



Planet Depos®
We Make It *Happen™*

Transcript of Hearing

Date: December 11, 2023

Case: Gregg Road / Community Solar (CU 24-04)

Planet Depos

Phone: 888.433.3767

Email: transcripts@planetdepos.com

www.planetdepos.com

Transcript of Hearing
Conducted on December 11, 2023

1 (1 to 4)

<p style="text-align: right;">1</p> <p>1 MONTGOMERY COUNTY OFFICE OF ZONING 2 AND ADMINISTRATIVE HEARINGS 3 -----x 4 IN RE: : 5 CONDITIONAL USE APPLICATION FOR : 6 A SOLAR COLLECTION SYSTEM IN AN : Case No. 7 AIR ZONE LOCATED ON GREGG AND : CU 24-04 8 ZION ROADS, UNDER THE STANDARD : 9 SET FORTH IN ARTICLE 59, : 10 SECTION 3.7.2. : 11 -----x 12 13 14 15 PUBLIC HEARING 16 BEFORE THE HONORABLE KATHLEEN BYRNE 17 Rockville, Virginia 18 Monday, December 11, 2023 19 9:36 a.m. 20 21 22 23 Job No.: 506133 24 Pages: 1 - 80 25 Recorded By: Brendon Cuenca</p>	<p style="text-align: right;">3</p> <p>1 A P P E A R A N C E S 2 3 ON BEHALF OF THE APPLICANT: 4 PETER CIFERRI, ESQUIRE 5 MCMILLAN METRO, P.C. 6 7811 Montrose Road 7 Suite 400 8 Potomac, Maryland 20854 9 301.251.1180, x307 10 11 ALSO PRESENT: 12 SARA BEHANNA (Administrative Specialist II 13 Montgomery County Office of Zoning and 14 Administrative Hearings) 15 DONALD ZIMMERMAN (Witness) 16 NICK DRIBAN (Witness) 17 KEVIN FOSTER (Witness) 18 TIMOTHY LONGFELLOW (Witness) 19 20 21 22 23 24 25</p>
<p style="text-align: right;">2</p> <p>1 Hearing, held at the location of: 2 3 4 MONTGOMERY COUNTY OFFICE OF ZONING AND 5 ADMINISTRATIVE HEARINGS 6 100 Maryland Avenue 7 County Office Building, Room 200 8 Rockville, Maryland 20850 9 10 11 12 13 Pursuant to agreement, before Brendon Cuenca, 14 Court Reporter. 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">4</p> <p>1 C O N T E N T S 2 EXAMINATION OF DONALD ZIMMERMAN PAGE 3 By Mr. Ciferri 13 4 5 EXAMINATION OF NICK DRIBAN PAGE 6 By Mr. Ciferri 29 7 8 EXAMINATION OF KEVIN FOSTER PAGE 9 By Mr. Ciferri 36 10 11 EXAMINATION OF TIMOTHY LONGFELLOW PAGE 12 By Mr. Ciferri 65 13 14 ARGUMENT PAGE 15 By Mr. Ciferri 75 16 17 E X H I B I T S 18 (Retained by the Court) 19 HEARING EXHIBIT PAGE 20 Exhibit 6 Certified Zoning Map 38 21 Exhibit 7 Adjoining and Confronting 61 22 Property Owner List 23 Exhibit 8 Civic Community Condominium 61 24 and HOA's Registration at Park 25 and Planning</p>

Transcript of Hearing
Conducted on December 11, 2023

2 (5 to 8)

<p style="text-align: right;">5</p> <p>1 CONTENTS (CONTD)</p> <p>2 EXHIBITS</p> <p>3 (Retained by the Court)</p> <p>4 HEARING EXHIBIT PAGE</p> <p>5 Exhibit 9 Application Notice Letter 61</p> <p>6 Exhibit 10 Image of posted sign 62</p> <p>7 Exhibit 11 Sign Location Map 62</p> <p>8 Exhibit 14 Conditional Plan Use 49</p> <p>9 Exhibit 14D Site Plan 17</p> <p>10 Exhibit 14E Site Detail Sheet 18</p> <p>11 Exhibit 14F Composite Landscape Plan 55</p> <p>12 Exhibit 15 Forest Conservation Plan 57</p> <p>13 Exhibit 15D Impervious Surface Plan 47</p> <p>14 Exhibit 16 Fire Access Plan 54</p> <p>15 Exhibit 18 SWM Concept Plans 68</p> <p>16 Exhibit 19 Reconfirmation of an Initial 70</p> <p>17 Approval</p> <p>18 Exhibit 20 Letter Issued by the Maryland 60</p> <p>19 Department of Natural Resources</p> <p>20 Exhibit 21 Scope of Work and Bid 25</p> <p>21 Demonstrating Work for</p> <p>22 Maryland Pollinator-Friends</p> <p>23 Designation Program</p> <p>24 Exhibit 23 Letter from Pepco Allowing 24</p> <p>25 Connection</p>	<p style="text-align: right;">7</p> <p>1 PROCEEDINGS</p> <p>2 (Whereupon, the court reporter was duly</p> <p>3 sworn.)</p> <p>4 THE COURT: All right. Good morning,</p> <p>5 everyone. Thank you for your patience. We just</p> <p>6 want to make sure we're getting everything up and</p> <p>7 running. Hopefully, this is our new norm, where we</p> <p>8 have the option of being remote and we have the</p> <p>9 option of being here in person. I appreciate</p> <p>10 everyone showing up on time. And everyone is</p> <p>11 remote, except for those of us here in our hearing</p> <p>12 room. So thank you again very much.</p> <p>13 My name is Katie Byrne and I will be the</p> <p>14 Hearing Examiner for the public hearing for the</p> <p>15 conditional use application for a solar collection</p> <p>16 system in an air zone located on Gregg and Zion</p> <p>17 Roads, and only under the standard set forth in</p> <p>18 Article 59, Section 3.7.2. This hearing is being</p> <p>19 conducted in a hybrid format. Again, as we just</p> <p>20 stated, which means that you have the option of</p> <p>21 coming here into the hearing room or participating</p> <p>22 remotely via Zoom.</p> <p>23 This is Application CU2404, Alder Energy</p> <p>24 Gregg Road Community Solar. I will listen to</p> <p>25 testimony, review evidence, and render an opinion</p>
<p style="text-align: right;">6</p> <p>1 CONTENTS (CONTD)</p> <p>2 EXHIBITS</p> <p>3 (Retained by the Court)</p> <p>4 HEARING EXHIBIT PAGE</p> <p>5 Exhibit 24 Pepco Email Approval for 25</p> <p>6 2 MW Project</p> <p>7 Exhibit 25 Contract with Pepco 25</p> <p>8 Exhibit 26 Email from Office of 49</p> <p>9 Agriculture</p> <p>10 Exhibit 28 Copy of Analysis 70</p> <p>11 Exhibit 29 Culvert Drainage Area Map 72</p> <p>12 Exhibit 37 Office of Agriculture 48</p> <p>13 Recommendations</p> <p>14 Exhibit 40 Resume of Tim Longfellow, P.E. 66</p> <p>15 Exhibit 41 Resume of C. Nick Driban, 29</p> <p>16 P.E., PTOE</p> <p>17 Exhibit 43 Resume of Kevin Foster 37</p> <p>18 Exhibit 44 Resume of Donald Zimmerman 14</p> <p>19 Exhibit 45 Revised Traffic Statement 32</p> <p>20 Exhibit 46 Sight Distance Evaluation 67</p> <p>21 Exhibit 48 Planning Board Letter 27</p> <p>22 Exhibit 49 Staff Report 26</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">8</p> <p>1 in the application pursuant to the criteria set</p> <p>2 forth for conditional uses in Article 59, Section</p> <p>3 7.3.1. If you disagree with my decision, you may</p> <p>4 appeal it to the Board of Appeals within 10 days</p> <p>5 after my decision is issued.</p> <p>6 At this time, I'd like to go through,</p> <p>7 identify the parties, make -- we'll make sure</p> <p>8 everyone's mics are working, and that you can also</p> <p>9 hear and see us clearly. So we'll start with Mr.</p> <p>10 Ciferri. If you could go ahead and give us your --</p> <p>11 spell your name for the court reporter, and let's</p> <p>12 make sure we can all hear each other.</p> <p>13 MR. CIFERRI: Good morning for the</p> <p>14 record, Peter Ciferri, C-I-F-E-R-I.</p> <p>15 THE COURT: And if you wouldn't mind,</p> <p>16 could you introduce all of the witnesses that you</p> <p>17 have here today?</p> <p>18 MR. CIFERRI: Sure, absolutely. With me</p> <p>19 is Donald Zimmerman --</p> <p>20 THE COURT: Mr. -- and Mr. Zimmerman --</p> <p>21 MR. ZIMMERMAN: Hello. Don Zimmerman.</p> <p>22 Hopefully you can hear me.</p> <p>23 THE COURT: Excellent. Thank you.</p> <p>24 MR. CIFERRI: -- and Kevin Foster --</p> <p>25 MR. FOSTER: Good morning. Kevin Foster,</p>

