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Transcript of Hearing

Date: December 20, 2021

Case: Andrew Conner & Estefania Puricelli Equestrian Facility

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Transcript of Hearing
Conducted on December 20, 2021

1 (1 to 4)

<p style="text-align: right;">1</p> <p>1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS</p> <p>2 FOR MONTGOMERY COUNTY, MARYLAND</p> <p>3</p> <p>4 -----x</p> <p>5 Andrew Conner & Estefania :</p> <p>6 Puricelli Equestrian Facility:</p> <p>7 Applicant : Case No.: CU 22-03</p> <p>8 -----x</p> <p>9</p> <p>10</p> <p>11 HEARING</p> <p>12 BEFORE HEARING EXAMINER DEREK BAUMGARDNER</p> <p>13 Rockville, Maryland</p> <p>14 Tuesday, December 20, 2021</p> <p>15 9:36 a.m.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Job: 421001</p> <p>24 Pages: 1 - 38</p> <p>25 Transcribed by: Christian Naaden</p>	<p style="text-align: right;">3</p> <p>1 A P P E A R A N C E S</p> <p>2 FOR MONTGOMERY COUNTY OFFICE OF ZONING AND ADMINISTRATIVE</p> <p>3 HEARINGS: DEREK BAUMGARDNER - HEARING EXAMINER</p> <p>4</p> <p>5 APPLICANT:</p> <p>6 ANDREW CONNER & ESTEFANIA PURICELLI</p> <p>7 6001 Warm Springs Drive</p> <p>8 Derwood, Maryland 20855</p> <p>9</p> <p>10</p> <p>11 ALSO PRESENT:</p> <p>12 Nana Johnson, OZAH Staff</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">2</p> <p>1 Administrative Hearing held at:</p> <p>2</p> <p>3 Montgomery County Office of Zoning and Administrative</p> <p>4 Hearings:</p> <p>5 100 Maryland Avenue</p> <p>6 County Office Building</p> <p>7 Room 200</p> <p>8 Rockville, MD</p> <p>9 (240) 777-6660</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15 Pursuant to agreement before Jesse Greer, notary</p> <p>16 public, in and for the State of Maryland.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">4</p> <p>1 C O N T E N T S</p> <p>2</p> <p>3 Transcript of proceedings Page 5</p> <p>4</p> <p>5</p> <p>6 E X H I B I T S</p> <p>7</p> <p>8 Exhibit# Description Page</p> <p>9 1 Staff Report 13</p> <p>10 13 Letter of Support 23</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

Transcript of Hearing
Conducted on December 20, 2021

2 (5 to 8)

5	7
<p>1 PROCEEDINGS</p> <p>2 (On the record at 9:36 a.m.)</p> <p>3 MR. BAUMGARDNER: Good morning, we are going to open</p> <p>4 this case. The date is December 20th, 2021. The applicant is</p> <p>5 Andrew Conner and Estefania Puricelli. We are going to be</p> <p>6 recording this session right now. You should see a recording</p> <p>7 banner going on tow- -- on the top of your screen.</p> <p>8 This is OZAH Case CU 22-03 requesting a conditional use</p> <p>9 for an equestrian facility located at the property of 6001</p> <p>10 Warm Springs Drive, I believe, located in Derwood, Maryland.</p> <p>11 My name is Derek Baumgardner. I'm the hearing examiner</p> <p>12 for this case, which means that I will listen to you here</p> <p>13 today, take in evidence and write a decision based upon the</p> <p>14 evidence that's been submitted today. If you do not agree</p> <p>15 with that decision, you may request an appeal to the Board</p> <p>16 of Appeals within 10 days from the date of that decision.</p> <p>17 We are joined by Mr. Greer who is our court reporter,</p> <p>18 Ms. Johnson, who is our staff as well as the applicant. I do</p> <p>19 not see any other folks signed in or who have called in for</p> <p>20 today's hearing.</p> <p>21 Just a couple basics about our procedures, including</p> <p>22 the Microsoft Teams platform that you are logged onto today.</p> <p>23 First of all, can you hear and see me?</p> <p>24 [no verbal response]</p> <p>25 MR. BAUMGARDNER: Great. So as you can tell, we are</p>	<p>1 To the right of that icon is a -- emoticon with a</p> <p>2 number of different symbols and signs. We do use that for</p> <p>3 the virtual raise your hand feature. So one of those icons,</p> <p>4 is a little -- is a little raised hand. If you have a</p> <p>5 question or need to get my attention for something, you can</p> <p>6 physically raise your hand or you can also click on that</p> <p>7 hand feature which pops up on my screen and then let's me</p> <p>8 know that you have a question or issue that I need to</p> <p>9 address.</p> <p>10 To the right of that, one, two, three to the right of</p> <p>11 the raise your hand feature are the toggle screen -- or the</p> <p>12 toggle -- the toggle controls for your camera and your</p> <p>13 microphone and the shared screen feature. So if for any</p> <p>14 reason you have to go off camera, or you need to mute</p> <p>15 yourself, that little thing that looks like a microphone is</p> <p>16 the mute button.</p> <p>17 Next thing we're going to do is just identify the --</p> <p>18 the participants who are here today, which it looks like</p> <p>19 just the applicant. So if you can unmute yourself and just</p> <p>20 please give us your name, your address and a good email</p> <p>21 address for you, please.</p> <p>22 MS. PURICELLI: Hi, I'm Estefania Puricelli. My address</p> <p>23 is 6001 Warm Springs Drive, Derwood, Maryland. And a good</p> <p>24 email address is Estefania.puricelli@gmail.com. That is e-s-</p> <p>25 t-e-f-a-n-i-a dot p-u-r-i-c-e-l-l-i@gmail.com</p>
6	8
<p>1 using a virtual hear mat- -- hearing for our vir- -- virtual</p> <p>2 format for our hearing using Microsoft Teams. It allows us</p> <p>3 to conduct hearings -- public hearings using this virtual</p> <p>4 format.</p> <p>5 A couple things to note about Microsoft Teams and the</p> <p>6 virtual format. If you can, please, keep yourself on mute</p> <p>7 when you are not testifying or answering questions, that can</p> <p>8 eliminate background noise that can disturb the proceedings</p> <p>9 and if you have any issues with Teams during the hearing, if</p> <p>10 you get kicked off and you can't get back on, please call</p> <p>11 our office at (240) 777-6663. Again, that number is (240)</p> <p>12 777-6663.</p> <p>13 As I mentioned, this hearing is being recorded and we</p> <p>14 also have our court reporter on the line as well for -- for</p> <p>15 purposes of the transcript.</p> <p>16 On Teams at the top of your screen, towards the right-</p> <p>17 hand side of your screen, there are a number of icons. The</p> <p>18 first icon, if you put your cursor over it is the</p> <p>19 participants' icon. If you click on that it will -- should</p> <p>20 bring down a dropdown list on the right-hand side of your</p> <p>21 screen which shows the folks who have been logged in for</p> <p>22 today's hearing.</p> <p>23 To the right of the participants' icon, is a little</p> <p>24 chat feature that we do not use during these hearings. So</p> <p>25 you can ignore that.</p>	<p>1 MR. BAUMGARDNER: Okay. Thank you very much, ma'am. And</p> <p>2 are you represented by an attorney today or are you moving</p> <p>3 forward by yourself?</p> <p>4 MS. PURICELLI: No. We applied by ourselves.</p> <p>5 MR. BAUMGARDNER: Great. And I know that there is a</p> <p>6 brief issue with the affidavit of posting and we'll get into</p> <p>7 that in a second when we start your case that'll be --</p> <p>8 MS. PURICELLI: Yeah.</p> <p>9 MR. BAUMGARDNER: -- the first thing that we -- that we</p> <p>10 address --</p> <p>11 MS. PURICELLI: Mm-hmm.</p> <p>12 MR. BAUMGARDNER: -- and this should be relatively</p> <p>13 simple and straightforward. Typically for a case, we open</p> <p>14 the case with the applicant describing their application,</p> <p>15 explaining what they are seeking, explain the property, the</p> <p>16 use, anything that's different or unique about the property</p> <p>17 that should be brought to my attention.</p> <p>18 Any exhibits that you have submitted I can bring those</p> <p>19 up on my screen. I can share those for all those who have</p> <p>20 logged in. So if you want to bring up a map or a photograph</p> <p>21 or some other item which has already been submitted, our</p> <p>22 website currently has all of the exhibits that we have right</p> <p>23 now listed. So you can simply ask that, you know, exhibits</p> <p>24 be brought up and we can go through those.</p> <p>25 At the end of the case, you're welcome to give a</p>

Transcript of Hearing
Conducted on December 20, 2021

3 (9 to 12)

9	<p>1 closing remarks -- a closing statement if you like about a 2 particular use and I may have questions throughout your 3 presentation about the use and about the property. And then 4 we close. 5 We have 30 days -- 6 MS. PURICELLI: Okay. 7 MR. BAUMGARDNER: -- to -- to issue a report after 8 today's hearing and that is the report that you would -- 9 that you'll be able to appeal to the Board of Appeals within 10 10 days after that is issued if you do not like the results 11 of that report. 12 Any questions about the process before we get started 13 with the case itself? 14 MS. PURICELLI: Yes. I didn't know that I had to do a 15 PowerPoint presentation. 16 MR. BAUMGARDNER: So you do not have to do a 17 presentation other than explaining your appeal. 18 MS. PURICELLI: Oh, okay. 19 MR. BAUMGARDNER: Yeah. So simply explaining, you know, 20 what your plan is. Explain the property. We have everything 21 that you already submitted, so it's just -- 22 MS. PURICELLI: Okay. 23 MR. BAUMGARDNER: -- verbally explaining to me -- 24 MS. PURICELLI: Okay. 25 MR. BAUMGARDNER: -- what the proposed use --</p>	11
10	<p>1 MS. PURICELLI: Yes, apologize. Yes. 2 MR. BAUMGARDNER: That's -- that -- that is quite all 3 right. So -- 4 MS. PURICELLI: Okay. 5 MR. BAUMGARDNER: -- we're going to go formally on the 6 record in this case, which is OZAH Case CU 22-03. Mr. Greer, 7 are we ready to go? 8 MR. GREER: Yes, we are. We are on the record at this 9 time. Oh, I apologize. I didn't realize I was muted. We 10 already -- we are ready to go at this time. 11 MR. BAUMGARDNER: Great. Thank you very much. Jesse is 12 our court reporter for today. 13 So we are on the record in this case, we are being 14 recorded and we will open it up to the applicant to explain 15 their -- their application. Please explain the use of the 16 property, any background you have in the particular use and 17 I will probably have some questions as you go through your 18 presentation. 19 Please raise your right hand. And, ma'am, do you swear 20 or affirm under penalties of perjury that the -- that the 21 testimony you're about to give is the truth, the whole truth 22 and nothing but the truth? 23 MS. PURICELLI: Yes. 24 MR. BAUMGARDNER: All right. Please explain your 25 project to me.</p>	12
	<p>1 MS. PURICELLI: So we bought this property a couple of 2 years ago. We live in that property. It's a single-family 3 house that has a barn. And it's a two acres property and I 4 would like to have the -- the -- the permit to be able to 5 have a couple of horses. 6 I'm familiar with horses, I own them since I'm very 7 young and I am also working -- I volunteer in different 8 barns in Maryland. I also work for the University of 9 Maryland. I volunteer in the barn at the University of 10 Maryland as they are a cultural school and -- and I also 11 currently work at a barn in Maryland as a trainer, 12 instructor. 13 MR. BAUMGARDNER: Okay. Tell me about the size of your 14 property and what are the current improvements or any kind 15 of buildings or other -- other infrastructure that would 16 support the boarding of horses. 17 MS. PURICELLI: So the property is, as I said, two 18 acres total. It's all fenced. It has two separate pastures 19 separated by fences. And it has a barn that was remodeled 20 and it's all new. It was done before we moved. And it can -- 21 and it has like two stalls for horses. It also has like a 22 dry area next to it and -- yeah, it's a -- it's kind of 23 clean pasture that's in -- in the side of the barn is and 24 then there's some other trees in the other side of the 25 pasture but still there's like a lot of grass.</p>	

