr. Kline.
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    expert in traffic engineering and transportation planning
    before Ms. Robeson Hannan or any other hearing examiner?
        MR. ETEMADI: Yes.
        MR. KLINE: Recently?
        MR. ETEMADI: Yes. Probably the most recent one was
    last year, maybe. Something like that.
        HEARING EXAMINER ROBESON HANNAN: Yeah, I'm familiar.
    Look, if you don't mind, Mr. Kline, may I do it this way.
    Mr. Putman, do you have any objection -- do you have
    transportation planner and traffic expert?
    | 109 | 111 |
| :---: | :---: |
| 1 MR. PUTNAM: No ma'am, I do not. I accept his | 1 MR. ETEMADI: So do you want me to tell you what the -- |
| 2 qualifications. | 2 HEARING EXAMINER ROBESON HANNAN: No, I just want to |
| 3 HEARING EXAMINER ROBESON HANNAN: He has qualified | 3 know what timeframe wise, what was the peak or is the peak |
| 4 before me before and so I will qualify him as that | 4 hour? |
| 5 MR. KLINE: Thank you. | 5 MR. ETEMADI: Oh, the peak hour for this development |
| 6 Mr. Etemadi, have you prepared a traffic statement | 6 actually is not a -- well, I have to explain this. Because |
| 7 analyzing the Remembrance Park proposal? | 7 this development is not a typical cemetery or typical land |
| 8 MR. ETEMADI: Yes | 8 use that we take it -- Institute of Transportation Engineers |
| 9 MR. KLINE: And what were your conclusions? | 9 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 transportation facilities. | 12 then we assumed what would be the peak hour, sometime |
| 13 MR. KLINE: And that is because why? | 13 between 8:00 and 9:00. But it's not |
| 14 Mr. ETEMADI: Well, we follow the guidelines, the | 14 HEARING EXAMINER ROBESON HANNAN: I just wonder -- I'm |
| 15 County's guidelines for transportation and look at public | 15 just thinking of DPS and if I put that condition on is DPS |
| 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 | 17 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. |
| 24 MR. ETEMADI: Peak hour, not peak period. | 24 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 |
| 1 MR. ETEMADI: Right. | 1 trips. |
| 2 MR. KLINE: In any event, so if Remembrance Park was | 2 HEARING EXAMINER ROBESON HANNAN: Okay. I get it now. |
| 3 operated in accordance with the standard there would not be | 3 That's all I had. I was confused. Okay. |
| 4 more than 50 peak person trips during whatever the testing | 4 MR. KLINE: So that would be the Applicant's proffer |
| 5 time period is, then there would be no impact on the | 5 and make Mr. Etemadi available if Mr. Putman wants to ask |
| 6 surrounding road network, correct? | 6 him any questions. |
| 7 Mr. ETEMADI: Yes, correct. | 7 HEARING EXAMINER ROBESON HANNAN: Mr. Putman, do you |
| 8 MR. KLINE: On the basis of that, without going through | 8 have any questions? |
| 9 all of the testimony and the methodology I'd just like to | 9 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? |
| 12 HEARING EXAMINER ROBESON HANNAN: I just had one really | 12 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 | 14 released. |
| 15 period. Do we know what the peak hour is? | 15 HEARING EXAMINER ROBESON HANNAN: He can be released. |
| 16 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, |
| 19 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. |
| 24 MR. ETEMADI: Yes. Yes, we have done that. | 24 MR. KLINE: Gene are you |
| 25 HEARING EXAMINER ROBESON HANNAN: All right. | 25 MR. VON GUNTEN: (inaudible). |


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
Hannan, please?
HEARING EXAMINER ROBESON HANNAN: Certainly. We'll go
off the record for, like, three minutes.
(Off the record at 1:35 p.m., resuming at 1:37 p.m.)
QR KLINE: So Mr. Eldadah, you heard Mr. Etemadr
suggestion. Apparently you had an opportunity to do some
research, I guess, based on Mr. Putman's resources over the
approval, could he elaborate on his earlier testimony in
light of what he has been able to read over the last hour?
Is that acceptable to the Hearing Examiner and Mr.
Putman?
HEARING EXAMINER ROBESON HANNAN: I apologize. One
second.
Okay. Would you mind stating again -- for some reason,
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
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.
Do you have any objections, Mr. Putman?
MR. PUTNAM: I have none, and I apologize for ruining
Dr. Eldadah's lunch. I hope he got to eat.
HEARING EXAMINER ROBESON HANNAN: All right. Mr.
Eldadah, you're still under oath.
DR. ELDADAH: Absolutely.
HEARING EXAMINER ROBESON HANNAN: You're Dr. Eldadah, correct?

DR. ELDADAH: Yes.
HEARING EXAMINER ROBESON HANNAN: Is that the correct?
DR. ELDADAH: It's doctor, typically addressing
(inaudible) service, yes.
DR. ELDADAH: Thanks. Yeah, so I had a chance to look
over the article and I learned a lot, and I appreciate Mr.
Putman bringing this to our attention. You know, reading it
over what I noticed was that the focus of the article was on 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 0 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.
13 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 wellknown -- internationally known cancer center in Boston, they 4 suggest that chemotherapeutic agents remain in the body 5 mostly for up to 2 to 3 days. And typically, a patient who
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 setting.

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 concentration. So what I gathered from these sources is that really if there was a concern for the chemotherapeutic agents, it's really from our wastewater systems from (inaudible).

HEARING EXAMINER ROBESON HANNAN: I missed your last word. From our waste water systems?

DR. ELDADAH: From our waste water systems and not from patients who actually died; not from the bodies of cancer patients who have died.

HEARING EXAMINER ROBESON HANNAN: And the two main sources you mentioned were hospital effluents, and one other thing?

DR. ELDADAH: Hospital effluents and then also just way systems like waste systems.

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| 1 HEARING EXAMINER ROBESON HANNAN: I see. Okay. Thank | 1 whole truth and nothing but the truth? |
| 2 you. | 2 MR. VON GUNTEN: I do. |
| 3 Mr. Putman, do you have any questions -- or Mr. Kline, | 3 HEARING EXAMINER ROBESON HANNAN: And state your name |
| 4 do you have any follow-up questions? | 4 and address for the record. |
| 5 MR. KLINE: I don't. And I think the direction you're | 5 MR. VON GUNTEN: Gene Von Gunten, I live at 1707 Old |
| 6 heading is fine. | 6 Westminster Pike, Westminster, Maryland. The ZIP code is |
| 7 possibly if he has a response now, let him do it now also | 721157. |
| 8 HEARING EXAMINER ROBESON HANNAN: Okay | 8 MR. KLINE: Mr. Von Gunten, what would you describe -- |
| 9 MR. PUTMAN: My turn? | 9 HEARING EXAMINER ROBESON HANNAN: Did I hear -- just a |
| 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 hospitaliz | 14 MR. VON GUNTEN: Yes. |
| 15 patients | 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 synthe | 18 MR. VON GUNTEN: Good. |
| 19 chemot | 19 MR. KLINE: Mr. Von Gunten, what would you define your |
| 20 supply. | 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 wh | 22 specialist. I worked for 38 years in that field, both in |
| 23 we could | 23 Frederick County, Maryland and also in Montgomery County, |
| 24 th | 24 Maryland. |
| 25 chemo therapeutic regimen and having that come out of that | 25 MR. KLINE: And what was the scope of your work in |
| 118 | - 120 |
| 1 body as it does, that's something that we can mitigate in | 1 those positions? |
| 2 the Patuxent Watershed. And that's all I'mtrying to do. | 2 MR. VON GUNTEN: I was a specialist in water wells and |
| 3 So we're again, at that point where we must agree to | 3 septic systems, both in the evaluation, the permitting, and |
| 4 disagree | 4 the management of those systems. |
| 5 HEARINGEXAMINER ROBESON HANNAN: Okay. I don't hear 6 | 5 MR. KLINE: Ms. Robeson Hannan, I'm confident that Mr. |
| 7 Okay. Mr. Kline, anything else? | 6 Van Gunten has never qualified as an expert before you |
| 8 You're on mute. | 7 before. I am prepared to do a voir dire, unless you wanted |
| 9 MR. KLINE: Sorry. No, not on that subject matter | 8 to ask Mr. Putman if he would like to accept him as an |
| 10 I'll just move on to our next witness. I think we'll have | 9 expert in environmental health specialist. |
| 11 chance to continue to discuss this subject matter. | 10 HEARING EXAMINER ROBESON HANNAN: Well, I'd just like |
| 12 HEARINGEXAMINER ROBESON HANNAN: Thank you. Okay, go | 11 to hear -- he's never qualified. |
| 13 ahead. | 12 And what is your work experience, again? |
| 14 MR. KLINE: That having been said, Mr. Von Gunten -- | 13 MR. VON GUNTEN: I was a registered environmental |
| 15 MR. VON GUNTEN: (inaudible). | 14 health specialists, both in Frederick, and Montgomery |
| 16 MR. KLINE: Would you please introduce yourself and | 15 Counties dealing with individual water wells and septic |
| 17 spell your name and be prepared to be sworn in? | 16 systems. |
| 18 MR. VON GUNTEN: Yes. My name is Gene Von Gunten |  |
| 19 First name G-E-N-E. Last name is two words; Von, V, as in | 17 HEARING EXAMINER ROBESON HANNAN: And you say dealing |
| 20 Victor, O-N, and then Gunten, capital Gas in George, | 18 with -- what did you do with the individual water wells an |
| 21 U-N-T-E-N. | 19 septic systems? |
| 22 HEARINGEXAMINER ROBESON HANNAN: Okay. Please raise | 20 MR. VON GUNTEN: I evaluated sites as far as soil |
| 23 your right hand. | 21 testing and also plan review, issuing permits, inspecting |
| 24 Do you solemnly affirmunder 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 | 23 systems failed. |
|  | 24 MR. KLINE: Mr. Von Gunten, your job when you retired |
|  |  |