Transcript of Hearing
Conducted on December 11, 2023

3 (9 to 12)

<p>9</p> <p>1 here.</p> <p>2 THE COURT: Great.</p> <p>3 MR. CIFERRI: -- Nick Driban --</p> <p>4 MR. DRIBAN: Good morning. Nick Driban.</p> <p>5 MR. CIFERRI: -- and Tim Longfellow.</p> <p>6 MR. LONGFELLOW: Good morning. Tim</p> <p>7 Longfellow.</p> <p>8 MR. CIFERRI: Thank you.</p> <p>9 THE COURT: Excellent. Thank you.</p> <p>10 Thank you. All right. So now that we know that</p> <p>11 everyone's cameras work, everyone's microphones</p> <p>12 work, I'd appreciate it if you could all remain</p> <p>13 muted until it is your turn to speak. That just</p> <p>14 helps cut down on feedback.</p> <p>15 Just a -- just a few little Zoom</p> <p>16 and hybrid hearing housekeeping details. We ask</p> <p>17 that while you're speaking, you try not to</p> <p>18 interrupt someone else that is speaking unless you</p> <p>19 have an objection. We have a court reporter here,</p> <p>20 so it's difficult for him to understand what people</p> <p>21 are saying when there is crosstalk. If you're</p> <p>22 participating remotely, you can, if you're not</p> <p>23 speaking, if you -- feel free to turn your camera</p> <p>24 off, but when you are testifying, we will need your</p> <p>25 camera on.</p>	<p>11</p> <p>1 to work through as we go. Let's see. And to see</p> <p>2 the hearing room there, you can pin the video. You</p> <p>3 can enlarge the screen. There's some fun little</p> <p>4 Zoom functions. If you need assistance in pinning</p> <p>5 the video, we do have some instructions on our</p> <p>6 website.</p> <p>7 All right. So now we've gotten that out</p> <p>8 of the way. We only have -- it appears -- I don't</p> <p>9 think we have anyone here in opposition; we only</p> <p>10 have those that are here in support of the</p> <p>11 application. So Mr. Ciferri, if you'd like to make</p> <p>12 an opening statement, you can, then you can proceed</p> <p>13 with your presentation, the factual case, and any</p> <p>14 kind of closing statement and, again, work through</p> <p>15 the exhibits how you see fit, and we'll go from</p> <p>16 there. All right.</p> <p>17 MR. CIFERRI: Thank you.</p> <p>18 THE COURT: Any -- if there's -- are</p> <p>19 there any questions before we begin? All right, Mr.</p> <p>20 Ciferri, go ahead with your opening, if you wish to</p> <p>21 have one, or you can jump right into testimony.</p> <p>22 MR. CIFERRI: Yes. Just very briefly.</p> <p>23 Good morning, and again, for the record, Peter</p> <p>24 Ciferri with the office of McMillan Metro for the</p> <p>25 Applicant. The Applicant is Alder Energy</p>
<p>10</p> <p>1 Let's see. You noticed at the very</p> <p>2 beginning, you might've heard something that said</p> <p>3 that this hearing is being recorded. The Zoom</p> <p>4 recording is only for the court reporter's</p> <p>5 purposes, just for reference in case they need to</p> <p>6 refer back to it. It's only backup. It is -- will</p> <p>7 in no way be provided to the public. The chat</p> <p>8 function has been disabled. If you need wish to</p> <p>9 speak, please use your raise your hand option</p> <p>10 whenever you wish to speak. You will not be able</p> <p>11 to share screen during this process. What we have,</p> <p>12 all of the exhibits -- Mr. Ciferri, have you had an</p> <p>13 opportunity to take a look at the Exhibit list</p> <p>14 online?</p> <p>15 MR. CIFERRI: Yes.</p> <p>16 THE COURT: And it is -- has everything</p> <p>17 that you need there?</p> <p>18 MR. CIFERRI: Yes, it does.</p> <p>19 THE COURT: All right. Thank you. So</p> <p>20 we have our Zoom operator here. He will be able to</p> <p>21 pull up those exhibits directly from the OZAH</p> <p>22 website. He will then share screen. So if you</p> <p>23 could just let us know which exhibit you wish to</p> <p>24 review, it will be pulled up on the screen,</p> <p>25 everyone will be able to see it, and you'll be able</p>	<p>12</p> <p>1 Development, LLC, and we intend to demonstrate, via</p> <p>2 the testimony today and the record evidence, that</p> <p>3 the Applicant has satisfied each of the general</p> <p>4 criteria for conditional use as set forth in</p> <p>5 Section 7.3.1 of the Zoning Ordinance, and also</p> <p>6 that the Applicant has satisfied each of the</p> <p>7 specific criteria for a solar collection facility</p> <p>8 conditional use in the Ag Reserve Zone, which is</p> <p>9 seven -- 3.7.2.b of the Zoning Ordinance.</p> <p>10 So I introduced you very briefly to</p> <p>11 those who will be providing testimony. Just as a</p> <p>12 little further context, Donald Zimmerman, the CEO</p> <p>13 of Alder Energy Development, he's been the lead on</p> <p>14 this project. He will testify primarily as to the</p> <p>15 facts surrounding the project and -- as it relates</p> <p>16 to the property, and also some of the specific</p> <p>17 criteria of the zoning ordinance that relates to</p> <p>18 solar collection facilities and his expertise there.</p> <p>19 Next, we will present Nick Driban, who is</p> <p>20 a traffic engineer, and he will testify as to the</p> <p>21 project's satisfaction with LATR guidelines. Third</p> <p>22 will be Kevin Foster. He's a land planner and</p> <p>23 landscape architect with GLW. Mr. Foster will</p> <p>24 testify to the bulk of the project details, as</p> <p>25 shown on the site plan and on the landscaping plan</p>

Transcript of Hearing
Conducted on December 11, 2023

4 (13 to 16)