Transcript of Hearing
Conducted on December 20, 2021

4 (13 to 16)

13	<p>1 MS. PURICELLI: It will be like, kind of like the trash</p> <p>2 services, it will be like weekly or like more if you need</p> <p>3 it.</p> <p>4 MR. BAUMGARDNER: Okay. Have you had the opportunity to</p> <p>5 read -- to review the Planning -- the Planning Department's</p> <p>6 staff report regarding issues?</p> <p>7 MS. PURICELLI: Yes.</p> <p>8 MR. BAUMGARDNER: Do you agree with it? Are there parts</p> <p>9 that you disagree with? And do you agree with their</p> <p>10 conclusions?</p> <p>11 MS. PURICELLI: Yeah, I -- I agree.</p> <p>12 MR. BAUMGARDNER: Okay. Because it looks like they are</p> <p>13 recommending approval with certain conditions. Let me go</p> <p>14 through those conditions right now with you just so that</p> <p>15 everything is clear.</p> <p>16 MS. PURICELLI: So if I recall correctly, I don't have</p> <p>17 the report in front of me, but if I recall correctly I had</p> <p>18 to add some screening in one of the sides next to my</p> <p>19 neighbor. That will be fine. I can add as many -- I mean I</p> <p>20 add already trees and my neighbor already added more trees</p> <p>21 so they're young and there is -- they're young and -- on the</p> <p>22 other side -- they're going to grow but I can --</p> <p>23 MR. BAUMGARDNER: Mm-hmm.</p> <p>24 MS. PURICELLI: -- add more screen as -- as needed. And</p> <p>25 then the -- the -- one of the main issues that we have is</p>	15	<p>1 essentially the -- the property, if approved, the property</p> <p>2 would have to meet what the site plan that you submitted</p> <p>3 shows. They're limiting you to a maximum of two horses on</p> <p>4 the property.</p> <p>5 The applicants must not rent out any of the horses in</p> <p>6 the equestrian facility. Is that something that you agree</p> <p>7 to?</p> <p>8 MS. PURICELLI: Yes, yes.</p> <p>9 MR. BAUMGARDNER: Okay. Limit on riding lessons to two</p> <p>10 per day. You know, a eque- -- no equestrian events on the</p> <p>11 property. That'd be hard with two acres.</p> <p>12 MS. PURICELLI: Yes, two horses.</p> <p>13 MR. BAUMGARDNER: No identification signs on the</p> <p>14 property. Looks like there are variances that you would need</p> <p>15 to seek for the location of the barn, which you mentioned.</p> <p>16 A pasture and maintenance plan, which you mentioned</p> <p>17 with regard to the manure boxes.</p> <p>18 How about feeding, are there any other details</p> <p>19 regarding feeding including the -- the delivery of any feed</p> <p>20 to the property?</p> <p>21 MS. PURICELLI: Yes. Yes, so we have nearby [inaudible]</p> <p>22 that they -- they own horses too and they have a service</p> <p>23 that they provide hay, so we can -- you know, they told me</p> <p>24 they can -- they can help me with that. And also in the barn</p> <p>25 that I work, they mentioned that they can help with that</p>
14	<p>1 that the barn is too close to my neighbor's property. He</p> <p>2 also has a barn. He used to have a -- a conditional approve</p> <p>3 for horses --</p> <p>4 MR. BAUMGARDNER: Mm-hmm.</p> <p>5 MS. PURICELLI: -- with [inaudible] him -- [inaudible]</p> <p>6 -- and -- yeah, but he said that he has no issue with us</p> <p>7 having horses, he supports it. He submitted a letter</p> <p>8 supporting it, so --</p> <p>9 MR. BAUMGARDNER: Okay. You should see on your screen</p> <p>10 right now the --</p> <p>11 MS. PURICELLI: Yeah, thank you.</p> <p>12 MR. BAUMGARDNER: -- staff report.</p> <p>13 MS. PURICELLI: Mm-hmm.</p> <p>14 MR. BAUMGARDNER: Let me scroll back to the top. They</p> <p>15 just changed their formatting for these so the -- the</p> <p>16 format's different --</p> <p>17 MS. PURICELLI: Yeah.</p> <p>18 MR. BAUMGARDNER: -- from what they normally do. Here's</p> <p>19 the summary. Ah-ah, there we go. So these are the condi- --</p> <p>20 these are the recommended conditions of approval from the</p> <p>21 Planning Department so that would be from the Planning Board</p> <p>22 as well. I'll pull up the Planning Board's report in a</p> <p>23 second just to make sure there aren't any changes.</p> <p>24 So number one, all uses on the site must conform to the</p> <p>25 conditional use site plan. That's a standard condition. So</p>	16	<p>1 too.</p> <p>2 MR. BAUMGARDNER: Okay. Are you aware of any State</p> <p>3 requirements that you would need to fulfill if you're</p> <p>4 approved here today?</p> <p>5 MS. PURICELLI: So my understanding is that I would</p> <p>6 have to -- to meet some pasture management report --</p> <p>7 MR. BAUMGARDNER: Mm-hmm.</p> <p>8 MS. PURICELLI: -- and that if I -- I cannot ex- -- if</p> <p>9 my income is more than \$2500 a year I will have to submit</p> <p>10 something as -- I don't think that I will have that much</p> <p>11 income on that because it's more like personal use, but I</p> <p>12 mean we added the lessons just in case to have like some</p> <p>13 flexibility --</p> <p>14 MR. BAUMGARDNER: Mm-hmm.</p> <p>15 MS. PURICELLI: -- but that's as far as I know but if</p> <p>16 there's anything else, I'm happy to submit or work on it.</p> <p>17 MR. BAUMGARDNER: Okay. Let me see if I can find -- so</p> <p>18 in your screen right now it should show you an aerial view</p> <p>19 of the property. I'm putting my cursor -- I'm assum- --</p> <p>20 there's the compass. So I'm putting my cursor over what is</p> <p>21 the southeast corner or quadrant of the property.</p> <p>22 MS. PURICELLI: Yeah.</p> <p>23 MR. BAUMGARDNER: Is this the barn right here?</p> <p>24 MS. PURICELLI: Yes. Correct.</p> <p>25 MR. BAUMGARDNER: Okay. So to the north of the prop- --</p>

Transcript of Hearing
Conducted on December 20, 2021

5 (17 to 20)

<p>17</p> <p>1 to the north of the property, this is your neighbor right 2 here? 3 MS. PURICELLI: Yes. 4 MR. BAUMGARDNER: Okay. So this barn is too close to 5 this property line and that requires the variance; correct? 6 MS. PURICELLI: Yes. That -- that's my understanding. I 7 -- I mean, it's my first time doing this, so it's not that 8 I'm a specially -- I'm on economy so it's not my thing, but 9 yes. 10 MR. BAUMGARDNER: I understand. You had mentioned that 11 -- that the property is currently divided so that there's a 12 residential portion of the property, which is your home and 13 then -- 14 MS. PURICELLI: Mm-hmm. 15 MR. BAUMGARDNER: -- there are two separate pastures? 16 MS. PURICELLI: Yeah, so if you can see there's like 17 the pasture that is in the barn and then the one that is -- 18 there's a section that is outside the pool area that horses 19 can also graze. 20 MR. BAUMGARDNER: So the -- the northern section of the 21 property. I'm moving my cursor over the northern -- looks 22 like there's some -- some evergreen trees, a couple other 23 trees that are kind of sitting here. So that's the -- 24 MS. PURICELLI: Yeah. 25 MR. BAUMGARDNER: -- second -- the second pasture area.</p>	<p>19</p> <p>1 home is a single-family home; is that correct? 2 MS. PURICELLI: Yes. 3 MR. BAUMGARDNER: And you mentioned that you reside 4 there; correct? 5 MS. PURICELLI: Yes, that's correct. 6 MR. BAUMGARDNER: Okay. And it looks like the only 7 entrance and exit is what I'm pointing to with my cursor on 8 the south side of the property, looks like a pretty standard 9 residential driveway? 10 MS. PURICELLI: Yes, that's correct. 11 MR. BAUMGARDNER: Okay. Let me keep -- what I'm showing 12 on your screen has been marked on the staff report as Figure 13 3, that's labeled as -- 14 MS. PURICELLI: Mm-hmm. 15 MR. BAUMGARDNER: -- existing barn on the property. And 16 then below that on the staff report on page 4 marked as 17 Figure 4, it is labeled as view across the pasture one 18 toward barn. And fence separating it from pasture two. So 19 I'm looking at the fence that you had mentioned on the left 20 side of Figure 3. I'm putting my cursor around a building. 21 What building is that? 22 MS. PURICELLI: Oh, I think that that's a house. 23 MR. BAUMGARDNER: So that's the neighbor or your house? 24 MS. PURICELLI: No, my house. 25 MR. BAUMGARDNER: Got it. So that's your house. I am --</p>
<p>18</p> <p>1 MS. PURICELLI: Yes, correct, yeah. 2 MR. BAUMGARDNER: Is that pasture area separated from 3 the home? 4 MS. PURICELLI: I mean, yes because there's a little 5 fence that it goes all around the main exit of the house. So 6 there's a yard around the pool that has a fence. I don't 7 know if you can see the white fence around that area. 8 MR. BAUMGARDNER: I can, yes. Almost right in the 9 middle of the lot. 10 MS. PURICELLI: Yes. 11 MR. BAUMGARDNER: Okay. Is there anything separating 12 this pasture area from this road? Is this Amelung Lane? 13 MS. PURICELLI: Yes, there's -- yes, there's a -- a 14 fence. 15 MR. BAUMGARDNER: Okay. 16 MS. PURICELLI: There's a fence, you know, those that 17 are like white with like a big, long strips and also there's 18 kind of chicken wire. 19 MR. BAUMGARDNER: Okay. So there's no way that a horse 20 would be able to just wander outside -- 21 MS. PURICELLI: No. 22 MR. BAUMGARDNER: -- of the property? Okay. 23 MS. PURICELLI: No, hopefully not. And no kids either 24 or dogs. Dogs sometimes but depending on the size. 25 MR. BAUMGARDNER: I got it. I -- I understand. And the</p>	<p>20</p> <p>1 I'm orienting myself. So here's the barn. That's your house. 2 Looks like there's a playground back there. Is that your -- 3 MS. PURICELLI: Yes. 4 MR. BAUMGARDNER: -- playground or a ne -- okay. So 5 that's your playground. 6 MS. PURICELLI: Yes. 7 MR. BAUMGARDNER: Got it. Going through the staff 8 report some more. What's marked as Figure 5 is a 9 neighborhood map with the zoning districts marked and it 10 looks like staff has circled an area around your property 11 constituting the surrounding neighborhood which clude [sic] 12 -- includes on the western portion a portion of Rock Creek 13 Park. A northern terminus of an RE2 neighborhood marked by 14 Needwood Lake Road [sic]. 15 On the east it looks like it goes through a 16 neighborhood which includes a property called Barnsley 17 House, which I'm not familiar with but I will keep reviewing 18 this. Looks like there's other residential properties, 19 rather large lots. And another section of Rock Creek Park on 20 the far southeast quadrant that is outside of the staff 21 delineated surrounding neighborhood by just a little bit. 22 All right. 23 MS. PURICELLI: Yes. I believe that the neighborhood 24 was created to have horses before Lake Needwood where I go 25 to ride there.</p>