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| 1 MR. VON GUNTEN: I was manager of the well and septic | 1 MR. KLINE: And maybe this question seems unnecessary, |
| 2 section at the Montgomery County Department of Permitting | 2 in light of the testimony we've heard before, but would you |
| 3 Services. | 3 explain the policy reasons for ensuring where the depth of |
| 4 MR. KLINE: And so y | 4 the buried bodies does not intrude into the high level mark |
| 5 ascertaining the safety | 5 |
| 6 Montgomery County? | 6 MR. VON GUNTEN: Well, the County Council developed a |
| 7 MR. VON GUNTEN: Yes, | 7 concern, I believe probably in the mid-90s. I was working |
| 8 HEARING EXAMINER ROBESON HANNAN: And what are you | 8 for the County then. That there were cemeteries, in fact, |
| 9 p | 9 the first one was a private cemetery, where a gentleman was |
| 10 MR. KLINE: Well, as I say, an environmental health | 10 going to be interred on his family farm. And there was a |
| 11 specialist with experience in the | 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 | 13 So they consulted with my department and a decision was |
| 14 and water | 14 made that we would simply evaluate the soil and make sure |
| 15 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 specialist in septic systems? | 17 table reaches, which is typically in the spring. And sinc |
| 18 MR. KLINE: Perfect | 18 that time, there has been one other cemetery that wa |
| 19 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 | 20 sure that that soil buffer is there. Now, this is somewhat |
| 21 that he should be qualified? | 21 unique |
| 22 MR. PUTMAN: He sou | 22 HEARING EXAMINER ROBESON HANNAN: (inaudible) just stop |
| 23 HEARING EXAMINER ROBESON HANNAN: Okay | 23 one minute. There is a phone number from where I'm hearing |
| 24 MR. PUTMAN | 24 someone speaking. It's 301-642-7 something. Can whoever |
| 25 HEARING EXAMINER ROBESON HANNAN: Go ahead, Mr. Kline. | 25 that is on this call, please mute yourself -- mute your |
| 122 | 124 |
| 1 MR. KLINE: Mr. Von Gunten, in your previous employment | 1 phone. Because I can't understand what he's saying. |
| 2 and sin | 2 Okay. I apologize, Mr. Von Gunten, please go ahead. |
| 3 familiar with the provisions at Section 59.3.5.4.A.2.C | 3 MR. VON GUNTEN: Okay. So the idea is to make sure |
| 4 the Montgomery County Code, which I will read so everybody | 4 that there is an adequate soil buffer beneath the graves so |
| 5 knows what I'm t | 5 that this leachate that's created by decomposition of human |
| 6 HEARING EXAMINER ROBESON HANNAN: I'm sorry. I hear | 6 remains is adequately filtered and does not pose a threat to |
| 7 another voice. Is anybody speaking in the background? | 7 the drinking water aquifer |
| 8 All right. Go ahead. | 8 MR. KLINE: Have you familiarized yourself, or were you |
| 9 MR. KLINE: Mr. Von Gunten, the text of the county | 9 familiar with the aspects of green burial operations? |
| 10 code sectio | 10 MR . VON GUNTEN: I was only on the periphery because |
| 11 standards for a cemetery and | 11 there was a proposal a few years ago that I was aware of i |
| 12 "Where the subject property is located in an are | 12 Baltimore County. That project has not actually gone to |
| 13 not served by public water and sewer, water table | 13 completion, but of course, I become a lot more acquainted |
| 14 tests must be conducted to assure that there is | 14 with the concepts in working on this project. |
| 15 adequate filtration of drainage | 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 som | 17 issue for a green burial cemetery? |
| 18 d | 18 MR. VON GUNTEN: Actually the processes of a green |
| 19 take that | 19 burial cemetery would actually reduce the threat to the |
| 20 an area where public sewer and water are available | 20 groundwater because we do not have those elements introduced |
| 21 MR. VON GUNTEN: Well, technically speaking, public | 21 by the vault, the casket, embalming, and such. But there is |
| 22 water | 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 |
| 25 area where public water and sewer are not available. | 25 MR. KLINE: So in order for the Applicant to |


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| demonstrate that there was adequate separation, would you |  |
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| 3 put together a program to demonstrate that there would be a |  |
| 4 safe separation betw |  |
| MR. VON GUNTEN: Certainly. In 2020 the Applican |  |
| 6 retained a private soil and geology firm, known as ECS and a |  |
| 7 geology study of the entire site, which includ |  |
| 8 excavations with a backhoe down to about 12 feet in depth |  |
| 9 and they found no sign of any shallow groundwater that would |  |
| 10 have been a concern for the gravesite ar |  |
| 11 And then, that report was presented to -- |  |
| 12 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? |  |
| 16 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. |  |
| 22 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 -- |  |
|  |  |
| 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 a |  |
| 10 doing something more scientific, I guess? |  |
| 11 MR. VON GUNTEN: Yes. And in this case, of course, |  |
| 12 was followed up by additional testing conducted by a county |  |
|  |  |
| 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? |  |
| 18 MR. VON GUNTEN: Yes. First of all the Applic |  |
| 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 |  |
|  |  |
|  |  |
|  |  |
|  | 25 HEARING EXAMINER ROBESON HANNAN: Yea |

> MR. VON GUNTEN: His name is Jason Fleming. HEARING EXAMINER ROBESON HANNAN: Okay. MR. VON GUNTEN: And Mr. Fleming indicated on the plan the location of about a dozen additional sites where he would like to see excavations made and the water table test conducted in the typical fashion that the County conducts for all properties when a septic system is being proposed.

> MR. KLINE: And what was Mr. Fleming's conclusions?
> MR. VON GUNTEN: Well, first of all the inspector came out. Her name is Kim Beal. She also is a registered environmental health specialist and she found no signs of any shallow ground water that would be of concern. And then she forwarded her results to Mr. Fleming. And ultimately, Mr. Fleming submitted a memo to the Park and Planning Commission whereby he said that based upon the ECS study and the actual field work that the water table levels were considered acceptable for the grave site placement under the conditions of the County Code.

MR. KLINE: Ms. Robeson Hannan, that letter fromMr. Fleming is an attachment D 2 to the technical staff report. It's in the record.

HEARING EXAMINER ROBESON HANNAN: Okay. MR. KLINE: So we have the Well and Septic Division of DPS concluding, based on a soils evaluation by ECS and septic testing by Mr. Reece's firm, that the separation
between burial depth and the water tests found in the field were acceptable to meet the standards of the County Code?

MR. VON GUNTEN: Yes. MR. KLINE: Okay.
What I think I'd like to do is go beyond the questions I thought I was going to ask you today and ask you to comment on Mr. Putman's observations. And if we're kind of boiling down, I think, to a point where does dirt and soil have the ability to cleanse the leachate of the deteriorating body so that when -- those elements finally get to the water table, or get to the river, or get to the reservoir, they are clean and noncontaminated? So what can you tell us about this subject?