<p>13</p> <p>1 and Forest Conservation Plan, and specifically as 2 those relate to the general zoning ordinance 3 criteria and several of the other specific criteria. 4 And finally, Tim Longfellow, also with 5 GLW, a civil engineer, will testify to site 6 distance evaluation that was necessary for the 7 project, stormwater management necessary for the 8 project, and also a culvert analysis that was 9 specific to this property. So with that, I -- I'll 10 begin, unless there's any questions. 11 THE COURT: No, you can call your first 12 witness. 13 MR. CIFERRI: Okay. First witness is 14 Donald Zimmerman. 15 THE COURT: Mr. Zimmerman, could you 16 raise your right hand please? Do you promise to 17 tell the whole truth and nothing but the truth? 18 MR. ZIMMERMAN: I do. 19 THE COURT: Thank you. 20 Whereupon, 21 DONALD ZIMMERMAN, 22 being first duly sworn or affirmed to testify to 23 the truth, the whole truth, and nothing but the 24 truth, was examined and testified as follows: 25 EXAMINATION BY COUNSEL FOR THE APPLICANT</p>	<p>15</p> <p>1 We've had a number of other projects developed in 2 PG County, Carroll County, now -- now Baltimore 3 County, and -- and Montgomery County with this 4 project. 5 Q Thank you. 6 MR. CIFERRI: I -- I would like to ask 7 that Mr. Zimmerman be qualified as sort of a hybrid 8 witness, an expert witness on the topic of 9 development and construction of solar collection 10 facilities, but also, he'll be continuing to 11 testify on a factual basis as well. 12 THE COURT: Admitted. 13 MR. CIFERRI: Thank you. 14 Q Now, Don, you mentioned a term Community 15 Solar Project. Could you just explain for the 16 Examiner what that means? 17 A Right. So a community solar project was 18 enabled through a Pilot Program Legislative Act 19 that basically it is a project that sends all its 20 power to the grid, and then individual members of 21 the community can subscribe to the power that's 22 generated by this project. Those subscriptions are 23 then credited against their bill and they get a 24 discount on their bill at the same time as 25 supporting solar development in -- in -- in the</p>
<p>14</p> <p>1 BY MR. CIFERRI: 2 Q Good morning. Could you just state your 3 name and occupation for the record? 4 A Sure. I'm Don Zimmerman. I am 5 President and CEO of Alder Energy Development. 6 Q Thank you. And turning to Exhibit 44, 7 have you had a chance to review that exhibit? 8 (Exhibit 44 was marked.) 9 A Yes. 10 Q And is that an accurate copy of your 11 resume? 12 A Yes, it is. 13 Q Okay. What does your role entail with 14 Alder Energy Development? 15 A So Alder Energy Development, I -- I lead 16 the group that develops community solar projects in 17 Maryland, among other states. 18 Q And could you describe some of your 19 relevant experience with Alder Energy Development 20 in Maryland? 21 A Right. So we -- we've been involved in 22 the Community Solar Pilot Program since its 23 inception. We had one of the first two projects in 24 operation in -- in the Community Solar Program, the 25 Dogwood Road and the Old Court Road projects.</p>	<p>16</p> <p>1 county or -- well within the utility that they're 2 -- region that they're operating. 3 Q Is that the sort of project that this is? 4 A That's exactly what this is, yes. 5 Q And could you describe just briefly, 6 what was your site selection process? Why did you 7 arrive on this particular site? 8 A So, in general, our team looks at sites 9 that are of sufficient size to do a 2 megawatt AC 10 project. We want it to be already cleared; we want 11 it to be flat; we want it to be near a three-phase 12 power that we can connect to easily, and in 13 general, you know, available. We -- we contact 14 land owners and -- and see if they would be 15 interested in leasing their land for a long-term 16 lease. 17 Q And could you describe that, your 18 relationship with the land owner? 19 A Yes. Mr. Stadler (phonetic) is the -- 20 is the owner of Gregg Road, LLC. They are a 21 landscaping business that -- well, let me rephrase 22 that. They -- they grow trees for landscaping 23 purposes; they're a nursery, and our relationship 24 with him is we have a contractual relationship 25 through a lease option agreement to lease his land</p>

Transcript of Hearing
Conducted on December 11, 2023

5 (17 to 20)

<p>17</p> <p>1 for a minimum of 25 years once the option is 2 exercised. 3 Q Okay. And -- and do you have his 4 authorization for the application? 5 A Yes, we do. 6 MR. CIFERRI: Okay. Turning to the 7 plan, specifically Exhibit 14D, have you had a 8 chance to review the plans submitted as the 9 conditional use plan? 10 (Exhibit 14D was marked.) 11 A Yes. 12 Q And do those accurately describe your 13 proposal? 14 A Yes, they are. They are what were 15 proposing. 16 Q Could you describe how -- how will the 17 solar array itself be oriented with respect to -- 18 with respect to the properties to the north? 19 MR. CIFERRI: And if we could perhaps 20 see 14D, that might help. 21 THE COURT: Sure. 22 MR. CIFERRI: Thank you. 23 THE COURT: So 14D. 24 MR. ZIMMERMAN: So the solar panels are 25 going to be facing south with the back of the solar</p>	<p>19</p> <p>1 that's 600 volts AC from multiple inverters -- 2 there's 16 of them in this particular situation -- 3 would be aggregated together in a panel board 4 that's mounted to that equipment pad in the middle 5 of the drawing -- 6 THE COURT: Did we lose him? 7 MR. ZIMMERMAN: -- 600 volts AC, the 8 13,000 volts AC. Did you have comment, Peter? 9 BY MR. CIFERRI: 10 Q No. 11 A Okay. And -- and then it's attached -- 12 THE COURT: Yeah. Just hang -- if you 13 guys could hang on just one -- 14 A -- to the power grid. We go underground 15 to -- 16 THE COURT: If you all can hang on one 17 second. 18 A -- to the edge of the property where we 19 go up to poles, and then attach to the power grid 20 across the road. 21 Q Thank you. And approximately how many 22 modules and panels are you proposing? 23 A There's over 5,000. The exact number is 24 5,408 panels. 25 Q Okay. Does this solar array generate</p>
<p>18</p> <p>1 panels facing to the north. They'll be tilted at 2 approximately 20 degrees and spaced in rows, 3 running east to west. 4 MR. CIFERRI: Okay. And actually, I was 5 looking for 14D as in dog, but we can -- really, we 6 can move to 14E, is actually probably a better 7 exhibit for the next few questions. 8 (Exhibit 14E was marked.) 9 THE COURT: Okay. 10 BY MR. CIFERRI: 11 Q Now could you describe what pieces of 12 equipment are necessary for a solar array? 13 A Yeah. So -- so each panel is mounted to 14 a racking system. The one we have designed with is 15 what they call Two High in Portrait. So it's two 16 panels stacked end-to-end, and these are driven 17 into the earth with steel piles. There's no 18 concrete. Generally, as you can see in the drawing 19 on the upper center there, each group of -- of 20 modules, we generally call them a table, and in -- 21 in this design, I believe we've done 26 panels per 22 table. And so, those are all aggregated into 23 something called an inverter that takes the DC from 24 the solar, converts it to AC. The inverters that 25 were chosen for this project output 600 volts AC,</p>	<p>20</p> <p>1 any noise, odors, dust, illumination, that would be 2 measurable beyond the property line? 3 A No. You'll -- you'll never know it's 4 there by any of those parameters. 5 Q And based on your experience in the 6 industry, do solar collection systems generate any 7 adverse health impacts to neighboring properties? 8 A No, they do not. 9 Q I -- I -- I want to ask a little bit 10 about the construction of the project. How long 11 would it take to construct a project like this? 12 A With this project it's somewhere between 13 four to six months, depending on availability of 14 crews and -- and, obviously, weather concerns. 15 Q And what does that site development 16 phase entail? 17 A Basically we start with any site prep 18 that's necessary. In this particular case there's 19 not a lot of site prep. We bring in a vibrating 20 pile driver. They drive the piles for the rack. 21 The rack then gets installed. The solar panels are 22 mounted to the racks. Then the electrical team 23 comes in, puts their conduits in the ground, and 24 then ties all the DC side of the system together 25 that is poured for the transformer and electrical</p>

Transcript of Hearing
Conducted on December 11, 2023

6 (21 to 24)