Transcript of Hearing
Conducted on December 20, 2021

6 (21 to 24)

<p>21</p> <p>1 MR. BAUMGARDNER: Mm-hmm.</p> <p>2 MS. PURICELLI: What I've been researching that you</p> <p>3 cannot drive in Lake Needwood Park but you can in Lake Frank</p> <p>4 --</p> <p>5 MR. BAUMGARDNER: Okay.</p> <p>6 MS. PURICELLI: -- Park.</p> <p>7 MR. BAUMGARDNER: And how close is that park from your</p> <p>8 property?</p> <p>9 MS. PURICELLI: So it's the one that you see in the</p> <p>10 right -- yes, in -- in that little corner in the south</p> <p>11 right.</p> <p>12 MR. BAUMGARDNER: Okay. I got it. Understood. Okay.</p> <p>13 Going through the rest of the staff report, there's a zoning</p> <p>14 and land use history --</p> <p>15 MS. PURICELLI: That's something that's -- I'm sorry.</p> <p>16 Something that I just seen that I -- I -- I apologize that I</p> <p>17 haven't seen it before. The last name of my husband is</p> <p>18 Conner with "e." Sorry, I haven't seen that.</p> <p>19 MR. BAUMGARDNER: That's all right.</p> <p>20 MS. PURICELLI: So you see in the -- in the foot- -- in</p> <p>21 the corner -- in the lower corner of the page, you can see -</p> <p>22 -</p> <p>23 MR. BAUMGARDNER: Mm-hmm.</p> <p>24 MS. PURICELLI: -- yeah, I apologize. I -- I haven't</p> <p>25 seen it before.</p>	<p>23</p> <p>1 here. There's one letter of support from a neighbor, Gus</p> <p>2 Stades [ph] I believe, which we have marked as Exhibit 13.</p> <p>3 Let me pull that up. It -- he says that he is writing to</p> <p>4 offer his support for the application, that his house is</p> <p>5 within 100 feet of the horse barn and surrounding pasture.</p> <p>6 He's aware that you'll be seeking a variance to have horses</p> <p>7 on the property.</p> <p>8 Is he the -- is he the homeowner that lives directly</p> <p>9 behind you?</p> <p>10 MS. PURICELLI: Yes.</p> <p>11 MR. BAUMGARDNER: Okay. We also received a letter from</p> <p>12 -- that was unnamed, unsigned from Avery Village Community</p> <p>13 Members. It does not follow our rules: It's not signed, it</p> <p>14 doesn't have any names, so it is not included in the record</p> <p>15 and -- and it will not be considered for this hearing today.</p> <p>16 We require all letters to be signed with names so we can</p> <p>17 identify folks and contact them if we have any questions. So</p> <p>18 I just wanted to note that for your --</p> <p>19 MS. PURICELLI: It was a positive letter?</p> <p>20 MR. BAUMGARDNER: I'm sorry, what was that?</p> <p>21 MS. PURICELLI: It was a positive letter as like</p> <p>22 support or --</p> <p>23 MR. BAUMGARDNER: It was not.</p> <p>24 MS. PURICELLI: -- against?</p> <p>25 MR. BAUMGARDNER: It was a letter -- it was a -- it was</p>
<p>22</p> <p>1 MR. BAUMGARDNER: It's okay.</p> <p>2 MS. PURICELLI: -- it's like very common for everybody,</p> <p>3 like pronounces it, yeah.</p> <p>4 MR. BAUMGARDNER: So it's -- so it's C-o-n-n-e-r?</p> <p>5 MS. PURICELLI: Yes.</p> <p>6 MR. BAUMGARDNER: Okay. We'll make that correction for</p> <p>7 the report.</p> <p>8 All right. Going through the rest of the staff report</p> <p>9 are things we've talked about. Figure 6 as a conditional use</p> <p>10 plan contained on page 7 of the staff report, presumably</p> <p>11 this is your conditional use plan. It shows the fencing, it</p> <p>12 shows the proposed composting bins that you had testified</p> <p>13 about 10 minutes ago, regarding here at the front corner of</p> <p>14 the property it lists pasture 1 and pasture 2 with the pool</p> <p>15 area and the residential part of the property including the</p> <p>16 fencing that you had referenced earlier.</p> <p>17 It shows the property is surrounded on three sides by</p> <p>18 streets Amelung Lane, Warm Springs Drive, where the</p> <p>19 property's addressed, and Avery Road. There's some more</p> <p>20 figures showing current fencing -- existing fencing</p> <p>21 including where the manure bins would be located.</p> <p>22 I'm just going through any other elements of the staff</p> <p>23 report that I might have questions about.</p> <p>24 We did receive one letter -- well, I should say there</p> <p>25 is one letter from -- let me make sure I get names right</p>	<p>24</p> <p>1 a letter --</p> <p>2 MS. PURICELLI: [inaudible] --</p> <p>3 MR. BAUMGARDNER: -- that had concerns about the -- the</p> <p>4 boarding of horses. It had other concerns about -- that were</p> <p>5 more general in nature. They weren't -- they weren't, you</p> <p>6 know, very specific.</p> <p>7 MS. PURICELLI: Okay.</p> <p>8 MR. BAUMGARDNER: But -- but since it didn't -- it</p> <p>9 didn't meet our rules it will not be considered for this</p> <p>10 particular case.</p> <p>11 MS. PURICELLI: Okay.</p> <p>12 MR. BAUMGARDNER: I -- I think those are all the</p> <p>13 questions that I had regarding the application. You had</p> <p>14 mentioned in your application that there might be things</p> <p>15 like riding lessons. Can you describe for me what that might</p> <p>16 look like in terms of frequency, you know, whether you'd be</p> <p>17 advertising for -- for riding lessons or whether it'll be</p> <p>18 just something that will be word of mouth? Tell me a little</p> <p>19 bit about what you might consider with regards to the -- the</p> <p>20 riding lesson aspect of this application.</p> <p>21 MS. PURICELLI: So as I mentioned before, I'm a -- I'm</p> <p>22 an instructor in one barn in -- in Germantown and my -- the</p> <p>23 friends of my daughters know that I'm a -- I teach horseback</p> <p>24 riding and I -- they've been asking me already the mothers</p> <p>25 like, oh, like if you have horses in your house will you</p>

Transcript of Hearing
Conducted on December 20, 2021

7 (25 to 28)