Gene, you're on mute, please. HEARING EXAMINER ROBESON HANNAN: Sir, you're -- MR. VON GUNTEN: Can you hear me now? Sorry. 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.


| 133 | 135 |
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| 1 MR. KLINE: All right. So the effluent that comes from | 1 whole lot of runoff coming onto Reflection Park from a |
| 2 the degradation process is not going to migrate as far away | 2 neighbor, and on the other hand I think that the unique |
| 3 as the reservoir? | 3 nature of it being a wooded site, and maintained as a wooded |
| 4 MR. VON GUNTEN: It will not | 4 site is certainly going to mitigate that threat. |
| 5 MR. KLINE: Okay. Fine. I have no further questions | 5 MR. PUTMAN: Thank you. |
| 6 of Mr. Von Gunten, and I think he and Mr. Putman might have | 6 I'm sorry I can't -- I have no further questions. |
| 7 a very interesting conversation now though | 7 MR. KLINE: And I have no redirect questions of Mr. Von |
| 8 HEARING EXAMINER ROBESON HANNAN: Well, okay. Mr. | 8 Gunten either. |
| 9 Putman, do you have any questions? | 9 HEARING EXAMINER ROBESON HANNAN: I just have one |
| 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 |
| 12 The first goes to the shale substrate. In your opinion | 12 correct? |
| 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 | 14 MR. VON GUNTEN: Maybe somebody can explain someday |
| 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 | 16 speaking. |
| 17 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 | 19 they serve that water to their customers. And I have had |
| 20 soil buffer is that the bacteria and the viruses | 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 | 22 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 |
| 25 Now, at that point the vast majority of it, if not all | 25 threat, to their water system. And the point may come where |
| 134 | 136 |
| 1 of it, will flow into the drinking water aquifer which is | 1 they have to treat their raw water for sodium. They do not |
| 2 subterranean and very little or none of it will flow into | 2 see any other inorganics that I know of cropping up. |
| 3 the Patuxent River | 3 Now, they do, in all candor, they have a genera |
| 4 MR. PUTMAN: Okay. And (inaudible). Thank you for | 4 concern about people that live in homes that have septic |
| 5 that answer. I have another question that involves the | 5 systems and there is a person living in the home who is |
| 6 depth at which the bodies are buried. It starts at the | 6 undergoing chemotherapy because the drugs are shed. They |
| 7 bottom of the grave will be $3-1 / 2$ to 4 feet down, and then | 7 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 | 8 doesn't really stay in your body that long. And they are |
| 9 what I said earlier about the high percentage of impervious | 9 concerned that perhaps people that live very close to the |
| 10 surface of some neighboring properties, in a heavy rain | 10 reservoir, up, like say, Triadelphia. Those people whose |
| 11 flow, what are the chances that some of that necro-leachate, | 11 septic systems are maybe a few hundred feet from the |
| 12 instead of being gravity pulled underneath, that the flow of | 12 reservoir. In that case, a portion of their effluent that |
| 13 water across the property would pull some of that out and | 13 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 |
| 15 MR. VON GUNTEN: Well, frommy being on the site, what | 15 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)? |

## Conducted on July 30, 2021


this. But after you die how long does it take the -- say
you're not living, do the drugs -- is there any information on how the drugs excrete then?

DR. ELDADAH: Well presumably, after someone has died
they are no longer in a position to be urinating or
excreting drugs. But we know that based on this information
that the -- there isn't much drug left in a body after those
two to three days. And also, again just reiterating, the
typical medical practice that it's likely that one would
continue to live for several days, if not weeks or months,
after their last chemotherapy treatment.
HEARINGEXAMINER ROBESON HANNAN: Okay. Thanks for resummarizing that.

Are there any questions?
Okay. Thank you, Dr. Eldadah.
Mr. Kline, you can ask your next witness -- call your
next witness.
MR. KLINE: Thank you. Mr. Crum would you please give
us your name and be sworn in.
MR. CRUM: Sure.
HEARINGEXAMINER ROBESON HANNAN: Let me -- Mr. Crum,
please raise your right hand. Do you solemnly affirmunder
penalties of perjury that the statements you are about to
make are the truth, the whole truth and nothing but the truth?

MR. CRUM: I do.
HEARINGEXAMINER ROBESON HANNAN: Okay.
MR. CRUM: For the record my name is Stephen Crum.
S-T-E-P-H-E-N, last name, C-R-U-M. I work with the firm of
Macris, Hendricks \& Glascock. Our office address is 9220
Wightman Road, Suite 120 in Montgomery Village, Maryland.
My email address is SCrum@MHGPA.com.
HEARINGEXAMINER ROBESON HANNAN: Now, Mr. Kline, Mr.
Crum has qualified as an expert before us. What are you
proposing him to testify as a civil engineer or?
MR. KLINE: Yes, ma'am.
HEARINGEXAMINER ROBESON HANNAN: Mr. Putman, do you
have any objections to Mr. Crum qualifying as a civil
engineer? An expert in civil engineering?
MR. PUTMAN: Absolutely not.
HEARINGEXAMINER ROBESON HANNAN: Okay. Go ahead, Mr. Crum.

MR. KLINE: And Mr. Crum, I'm going to kind of let you
do this on your own because you probably have the exhibits
in the order you'd like to have them. But it's a little
unusual because normally we'd be starting with you trying to
educate everybody about the features of the property, but I
think everyone's probably developed a decent sense now of
how it's shaped, how it's organized topo. But why don't
you -- let's go and do what I'll call a conventional civil

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

1 above mean sea level.
2 HEARING EXAMINER ROBESON HANNAN: Okay. MR. CRUM: There is a promontory in the middle of the site that was described earlier by Mr. Goodnoe and that's about 412 feet above mean sea level.

HEARING EXAMINER ROBESON HANNAN: Thank you. MR. CRUM: There are two unnamed tributaries that traverse through the site. One -- they're both tributary to the lower Patuxent River Rocky Gorge Watershed. One flows from the northwest to the southeast and the other flows from
the southwest to the northeast and again, they form a
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'50s that that area was perhaps in agricultural use at the time.

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10 image gives us a good overview of the various land uses in
11 the vicinity and within the neighborhood there's a
12 residential subdivision to the south. There's the Bartley
13 Corporate Concrete contractor site, which is a commercial
14 use immediately adjacent to the southern boundary of the
15 property. The Ednor local park adjoins the northwestern
16 boundary of the property and there are several single family
17 detached dwellings in a small subdivision bordering the
18 eastern boundary.
19 The area to the northwest of the narrow portion of the
20 site has a number of religious uses. And then, there is a
21 major religious assembly use identified as Camp Sunshine on
22 this image.
23 So that sort of gives us a vies of the neighborhood.
24 Directly across New Hampshire Avenue is the Hampshire Greens
25 Golf Course and the residential community that's a part of

## that golf course community.

HEARING EXAMINER ROBESON HANNAN: Okay.
MR. CRUM: Let's see. Exhibit 42, please.
So this is a rendering that was prepared for the
project and I think that this best demonstrates the -- how
the subject application fits into the neighborhood. And that it's well-buffered from the residential uses, the single family detached residential uses. It's well buffered from the Norwood -- or the Ednor local park. I would note that the chairman of the Planning Commission during the hearing indicated he was very complimentary of the Applicant's use of a trail system and wanted to know whether there was a possibility that the trial system could be connected to the Ednor local park. And the Applicant indicated that they would certainly consider that in the future if the Parks Department felt that that was appropriate.