<p>21</p> <p>1 equipment. Inverters are mounted. AC is brought 2 to the pad. Electrical equipment is -- is -- is 3 tied together. 4 We run a trench out to the poles. 5 We -- obviously, the poles on the power grid are 6 set at a separate time. We -- we go underground 7 with our 13.2 KV line to the poles. We bring it up 8 to the top of a pole, at which point the utility 9 then connects the system in. We test the system. 10 Obviously, once the powers -- once we're able to 11 energize it, we can test the system. Once it 12 passes all the tests and the utility has made their 13 tests, then they'll issue a permission to operate 14 certificate. 15 Q And once you have that permission to 16 operate, does that mean it's a basically usable 17 system in layman's terms? 18 A That's correct. Once we have permission 19 to operate, we will -- we'll -- we'll turn it on, 20 energize the system, and at that point, 21 subscriptions would've been sold and the 22 subscribers would be receiving the credits for the 23 power that it creates. 24 Q I see. And so, the zoning ordinance 25 criteria asks about things like hours of operation,</p>	<p>23</p> <p>1 removal be minimized as part of site construction? 2 A So there will be -- will be no grading 3 of the field area itself, and the only -- there 4 will be a minimal amount of -- of earth work for 5 the pad and the trenches, which will obviously be 6 regraded and topsoil replaced, and there will be no 7 undercutting of the roadway that would -- that 8 would be put in to -- to access the facility. 9 Q And relatedly, does this construction of 10 the site require this scraping of topsoil? Is that 11 term used in the zoning ordinance? 12 A No, we don't scrape topsoil. 13 Q Okay. Does the Applicant propose the 14 use of any concrete as part of the project, and if 15 so, where? 16 A Yes. There will be some concrete and 17 that will generally only be under the pad where the 18 transformer and some of the switch gear is located. 19 Q Are you familiar with the requirements 20 of the State of Maryland's Net Metering Program? 21 A Yes. 22 Q And could you describe how this project 23 will comply with those criteria? 24 A Yes. This -- this project has gotten 25 approval from the Public Service Commission to</p>
<p>22</p> <p>1 numbers of employees. Are there specific operating 2 hours for a site like this? 3 A Once it is -- is constructed, there 4 should be no personnel onsite except to do 5 maintenance, and which will be sporadic, at best. 6 Q Okay. I want to turn to the -- some of 7 the specific requirements of the zoning ordinance 8 for solar collection facilities. Have you had a 9 chance to review those? 10 A Yes. 11 Q And I'm going to ask you a series of 12 related questions -- 13 A Sure. 14 Q -- the first being, is this facility 15 rated at more than 200 percent of on onsite energy 16 usage? 17 A This facility doesn't consume 18 significant amounts of energy. It predominantly is 19 a generator, not -- not a consumer. 20 Q Okay. Is it -- is it less than 2 21 Megawatts AC? 22 A Yes. 23 Q Yeah. And turning back to the 24 construction of the facility --you mentioned this 25 very briefly, I think -- how will grading and soil</p>	<p>24</p> <p>1 participate in the Community Solar Program -- Pilot 2 Program. It has also received approval from the 3 utility to interconnect to its grid, and we have 4 both the approval documentation, as well as a 5 interconnection agreement that's been signed 6 between Alder Energy Development and Pepco. 7 MR. CIFERRI: And if I could refer to 8 Exhibit 23. 9 (Exhibit 23 was marked.) 10 BY MR. CIFERRI: 11 THE COURT: Okay. 12 MR. CIFERRI: If we could -- we could 13 share that. 14 THE COURT: Sure. We'll pull -- pull 15 that up in one moment. 16 Q I'm going to show you a series of 17 exhibits here. If you could just briefly explain 18 sort of the import of these different exhibits. So 19 this is Exhibit 23. 20 A Right. This is the exhibit, which -- 21 which -- from Pepco to Alder Energy Development, 22 indicating that for this project, that they have 23 approved the interconnection and a brief 24 description of how that interconnection will take 25 place.</p>

Transcript of Hearing
Conducted on December 11, 2023

7 (25 to 28)

<p>25</p> <p>1 MR. CIFERRI: Okay. If we could show 2 Exhibit 24. 3 (Exhibit 24 was marked.) 4 BY MR. CIFERRI: 5 Q And what does that demonstrate? 6 A So this is an acceptance into the open 7 category for year five of the pilot program, and in 8 this particular case, this -- this came from the 9 utility, which has been given the authority to -- 10 to grant that by the Public Service Commission. 11 Q Thank you. 12 MR. CIFERRI: Exhibit 25. 13 (Exhibit 25 was marked.) 14 A Yes. That is the interconnection 15 agreement, which is essentially the contract 16 between, in our case, Alder Energy Development and 17 the utility as per the interconnection of the 18 project. 19 Q Great. Thank you. 20 MR. CIFERRI: If we could turn to 21 Exhibit 21. 22 (Exhibit 21 was marked.) 23 Q Don, will the area under the solar 24 collection facility be actively used for 25 agricultural purposes?</p>	<p>27</p> <p>1 Exhibit 48, which was the Planning Board's letter. 2 (Exhibit 48 was marked.) 3 BY MR. CIFERRI: 4 Q Were you also familiar with -- with the 5 letter transmitted by the Planning Board after its 6 hearing? 7 A Yes. 8 Q And are you prepared to comply with the 9 recommendations and conditions that the Planning 10 Board imposed in its recommendations? 11 A Yes, we are. 12 MR. CIFERRI: Okay. Thank you. I have 13 no additional questions for Mr. Zimmerman at this 14 time. 15 THE COURT: Okay. Am I muted? Yeah. 16 If you could unmute me because it looks like the -- 17 hold on one second. Can you all hear me? 18 MR. CIFERRI: Yes. 19 THE COURT: Oh, okay. Thank you. I 20 wasn't sure if I was muted or not. Just a quick 21 question. All right. So you answered the question 22 that had no conditions. Public meeting, would that 23 be something Mr. Zimmerman would testify to, or is 24 that something one of your later witnesses would 25 testify to?</p>
<p>26</p> <p>1 A Yes. It will be a pollinator habitat. 2 And we -- we are in the process of contracting with 3 the company that is shown here to establish a -- a 4 pollinator-friendly -- well, certifiable pollinator 5 friendly habitat, and we intend to get it certified 6 under the Maryland Pollinator Friendly 7 Certification Program. 8 Q And what are -- in generalities, what 9 are the steps that the -- the Applicant needs to 10 take to get that kind of a certification? 11 A Well, we need to establish that, you 12 know -- we need to -- need to plant the right -- 13 excuse me -- the right seeds, get the -- get it 14 established, and then there's a -- a visit by a 15 certified inspector that will then say that it has 16 met the requirements. 17 Q Thank you. 18 MR. CIFERRI: Turning to -- turning 19 briefly to Exhibit 49, the Staff Report. 20 (Exhibit 49 was marked.) 21 Q Don, have you had a chance to review the 22 Staff Report that was prepared by the Planning 23 Department? 24 A Yes. Yes, we have. 25 MR. CIFERRI: And turning also to</p>	<p>28</p> <p>1 MR. CIFERRI: I could do both. Mr. 2 Foster was at the pre-submission meeting, so I'm 3 going to ask him that question. 4 BY MR. CIFERRI: 5 Q But Mr. Zimmerman, to the best of your 6 knowledge, was the property posted in accordance 7 with the -- with the notice criteria of the code? 8 A Yes, I believe it was. 9 Q And to the best of your knowledge, was a 10 pre-submission meeting required under the code? 11 A I am not sure, to be quite frank. 12 Q You don't -- did we have -- did we have 13 a pre-submittal meeting? 14 A A pre-submittal? Did we have a 15 pre-submittal? Yes, we did. Right. Yeah. 16 Q Yeah. Okay. 17 MR. CIFERRI: To the Examiner, I'll ask 18 Mr. Foster a few more questions about that. 19 THE COURT: That's fine. That's fine. 20 Like, I think the only question I had was regarding 21 how it was advertised. I know it was held by Zoom, 22 but if Mr. Foster wants to get into those details, 23 that's perfect. I think that was the only -- and 24 that -- I wasn't sure if it was Mr. Zimmerman or a 25 later witness that you had regarding the public</p>

Transcript of Hearing
Conducted on December 11, 2023

8 (29 to 32)