<p>25</p> <p>1 teach my daughter, will you teach my -- my son. So that kind 2 of thing because usually -- 3 MR. BAUMGARDNER: Okay. 4 MS. PURICELLI: -- there's some ones that are further 5 away. I mean, I -- I still had to -- we did some research on 6 insurance and all that. I mean, I have a full-time job. It's 7 not that it would be my main income or anything like that 8 but -- 9 MR. BAUMGARDNER: Yeah. 10 MS. PURICELLI: -- occasionally I might, you know, pick 11 some kids to ride -- kids, not -- not adults. My daughter is 12 taking lessons in another barn. She likes horses, I might, 13 you know, give her more lessons so she might ride. So it 14 might look like a lesson but it's my daughter and myself, 15 you know. 16 My son, the same. So yeah, I'm not expecting something 17 to be like a commercial facility or anything like that. It 18 will be something more like if I have more formal students 19 it will be like once a week, one hour, and it -- the 20 property and I -- I'm not going to put signs or anything 21 like that. 22 Again, it's my house and I have a full-time job. We 23 just added it in the applications [sic] because we had -- we 24 wanted some flexibility just in case if there's horses there 25 I don't foresee having like very big horses, so they're</p>	<p>27</p> <p>1 the -- the research for -- for that. 2 MR. BAUMGARDNER: I understand. Thank you. Getting back 3 to what I should have started with, the affidavit of posting 4 -- 5 MS. PURICELLI: Yes. 6 MR. BAUMGARDNER: -- we do need that for the record 7 which does require to be notarized. Are you at the property 8 right now? 9 MS. PURICELLI: No, I'm not. I had to travel to 10 Argentina because of family issues so we are -- 11 MR. BAUMGARDNER: Okay. 12 MS. PURICELLI: -- not right now there. For me to get a 13 notarized -- I'm trying to think if there's a way I can from 14 here -- the notarizations in Argentina are different -- 15 MR. BAUMGARDNER: Okay. 16 MS. PURICELLI: -- so I don't think they're going to be 17 what you'll need. We're planning to go back in January, mid- 18 January, so as soon as I get there I can notarize it in a 19 bank there but, yeah, apologize for that. We kind of had to 20 leave fast and I didn't know that. And I asked beforehand if 21 I need to prepare anything. But, yeah, we just kind of rush 22 out, so -- 23 MR. BAUMGARDNER: Okay. The reason why that's important 24 is to confirm that the -- that the sign posting is still up. 25 So can you tell me when the sign went up and can you verify</p>
<p>26</p> <p>1 going to be what is typically called ponies or less than 14 2 hand tall. 3 MR. BAUMGARDNER: Okay. 4 MS. PURICELLI: And so they're going to be like a 5 little bit more petty, they're not going to be huge, you 6 know -- 7 MR. BAUMGARDNER: Okay. 8 MS. PURICELLI: -- [inaudible] on horses or anything 9 like that. So yeah, they're going to be more like big pets. 10 I know I -- 11 MR. BAUMGARDNER: I see. 12 MS. PURICELLI: -- and we, you know, try to -- to have 13 fun with the kids, [inaudible] outside and I think it's my 14 friends want to take pictures and that, you know, that -- 15 that type of -- of stuff. 16 MR. BAUMGARDNER: Okay. 17 MS. PURICELLI: But again, I want to be very conscious 18 on all the insurance issues that I had to check before even, 19 you know -- because one thing is, a friend hop on a horse 20 but it's very different if -- if you say, you know, doing it 21 prof- -- profit or like a change job -- [inaudible]. 22 So yeah, that's something that I -- I start like doing 23 some research but I wanted to know first if I -- if there is 24 a possibility before, you know, investing more time on -- on 25 that thought. So yeah, if it's approved, I'm going to do all</p>	<p>28</p> <p>1 that the sign is still there today? 2 MS. PURICELLI: Yes. I put the sign the day that one of 3 your colleagues, I believe, gave them to me. So the sign is 4 still up. I secure it really well with the fence and because 5 with the winds, it's -- it's -- it's hard to keep it there 6 and also I didn't want to hurt anyone with the same kind of 7 [inaudible]. So it's secure and I can text one of my -- my - 8 - my neighbors and ask them but I believe it's there. I mean 9 it's -- it's -- somebody will need to take it out on purpose 10 to -- it's not going to blow, so -- 11 MR. BAUMGARDNER: Um-- 12 MS. PURICELLI: -- I secure it. 13 MR. BAUMGARDNER: -- and which fence was it -- was the 14 sign secured to? 15 MS. PURICELLI: One in -- I cannot pronounce that name. 16 Ame- -- Ame- -- Amelung. 17 MR. BAUMGARDNER: Yep. 18 MS. PURICELLI: Amelung Road. 19 MR. BAUMGARDNER: Got it. So the Amelung Road -- 20 MS. PURICELLI: Ame- -- yes, sorry, Amelung. 21 MR. BAUMGARDNER: -- [inaudible] is where the sign was 22 posted. And was it posted on the fence, you said? 23 MS. PURICELLI: Yes. There were two extra ones. We had 24 one on the corner that you saw in the activity that there 25 was a compost in the other side, so there was the one that</p>

Transcript of Hearing
Conducted on December 20, 2021

8 (29 to 32)

<p>29</p> <p>1 was seen Avery and Warm Springs Drive. We had an issue with 2 that because it was constantly blowing away and it was very 3 difficult to -- to securing the fence, it was the wooden 4 fence --</p> <p>5 MR. BAUMGARDNER: Mm-hmm.</p> <p>6 MS. PURICELLI: -- and I had to pick it up in the other 7 side of the street many times with the wind so I -- I took 8 that out. I didn't want to -- anyone to get hurt with that, 9 especially the Avery Road is really -- you know, there's a 10 lot of traffic there. So yeah, I don't want -- I didn't want 11 any issue with that. So I took it out. But I -- I left the 12 other one that was -- I was able to secure it really well.</p> <p>13 MR. BAUMGARDNER: So as far as you know today, there's 14 one sign on the property or three signs?</p> <p>15 MS. PURICELLI: Yes.</p> <p>16 MR. BAUMGARDNER: There's the one off Amelung.</p> <p>17 MS. PURICELLI: Yes. Before I left I took out the one 18 that was in Avery and Warm-- Warm Springs Drive because I - 19 - yeah, I -- I -- I'm -- I wasn't -- I -- I was concerned 20 that it was going to hurt someone and it was going to be a 21 bigger problem, so --</p> <p>22 MR. BAUMGARDNER: Okay.</p> <p>23 MS. PURICELLI: -- all my neighbors asked me about it, 24 like all of my friends that were driving around because they 25 saw it there.</p>	<p>31</p> <p>1 MR. BAUMGARDNER: -- so there are folks in the 2 Department of Permitting Services that would be your point 3 people in terms of the actual permit that you would need to 4 seek and receive from the County. A lot of the -- the waste 5 management practices and -- and the licensure side is -- is 6 -- is going to be through the State of Maryland. So the 7 State folks, I do not know who that might be --</p> <p>8 MS. PURICELLI: Okay.</p> <p>9 MR. BAUMGARDNER: -- but the -- the -- the folks with 10 DPS would be your best spot to reach out to just to make 11 sure that you're obtaining what you need to obtain. Part of 12 any approval is that you maintain proper permits, so that 13 includes any permits from the County as well as any permits 14 from the State of Maryland.</p> <p>15 So it's -- it's not the best answer to your question 16 but --</p> <p>17 MS. PURICELLI: No, no worries. This information is 18 useful. If it is -- gets approved, when can I have a horse?</p> <p>19 MR. BAUMGARDNER: After you get the permits. So when we 20 issue our report, that allows you to file for the permit 21 itself and then there's a permit review period that will 22 depend upon the complexity of your permit.</p> <p>23 So depending upon the DPS's timeline, that would go by 24 that. I don't know what that timeline is. My understanding 25 is it's based on capacity and how busy they are. So if they</p>
<p>30</p> <p>1 MR. BAUMGARDNER: Okay. All right. Those are all the 2 questions that I have. I don't see anyone logged in but just 3 in an abundance of caution, are there any questions for the 4 applicant regarding this application for an equestrian 5 center on -- at 6001 Warm Springs Drive, Derwood, Maryland? 6 Going once, going twice.</p> <p>7 Not hearing any questions from anyone who is logged in, 8 because there is no one else logged in or called in, did you 9 have any questions about the process or the application 10 before we close today's hearing?</p> <p>11 MS. PURICELLI: Yes. Once approved, is there's someone 12 that will be kind of like the focal point of the County to 13 ask questions during, you know, why things are -- I mean, 14 assuming if I get the approval, would I -- is someone going 15 to be my focal point or my person to ask questions to -- 16 regarding the -- the -- the pasture management, the other 17 report that I have to submit if I have an income -- is there 18 anyone that I will stay in touch with or an office that I 19 need to -- assuming again --</p> <p>20 MR. BAUMGARDNER: Sure.</p> <p>21 MS. PURICELLI: -- that it gets approved?</p> <p>22 MR. BAUMGARDNER: Mm-hmm. Sure. So if -- if the appeal-- 23 -- if the conditional use is approved, it would then jump to 24 the permit process --</p> <p>25 MS. PURICELLI: Okay.</p>	<p>32</p> <p>1 have a lot of permits to review, it might take a little bit 2 longer. If they are -- if they're not too busy, it would 3 take a short period of time.</p> <p>4 For something like this, since there's not a 5 transportation element to it, it doesn't have to be -- be 6 referred out to a lot of other agencies, so I'd imagine that 7 the -- the turnaround time would be fairly quickly. But I -- 8 I think the bigger -- the more timely process would be with 9 the State of Maryland their licensure process for the 10 horses. And that I can't speak to. But I think with that -- 11 that will likely take a little bit longer.</p> <p>12 So I don't have a date certain for you but I tell you 13 that our report will be out within 30 days and then it would 14 jump to the permit stage.</p> <p>15 MS. PURICELLI: Okay. And then I had to ap- -- actually 16 apply for the permit or you guys will just push that to the 17 permit place?</p> <p>18 MR. BAUMGARDNER: You have to actively apply.</p> <p>19 MS. PURICELLI: Okay. And that will be with the State 20 of Maryland?</p> <p>21 MR. BAUMGARDNER: The State of Maryland and Montgomery 22 County. So they're kind of like --</p> <p>23 MS. PURICELLI: Okay.</p> <p>24 MR. BAUMGARDNER: -- two -- two parallel courses. 25 Oftentimes the State of Maryland requires you to get local</p>

Transcript of Hearing
Conducted on December 20, 2021

9 (33 to 36)

<p>33</p> <p>1 approval first. So I would suggest following up -- once you 2 get our report, follow-up with the -- with the County first 3 and the permitting process there to get that ball rolling. 4 And then ask DPS what steps you would need to take with the 5 State of Maryland for the state licensure part. 6 MS. PURICELLI: Perfect. Okay. Okay, well, thank you 7 sir, very much. 8 MR. BAUMGARDNER: You're welcome. You're welcome. Was 9 there anything else that you wanted to say or to conclude 10 with before we close this hearing today? 11 MS. PURICELLI: No. I think it -- it will be it. 12 MR. BAUMGARDNER: Okay. 13 MS. PURICELLI: Only, some -- that I have just in case 14 to be -- if any kid wants to take pictures, you know that 15 sometimes the -- some mothers do like a picture sessions, 16 blah, blah, blah and they want the -- one of my -- do some 17 pictures in my house with the horse, is that renting the 18 horse, no, right? I mean, I -- is that something that I can 19 do? I know that it's a weird very -- 20 MR. BAUMGARDNER: Yeah. It's a -- 21 MS. PURICELLI: -- I want to be that I cover 22 everything. 23 MR. BAUMGARDNER: Sure. I mean, it's a hypothetical 24 question. I don't know that -- that I have a good answer, 25 but I would say that in general -- general household use</p>	<p>35</p> <p>1 MR. BAUMGARDNER: So yeah, I -- 2 MS. PURICELLI: No, I under- -- 3 MR. BAUMGARDNER: Yeah. I can't give you a hard and 4 fast with that but -- but -- but certainly it's within the 5 realm of what anyone would do having an animal on their 6 property would certainly be allowed. 7 MS. PURICELLI: Okay. Perfect. That makes sense. Thank 8 you so much. 9 MR. BAUMGARDNER: Sure. With that we will close the 10 record in this ca- -- I'm sorry, we will close today's 11 hearing. We will keep the record open for 10 days after 12 today's date, that's simply to receive the transcript of 13 today's hearing from the court reporter. 14 As I mentioned, so today's the 20th of December, so the 15 record will stay open until December 30th. That will also 16 allow time for you to get us the affidavit of posting, which 17 we do need to get before we can officially close the record 18 in this case. So I would highly suggest to -- figuring that 19 out. And you can contact our office after today and we can 20 figure out -- 21 MS. PURICELLI: Okay. 22 MR. BAUMGARDNER: -- if there's a remote notary 23 operation that -- that you could use. 24 So the record will close on December 30th, which means 25 we need to issue our report by January 30th. And then you</p>
<p>34</p> <p>1 would certainly be allowed. 2 MS. PURICELLI: Mm-hmm. 3 MR. BAUMGARDNER: You know, and -- and like any 4 household, people come to visit, friends come to visit, 5 people take photographs, birthday parties. The difference 6 between that and a commercial facility is usually pretty 7 obvious. 8 So if there's, you know, a line of cars out the door to 9 take pictures with the horse, you know, that would be a 10 problem. But if it's simply, you know, friends and family 11 visiting for whatever reason and they want to take a 12 photograph and this would -- this would include the -- the 13 riding lessons as well, if it's -- you know, if it's friends 14 and family, if it's colleagues, if it's something that is 15 clearly not, you know, overtly commercial in nature, it 16 would generally be covered under this particular use. 17 The conditions that you have agreed to that were 18 offered by the Planning Department kind of allude to that 19 about limiting the -- you know, the -- the number of riding 20 lessons and things like the number of horses. So they all 21 kind of, you know, contain what could otherwise be a 22 commercial operation with, you know, pony rides and, you 23 know, things of that nature, which would not be allowed in a 24 residential neighborhood. 25 MS. PURICELLI: No.</p>	<p>36</p> <p>1 would have 10 days from that date to file an appeal with the 2 Board of Appeals if you're not happy with that decision. 3 And with that, we'll close today's hearing on OZAH Case 4 22-03. Today is December 20th, 2021. The time is 10:18 a.m. 5 We thank our applicant for her time. We thank Mr. Greer, the 6 court reporter, for his time and we are officially closing 7 this case today. 8 Thank you all very much and have a good rest of your 9 today. 10 MR. GREER: We are off the -- 11 MS. PURICELLI: Thank you -- 12 MR. GREER: -- record -- 13 MS. PURICELLI: -- thank you very much. 14 MR. GREER: -- at this time. 15 (Off the record at 10:19 a.m.) 16 17 18 19 20 21 22 23 24 25</p>