So again, this exhibit it shows the -- how much forest is going to be retained along the perimeter. It
demonstrates adequate buffering. The Ukrainian church
that's right next door we're going to provide some plant --
the Applicant's going to provide some planting there to
augment that -- the buffer that's there.
HEARING EXAMINER ROBESON HANNAN: Okay.
MR. CRUM: Okay. The next exhibit that I would like
would be 38-C. Sorry to make you jump around so much.
HEARING EXAMINER ROBESON HANNAN: No, it's okay. I
apologize -- sorry.
HEARING EXAMINER ROBESON HANNAN: It's okay.
HEARING EXAMINER ROBESON HANNAN: For the record, I
just groaned because I'm not used to this computer and it's
touchy. Okay. Go ahead. And slow.
MR. CRUM: So the Cloverly Master Plan, while that
Exhibit's going up. The Cloverly Master Plan of 1997
identifies three broad communities within the Cloverly
Master Plan. An agricultural wedge, a residential wedge,
and suburban communities. And roughly they run from north
to south in the Cloverly Master Plan. And the subject
property is within the agricultural wedge.
The '97 master plan recommends that future land uses
within the agricultural wedge maintain an existing mix of
low density residential neighborhoods, open space, which
preserves the valley of the Patuxent River tributaries and
in turn creates the community's rural character and keeps
the built and the natural environments in balance.
And I think that -- it's my opinion that this cemetery
use certainly meets the -- is in conformance with the open
space recommendations from the master plan. And the -- you
know, that it preserves the rural character. The master
plan also makes recommendations for greater front yard
setbacks of 100 feet for non-residential buildings.
And can you zoom in on the New Hampshire Avenue portion? Oh, we're still not going to be able to read those numbers probably. Anyway. So there are three buildings, I think that's been previously testified. There are going to be three buildings in this first phase. And the set-backs that are being proposed are 122.4 feet, 98.5 feet and 92.3 feet, and those respectively are the small maintenance building, the office building and the front pavilion, the entry pavilion.
11 Another important point is that all three of these buildings present their narrowest side to New Hampshire 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.
area,
21 and our impervious surfaces. So the goal of the Patuxent 2 River Watershed Master Plan from 1993 includes the 3 protection of water quality in the Rocky Gorge and 4 Triadelphia reservoirs. Protection of water quality in the 5 watershed streams, protection of stream channels from
erosion and protection of properties from flooding.
One of the vehicles for accomplishing these goals is
limiting the construction of additional or new impervious
surfaces within the watershed. The establishment of a
primary management area, or PMA provides a methodology and
criteria for protecting the water quality within the
Patuxent River Watershed. The guidelines for environmental
management of development in Montgomery County 2000 -- we'll
just call them the environmental guidelines, provide the
criteria for establishing buffers to protect the quality of
the Patuxent River.
The primary management area for the Patuxent River
under the Maryland Patuxent River Policy Plan is defined as
all the land within a quarter of a mile of 1,320 feet from
the Patuxent River mainstem. And one-eight of a mile, or
660 feet from all tributaries on the Patuxent River.
Montgomery County further expands the Maryland PMA to
include land within a quarter mile or 1,320 feet from the
Hollings River mainstem. The Hollings River mainstem is a
major tributary to the Patuxent.
Exhibit 38-Z, please.
HEARINGEXAMINER ROBESON HANNAN: Okay. That should be on your screen.

MR. CRUM: I'm not seeing it.
HEARINGEXAMINER ROBESON HANNAN: Okay. Let me try

| 149 | 151 |
| :---: | :---: |
| 1 again. | 1 and/or accomplish master plan goals it is desirable for |
| 2 MR. CRUM: And that doesn't mean anything, but. | 2 greater than 10 percent of the impervious surfaces to be |
| 3 HEARINGEXAMINER ROBESON HANNAN: How is it now? | 3 constructed within the PMA transition area. Then the area |
| 4 MR. KLINE: Not yet. | 4 of the impervious surfaces that make the average over the |
| 5 HEARING EXAMINER ROBESON HANNAN: No? All right. | 5 entire tract area. |
| 7 HEARINGEXAMINER ROBESON HANNAN: What was | 6 If you can zoom in on the notes in the lower -- yeah, |
| 8 I'm sorry. | 7 |
| 9 MR. CRUM: 38-Z as in zebra. | 8 So our analysis is that if we look at the tract area as |
| 10 HEARINGEXAMINER ROBESON HANNAN: How's that? | 9 a whole, it's 40.4 acres, 10 percent of that would be 4.03 |
| 11 MR. CRUM: That's great. | 10 acres, and if we average everything over the entire tract |
| 12 HEARINGEXAMINER ROBESON HANNAN: Yaa. Go ahead. | 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 |
| 14 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 | 142.4 |
| 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 18 west. West, west, west. There you go. Almost. Lower, the | 16 several of the cemetery roads in that area, that yields an |
| 19 roundabout. The circle in the -- no, not the big circle, | 17 impervious area of 12.8 . But because we believe that the -18 by protecting the character of the neighborhood by having |
| 20 the very small circle near the front. Go -21 MR. KLINE: No, on -- | 18 by protecting the character of the neighborhood by having 19 those larger buildings more centrally located we are keeping |
| 22 MR. CRUM: There you go | 20 the rural character of the neighborhood, as well as the |
| 23 Mr. KLINE: Yeah. Yeah. | 21 rural character of New Hampshire Avenue that we -- and staff |
| 24 MR. CRUM: Okay. So that cu | 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 <br> 24 opinion that we meet the criteria of not exceeding 10 <br> 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. | 2 MR. CRUM: Okay? |
| 3 So all but about 5.1 acres of the subject property is | 3 HEARING EXAMINER ROBESON HANNAN: Yes. |
| 4 located within the PMA. It's within a quarter mile of the | 4 MR. CRUM: Next up is -- Mr. Eldadah went through the |
| 5 Patuxent River mainstem. The environmental guidelines | 5 proposed uses. Do you want me to go through that or not? |
| 6 recommend that the following land features to be included | 6 HEARING EXAMINER ROBESON HANNAN: No. no. |
| 7 within a PMA stream buffer are the 100 year floodplains, | 7 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 | 9 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 |
| 14 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 |
| 23 transition area are not to exceed 10 percent. | 23 though the RC zone is sort of set up for agricultural uses |
| 24 There's a clause, however, that if in the interest of | 24 that they are recommending that the uses in the agricultural |
| 25 maintaining community character or to achieve compatibility | 25 wedge be developed as open space. |



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        HEARING EXAMINER ROBESON HANNAN: Now, I've been told
how to do this one. I guess I'll have to -- I can't see the
footcandle measurements, but I'll take -- go ahead.
    MR. CRUM: You're going to have to zoom in really
tight.
    So this is a photometric analysis that was prepared for
the Applicant. It indicates the location of the lights, the
site lights. And we've chosen fixtures that are -- that
have cutoff lenses in the fixtures which project light
downward. In no case does the footcandle value at the
property line exceed . }1\mathrm{ footcandles. The lights are placed
along the access road, leading to the community building.
    We did not include lights on the two loop roads that
serve only the cemetery uses primarily because, as was
testified earlier, we intend the cemetery use to be a dawn
to dusk kind of operation. But the community building may
be used after dark so we've provided sufficient lighting to
safely negotiate the cemetery roadway to the community
building and the parking area. Again, the lights are full
cutoff lenses. The table gives the number of lights and we
comply with all the footcandle requirements.
    Lastly is the site signage. And that -- sorry, is
Exhibit 21-A.
    HEARING EXAMINER ROBESON HANNAN: Okay. You can go
ahead. It's going to pop up in Adobe without the screen --
    MR. CRUM: Okay.
    HEARING EXAMINER ROBESON HANNAN: -- to the side in a
minute. But you can go ahead and testify.
    MR. CRUM: So the front fencing is designed to
incorporate a sign at this point where it meets the
requirements of the zoning ordinance for location size and
details. It is not intended to be lit and no variance would
be required. It's a simple sign that just identifies the
cemetery name.
    HEARING EXAMINER ROBESON HANNAN: Okay.
    MR. CRUM: And then, I guess the last thing is the
two -- the maintenance buildings and the office building
which are Exhibit 21-C, 21-D and 21-F.
    HEARING EXAMINER ROBESON HANNAN: Okay. This is C.
    MR. CRUM: Okay. So this is the office building. I'm
testifying to this because the structural engineer that
prepared these plans isn't here. It's a fairly basic
building and as Mr. Eldadah testified earlier, and Mr. Kline
indicated that if you leave the record open we'll give --
provide some more definition for the materials on the
elevations. But it's a single-story. It meets the zoning
requirements for height, and you know, a relatively simple
building.
    HEARING EXAMINER ROBESON HANNAN: Okay.
    MR. KLINE:And before you leave that it will have its
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own septic system that will be approved by --
MR. CRUM: Yes. Yes. The Department of Permitting
Services requires that separate buildings have separate septic systems.

HEARING EXAMINER ROBESON HANNAN: Right. MR. CRUM: So this building will be served by a septic system in phase 1 and there will be a second septic system for the community building when it comes online in the rear.

HEARING EXAMINER ROBESON HANNAN: Okay. MR. KLINE: Thank you.
MR. CRUM: Sure. They -- the maintenance buildings are both -- basically they are not Sears catalog buildings, but 13 they are the next best thing. They are pre-manufactured 4 structures and are very utilitarian. But we believe that 15 they are well buffered as part of the overall development.
16 So in conclusion, it's my opinion that the Applicant's 17 proposal meets all of the requirements of the RC zone. It 18 meets the requirements for the conditional use definition of 9 a cemetery. It's compatible with the adjacent land uses. 0 It won't have an adverse impact on the surrounding area. 1 The gravesites are sufficiently set back from the 2 surrounding properties to establish a buffer or a planted 3 buffer will be established.