<p>29</p> <p>1 hearing. That's it. That's the only question I 2 had for Mr. Zimmerman. 3 MR. CIFERRI: Okay. Thank you. 4 MR. ZIMMERMAN: All right. Thank you. 5 THE COURT: Thank you. 6 MR. CIFERRI: Next, we'll call Nick 7 Driban. 8 THE COURT: Thank you. 9 Whereupon, 10 C. NICK DRIBAN, 11 being first duly sworn or affirmed to testify to 12 the truth, the whole truth, and nothing but the 13 truth, was examined and testified as follows: 14 EXAMINATION BY COUNSEL FOR THE APPLICANT 15 BY MR. CIFERRI: 16 Q Nick, could you just state your name and 17 occupation for the record? 18 A Good morning. Nick Driban with Lenhart 19 Traffic, Vice President. 20 MR. CIFERRI: And if we could turn to 21 Exhibit 41. 22 (Exhibit 41 was marked.) 23 Q Or, rather, Nick, have you had a chance 24 to review Exhibit 41? 25 A Yes, I have.</p>	<p>31</p> <p>1 in the past? 2 A Yes, I have. 3 Q And including in Montgomery County? 4 A Including Montgomery County, and 5 including with OZAH before. 6 Q Okay. And specific to solar projects; 7 is that right? 8 A Not -- not in Montgomery County for 9 solar, but elsewhere, yes. 10 Q Right. 11 MR. CIFERRI: Based on Mr. Driban's 12 knowledge, training, and experience, I would ask 13 that he be qualified as an expert in 14 transportation, planning, and traffic engineering 15 THE COURT: Admitted as an expert. 16 MR. CIFERRI: Thank you. 17 Q Mr. Driban, are you familiar with the 18 LATR guidelines that would be respective to this 19 application? 20 A Yes, I am. 21 Q And are there specific guidelines for 22 solar collection facilities? 23 A The LATR guidelines are -- are broadly 24 applied. They're the County's specific methodology 25 for enforcing the Adequate Public Facilities</p>
<p>30</p> <p>1 Q And is that an accurate copy of your 2 professional resume? 3 A It is. 4 Q Okay. 5 THE COURT: Thank you. 6 Q Can you please describe your professional 7 background as it's relevant to this application? 8 A Yes. So I'm a traffic engineer, a 9 transportation engineer, as I said, Vice President 10 with Lenhart Traffic currently. Excuse me. I've 11 been employed in this capacity for about 17 years 12 now. I'm a professional engineer, as well as a 13 professional traffic operations engineer PTOE. 14 Prior to my time with Lenhart traffic, 15 where I've been for seven years, I worked at a firm 16 called STB, where I was a -- a traffic engineer and 17 later led the traffic operations department, and 18 then I also spent time at the Maryland State 19 Highway administration as a reviewer of traffic 20 impact studies throughout the state. And primarily 21 with Lenhart traffic now, you know, we do hundreds 22 of -- hundreds of these studies throughout the 23 state, including within Montgomery County. 24 Q And have you been qualified and -- as an 25 -- as an expert in traffic planning and engineering</p>	<p>32</p> <p>1 Ordinance as it pertains to traffic. And so, those 2 are very specifically laid out. Within those 3 guidelines there's not a specific use for solar 4 facilities. It's a bit of a unique -- unique use 5 in that respect. 6 Q And did you evaluate the trip generation 7 standards with respect to this application? 8 A I did, yes. 9 Q As a result of your evaluation, did you 10 prepare a letter or a report? 11 A Yes; we prepared a traffic statement. 12 MR. CIFERRI: If you could turn to 13 Exhibit 45. Thank you. 14 (Exhibit 45 was marked.) 15 Q Okay. Is that an accurate copy of the 16 letter that you prepared? 17 A Yes, it appears to be. 18 Q And could you provide a summary of your 19 analysis for trip generation for this project? 20 A Yeah, certainly. So as I -- as I stated 21 previously, the County, Montgomery County, has very 22 detailed guidelines for review of the adequacy of 23 transportation facilities as part of the 24 development projects. Those guidelines are called 25 the Local Area Transportation Review Guidelines,</p>

<p>33</p> <p>1 and the methodology within those guidelines looks 2 at the number of person trips that a site will 3 generate. So it could be walking, biking, driving, 4 of course, transit, and any site generating greater 5 than 50 peak hours -- so during the -- the busiest 6 hour of the morning or busiest hour of -- the 7 busiest hour of the evening. Fifty peak hour 8 person trips, is required to do a full 9 transportation impact evaluation reviewing all 10 facilities. A site generating less than 50 peak 11 hour person trips is exempt from any adequacy 12 evaluation because it's considered to have a de 13 minimis impact on the -- on the surrounding 14 transportation network. 15 So in this case, there is -- generally 16 speaking, the LATR guidelines have a really -- 17 have a very detailed methodology for determining 18 trip generation for more common uses, so, like, a 19 residential use, a hotel use, shopping center, that 20 type of thing. For this use, as I said, initially, 21 it's a bit of a unique use. It doesn't have a 22 specific -- typically when we're looking at the 23 context of the Local Area Transportation Review 24 Guidelines we're looking at -- at trip generation 25 rates that are published elsewhere, and this use</p>	<p>35</p> <p>1 once that construction phase is over and you move 2 into sort of regular operation and all the 3 equipment is installed, there are no -- there are 4 really no employees going to this site on a regular 5 -- on a regular basis. What you see is some, you 6 know, mowing and landscaping activity to make sure 7 that the grass isn't growing up, you know, above 8 the -- the solar panels, you know, that type of 9 sort of regular maintenance, but -- but not so 10 regular that it's occurring -- that you would see 11 those trips every single day during a typical 12 Tuesday, Wednesday, or Thursday. 13 So the -- the result of all that is that 14 these sites generate zero trips on a -- on a 15 typical day on average. You know, again, there may 16 be one or two here or there, they might be 17 off-peak, but, typically, zero trips on a -- on a 18 day. And so, it's fully exempt -- this site is 19 fully exempt from the County's Local Area 20 Transportation Review in terms of requiring more 21 detailed study, and it would have no impact 22 whatsoever once fully up and operating on the 23 surrounding transportation network. 24 Q Thank you. 25 MR. CIFERRI: I have no additional</p>
<p>34</p> <p>1 doesn't have specific rates. And so, what we do 2 in those cases is we coordinate with staff at Park 3 and Planning to determine how we're going to look 4 at trip generation; and in this case, trip 5 generation was evaluated based on information from 6 -- from the -- from the owner who testified 7 previously, Mr. Zimmerman, as well as information 8 on similar solar projects throughout the state of 9 Maryland. 10 We've worked on a number of these, as I 11 alluded to previously, and solar facilities 12 essentially -- essentially generate zero traffic. 13 What I mean by that is there is a construction 14 phase where certainly there will be -- there will 15 be some -- some trips in and out of the site, but 16 when the County is looking at trip generation and 17 how traffic, you know, will operate within a site, 18 they're looking at, as I mentioned, the peak hours 19 of what they consider to be a typical day. So it's 20 a Tuesday, Wednesday or Thursday, while school is 21 in session, sort of what would you see on a -- on a 22 regular -- regular one of those days. 23 And as you heard Mr. Zimmerman testify, 24 and as we've seen with other, in our experience, 25 with other solar facilities throughout the state,</p>	<p>36</p> <p>1 questions for Mr. Driban. 2 THE COURT: Thank you, Mr. Driban. 3 MR. DRIBAN: Thank you. 4 MR. CIFERRI: I ask that Mr. Driban can 5 be excused also, unless there may be more questions 6 for him later. 7 THE COURT: No. Absolutely. Thank you, 8 Mr. Driban, for your time. 9 MR. DRIBAN: Thank you. 10 MR. CIFERRI: Thank you. Third, I'll 11 call Kevin Foster. 12 MR. FOSTER: Good morning. 13 THE COURT: Thank you. 14 Whereupon, 15 KEVIN FOSTER, 16 being first duly sworn or affirmed to testify to 17 the truth, the whole truth, and nothing but the 18 truth, was examined and testified as follows: 19 EXAMINATION BY COUNSEL FOR THE APPLICANT 20 BY MR. CIFERRI: 21 Q Good morning. Can you state your name 22 and occupation for the record? 23 A For the record, it's Kevin Foster. I'm 24 a certified land planner and landscape architect, 25 and I'm a principal with Gutschick, Little & Weber,</p>