Transcript of Hearing
Conducted on December 20, 2021

10 (37 to 40)

37

CERTIFICATE OF COURT REPORTER

I, Jesse Greer, the officer before whom the foregoing proceedings were taken, do hereby certify that said proceedings were electronically recorded by me; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.



Jesse Greer, Court Reporter

38

CERTIFICATE OF TRANSCRIBER

I, Christian Naaden, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.



Christian Naaden

DATE: December 29, 2021

A			
ability 38:5	adults 25:11	allowed 34:1, 34:23,	23:17, 29:11,
able 9:9, 11:4, 18:20, 29:12	advertising 24:17	35:6	30:3, 30:7,
about 5:21, 6:5, 8:16, 9:1, 9:3, 9:12, 10:21, 11:13, 12:1, 12:11, 15:18, 22:9, 22:13, 22:23, 24:3, 24:4, 24:19, 29:23, 30:9, 34:19	aerial 16:18	allows 6:2, 31:20	30:9, 31:12, 31:13, 33:14, 34:3, 37:6, 38:7
abundance 30:3	affidavit 8:6, 27:3, 35:16	allude 34:18	anyone 28:6, 29:8, 30:2, 30:7, 30:18, 35:5
acres 11:3, 11:18, 15:11	affirm 10:20	almost 18:8	anything 8:16, 16:16, 18:11, 25:7, 25:17, 25:20, 26:8, 27:21, 33:9
across 19:17	after 9:7, 9:10, 31:19, 35:11, 35:19	already 8:21, 9:21, 10:10, 13:20, 24:24	ap 32:15
actively 32:18	again 6:11, 25:22, 26:17, 30:19	also 3:11, 6:14, 7:6, 11:7, 11:8, 11:10, 11:21, 12:16, 12:17, 14:2, 15:24, 17:19, 18:17, 23:11, 28:6, 35:15	apologize 10:1, 10:9, 21:16, 21:24, 27:19
activity 28:24	against 23:24	ame 28:16, 28:20	appeal 5:15, 9:9, 9:17, 30:22, 36:1
actual 31:3	agencies 32:6	amelung 18:12, 22:18, 28:16, 28:18, 28:19, 28:20, 29:16	appeals 5:16, 9:9, 36:2
actually 32:15	ago 11:2, 22:13	andrew 1:5, 3:6, 5:5	applicant 1:7, 3:5, 5:4, 5:18, 7:19, 8:14, 10:14, 30:4, 36:5
add 13:18, 13:19, 13:20, 13:24	agree 5:14, 13:8, 13:9, 13:11, 15:6	animal 35:5	applicants 15:5
added 13:20, 16:12, 25:23	agreed 34:17	another 20:19, 25:12	application 8:14, 10:15, 23:4, 24:13, 24:14, 24:20, 30:4, 30:9
address 7:9, 7:20, 7:21, 7:22, 7:24, 8:10	agreement 2:15	answer 31:15, 33:24	applications 25:23
addressed 22:19	ah-ah 14:19	answering 6:7	applied 8:4
administrative 1:1, 2:1, 2:3, 3:2	all 5:23, 8:19, 8:22, 10:2, 10:24, 11:18, 11:20, 12:3, 14:24, 18:5, 20:22, 21:19, 22:8, 23:16, 24:12, 25:6, 26:18, 26:25, 29:23, 29:24, 30:1, 34:20, 36:8	any 5:19, 6:9, 7:13, 8:18, 9:12, 10:16, 11:14, 12:11, 12:16, 14:23, 15:5, 15:18, 15:19, 16:2, 22:22, 23:14,	apply 32:16, 32:18
	allow 35:16		approval 13:13, 14:20, 30:14, 31:12,

Transcript of Hearing
Conducted on December 20, 2021

12

33:1 approve 14:2 approved 15:1, 16:4, 26:25, 30:11, 30:21, 30:23, 31:18 area 11:22, 17:18, 17:25, 18:2, 18:7, 18:12, 20:10, 22:15 aren't 14:23 argentina 27:10, 27:14 around 18:5, 18:6, 18:7, 19:20, 20:10, 29:24 asked 27:20, 29:23 asking 24:24 aspect 24:20 assum 16:19 assuming 30:14, 30:19 attention 7:5, 8:17 attorney 8:2 audio 38:5 avenue 2:5 avery 22:19, 23:12, 29:1, 29:9, 29:18 aware 16:2, 23:6 away 25:5, 29:2	20:2, 27:2, 27:17 background 6:8, 10:16 ball 33:3 bank 27:19 banner 5:7 barn 11:3, 11:9, 11:11, 11:19, 11:23, 12:2, 14:1, 14:2, 15:15, 15:24, 16:23, 17:4, 17:17, 19:15, 19:18, 20:1, 23:5, 24:22, 25:12 barns 11:8 barnsley 20:16 based 5:13, 31:25 basics 5:21 because 13:12, 16:11, 18:4, 25:2, 25:23, 26:19, 27:10, 28:4, 29:2, 29:18, 29:24, 30:8 been 5:14, 6:21, 8:21, 12:17, 19:12, 21:2, 24:24 before 1:12, 2:15, 9:12, 11:20, 20:24, 21:17, 21:25, 24:21, 26:18, 26:24, 29:17, 30:10,	33:10, 35:17, 37:2 beforehand 27:20 behind 23:9 being 6:13, 10:13 believe 5:10, 20:23, 23:2, 28:3, 28:8 below 19:16 best 31:10, 31:15, 38:5 between 34:6 big 18:17, 25:25, 26:9 bigger 29:21, 32:8 bins 22:12, 22:21 birthday 34:5 bit 20:21, 24:19, 26:5, 32:1, 32:11 blah 33:16 blow 28:10 blowing 29:2 board 5:15, 9:9, 14:21, 36:2 board's 14:22 boarding 11:16, 24:4 bought 11:1 boxes 12:15, 15:17	brief 8:6 bring 6:20, 8:18, 8:20 brought 8:17, 8:24 building 2:6, 19:20, 19:21 buildings 11:15 busy 31:25, 32:2 button 7:16 <hr/> <p style="text-align: center;">C</p> <hr/> c-o-n-n-e-r 22:4 ca 35:10 call 6:10 called 5:19, 20:16, 26:1, 30:8 camera 7:12, 7:14 can't 6:10, 32:10, 35:3 cannot 16:8, 21:3, 28:15 capacity 31:25 care 12:12 cars 34:8 case 1:7, 5:4, 5:8, 5:12, 8:7, 8:13, 8:14, 8:25, 9:13, 10:6, 10:13, 12:16, 16:12, 24:10,
<hr/> <p style="text-align: center;">B</p> <hr/> back 6:10, 14:14,			

25:24, 33:13, 35:18, 36:3, 36:7, 37:6, 38:7 caution 30:3 center 30:5 certain 13:13, 32:12 certainly 34:1, 35:4, 35:6 certificate 37:1, 38:1 certify 37:3, 38:2 change 26:21 changed 14:15 changes 14:23 chat 6:24 cheap 12:23 check 26:18 chicken 18:18 christian 1:25, 38:2, 38:12 circled 20:10 clean 11:23 clear 13:15 clearly 34:15 click 6:19, 7:6 close 9:4, 14:1, 17:4, 21:7, 30:10, 33:10, 35:9, 35:10,	35:17, 35:24, 36:3 closing 9:1, 36:6 clude 20:11 colleagues 28:3, 34:14 com 7:24, 7:25 come 12:25, 34:4 commercial 25:17, 34:6, 34:15, 34:22 common 22:2 community 23:12 compass 16:20 complexity 31:22 compost 28:25 composting 12:15, 22:12 concerned 29:19 concerns 24:3, 24:4 conclude 33:9 conclusions 13:10 condi 14:19 condition 14:25 conditional 5:8, 14:2, 14:25, 22:9, 22:11, 30:23 conditions 13:13, 13:14, 14:20, 34:17 conduct 6:3	confirm 27:24 conform 14:24 conner 1:5, 3:6, 5:5, 21:18 conscious 26:17 consider 24:19 considered 23:15, 24:9 constantly 29:2 constituting 20:11 contact 23:17, 35:19 contain 34:21 contained 22:10 controls 7:12 corner 16:21, 21:10, 21:21, 22:13, 28:24 correct 16:24, 17:5, 18:1, 19:1, 19:4, 19:5, 19:10, 38:3 correction 22:6 correctly 13:16, 13:17 could 34:21, 35:23 counsel 37:5, 38:6 county 1:2, 2:3, 2:6, 3:2, 30:12, 31:4, 31:13, 32:22, 33:2 couple 5:21, 6:5,	11:1, 11:5, 17:22 courses 32:24 court 5:17, 6:14, 10:12, 35:13, 36:6, 37:1, 37:12 cover 33:21 covered 34:16 created 20:24 creek 20:12, 20:19 cu 1:7, 5:8, 10:6 cultural 11:10 current 11:14, 22:20 currently 8:22, 11:11, 17:11 cursor 6:18, 16:19, 16:20, 17:21, 19:7, 19:20
<hr/>			
D			
<hr/>			
date 5:4, 5:16, 32:12, 35:12, 36:1, 38:13 daughter 25:1, 25:11, 25:14 daughters 24:23 day 15:10, 28:2 days 5:16, 9:5, 9:10, 32:13, 35:11, 36:1 december 1:14, 5:4,			