Based on the water table testing that we did, both in 2000 and 2001 or 2020 and 2021, there will be adequate

160
filtration of drainage between the burial depth and the high groundwater table. I believe -- it's my opinion that the proposal conforms with the recommendations of the Cloverly Master Plan. I think as far as adequate public facilities, public water is available. The community building will have a sprinkler system. There will be an on-site hydrant. All of the structures will be served with public water.

We've received results from our percolation testing that demonstrate that we will have adequate septic systems.
The Department of Permitting Services has approved our storm water management concept for the entire property. So storm drainage is taken care of. And any other public facilities adequacy will be tested during the preliminary subdivision plan process.
It's my opinion that we comply with the PMA requirements. We comply with the development standards assuming that the one -- the two variances are granted. And the use will result in something that is consistent with the character of the surrounding neighborhood.

MR. KLINE: Mr. Crum, are the conditions recommended in
1 the staff report acceptable to the Applicant and would be deemed acceptable if the conditional use is granted?

MR. CRUM: Yes.
MR. KLINE: And last, without belaboring the issue, was
25 there anything about the discussion you heard earlier in the
dialogue with Mr. Putman that you have professional exposure, experience to that you would like to add to that discussion?
MR. CRUM: I guess the only thing that I would add is regards to the impervious surfaces that we are proposing. I think Mr. Putman began his statement with -- that the master plan requires a 10 percent impervious surface cap. And we do comply with that cap. If this property were used for agriculture, which it could be, I think would be more detrimental to the watershed than -- depending on the type of agriculture that was proposed. But it could be more
houses. A cluster is what, one house per 5 acres?
MR. CRUM: That's correct.
MR. KLINE: Am I right about that? Okay.
MR. CRUM: Yes.
MR. KLINE: So what eight houses likely have as much
imperviousness and maybe greater effluent discharge than
what we are going to get out of the cemetery?
MR. CRUM: Certainly from a septic system point of
view. I think there would be greater impacts to the
watershed with eight septic systems for six bedroom homes.
And the -- I mean, there would be an extensive driveway very
similar to what we have shown because we would have to
provide buyer access. And when there is a shared fire
access, it needs to be 20 feet wide, which is what the
cemetery roadway is. Then if you add all the roof areas of
eight dwellings and potential patios, swimming pools, the
kinds of things that you would find in a typical residential
development, it could easily exceed 10 percent impervious
surface.
MR. KLINE: Thank you. I have no further questions of
Mr. Crum. He is available for cross-examination.
HEARINGEXAMINER ROBESON HANNAN: Okay. Mr. Putman or
anyone else, do you have any questions of Mr. Crum?
MR. PUTMAN: I guess I want to be sure that Mr. Crum
understood my impervious surface issue. It is not with this
property. I agreed that you are very close to the 10
percent impervious. My statement involved some of your
neighbors who far exceed the 10 percent imperviousness. And
when a heavy rain comes is going to run off their property
onto yours. And that combined with a heavy rain on your
property, I believe is going to float some of that stuff
that we don't want, down the hill, over the surface into the
water.
And how we got that much imperviousness on some of
those New Hampshire Avenue properties is a whole other
162
story. But that's where we are and that's where your
property is. So that is not of your doing, but it is a
potential environmental mess. Thank you.
MR. CRUM: You're welcome.
MR. KLINE: No further questions.
HEARING EXAMINER ROBESON HANNAN: Okay. Do you have
another witness, Mr. Kline?
MR. KLINE: I have two more, but we're going to be
wrapping it up fairly soon.
HEARING EXAMINER ROBESON HANNAN: Okay.
MR. KLINE: Mr. Post, could you please put your face on
the screen and introduce yourself?
MR. POST: Do I need the -- am I on?
MR. KLINE: We can hear you. We can see you.
HEARING EXAMINER ROBESON HANNAN: I've got you.
MR. KLINE: Just give us your name, first of all.
MR. POST: David Post.
HEARING EXAMINER ROBESON HANNAN: Okay. Please raise
your right hand, Mr. Post.
Do you solemnly affirm under penalties of perjury that
the statements you're about to make are the truth, the whole
truth and nothing but the truth?
MR. POST: I do.
HEARING EXAMINER ROBESON HANNAN: Please state your name, address, and email for the record.

MR. POST: David; D-A-V-I-D, Post; P-O-S-T, with the MHG at 9220 Wightman Road, Suite 120 in Montgomery Village,
Maryland. Email address is DPost $@$ MHGPA.
HEARING EXAMINER ROBESON HANNAN: Mr. Kline.
MR. KLINE: Mr. Post, what is your profession, sir?
MR. POST: I'm a landscape architect licensed in
Maryland, Virginia, DC. And I'm also a certified arborist.
MR. KLINE: And the Hearing Examiner always likes to
test witnesses by saying do you remember what your serial
number is, your certificate number as a certified --
MR. POST: My Maryland license number is 615 , which I got 1985. And my arborist certification is MA5220A, which I got in 2011.

MR. KLINE: All right. Mr. Post, have you ever
qualified as an expert in the field of landscape
architecture before the Office of Zoning and Administrative
Hearings in Montgomery County?
MR. POST: I have.
19 MR. KLINE: Recently?
20 MR. POST: In the 1980s.
21 MR. KLINE: 1980s?
22 MR. POST: Probably around 1989 I'm guessing.
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 |
| :---: | :---: |
| 1 time. | 1 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 | 2 described, or Mr. Goodnoe described, we will clear some, we |
| 3 voir dire, but I would like to offer him as an expert in | 3 will reforest some, we will clear some more, we will |
| 4 landscape architecture | 4 reforest s |
| 5 HEARING EXAMINER ROBESON HANNAN: Any objections? | 5 And that will take well into beyond most of our lives |
| 6 Hearing none, I will so qualify him. | 6 probably to -- all that to occur. So the trees that will |
| 7 MR. KLINE: Mr. Post, again, I'm not going to ask you | 7 get planted will be native to this area, Montgomery County, |
| 8 any s | 8 Maryland, and may include Tulip Poplars but more likely w |
| 9 critical role in this because as you've heard, we want to | 9 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 question that Josh Penn asked you. Why do you want to take | 12 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? |
| 16 MR. POST: It's an interesting process going through | 16 MR. POST: The actual tree species are not identified |
| 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 |
| 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 |
| 22 And it was the very first thing that we did on this | 22 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 | 23 is really at the volunteering -- I guess the client or the |
| 24 with, what kind of streams we have and if there were any | 24 developer would be volunteering to plant these trees. So |
| 25 wetlands. Which by the way, none are mapped on this | 25 it's part of their -- |
| 166 | 168 |
| 1 property, but we did find a small wetland area on the | 1 HEARING EXAMINER ROBESON HANNAN: Wouldn't that be on |
| 2 southern portion of the site when we were doing our | 2 the landscape plan that? |
| 3 fieldwork. We also survey a lot of trees, over 500 trees | 3 MR. POST: There are some landscape requirements. And |
| 4 and that doesn't even include the ones in the floodplain, | 4 we have a plan that does identify all of the plants tha |
| 5 that are of a 24 inch caliper size and looking for what | 5 would be required for the landscape design. |
| 6 are -- the county describes as specimen trees. So that was | 6 HEARING EXAMINER ROBESON HANNAN: But -- okay. So you |
| 7 part of the work that we did when we were out there. And it | 7 are showing the minimum required by the ordinance, but you |
| 8 took weeks of fieldwork to get all that information. | 8 are not showing what's actually going to be planted there? |
| $9 \quad$ So what we discovered was that this was a forest that | 9 MR. POST: That's true. We're not showing every plant |
| 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 | 11 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 |
| 19 that's sort of the process. So that's what this forest is | 19 HEARING EXAMINER ROBESON HANNAN: Just a second, Mr. |
| 20 in . | 20 Klein. The only reason I ask is that Constellation Potomac |
| 21 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 | 23 amend your landscape plan for this? |
| 24 with here. We are only clearing a few acres to build the 25 first phase and clear for the first internment sites, burial | 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 | 25 required by the landscape plan but then wanted to change |

## Conducted on July 30, 2021


illustrative example of the planting that would occur
relative to the gravesites that were going in. And it was
almost to be determined by the purchasers of the graves as to what went in and where and when.

MR. POST: So the landscape plan requirements are
primarily for screening the parking lot and any incompatible uses.