Transcript of Hearing
Conducted on December 11, 2023

10 (37 to 40)

<p>37</p> <p>1 and our office is located at 3909 National Drive in 2 Burtonsville. 3 Q Thank you. Have you had a chance to 4 review Exhibit 43? 5 (Exhibit 43 was marked.) 6 A Yes. 7 Q And is that a accurate copy of your 8 professional resume? 9 A Yes, it is. 10 Q Could you briefly describe your 11 professional experience as a land planner and 12 landscape architect? 13 A I've been a land planner and landscape 14 architect working in the Baltimore Washington 15 region since 1986, and I have testified on multiple 16 occasions in front of the Hearing Examiner in 17 Montgomery County for local map amendments, special 18 exceptions and conditional uses. 19 Q Thank you. 20 MR. CIFERRI: I ask that Mr. Foster be 21 qualified as an expert in land planning and 22 landscape architecture. 23 THE COURT: Admitted. 24 MR. CIFERRI: Thank you. 25 Q Turning to -- and Mr. Foster, if there's</p>	<p>39</p> <p>1 Riggs Road. So the property, it sits basically 2 Northwest of Olney in Montgomery County in the Ag 3 Reserve, so it's zoned AR. It used to be zoned 4 RDT. With the new zoning code, changed that to AR, 5 which is Ag Reserve Zone. And all of the 6 properties surrounding this property are also in 7 the Ag Reserve zone. So it does not abut any 8 residential properties -- any other residentially 9 zoned properties. Excuse me. 10 The property itself is currently being 11 used as a tree farm. So the owner, you know, grows 12 trees on that farm that are then dug and either 13 planted or sold to -- to landowners. There's a 14 stream that runs -- a stream and wetland area that 15 runs parallel to Zion Road on the west side of the 16 property, and we'll look at that a little further 17 as we get into the -- get into the testimony, but 18 the majority of the property is open with trees 19 growing on it. 20 Q And the existing nursery use, is that 21 anticipated to continue? 22 A For the -- this -- this use will only 23 take up a portion of the property. You know, 12 24 acres out of the total -- excuse me -- total of 25 53.59 acres, we will only be taking up 12.6 of it</p>
<p>38</p> <p>1 a point where you'd like to refer to a different 2 exhibit or if you would like to direct, you know, 3 zooming in or changing pages, please feel free. 4 A Sure. 5 Q Yeah. Could you walk us through the 6 existing conditions to the property? 7 A Sure. 8 MF. FOSTER: If you could pull up the -- 9 I think the Staff Report would probably -- from 10 Park and Planning, Page 6, I think would be a good 11 place to start. 12 BY MR. CIFERRI: 13 Q Okay. 14 A It has a pretty good map on it. 15 (Exhibit 6 was marked.) 16 THE COURT: Yep. 17 MR. FOSTER: There we go. 18 MR. CIFERRI: Yeah. 19 A Thank you. So to orient the location of 20 the -- of the site, it's outlined in red in the 21 middle of that photograph from Page 6 of the 22 Montgomery County Staff Report, and just to orient 23 you, to the left or east of the property is Zion 24 Road, to the north and northeast of the property is 25 Gregg Road, and to the east of the property is</p>	<p>40</p> <p>1 in total use area, so the rest of the property will 2 remain an actively growing tree farm. 3 Q And are there any prior special 4 exceptions or conditional uses on this property? 5 A No, there are not. 6 Q Okay. The adjoining properties, could 7 you walk us through the existing uses of the 8 adjoining properties? 9 A Sure. So the north of the property 10 along Gregg Road, there are single family 11 residences on large lots, pretty much, along that 12 whole frontage along the northern property of Gregg 13 Road. On the eastern property line, along Riggs -- 14 Riggs, there's a very large farm, so there's open 15 fields adjacent to the site. South of the subject 16 property there's a -- a special exception use. 17 It's for a landscape contractor, and they -- they 18 also grow a number of trees on that property as 19 well. To the west of the property is a couple of 20 farms, a historic property, and a property that was 21 just approved for a solar use as well. I think it 22 was called Free Range Solar. 23 Q Okay. And based on your professional 24 experience, how would you define the character of 25 the surrounding neighborhood?</p>

<p>41</p> <p>1 A The -- the character of this -- this 2 surrounding neighborhood is predominantly 3 agricultural with -- with some residential -- large 4 lot residential uses, but, you know, as you're 5 really traveling or traversing these -- the roads 6 right around the site, the majority of the uses 7 tend to be agricultural.</p> <p>8 Q And again, in your -- basically, in your 9 professional experience, is this proposal 10 harmonious with that character?</p> <p>11 A Yes, it is.</p> <p>12 Q What is the applicable area Master plan 13 respective to this property?</p> <p>14 A This property is in the Olney Master 15 Plan.</p> <p>16 Q And have you reviewed the Olney Master 17 Plan with respect to -- with respect to this 18 property and the proposed use?</p> <p>19 A Yes, I have.</p> <p>20 Q And what are the relevant 21 recommendations respective to the use and property?</p> <p>22 A Well, this property is -- you know, the 23 only master plan is a very broad ranging master 24 plan from basically Olney all the way to the Howard 25 County line, so it -- it encompasses quite a</p>	<p>43</p> <p>1 spaces strengthened by focusing on protection of 2 water supply and sensitive natural resources. And 3 we certainly did that -- we -- to protect all of 4 the sensitive resources on this site. As we look 5 further into the plans, we'll see where we put all 6 of the wetlands and stream buffers and existing 7 forest, you know, forest conservation easement to 8 protect those -- those resources.</p> <p>9 There's also a section talking about 10 Northern Olney on Page 18 of the master plan, and 11 it states that, Agriculture and rural open space in 12 the west area of Georgia Avenue and the rural open 13 space in the east area are recommended -- are the 14 recommended primary land uses. Continued 15 stewardship and management of the agricultural 16 lands and agricultural production and open space 17 conservation programs will maintain and improve the 18 environmental health of this area.</p> <p>19 Q Thank you. And based on your knowledge, 20 experience and training, is this proposal in 21 substantial conformance with those master plan 22 recommendations?</p> <p>23 A Yes, it is.</p> <p>24 Q Are there any other master plans relevant 25 to this application?</p>
<p>42</p> <p>1 diverse range of developments. And the majority of 2 the master plan is really focused on -- around 3 Olney because in the Olney Master Plan, the 4 majority of the activity and the uses are down 5 there, but the area where the subject property is 6 located is called Northern Olney, and there's a 7 number of sections of the code that talk about this 8 in, not a great amount of detail, but they do talk 9 about it.</p> <p>10 If we could probably start on Page 11 -- now I'm going to reference the Olney Master Plan 12 as I'm reading through certain sections of this.</p> <p>13 THE COURT: Okay.</p> <p>14 A On Page 15, it really talks about the 15 land use goals for the Olney Master Plan, and the 16 one that really relates to Northern Olney is 17 protecting the Patuxent watershed, including the 18 drinking water reservoir and agricultural and rural 19 open space.</p> <p>20 So the majority of the recommendations in 21 the Olney Master Plan relate to protecting the ag 22 uses, protecting the existing residential out 23 there, and the drinking water supply. The same on 24 Page 16. It says, In Northern Olney, the original 25 concept of preserving agriculture and rural open</p>	<p>44</p> <p>1 A There is the Rustic Roads Master Plan, 2 which is relevant to this application, since all 3 three roads that abut the property are all now 4 classified as Rustic Roads.</p> <p>5 Q And could you describe the circumstances 6 of the existing rights of way and what the master 7 plan recommends for those?</p> <p>8 A Sure.</p> <p>9 MR. FOSTER: If we could go back to the 10 Page 6 out of this, that would be helpful.</p> <p>11 Actually, the one on Page 7 might be a little 12 better, just because it's a little -- there we go.</p> <p>13 A So the subject property, again, is 14 outlined in -- in red. And when we first started 15 this project, Zion Road was listed as a Rustic Road 16 with a 70-foot right-of-way, Gregg Road was listed 17 as a secondary road with a 60-foot right-of-way, 18 and Riggs Road was listed as a Rustic Road with a 19 70-foot right-of-way. During the process of this 20 project, as we moved through the conceptual design, 21 and then filing of a -- a conditional use, the 22 Rustic Road's Master Plan was updated during that 23 time frame, and part of that update was to nominate 24 Gregg Road as a Rustic Road. So it is now a Rustic 25 Road with a 70-foot right-of-way and Riggs Road was</p>