35:14, 35:15, 35:24, 36:4, 38:13 decision 5:13, 5:15, 5:16, 36:2 delineated 20:21 delivery 15:19 department 14:21, 31:2, 34:18 department's 13:5 depend 31:22 depending 18:24, 31:23 derek 1:12, 3:3, 5:11 derwood 3:8, 5:10, 7:23, 30:5 describe 24:15 describing 8:14 description 4:8 details 15:18 difference 34:5 different 7:2, 8:16, 11:7, 14:16, 26:20, 27:14 difficult 29:3 directly 23:8 disagree 13:9 districts 20:9 disturb 6:8	divided 17:11 dogs 18:24 doing 12:17, 17:7, 26:20, 26:22 done 11:20 door 34:8 dot 7:25 down 6:20 dps 31:10, 33:4 dps's 31:23 drive 3:7, 5:10, 7:23, 21:3, 22:18, 29:1, 29:18, 30:5 driveway 19:9 driving 29:24 dropdown 6:20 dry 11:22 during 6:9, 6:24, 30:13	either 18:23 electronically 37:4 element 32:5 elements 22:22 eliminate 6:8 else 12:1, 16:16, 30:8, 33:9 email 7:20, 7:24 emoticon 7:1 employed 37:5, 38:7 end 8:25 entrance 19:7 eque 15:10 equestrian 1:6, 5:9, 15:6, 15:10, 30:4 especially 29:9 essentially 15:1 estefania 1:5, 3:6, 5:5, 7:22, 7:24 even 26:18 events 15:10 evergreen 17:22 everybody 22:2 everything 9:20, 13:15, 33:22 evidence 5:13, 5:14	ex 16:8 examiner 1:12, 3:3, 5:11 exhibit 4:8, 23:2 exhibits 8:18, 8:22, 8:23 existing 19:15, 22:20 exit 18:5, 19:7 expecting 25:16 explain 8:15, 9:20, 10:14, 10:15, 10:24 explaining 8:15, 9:17, 9:19, 9:23 extra 12:16, 28:23
	E		F
	e 21:18 e-s 7:24 earlier 22:16 east 20:15 easy 12:22 economy 17:8		facility 1:6, 5:9, 15:6, 25:17, 34:6 fairly 12:22, 32:7 familiar 11:6, 20:17 family 27:10, 34:10, 34:14 far 16:15, 20:20, 29:13 fast 27:20, 35:4 feature 6:24, 7:3, 7:7, 7:11, 7:13 feed 15:19 feeding 15:18, 15:19

feet 23:5 fence 18:5, 18:6, 18:7, 18:14, 18:16, 19:18, 19:19, 28:4, 28:13, 28:22, 29:3, 29:4 fenced 11:18 fences 11:19 fencing 22:11, 22:16, 22:20 figure 19:12, 19:17, 19:20, 20:8, 22:9, 35:20 figures 22:20 figuring 35:18 file 31:20, 36:1 financial 37:7, 38:8 find 16:17 fine 13:19 first 5:23, 6:18, 8:9, 17:7, 26:23, 33:1, 33:2 flexibility 16:13, 25:24 focal 30:12, 30:15 folks 5:19, 6:21, 23:17, 31:1, 31:7, 31:9 follow 23:13 follow-up 33:2	following 33:1 foot 21:20 foregoing 37:3, 38:2 foresee 25:25 formal 25:18 formally 10:5 format 6:2, 6:4, 6:6 format's 14:16 formatting 14:15 forward 8:3 frank 21:3 frequency 24:16 friend 26:19 friends 24:23, 26:14, 29:24, 34:4, 34:10, 34:13 front 13:17, 22:13 fulfill 16:3 full-time 25:6, 25:22 fun 26:13 further 25:4	germantown 24:22 getting 27:2 give 7:20, 8:25, 10:21, 25:13, 35:3 go 7:14, 8:24, 10:5, 10:7, 10:10, 10:17, 13:13, 14:19, 20:24, 27:17, 31:23 goes 18:5, 20:15 going 5:3, 5:5, 5:7, 7:17, 10:5, 12:6, 13:22, 20:7, 21:13, 22:8, 22:22, 25:20, 26:1, 26:4, 26:5, 26:9, 26:25, 27:16, 28:10, 29:20, 30:6, 30:14, 31:6 good 5:3, 7:20, 7:23, 12:8, 33:24, 36:8 grass 11:25 graze 17:19 great 5:25, 8:5, 10:11 greer 2:15, 5:17, 10:6, 10:8, 36:5, 36:10, 36:12, 36:14, 37:2, 37:12 grow 13:22	gus 23:1 guys 32:16
			<hr/> H <hr/> hand 6:17, 7:3, 7:4, 7:6, 7:7, 7:11, 10:19, 26:2 happy 16:16, 36:2 hard 15:11, 28:5, 35:3 hay 15:23 hear 5:23, 6:1 hearing 1:11, 1:12, 2:1, 3:3, 5:11, 5:20, 6:1, 6:2, 6:9, 6:13, 6:22, 9:8, 23:15, 30:7, 30:10, 33:10, 35:11, 35:13, 36:3 hearings 1:1, 2:4, 3:3, 6:3, 6:24 held 2:1 help 15:24, 15:25 here 5:12, 7:18, 16:4, 16:23, 17:2, 17:23, 22:13, 23:1, 27:14 here's 14:18, 20:1 hereby 37:3, 38:2 hi 7:22 highly 35:18
	<hr/> G <hr/> gave 28:3 general 24:5, 33:25 generally 34:16		

history 21:14	hypothetical 33:23	issue 7:8, 8:6, 9:7, 14:6, 29:1, 29:11, 31:20, 35:25	12:19, 13:1, 17:23, 18:18, 25:1, 27:19, 27:21, 28:6, 30:12, 32:22, 34:18, 34:21
home 17:12, 18:3, 19:1	I	issued 9:10	know 7:8, 8:5, 8:23, 9:14, 9:19, 12:24, 15:10, 15:23, 16:15, 18:7, 18:16, 24:6, 24:16, 24:23, 25:10, 25:13, 25:15, 26:6, 26:10, 26:12, 26:14, 26:19, 26:20, 26:23, 26:24, 27:20, 29:9, 29:13, 30:13, 31:7, 31:24, 33:14, 33:19, 33:24, 34:3, 34:8, 34:9, 34:10, 34:13, 34:15, 34:19, 34:21, 34:22, 34:23
homeowner 23:8	icon 6:18, 6:19, 6:23, 7:1	issues 6:9, 13:6, 13:25, 26:18, 27:10	
hop 26:19	icons 6:17, 7:3	it'll 24:17	
hopefully 18:23	idea 12:8	item 8:21	
horse 18:19, 23:5, 26:19, 31:18, 33:17, 33:18, 34:9	identification 15:13	itself 9:13, 31:21	
horseback 24:23	identify 7:17, 23:17	J	
horses 11:5, 11:6, 11:16, 11:21, 12:13, 12:23, 14:3, 14:7, 15:3, 15:5, 15:12, 15:22, 17:18, 20:24, 23:6, 24:4, 24:25, 25:12, 25:24, 25:25, 26:8, 32:10, 34:20	ignore 6:25	january 27:17, 27:18, 35:25	
	imagine 32:6	jesse 2:15, 10:11, 37:2, 37:12	
	important 27:23	job 1:23, 25:6, 25:22, 26:21	
	improvements 11:14	johnson 3:12, 5:18	
	include 34:12	joined 5:17	
	included 23:14	jump 30:23, 32:14	
	includes 20:12, 20:16, 31:13	K	
	including 5:21, 15:19, 22:15, 22:21	keep 6:6, 19:11, 20:17, 28:5, 35:11	
hour 25:19	income 16:9, 16:11, 25:7, 30:17	kicked 6:10	
house 11:3, 18:5, 19:22, 19:23, 19:24, 19:25, 20:1, 20:17, 23:4, 24:25, 25:22, 33:17	information 31:17, 38:6	kid 33:14	
household 33:25, 34:4	infrastructure 11:15	kids 18:23, 25:11, 26:13	
huge 26:5	instructor 11:12, 24:22	kind 11:14, 11:22,	
hurt 28:6, 29:8, 29:20	insurance 25:6, 26:18		
husband 21:17	interest 37:6, 38:8		
	investing 26:24		
			L
			labeled 19:13, 19:17
			lake 20:14, 20:24, 21:3
			land 21:14
			lane 18:12, 22:18
			large 20:19
			last 21:17
			leave 27:20
			left 19:19, 29:11,

Transcript of Hearing
Conducted on December 20, 2021

17

<p>29:17 less 26:1 lesson 24:20, 25:14 lessons 15:9, 16:12, 24:15, 24:17, 25:12, 25:13, 34:13, 34:20 let's 7:7 letter 4:10, 14:7, 22:24, 22:25, 23:1, 23:11, 23:19, 23:21, 23:25, 24:1 letters 23:16 licensure 31:5, 32:9, 33:5 likely 32:11 likes 25:12 limit 15:9 limiting 15:3, 34:19 line 6:14, 17:5, 34:8 list 6:20 listed 8:23 listen 5:12 lists 22:14 little 6:23, 7:4, 7:15, 18:4, 20:21, 21:10, 24:18, 26:5, 32:1, 32:11</p>	<p>live 11:2 lives 23:8 local 32:25 located 5:9, 5:10, 22:21 location 15:15 logged 5:22, 6:21, 8:20, 30:2, 30:7, 30:8 long 18:17 longer 32:2, 32:11 look 24:16, 25:14 looking 19:19 looks 7:15, 7:18, 12:8, 13:12, 15:14, 17:21, 19:6, 19:8, 20:2, 20:10, 20:15, 20:18 lot 11:25, 18:9, 29:10, 31:4, 32:1, 32:6 lots 20:19 lower 21:21</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>ma'am 8:1, 10:19 main 13:25, 18:5, 25:7 maintain 31:12 maintenance 15:16</p>	<p>make 14:23, 22:6, 22:25, 31:10 makes 35:7 management 12:12, 16:6, 30:16, 31:5 manure 12:14, 12:15, 12:18, 15:17, 22:21 many 13:19, 29:7 map 8:20, 20:9 marked 19:12, 19:16, 20:8, 20:9, 20:13, 23:2 maryland 1:2, 1:13, 2:5, 2:16, 3:8, 5:10, 7:23, 11:8, 11:9, 11:10, 11:11, 30:5, 31:6, 31:14, 32:9, 32:20, 32:21, 32:25, 33:5 mat 6:1 materials 12:6 maximum 15:3 md 2:8 mean 13:19, 16:12, 17:7, 18:4, 25:5, 25:6, 28:8, 30:13, 33:18, 33:23 means 5:12, 35:24 meet 15:2, 16:6,</p>	<p>24:9 members 23:13 mentioned 6:13, 15:15, 15:16, 15:25, 17:10, 19:3, 19:19, 24:14, 24:21, 35:14 microphone 7:13, 7:15 microsoft 5:22, 6:2, 6:5 mid 27:17 middle 18:9 might 22:23, 24:14, 24:15, 24:19, 25:10, 25:12, 25:13, 25:14, 31:7, 32:1 minutes 22:13 mm-hmm 8:11, 12:10, 12:21, 13:23, 14:4, 14:13, 16:7, 16:14, 17:14, 19:14, 21:1, 21:23, 29:5, 30:22, 34:2 montgomery 1:2, 2:3, 3:2, 32:21 more 13:2, 13:20, 13:24, 16:9, 16:11, 20:8, 22:19, 24:5, 25:13, 25:18, 26:5, 26:9, 26:24, 32:8 morning 5:3 mothers 24:24, 33:15</p>
--	--	---	--