HEARING EXAMINER ROBESON HANNAN: The parking lot
building and site perimeter is what the landscape -- I'm
just thinking I don't want to create big problems. I
just -- I understand your concept. And it's nice that a
family is going to be able to choose. Are they going to
have a list of trees to use from? Or is there criteria for
these trees like native species; what is it?
MR. POST: The plan is to provide a list of native species that they could choose from, yes.

HEARING EXAMINER ROBESON HANNAN: Okay. And are they going to be -- are these areas -- they are just going to be in the grave -- the areas marked for graves on your plan?

MR. POST: If you look at --
HEARING EXAMINER ROBESON HANNAN: The plantings will be in specific areas that are marked on your plans; is that correct?

MR. POST: If you look at Exhibit 38-S it gives sort of an example of what we think it would look like.

HEARINGEXAMINER ROBESON HANNAN: It's loading, just for the record. That's --

MR. POST: So since we haven't gotten to the detail of
laying out the actual burial sites, the idea was to create
spaces between various groups of gravesites that would be
used for tree planting, for example, and for the trail
system and things like that.
MR. KLINE: So are we waiting for 38 -S right now? Yeah.

HEARINGEXAMINER ROBESON HANNAN: I have -- I'm trying to pull up 38-S.

MR. KLINE: Yeah.
HEARINGEXAMINER ROBESON HANNAN: Is that what you want pulled up?

MR. POST: Yes.
HEARINGEXAMINER ROBESON HANNAN: They transitioned me
to a county computer and it's not as good as mine. But
that's okay. I apologize for the delay.
MR. POST: We have the same problem sometimes.
HEARINGEXAMINER ROBESON HANNAN: It's still not up.
Oh, here it's coming.
MR. POST: So in this exhibit, what we are showing are
rectangles to represent burial sites, and then green squares
that represent where trees may be planted. So when the
actual layout of the cemetery is done, those areas would be


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


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| :---: | :---: |
| HEARING EXAMINER ROBESON HANNAN: Those are the pole | 1 email for the record, please. |
| lights. | 2 MS. TROCK: My name is Beyhan Trock. It spelled; |
| 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 |
| but they're shown right in front of the pier on the north | 4 Normandy Drive in Silver Spring, Maryland. My email address |
| side of the driveway there is two sort of squares there that | 5 is BeyhanTrock@gmail.com. |
| look like blobs. | 6 HEARINGEXAMINER ROBESON HANNAN: Okay. Thank you. |
| HEARING EXAMINER ROBESON HANNAN. Here? | 7 Mr. Klein? |
| HEARING EXAMINER ROBESON HANNAN: Here? | 8 MR. KLINE: Ms. Trock, what is your profession? |
| MR. POST: Those, yeah. | 9 MS. TROCK: I'm an architect registered in Maryland. |
| HEARING EXAMINER ROBESON HANNAN: Here? | 10 MR. KLINE: And how long have you practiced |
| MR. POST: Yeah. | 11 architecture? |
| HEARING EXAMINER ROBESON HANNAN: Okay. | 12 MS. TROCK: I hate to say almost 48 years. |
| MR. POST: And I don't know why they don't have a | 13 MR. KLINE: How about giving us maybe the last two or |
| label. I should have caught that. | 14 three names of firms you been associated with that we would |
| HEARING EXAMINER ROBESON HANNAN: Okay. Well, now we | 15 recognize? |
| know where we are. Or I know where you are. All right. So | 16 MS. TROCK: I was with DNC Architects. I was with <br> 17 Sheila Brahms Architect. I was with Groopman and Parker |
| ere are -- we don't have to refer that back. | 17 Sheila Brahms Architect. I was with Groopman and Parker 18 designing schools for -- |
| MR. KLINE: Thank you. | 19 HEARINGEXAMINER ROBESON HANNAN: Well, let me do this. |
| HEARING EXAMINER ROBESON HANNAN: Mr. Putman, you still | 20 Are you licensed? Are you an architect licensed to practice |
| ave your hand up. Did you want to say something? | 21 in Maryland? |
| Mr. Putman? You are muted. | 22 MS. TROCK: Yes. |
| MR. PUTMAN: Am I lowered now? | 23 HEARINGEXAMINER ROBESON HANNAN: Okay. Have you ever |
| HEARING EXAMINER ROBESON HANNAN: Yes. | 24 testified as an expert witness before? |
| MR. PUTMAN: Thank you. | 25 MS. TROCK: No. No. |
| HEARING EXAMINER ROBESON HANNAN: Okay. Mr. Kline, do you want to go ahead? |  |
| 182 | 184 |
| MR. KLINE: Well, I was finished with Mr. Post. So | 1 HEARINGEXAMINER ROBESON HANNAN: Does anyone have any |
| I -- he is available for cross-examination if Mr. Putman has | 2 objections to qualifying Ms. Trock as an expert in |
| any questions. | 3 architecture? |
| HEARING EXAMINER ROBESON HANNAN: Mr. Putman, do you | 4 Okay. Hearing none, I'm going to qualify her as an |
| have any questions of Mr. Post? | 5 expert in architecture. |
| MR. PUTMAN: No, I don't. His testimony was excellent. | 6 MR. KLINE: Thank you. And in terms of giving out |
| MR. PUTMAN: No, I don'. His testimony was excellent. | 7 thanks, I wanted to thank Ms. Trock for being so patient and |
| HEARING EXAMINER ROBESON HANNAN: Okay. | 8 waiting this long because I was like to have architects up |
| Mr. Kline, do you want to call your next witness? | 9 early on because they add a lot of vitality and energy to |
| MR. KLINE: That would be Ms. Trock. Ms. Trock, would | 10 the project. But here we have the excitement of talking |
| you please introduce yourself and be sworn in? | 11 about the necro-leachates. So I -- it got overwhelmed I'm |
| MS. TROCK: Do you want -- yes. Can you hear me? | 12 afraid in this case. |
| HEARING EXAMINER ROBESON HANNAN: I can hear, but I | 13 HEARINGEXAMINER ROBESON HANNAN: That's my word of the |
| need -- okay. I got you. | 14 day. |
| MS. TROCK: Yeah. Raise my hand first? Or should I | 15 MR. KLINE: Okay. |
| say who I am first? | 16 HEARINGEXAMINER ROBESON HANNAN: Thank you, Mr. |
|  | 17 Putman. |
| HEARING EXAMINER ROBESON HANNAN: Just give me one -- | 18 Mr. KLINE: Mr. Putman, we all learn something today. |
| give me one moment. Okay. There we go. | 19 There is no question about it. |
| MS. TROCK: Should I raise my hand? | 20 Ms. Trock -- |
| HEARING EXAMINER ROBESON HANNAN: Thank you. Okay. | 21 MS. TROCK: I do want to say, Mr. Putman, I'm so glad |
| Now you can do it. Please raise your right hand. | 22 that you're here. I was really interested in what you had |
| Do you solemnly affirm under penalties of perjury that | 23 to say and to get added a lot to the conversation today. I |
| the statements you're about to make are the truth, the whole | 24 really appreciate you being here. So I just wanted to say |
| truth and nothing but the truth? | 25 that. |
| MS. TROCK: Yes, I do. |  |
| HEARING EXAMINER ROBESON HANNAN: Name, address, and |  |

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    MR. PUTMAN: Thank you, young lady.
    MS. TROCK: You're welcome.
    MR. KLINE: Ms. Trock, would you explain the portfolio
of buildings you were assigned to try and design? And tell
us what kind of integration, or homogeneity, or
compatibility you try to build into the very structures?
And if you need either a site plan or your individual
elevations, just let us know and the hearing examiner will
pull them out.
    MS. TROCK: A site plan would be nice just to start
with. I'm not sure what you'd --
    MR. KLINE: Yeah, the whole --
    MS. TROCK: Labeled the numbers of the site.
    MR. KLINE: If we could get Mr. --
    HEARING EXAMINER ROBESON HANNAN: I'm going to get --
38-B.
    MR. KLINE: If -- I was going to suggest Mr. Crum's
rendered site plan. I don't know what one that was.
HEARING EXAMINER ROBESON HANNAN:Oh.
    MS. TROCK: Just the one that shows the buildings at
the very front and also the larger building in the back.
You're not going to see them very well because
it's (inaudible).
    HEARING EXAMINER ROBESON HANNAN: I just need to know
what exhibit.
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    MR. KLINE: Mr. Crum, can you help us? Do you remember
    which your rendered elevation site plan was?
MR. CRUM: I'm working on it.
MR. KLINE: Okay.
THE COURT REPORTER: 46 -- no.
(Crosstalk)
HEARINGEXAMINER ROBESON HANNAN: 42.
MR. KLINE: Yeah, that --
MS. TROCK: Maybe we don't even --
MR. KLINE: 42.
MS. TROCK: Maybe we don't need to show the site plan
because if we just get to the -- (inaudible) the genesis of
style and scale --
HEARINGEXAMINER ROBESON HANNAN: Okay. You should be
able to see it. Wait a minute. There.
MR. KLINE: All right. Okay.
MS. TROCK: Okay. So if you zoom right into the
middle, you can see were the main building is and that's on
the flag.
MR. KLINE: How about if we talk about them in the
order of phases they are coming so you can talk about how
you are building character?
MS. TROCK: Okay. So when people come onto this site,
they know that there's a cemetery here. But we believe that
they need to be greeted with something that was indicative

1 of what the cemetery stood for. So we wanted that first
2 pavilion; we were calling it a gazebo at one time, to be
3 a -- to have natural feel to it, natural materials, be open
4 so that you can the past it to the cemetery and the trees
5 beyond, and immediately let people know that they are
entering a park that was -- that's it, a park, that you're entering a forest.