Transcript of Hearing
Conducted on December 11, 2023

12 (45 to 48)

<p>45</p> <p>1 upgraded to an exceptional Rustic Road, so it now 2 has an 80-foot right-of-way. So those are the 3 current right-of-ways and how they changed during 4 the process. 5 Q Okay. And are the plans consistent with 6 those recommendations? 7 A Yes, they are. 8 Q Did the project Applicant meet with the 9 Rustic Roads Advisory Committee? 10 A Yes. Yes, we did. We did on two 11 locations, two -- we met with them twice to get 12 their recommendations, and they seemed to be very, 13 very supportive of it. One of, you know, their 14 original -- the original discussions were where was 15 our driveway access and could we use the driveway 16 access on Gregg Road. And we took a long time to 17 really examine that, but ended up coming to the 18 conclusion that Gregg Road didn't meet the fire 19 access standards required by Montgomery County, so 20 we couldn't use that as our main access, whereas 21 the existing conditions on Zion Road met all the 22 requirements of fire access. 23 So that was really dictating where 24 our access to the property had to be located, and 25 Rustic Roads Committee was happy with that.</p>	<p>47</p> <p>1 this site that are part of the primary management 2 area. And I think we have an Exhibit -- it might 3 have been -- 4 MR. CIFERRI: If we turn to Exhibit 15D, 5 I think that might show it clearly. D as -- D as in 6 dog. Yeah, there. Okay. 7 (Exhibit 15D was marked.) 8 MR. FOSTER: So this is an exhibit that 9 shows depiction of the subject property with the 10 three roads around it, and what's in blue are the 11 areas designated in the primary management area, or 12 660 feet within tributary, you know, closest to any 13 of the tributaries. What you can see in the 14 diagonal lines along the northern part of the -- 15 northeastern part of the property, that is the 16 solar array itself, and you can see part of it does 17 sit within the primary management area. 18 Now, the -- the biggest impact of the PMA 19 management is limiting the impervious area within 20 the PMA, and that is limited to 10 percent. So the 21 most you can have of impervious in the PMA is 10 22 percent and our property, or our project has 23 basically 1.5 percent impervious, and most of that 24 is the road and the pad for the electrical 25 equipment. The -- in reality, the solar arrays</p>
<p>46</p> <p>1 They're really just concerned on if there's any 2 improvements along the road, that they're done in a 3 limited scale, and we talked about that and really 4 conveyed that our impact to Zion Road is going to 5 be minimal, at best. 6 Q And based on your knowledge, training 7 and experience, are -- are the plans in substantial 8 conformance with the Rustic Roads Functional Master 9 Plan recommendations? 10 A Yes. They are. 11 Q I'd like to turn to one other master 12 plan matter. Is this property located within the 13 Patuxent Primary Management Area? 14 A Yes, it is. 15 Q Okay. And what effect does that 16 designation have on the Applicant and the 17 application? 18 A Well, that is all part of the Patuxent 19 River Master Plan, and they basically have 20 designated any area within 660 feet of a tributary 21 and the Patuxent River is called a primary 22 management area, and there's a number of 23 recommendations that have been made and guidelines 24 for what is called the PMA, or the primary 25 management area, and there are a number of areas on</p>	<p>48</p> <p>1 aren't really considered impervious because their 2 water runs off of them and then goes back down to 3 the ground and is -- and is infiltrated into the 4 ground between the panels. So none of that is 5 really considered impervious, since that water off 6 of the panels directly goes back into the ground. 7 BY MR. CIFERRI: 8 Q Thank you. 9 MR. CIFERRI: Turning now to Exhibit 37. 10 (Exhibit 37 was marked.) 11 Q Kind of switching gear, was a copy of 12 this application submitted to the Office of 13 Agriculture? 14 A Yes, it was. 15 Q And did the Office of Agriculture make 16 -- make any specific recommendations? 17 A They -- right -- right on the -- there, 18 they -- they stated that we were -- outside of any 19 wetlands and buffers, we weren't stripping topsoil, 20 we were minimizing grading and we were meeting the 21 farming and agricultural activity requirements, so 22 they were in favor of the project. 23 Q Okay. And respective to the zoning 24 ordinance criteria, to the best of your knowledge, 25 throughout Montgomery County, are there solar</p>

Transcript of Hearing
Conducted on December 11, 2023

13 (49 to 52)

<p>49</p> <p>1 collection facilities in excess of 1800 total acres?</p> <p>2 A There are not.</p> <p>3 MR. CIFERRI: Turning to Exhibit 26.</p> <p>4 (Exhibit 26 was marked.)</p> <p>5 Q Did the Office of Agriculture opine on</p> <p>6 that fact?</p> <p>7 A Yes. They did write an email stating to</p> <p>8 that fact, that there are not solar projects</p> <p>9 greater than 1800 acres in Montgomery County</p> <p>10 currently.</p> <p>11 MR. CIFERRI: I'd like to turn now to</p> <p>12 the Conditional Use Plan, which is Exhibit 14 and</p> <p>13 its sub parts.</p> <p>14 (Exhibit 14 was marked.)</p> <p>15 Q And Mr. Foster, I'll let you -- you</p> <p>16 know, pick which of the subparts we should be</p> <p>17 looking at. But, generally, was that site plan</p> <p>18 prepared by you or people under your supervision at</p> <p>19 your office?</p> <p>20 A Yes. The Conditional Use Site Plan was</p> <p>21 prepared by Gutschick, Little & Weber --</p> <p>22 Q And are you --</p> <p>23 A -- under my direction.</p> <p>24 Q And are you familiar with the</p> <p>25 requirements of Article 59-3 of the Zoning</p>	<p>51</p> <p>1 acres of road dedication, and the area to remain in</p> <p>2 agriculture was 37.52 acres, for a total of 12.60</p> <p>3 acres in -- in the actual -- actual use. As I</p> <p>4 said, again, it's in the AR zone and the existing</p> <p>5 use was tree nurseries.</p> <p>6 There -- there is no density limit</p> <p>7 for this type of use. There is a residential</p> <p>8 density unit limit of 1 lot per 25 acres, but there</p> <p>9 is not any density on -- density requirements for</p> <p>10 the solar collection systems other than the</p> <p>11 coverage, which we talked about. The principal</p> <p>12 building setbacks are 50 feet from the -- any of</p> <p>13 the right-of-ways, which we complied to, and we are</p> <p>14 going to have a fence around the perimeter of the</p> <p>15 -- of the project.</p> <p>16 If you get specifically into Solar</p> <p>17 Collection Systems, which is it may be allowed as a</p> <p>18 conditional use, there are a number of</p> <p>19 requirements, obviously, that we have to meet.</p> <p>20 One, the project is less than 2 megawatts in size,</p> <p>21 and Mr. Zimmerman has already testified to that.</p> <p>22 It can't be on soils classified as -- as class --</p> <p>23 category 1 or 2 by the United States Department of</p> <p>24 Agriculture.</p> <p>25 MR. FOSTER: If you could zoom to the</p>
<p>50</p> <p>1 Ordinance?</p> <p>2 A Yes, I am.</p> <p>3 Q Could you please walk us through the</p> <p>4 site plan proposal and how it conforms to the</p> <p>5 general requirements of Article 59-3?</p> <p>6 A Sure. So I guess -- what would be the</p> <p>7 best?</p> <p>8 Q It'd probably be A or D.</p> <p>9 A Right. Let me just see if I had my 59-3</p> <p>10 up here somewhere.</p> <p>11 Q A has the table; D is the design.</p> <p>12 A Right. So Section 59-3 is the use --</p> <p>13 covers the uses in use tables, and this falls under</p> <p>14 Solar Collection Systems. So if you could zoom in</p> <p>15 on the site data table down on the lower -- lower</p> <p>16 right-hand corner. I'm just getting used to doing</p> <p>17 these things virtually as opposed to in person, so</p> <p>18 it's a little -- a little different sometimes.</p> <p>19 THE COURT: There.</p> <p>20 A So our gross tract area was 53.95 acres</p> <p>21 with the right-of-way dedications that were</p> <p>22 required. We had actually had to make right-of-way</p> <p>23 dedications on all of the existing roads, even</p> <p>24 though our actual solar collection system only sat</p> <p>25 on a -- a portion of the property. So we had 3.83</p>	<p>52</p> <p>1 chart in the upper left-hand corner. Okay.</p> <p>2 A This is a soils chart that we put</p> <p>3 together, and sometimes there is a little bit of</p> <p>4 confusion about soils classifications because the</p> <p>5 typical soils classifications you see are what are</p> <p>6 called the map units, which is on the left, and</p> <p>7 those are the hydrologic soil classification units,</p> <p>8 and they're -- they range through from Class 1 to,</p> <p>9 you know, like, Class 32, so there's many of them.</p> <p>10 But what's talked about in the Zoning Code about --</p> <p>11 they're talking about the soil use classifications,</p> <p>12 which is the -- the fifth column there. The use</p> <p>13 classifications for soils classifies them on the --</p> <p>14 what they're most useful for. And the prime</p> <p>15 agricultural soils are typically Class 1 and Class</p> <p>16 2, so that's why it's prohibited that any solar</p> <p>17 array beyond Class 1 or Class 2 soils, because the</p> <p>18 -- the County wants to maintain those as</p> <p>19 agricultural soils.</p> <p>20 And the soils for this site were --</p> <p>21 where we put the solar array were not Class 2 or</p> <p>22 Class 3, but were Class 3 and Class 4, and that's a</p> <p>23 little bit why -- it's totally why the shape --</p> <p>24 what's driving the shape of the solar array is that</p> <p>25 it was a very odd shaped soils classification on</p>