mouth 24:18 moved 11:20 moving 8:2, 17:21 much 8:1, 10:11, 12:16, 16:10, 33:7, 35:8, 36:8, 36:13 must 14:24, 15:5 mute 6:6, 7:14, 7:16 muted 10:9 myself 20:1, 25:14 <hr/> N <hr/> naaden 1:25, 38:2, 38:12 name 5:11, 7:20, 21:17, 28:15 names 22:25, 23:14, 23:16 nana 3:12 nature 24:5, 34:15, 34:23 ne 20:4 nearby 15:21 need 7:5, 7:8, 7:14, 13:2, 15:14, 16:3, 27:6, 27:17, 27:21, 28:9, 30:19, 31:3, 31:11, 33:4, 35:17, 35:25	needed 13:24 needwood 20:14, 20:24, 21:3 neighbor 13:19, 13:20, 17:1, 19:23, 23:1 neighbor's 14:1 neighborhood 20:9, 20:11, 20:13, 20:16, 20:21, 20:23, 34:24 neighbors 28:8, 29:23 neither 37:5, 38:6 new 11:20 next 7:17, 11:22, 13:18 noise 6:8 normally 14:18 north 16:25, 17:1 northern 17:20, 17:21, 20:13 notarizations 27:14 notarize 27:18 notarized 27:7, 27:13 notary 2:15, 35:22 note 6:5, 23:18 nothing 10:22 number 6:11, 6:17,	7:2, 14:24, 34:19, 34:20 <hr/> O <hr/> obtain 31:11 obtaining 31:11 obvious 34:7 occasionally 25:10 offer 23:4 offered 34:18 office 1:1, 2:3, 2:6, 3:2, 6:11, 30:18, 35:19 officer 37:2 officially 35:17, 36:6 often 12:24 oftentimes 32:25 oh 9:18, 10:9, 19:22, 24:25 okay 8:1, 9:6, 9:18, 9:22, 9:24, 10:4, 11:13, 13:4, 13:12, 14:9, 15:9, 16:2, 16:17, 16:25, 17:4, 18:11, 18:15, 18:19, 18:22, 19:6, 19:11, 20:4, 21:5, 21:12, 22:1, 22:6, 23:11, 24:7, 24:11, 25:3, 26:3, 26:7, 26:16,	27:11, 27:15, 27:23, 29:22, 30:1, 30:25, 31:8, 32:15, 32:19, 32:23, 33:6, 33:12, 35:7, 35:21 once 25:19, 30:6, 30:11, 33:1 one 7:3, 7:10, 13:18, 13:25, 14:24, 17:17, 19:17, 21:9, 22:24, 22:25, 23:1, 24:22, 25:19, 26:19, 28:2, 28:7, 28:15, 28:24, 28:25, 29:12, 29:14, 29:16, 29:17, 30:8, 33:16 ones 12:16, 25:4, 28:23 only 12:2, 12:23, 19:6, 33:13 open 5:3, 8:13, 10:14, 35:11, 35:15 operation 34:22, 35:23 opportunity 13:4 orienting 20:1 other 5:19, 8:21, 9:17, 11:15, 11:24, 13:22, 15:18, 17:22, 20:18, 22:22, 24:4, 28:25, 29:6, 29:12,
--	--	---	--

<p>30:16, 32:6 otherwise 34:21, 37:7, 38:8 ourselves 8:4 out 15:5, 27:22, 28:9, 29:8, 29:11, 29:17, 31:10, 32:6, 32:13, 34:8, 35:19, 35:20 outcome 37:7, 38:8 outside 17:18, 18:20, 20:20, 26:13 over 6:18, 16:20, 17:21 overtly 34:15 own 11:6, 15:22 ozah 3:12, 5:8, 10:6, 36:3</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>p-u-r-i-c-e-l-l-- i@gmail 7:25 page 4:2, 4:8, 19:16, 21:21, 22:10 pages 1:24 parallel 32:24 park 20:13, 20:19, 21:3, 21:6, 21:7 part 22:15, 31:11, 33:5 participants 6:19, 6:23,</p>	<p>7:18 particular 9:2, 10:16, 24:10, 34:16 parties 34:5, 37:6, 38:7 parts 13:8 pasture 11:23, 11:25, 15:16, 16:6, 17:17, 17:25, 18:2, 18:12, 19:17, 19:18, 22:14, 23:5, 30:16 pastures 11:18, 17:15 penalties 10:20 people 31:3, 34:4, 34:5 perfect 33:6, 35:7 period 31:21, 32:3 perjury 10:20 permit 11:4, 30:24, 31:3, 31:20, 31:21, 31:22, 32:14, 32:16, 32:17 permits 31:12, 31:13, 31:19, 32:1 permitting 31:2, 33:3 person 30:15 personal 16:11 pets 26:9 petty 26:5</p>	<p>ph 23:2 photograph 8:20, 34:12 photographs 34:5 physically 7:6 pick 12:18, 12:25, 25:10, 29:6 picture 33:15 pictures 26:14, 33:14, 33:17, 34:9 place 32:17 plan 9:20, 14:25, 15:2, 15:16, 22:10, 22:11 planning 13:5, 14:21, 14:22, 27:17, 34:18 plans 12:12 platform 5:22 playground 20:2, 20:4, 20:5 please 6:6, 6:10, 7:20, 7:21, 10:15, 10:19, 10:24 point 30:12, 30:15, 31:2 pointing 19:7 ponies 26:1 pony 34:22 pool 17:18, 18:6,</p>	<p>22:14 pops 7:7 portion 17:12, 20:12 positive 23:19, 23:21 possibility 26:24 posted 28:22 posting 8:6, 27:3, 27:24, 35:16 powerpoint 9:15 practices 31:5 prepare 27:21 present 3:11 presentation 9:3, 9:15, 9:17, 10:18 presenting 12:7 presumably 22:10 pretty 19:8, 34:6 probably 10:17 problem 29:21, 34:10 procedures 5:21 proceedings 4:3, 6:8, 37:3, 37:4, 38:4 process 9:12, 30:9, 30:24, 32:8, 32:9, 33:3 prof 26:21 profit 26:21</p>
---	---	--	---

project 10:25	purposes 6:15	really 28:4, 29:9,	remarks 9:1
pronounce 28:15	pursuant 2:15	29:12	remodeled 11:19
pronounces 22:3	push 32:16	realm 35:5	remote 35:22
prop 16:25	put 6:18, 25:20,	reason 7:14, 27:23,	rent 15:5
proper 31:12	28:2	34:11	renting 33:17
properties 20:18	putting 12:15, 16:19,	recall 13:16, 13:17	report 4:9, 9:7, 9:8,
property 5:9, 8:15,	16:20, 19:20	receive 22:24, 31:4,	9:11, 13:6,
8:16, 9:3, 9:20,	Q	35:12	13:17, 14:12,
10:16, 11:1,	quadrant 16:21, 20:20	received 23:11	14:22, 16:6,
11:2, 11:3,	question 7:5, 7:8,	recommended 14:20	19:12, 19:16,
11:14, 11:17,	31:15, 33:24	recommending 13:13	22:7, 22:8,
12:8, 14:1,	questions 6:7, 9:2, 9:12,	record 5:2, 10:6,	22:10, 22:23,
15:1, 15:4,	10:17, 22:23,	10:8, 10:13,	30:17, 31:20,
15:11, 15:14,	23:17, 24:13,	23:14, 27:6,	32:13, 33:2,
15:20, 16:19,	30:2, 30:3,	35:10, 35:11,	35:25
16:21, 17:1,	30:7, 30:9,	35:15, 35:17,	reporter 5:17, 6:14,
17:5, 17:11,	30:13, 30:15	35:24, 36:12,	10:12, 35:13,
17:12, 17:21,	quickly 32:7	36:15, 38:3	36:6, 37:1,
18:22, 19:8,	quite 10:2	recorded 6:13, 10:14,	37:12
19:15, 20:10,	R	37:4, 38:3	represented 8:2
20:16, 21:8,	raise 7:3, 7:6, 7:11,	recording 5:6, 38:5	request 5:15
22:14, 22:15,	10:19	referenced 22:16	requesting 5:8
22:17, 23:7,	raised 7:4	referred 32:6	require 23:16, 27:7
25:20, 27:7,	rather 20:19	regard 15:17	requirements 16:3
29:14, 35:6	re2 20:13	regarding 13:6, 15:19,	requires 17:5, 32:25
property's 22:19	reach 31:10	22:13, 24:13,	research 12:17, 25:5,
proposed 9:25, 22:12	read 13:5	30:4, 30:16	26:23, 27:1
proposing 12:12	ready 10:7, 10:10	regards 24:19	researching 21:2
provide 15:23	realize 10:9	related 37:5, 38:6	reside 19:3
public 2:16, 6:3		relatively 8:12, 12:23	residential 17:12, 19:9,
pull 14:22, 23:3			
puricelli@gmail 7:24			
purpose 28:9			