And then of course you would stop off to the left and go to the office and talk about people in your family, et 10 cetera. Or meet up with people that are going to go into 11 the park together. But that was your first experience. And 12 then you would start driving through the park very slowly 13 meandering along the typography until you get to that 14 roundabout. And that would have been the end of phase 1.
15 And that's that we were thinking that at that point 16 people would get out of their cars and actually be able to 17 park there and start being able to walk into the trails all 18 the way back until we started to develop the rest of the 9 site. And as you keep going -- once we started to build the 20 road to go up, you still meander. And if you stop right 21 there at the crux or -- yeah, there is little parking spaces 2 right there.

That's your first view of the actual assembly hall. If 4 you look up the hill you were see the assembly hall in front of you. And then you work your way up around the assembly
hall and go to the back of it and that's where the parking
spaces are. So you go the other way, that way. Yeah. And
you go into the parking spaces. And from those parking
spaces is the front of the building where you will actually
enter the building. And at that point we could -- I could
go to a plan and show you what the building is all about.
MR. KLINE: Yeah. We probably should get your
elevations up now.
MS. TROCK: Or the plan and the elevations would be
great.
HEARING EXAMINER ROBESON HANNAN: Okay. Can you give me an exhibit?

MR. KLINE: I'm looking.
HEARING EXAMINER ROBESON HANNAN: It's not visual PDF
image?
UNKNOWN SPEAKER: No. It should be up at the very
beginning.
UNKNOWN SPEAKER: They are at the top.
MR. KLINE: Oh, okay. Yes, Exhibit 21.
HEARING EXAMINER ROBESON HANNAN: Okay.
MS. TROCK: That's the entrance gate.
UNKNOWN SPEAKER: E through H .
MS. TROCK: This is the entrance pavilion. So this is
the entrance pavilion. You can see it's 20 by 20. It's
open on all four sides. It has a skylight at the top of it.

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| :---: | :---: |
| 1 So a tree will literally be growing inside the middle of | 1 coming from the parking lot, this is what you would see. |
| 2 this pavilion. And there are benches on all four sides. | 2 The entrance is where you see the guy sort of on the left. |
| 3 And above those benches are displays of things that are | 3 And of course we would have ADA accessible ramps to get up |
| 4 coming up in the community, displays about green cemeteries | 4 to the building. |
| 5 or trails that are in the park, anything that people might | 5 And what I tried to do is, the building is 25 feet to |
| 6 be interested in as they meet, as they congregate for | 6 the top, which is not really very tall for a building that's |
| 7 walking on the trails or for meeting with people for burial | 7 going to hold 200 people in assembly. But we also broke |
| 8 or for whatever reasons that they come there. | 8 down the scale of the building by putting smaller pieces |
| 9 materials and the overhanging roof are an indication of the | 9 with smaller roofs so that the building was sit on the |
| 10 building that they are going to see at the end, which is the | 10 landscape comfortably so they wouldn't feel like just a big |
| 11 assembly hall. | 11 commercial building sitting on top of the building -- I |
| 12 HEARING EXAMINER ROBESON HANNAN: Okay. | 12 mean, of the land. |
| 13 MR. KLINE: And before you leave this discussion here, | 13 And then the one below is a façade looking from down |
| 14 you remember hearing Mr. Crum talk earlier about the plan | 14 the hill looking back up at the community building, the one |
| 15 talking about 100 foot setback in order to have a rural feel | 15 below. And then I would really like to take you to the |
| 16 along the frontage. These buildings are close, but not | 16 plan, which is the first drawing, the one top left. Yeah. |
| 17 exactly at that. Can you talk about how their design still | 17 So just to orient you, where the cars are is for you |
| 18 lends to that rural, rustic character? | 18 get dropped off. And you walk up to the building and you go |
| 19 MR. PUTMAN: Well obviously, the materials because | 19 past and entrance. And that big thing with all the circles |
| 20 we're going to be using maybe stone or brick for the base of | 20 in it is the assembly hall. And those are -- this hall will |
| 21 a lot of these posts and columns, and then wood columns | 21 hold maybe 200 people seated. I'm showing 160 people |
| 22 above that and then an overhanging roof. I'm not sure what | 22 sitting at tables there. And surrounding that assembly hall |
| 23 the materials are going to be of the roof, but the slope of | 23 are all of the spaces that support that assembly hall. On |
| 24 them obviously suggests residential architecture. Nothing | 24 the left you have the spaces that don't have windows on the |
| 25 is going to be too tall. And also the overhanging roof also | 25 really like the kitchen area, the body preparation area, the |
| 190 | 2 |
| 1 suggests shade and shelter, which we think is really | 1 bathrooms, coat closets, mechanica |
| 2 important for any building in a site like this. | 2 But on the front at the top or people most will see |
| 3 HEARING EXAMINER ROBESON HANNAN: Okay. And do you | 3 things first, you will see a library, the entrance lobby, |
| 4 have -- | 4 the office, and also meditation room. And then off to the |
| OCK: The ne | 5 right as you keep going, you actually exit the building |
| 6 MR. KLINE: Yeah, we'll - | 6 under a pergola and you're outside. And what I wanted to |
| 7 MS. TROCK: No, we will probably -- not that one | 7 show you here is that those little spaces each have some |
| 8 Probably D. No, not D, H. D and H. | 8 sort of a patio or outdoor space, an outdoor room so that |
| 9 MR. KLINE: Yeah, righ | 9 you always feel that when you are inside this building you |
| 10 MS. TROCK: Yeah. | 10 are also sort of outside the building. |
| 11 MR. KLINE: Because this is clearly the building that | 11 That's why the assembly hall, the whole wall at the |
| 12 got the most architecture associated with it. And now | 12 bottom of it is glass so that you are looking out over the |
| 13 you've got the floor plan. So maybe we ought to look at the | 13 landscape. And I can show you that in number 3, the sheet |
| 14 outside first? | 14 number 3. That's the façade that you would see of the |
| 15 MR. PUTMAN: Yeah, so scroll down to the ones below | 15 assembly hall. So you can see there is plenty of light. |
| 16 Oh, you were in there. Could you just scroll to them? | 16 There is plenty of openness so that you are witnessing the |
| 17 Because they were -- all four of them -- | 17 trees, the landscape, the sun, and you are part of the |
| 18 HEARING EXAMINER ROBESON HANNAN: Hold on. Hold on. | 18 experience of being in this park. |
| 19 Hold on. Do you want the large maintenance building? | 19 I think it's really important that outside and inside |
| 20 MR. KLINE: No, we want within E and H community | 20 are very connected here. I think it's also important to use |
| 21 building plans. There should be four of them | 21 natural materials that are serene, that are harmonious with |
| 22 HEARING EXAMINER ROBESON HANNAN: Oh, I'm sorry. | 22 the landscaping. Also that the scale is nothing -- I |
| 23 MR. KLINE: There you go. There we go. Great | 23 already talked about it -- is nothing too confrontational, |
| 24 MS. TROCK: Well, the one on top, the drawing on top is | 24 for lack of a better word. And the colors are also like |
| 25 actually what the entrance façade looks like. When you are | 25 trees, and like wood so just something more natural. And if |


| 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 |
| 7 | wonderful word for the top of that hill. I think it's a |
| 8 | perfect location for it. |
| $9 \quad$ MR. KLINE: You must have talked to Mr. Goodnoe about |  |
| 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. |
| $13 \quad$ 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. |
| $20 \quad$ 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? |
| $25 \quad$ MS. TROCK: Yeah, absolutely. I've been doing |  |

1 residential architecture on my own for about 14 years now.
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, 7 low sloped roofs, yes.
8 And also the scale that nothing is too big. So that 9 you can sort of tell how big a person is in relationship to 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 12 of feel, that relate to a human being.
13 MR. KLINE: Do you feel that the structures you've 14 talked about today are harmonious with the character of the
15 built environment surrounding the subject property?
16 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
19 also have planters on top of urns with all types of
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.
23 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
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 the space to be a community space that was spiritual, but not particularly religious. Just a place where you could feel that you had community because they are going to be community meetings in this building as well. There are going to be lectures in this building. There are going to be talks about the direction of how we treat death in our society. Things like that.

But also the library I think is important, that people can split up in groups if they want to, to get into smaller places like the library, the meditation room, to have
smaller discussions about the experience of death and what's
happening to the family. Things like that.
HEARING EXAMINER ROBESON HANNAN: Okay. Mr. Kline, is there anything else?

MR. KLINE: No, you were exactly right. I thought Ms.
Trock's comments were just a nice way to wrap up our
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presentation. And we -- that does complete our
presentation. She is available to answer any questions that
Mr. Putman might have.
HEARINGEXAMINER 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
windows at the top there's going to be an overhang, another
overhang. So there will be two overhangs because I know
exactly what you're talking about. And that --
MR. PUTMAN: It's a lovely -- a lovely design. Thank
you.
MS. TROCK: Thank you.
MR. KLINE: Madam Hearing Examiner --
HEARINGEXAMINER ROBESON HANNAN: Anything else?
MR. KLINE: That completes the Applicant's
presentation.
HEARINGEXAMINER ROBESON HANNAN: Okay. With that, Mr.
Kline, do you want to make a closing statement? Or does Mr.
Putman want to make a closing statement?
MR. KLINE: Well, I will go first, I guess. And that
is -- I think it was Haroon who used the comment about the
intense amount of time that had been spent on basically --

|  | 197 | 199 |
| :---: | :---: | :---: |
|  | the gestation period of his plan to go long time but they | 1 at it. |
|  | really wanted to invest in the physical aspects of it, their | 2 HEARINGEXAMINER ROBESON HANNAN: Well, why don't we |
|  | mission, and to accomplish that. So it's a very unique | 3 just send it to Patrick Butler? |
|  | situation. I think Mr. Putman has brought to our attention | 4 Mr. KLINE: Sure. Sure. We will do so. |
|  | a risk that could exist. And hopefully the presentation | 5 HEARING EXAMINER ROBESON HANNAN: And let him-- that's |
|  | today showed how we anticipated that and did everything we | 6 why he gets paid the big -- no. |
|  |  | 7 MR. KLINE: Okay, very good. |
|  | the public agencies who looked at it agreed with that | 8 HEARINGEXAMINER ROBESON HANNAN: Don't -- I didn't say |
|  | the public agencies who looked at it agreed with that. | 9 that. |
|  | This is only one step in the process. Actually, the | 10 MR. KLINE: I understand. |
|  | 0 preliminary plan and subdivision that will follow will | 11 HEARINGEXAMINER ROBESON HANNAN: He does (inaudible). |
|  | 1 probably in some ways get into more of the details of the | 12 MR. KLINE: But no, that -- |
|  | 2 environmental water quality issues themselves. But I hope | 13 HEARING EXAMINER ROBESON HANNAN: He works hard for his |
|  | 3 that you agree that the thought that's gone into this and | 14 money and that's the truth. |
|  | 14 the scrutiny of the subject matter and the importance of | 15 MR. KLINE: But the completeness of the presentation |
|  | 5 protecting the watershed has been incorporated in the | 16 today is borne out by the fact that only had to give you one |
|  | 6 design, and that you find that it meets the standards of the | 17 thing after the hearing. And normally there is a longer 18 list than that. |
|  | 7 zoning ordinance and the master plan, and would ask that | 19 HEARINGEXAMINER ROBESON HANNAN: You're killing me Mr. |
|  | 8 you -- I'm sorry -- that you publish a report approving the | 20 Kline. Okay. That's -- okay. So how long do you think you |
|  | 9 application. | 21 will need to get the rendering into me and -- |
|  | 20 HEARING EXAMINER ROBESON HANNAN: Okay. Mr. Putman, | 22 MR. KLINE: Sure. |
|  | 1 final words? | 23 HEARINGEXAMINER ROBESON HANNAN: You should send it to |
|  | 2 MR. PUTMAN: The presentation has been excellent. The | 24 OZHA and Mr. Butler and -- |
|  | 3 witnesses are very capable, obviously. And Mr. Kline has | 25 MR. KLINE: Sure. And Mr. Putman. |
|  | 4 orchestrated this like a symphony conductor. And you have |  |
|  | 5 aided and abetted him when he missed anything. So this has |  |
|  | 198 | 200 |
|  | been my first experience with a conditional use hearing. | 1 MR. PUTMAN: Putman, yes. |
|  | It's been very informative. I will rethink my objections, | 2 Mr. KLINE: Yeah, sure. Well, I would say probably |
|  | but I don't think I will change them because the European | 3 Basil could answer the question, but probably I would get it |
|  | 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 |
|  | think it's a risk we don't need to take. | 5 response within the 10 days you normally ask for for the |
|  | HEARINGEXAMINER ROBESON HANNAN: Okay. | 6 printing of the transcript. I think that's fairly |
|  | MR. PUTMAN: Thank you for the opportunity to speak. | 7 straightforward. |
|  | 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 -- |
|  | 1 talk about submittals and the date the record will close. | 10 maybe I miscounted -- August 9. Yeah, August 9 . |
|  | 12 MR. KLINE: Nothing to add. We've been talking for 6 | 11 MR. KLINE: Yeah. |
|  | 3 almost 7 hours I guess about this. I think you know | 12 HEARING EXAMINER ROBESON HANNAN: So if you got it in |
|  | 14 everything you need to know. I believe I owe you a copy of | 13 by the 3rd, I can ask for any comments by the 6th. |
|  | 15 what we would like to have as the office in the front, to | 14 MR. KLINE: Okay. More than likely, Mr. Butler will |
|  | 16 incorporate that in the record. | 15 call you back or listen to you then he will than me. But |
|  | 7 HEARING EXAMINER ROBESON HANNAN: And you have to send | 16 I'll -- I think -- Basil, am I correct that you can get me |
|  | 9 MR. KLINE: Okay | 17 something I can transmit it by Tuesday? |
|  | HEARING EXAMINER ROBESON HANNAN: And I can just see if | 18 DR. ELDADAH: Yes, that should work. Just to clarify, |
|  | 1 they have any comments. They may not. | 19 you're looking simply for a representational picture |
|  | 2 MR. KLINE: Very good. I might add, as you may know, | 20 the -- |
|  | 3 Ms. Testay has told me she is retiring at the end of the | 21 MR. KLINE: Yeah, sure. Ideally -- |
|  | 4 month of August and is on vacation for much of August. So I | 22 HEARING EXAMINER ROBESON HANNAN: I thought it was |
|  | 5 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 |
|  |  | 25 building. |

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| 201 | 203 |
| :---: | :---: |
| DR. ELDADAH: Okay. | 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 |
| 11 HEARING EXAMINER ROBESON HANNAN: Okay. So when can | 11 geus |
| 12 you get that? | 12 |
| 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 |
| 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 |  |
| 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 un P |
| 12 disagree with my decision, you can request an appeal to the | 12 $\qquad$ |
| 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. | 23 |
| 24 MR. PUTMAN: Thank you. | 24 |
| 25 (The recording was concluded at 4:05 p.m.) | 25 |

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[^0]:    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 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
    wonderful areas for our trail systems and overlooks, as part
    of this cemetery functioning more as a park than a cemetery
    in the long run, and during its entire life.
    The dotted lines represent drainage divide so we have a
    clear understanding for our water management strategies how
    the site drains, where it drains, and how much we need to
    capture to meet water management requirements.
    HEARINGEXAMINER ROBESON HANNAN: Mr. Goodnoe, can I
    ask a question? Where are the water -- these arrows, are
    the blue arrows the water drainage lines?
    MR. GOODNOE: Correct. That's the direction of flow
    from the drainage divide.
    HEARINGEXAMINER ROBESON HANNAN: Okay. And then these are topo lines, the ones that --

    MR. GOODNOE: Yes.
    HEARINGEXAMINER ROBESON HANNAN: Okay. I just wanted