Transcript of Hearing
Conducted on December 20, 2021

21

20:18, 22:15, 34:24 response 5:24 rest 21:13, 22:8, 36:8 results 9:10 review 13:5, 31:21, 32:1 reviewing 20:17 ride 20:25, 25:11, 25:13 rides 34:22 riding 15:9, 24:15, 24:17, 24:20, 24:24, 34:13, 34:19 right 5:6, 6:16, 6:23, 7:1, 7:10, 8:22, 10:3, 10:19, 10:24, 13:14, 14:10, 16:18, 16:23, 17:1, 18:8, 20:22, 21:10, 21:11, 21:19, 22:8, 22:25, 27:8, 27:12, 30:1, 33:18 right-hand 6:20 road 18:12, 20:14, 22:19, 28:18, 28:19, 29:9 rock 20:12, 20:19 rockville 1:13, 2:8 rolling 33:3	room 2:7 rules 23:13, 24:9 rush 27:21 <hr/> <p style="text-align: center;">S</p> <hr/> said 11:17, 14:6, 28:22, 37:4, 38:4 same 25:16, 28:6 saw 28:24, 29:25 say 22:24, 26:20, 33:9, 33:25 says 23:3 school 11:10 screen 5:7, 6:16, 6:17, 6:21, 7:7, 7:11, 7:13, 8:19, 13:24, 14:9, 16:18, 19:12 screening 13:18 scroll 14:14 second 8:7, 14:23, 17:25 section 17:18, 17:20, 20:19 secure 28:4, 28:7, 28:12, 29:12 secured 28:14 securing 29:3 see 5:6, 5:19,	5:23, 14:9, 16:17, 17:16, 18:7, 21:9, 21:20, 21:21, 26:11, 30:2 seek 15:15, 31:4 seeking 8:15, 23:6 seen 21:16, 21:17, 21:18, 21:25, 29:1 sense 35:7 separate 11:18, 17:15 separated 11:19, 18:2 separating 18:11, 19:18 service 12:20, 15:22 services 12:18, 12:25, 13:2, 31:2 session 5:6 sessions 33:15 share 8:19 shared 7:13 short 32:3 should 5:6, 6:19, 8:12, 8:17, 14:9, 16:18, 22:24, 27:3 show 16:18 showing 19:11, 22:20 shows 6:21, 15:3, 22:11, 22:12,	22:17 sic 20:11, 20:14, 25:23 side 6:17, 6:20, 11:23, 11:24, 13:22, 19:8, 19:20, 28:25, 29:7, 31:5 sides 13:18, 22:17 sign 27:24, 27:25, 28:1, 28:2, 28:3, 28:14, 28:21, 29:14 signature-bi6ds 37:10 signature-sc3 38:10 signed 5:19, 23:13, 23:16 signs 7:2, 15:13, 25:20, 29:14 simple 8:13 simply 8:23, 9:19, 34:10, 35:12 since 11:6, 24:8, 32:4 single-family 11:2, 19:1 sir 33:7 site 14:24, 14:25, 15:2 sitting 17:23 size 11:13, 18:24 some 8:21, 10:17,
---	--	--	--

11:24, 12:17, 12:18, 13:18, 16:6, 16:12, 17:22, 20:8, 22:19, 25:4, 25:5, 25:11, 25:24, 26:23, 33:13, 33:15, 33:16 somebody 28:9 someone 29:20, 30:11, 30:14 something 7:5, 15:6, 16:10, 21:15, 21:16, 24:18, 25:16, 25:18, 26:22, 32:4, 33:18, 34:14 sometimes 18:24, 33:15 son 25:1, 25:16 soon 27:18 sorry 21:15, 21:18, 23:20, 28:20, 35:10 south 19:8, 21:10 southeast 16:21, 20:20 speak 32:10 specially 17:8 specific 24:6 spot 31:10 springs 3:7, 5:10, 7:23, 22:18, 29:1, 29:18, 30:5	stades 23:2 staff 3:12, 4:9, 5:18, 13:6, 14:12, 19:12, 19:16, 20:7, 20:10, 20:20, 21:13, 22:8, 22:10, 22:22 stage 32:14 stalls 11:21, 12:4, 12:5 standard 14:25, 19:8 start 8:7, 26:22 started 9:12, 27:3 state 2:16, 16:2, 31:6, 31:7, 31:14, 32:9, 32:19, 32:21, 32:25, 33:5 statement 9:1 stay 30:18, 35:15 steps 33:4 still 11:25, 25:5, 27:24, 28:1, 28:4 straightforward 8:13 street 29:7 streets 22:18 strips 18:17 students 25:18 stuff 26:15	submit 16:9, 16:16, 30:17 submitted 5:14, 8:18, 8:21, 9:21, 12:7, 14:7, 15:2 suggest 33:1, 35:18 summary 14:19 support 4:10, 11:16, 23:1, 23:4, 23:22 supporting 14:8, 38:5 supports 14:7 sure 14:23, 22:25, 30:20, 30:22, 31:11, 33:23, 35:9 surrounded 22:17 surrounding 20:11, 20:21, 23:5 swear 10:19 symbols 7:2	talked 22:9 tall 26:2 teach 24:23, 25:1 teams 5:22, 6:2, 6:5, 6:9, 6:16 tell 5:25, 11:13, 12:1, 12:11, 24:18, 27:25, 32:12 terminus 20:13 terms 24:16, 31:3 testified 22:12 testifying 6:7 testimony 10:21 text 28:7 th 5:4, 35:14, 35:15, 35:24, 35:25, 36:4 thank 8:1, 10:11, 14:11, 27:2, 33:6, 35:7, 36:5, 36:8, 36:11, 36:13 that'd 15:11 thing 7:15, 7:17, 8:9, 17:8, 25:2, 26:19 things 6:5, 22:9, 24:14, 30:13, 34:20, 34:23 think 16:10, 19:22,
T			
t-e-f-a-n-i-a			
		take 5:13, 26:14, 28:9, 32:1, 32:3, 32:11, 33:4, 33:14, 34:5, 34:9, 34:11 taken 37:3 taking 25:12	

Transcript of Hearing
Conducted on December 20, 2021

23

24:12, 26:13, 27:13, 27:16, 32:8, 32:10, 33:11 thinking 12:15 thought 26:25 three 7:10, 22:17, 29:14 through 8:24, 10:17, 12:6, 13:14, 20:7, 20:15, 21:13, 22:8, 22:22, 31:6 throughout 9:2 time 10:9, 10:10, 17:7, 26:24, 32:3, 32:7, 35:16, 36:4, 36:5, 36:6, 36:14 timeline 31:23, 31:24 timely 32:8 times 29:7 today 5:13, 5:14, 5:22, 7:18, 8:2, 10:12, 16:4, 23:15, 28:1, 29:13, 33:10, 35:19, 36:4, 36:7, 36:9 today's 5:20, 6:22, 9:8, 30:10, 35:10, 35:12, 35:13, 35:14, 36:3 toggle 7:11, 7:12	told 15:23 took 29:7, 29:11, 29:17 top 5:7, 6:16, 14:14 total 11:18 touch 30:18 tow 5:7 toward 19:18 towards 6:16 traffic 29:10 trainer 11:11 transcribed 1:25, 38:4 transcriber 38:1 transcript 4:3, 6:15, 35:12, 38:3 transportation 32:5 trash 12:20, 13:1 travel 27:9 trees 11:24, 13:20, 17:22, 17:23 true 38:3 truth 10:21, 10:22 try 26:12 trying 27:13 tuesday 1:14	turnaround 32:7 twice 30:6 two 7:10, 11:3, 11:17, 11:18, 11:21, 12:4, 12:5, 12:15, 12:16, 12:23, 15:3, 15:9, 15:11, 15:12, 17:15, 19:18, 28:23, 32:24 type 26:15 typically 8:13, 26:1	9:25, 10:15, 10:16, 14:25, 16:11, 21:14, 22:9, 22:11, 30:23, 33:25, 34:16, 35:23 useful 31:18 uses 14:24 using 6:1, 6:2, 6:3 usually 25:2, 34:6
		U	V
		um 28:11 under 10:20, 34:16, 35:2 understand 17:10, 18:25, 27:2 understanding 16:5, 17:6, 31:24 understood 21:12 unique 8:16 university 11:8, 11:9 unmute 7:19 unnamed 23:12 unsigned 23:12 until 35:15 use 5:8, 6:24, 7:2, 8:16, 9:2, 9:3,	variance 17:5, 23:6 variances 15:14 verbal 5:24 verbally 9:23 verify 27:25 view 16:18, 19:17 village 23:12 vir 6:1 virtual 6:1, 6:3, 6:6, 7:3 visit 34:4 visiting 34:11 visually 12:8 volunteer 11:7, 11:9
			W
			wait 12:19 wander 18:20

<p>want 8:20, 26:14, 26:17, 28:6, 29:8, 29:10, 33:16, 33:21, 34:11 wanted 23:18, 25:24, 26:23, 33:9 wants 33:14 warm 3:7, 5:10, 7:23, 22:18, 29:1, 29:18, 30:5 waste 12:11, 12:25, 31:4 way 18:19, 27:13 we'll 8:6, 22:6, 36:3 we're 7:17, 10:5, 27:17 we've 22:9 website 8:22 week 25:19 weekly 13:2 weird 33:19 welcome 8:25, 33:8 went 27:25 weren't 24:5 western 20:12 whatever 34:11 whether 24:16, 24:17</p>	<p>white 18:7, 18:17 whole 10:21 wind 29:7 winds 28:5 wire 18:18 within 5:16, 9:9, 23:5, 32:13, 35:4 wooden 29:3 word 24:18 work 11:8, 11:11, 15:25, 16:16 working 11:7 worries 31:17 write 5:13 writing 23:3 <hr/>Y<hr/>yard 18:6 yeah 8:8, 9:19, 11:22, 12:14, 13:11, 14:6, 14:11, 14:17, 16:22, 17:16, 17:24, 18:1, 21:24, 22:3, 25:9, 25:16, 26:9, 26:22, 26:25, 27:19, 27:21, 29:10, 29:19, 33:20, 35:1, 35:3 year 16:9</p>	<p>years 11:2 yep 28:17 young 11:7, 13:21 yourself 6:6, 7:15, 7:19, 8:3 <hr/>Z<hr/>zoning 1:1, 2:3, 3:2, 20:9, 21:13 <hr/>\$<hr/>\$2500 16:9 <hr/>0<hr/>03 1:7, 5:8, 10:6, 36:4 <hr/>1<hr/>10 5:16, 9:10, 22:13, 35:11, 36:1, 36:4, 36:15 100 2:5, 23:5 13 4:9, 4:10, 23:2 14 26:1 18 36:4 19 36:15 <hr/>2<hr/>20 1:14, 5:4, 35:14, 36:4 200 2:7 2021 1:14, 5:4,</p>	<p>36:4, 38:13 20855 3:8 21 1:14, 5:4, 36:4 22 1:7, 5:8, 10:6, 36:4 23 4:10 240 2:9, 6:11 29 38:13 <hr/>3<hr/>30 9:5, 32:13, 35:15, 35:24, 35:25 36 1:15, 5:2 38 1:24 <hr/>4<hr/>421001 1:23 <hr/>6<hr/>6001 3:7, 5:9, 7:23, 30:5 6660 2:9 6663 6:11, 6:12 <hr/>7<hr/>777 2:9, 6:11, 6:12 <hr/>9<hr/>9 1:15, 5:2 92 38:10</p>
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