<p>53</p> <p>1 our site, so that's why we have that kind of, you 2 know, odd shape to it; it's -- it's following the 3 soil's lines on the sites. 4 Q Thank you. 5 A Getting back into the other requirements, 6 solar collection systems are prohibited on stream 7 buffers, wetlands, and on slopes greater than 15 8 percent. We took all of the wetlands and stream 9 buffers and put them in a forest conservation 10 easement, and there are no slopes greater than 15 11 percent on the site. We will not be scraping any 12 soil, grading will be minimized, and the solar 13 collection system will be compliant with the 14 state's net metering system and pollinator friendly 15 designation as well. 16 Q Thank you. Turning back to Article 59-6 17 and the general criteria there, are you familiar 18 with those criteria? 19 A Yes, I am. 20 Q And turning to site access, how will 21 site access be granted for this property? 22 A The site access will be off of Zion Road 23 with a single driveway with a 25-foot -- excuse me, 24 a 20-foot driveway leading back into the site. 25 MR. CIFERRI: And if we could pull up</p>	<p>55</p> <p>1 Q And based on your review of the project 2 and your training and experience, is the 3 application compatible with the general 4 requirements of 59-3 and 59-6? 5 A Yes, it is. 6 Q Based on your knowledge, training, and 7 experience, and in your professional opinion, what, 8 if any, non-inherent adverse effects would this 9 application have on abutting properties? 10 A This property will have no non-inherent 11 impacts to the abutting, surrounding properties. 12 Q As far as adequate public facilities are 13 concerned, which of those criteria apply to a 14 project of this nature? 15 A The -- the only criteria that apply to a 16 project of this nature are really roads -- roads 17 and drainage. Roads, as Mr. Driban had testified, 18 were adequate to serve the property. The 19 stormwater management concept plan shows that we do 20 meet the drainage. You know, we are providing 21 adequate drainage and -- with the culvert studies 22 that we've done. 23 MR. CIFERRI: Okay. Turning to Exhibit 24 14F as in Frank. 25 (Exhibit 14F was marked.)</p>
<p>54</p> <p>1 Exhibit 16. 2 (Exhibit 16 was marked.) 3 BY MR. CIFERRI: 4 Q Does that fairly depict the site access 5 for the property? 6 A Yes, it does, and that -- this is the 7 approved Fire Access Plan. So it -- it shows the 8 access coming into the property, having a fire 9 compliant turnaround, and there's also a small 10 exhibit that shows we are within a mile of water 11 supply along Zion Road. 12 Q And probably sticking with this exhibit, 13 are there any specific parking criteria for a solar 14 collection facility? 15 A No; there's no specific parking required, 16 and when the very rare maintenance truck comes out 17 there, it would park off to the side or in one of 18 the turnaround legs of the driveway. 19 Q Is there any lighting associated with 20 the project? 21 A There's no lighting associated. 22 Q And you mentioned before fencing? 23 A Yes. There will be a 7-foot agricultural 24 style fence around the perimeter of the solar 25 collection array.</p>	<p>56</p> <p>1 Q Are you familiar with the landscaping 2 required and proposed for the project? 3 A Yes, I am. 4 Q And could you walk us through the 5 applicable requirements and how those are being met? 6 A Right. The -- for a solar project we're 7 required to provide screening for any -- any part 8 of the project that would be visible from a 9 residence, and we're required to do that through 10 the screening requirements in Section 6.5.3 of the 11 Zoning Code, and that would be the -- a general 12 building or general -- with the general building. 13 So we're required to provide a 30-foot landscape 14 buffer around the perimeter that's visible to any 15 -- any residential properties, and that's what 16 we've provided, as shown on this exhibit. 17 THE COURT: And where are the 18 residences, from looking at the exhibit? 19 MR. FOSTER: The -- the residences are 20 on the opposite side of Gregg Road to the north of 21 the property and to the north -- northeast, you can 22 see the little squares that are shown on all those 23 adjacent properties. 24 THE COURT: Uh-huh. 25 MR. FOSTER: And then there's -- there's</p>

Transcript of Hearing
Conducted on December 11, 2023

15 (57 to 60)

<p>57</p> <p>1 actually a -- a -- down in the lower left-hand 2 corner, a residence down there, and they're all 3 currently screened by the existing vegetation. 4 There's existing forests along Zion Road that 5 provides the buffer to those. 6 THE COURT: Thank you. 7 BY MR. CIFERRI: 8 Q And the existing landscaping and 9 buffering, is that intended to remain? 10 A Yes, it will remain. 11 MR. CIFERRI: Okay. Turning to Exhibit 12 15. 13 (Exhibit 15 was marked.) 14 Q And could you identify that? Could you 15 identify Exhibit 15? 16 A Exhibit 15 is the Forest Conservation 17 Plan. 18 Q And were those prepared by you or under 19 your supervision? 20 A Yes, they were prepared under my 21 supervision. 22 Q Could you describe for the Examiner the 23 proposal for compliance with the forest 24 conservation ordinance? 25 A Sure.</p>	<p>59</p> <p>1 THE COURT: Just noting the 6A, 2B. 2 Those are the soil types? 3 MR. FOSTER: Sorry, I -- I couldn't 4 understand that. What was that? 5 THE COURT: On the plan, I see the 6 numbers 2B, 6A. I'm assuming those are soil types? 7 MR. FOSTER: Yes. Those are the 8 hydrologic soil groups. 9 THE COURT: All right. Thank you. I 10 Just wanted to confirm. 11 MR. FOSTER: Yes. 12 BY MR. CIFERRI: 13 Q Was this forest conservation plan 14 reviewed by the Planning Board? 15 A It was. 16 Q And has it been approved? 17 A Yes, it has been approved. 18 Q Was the approval -- were -- were there 19 any conditions to the approval? 20 A Yes, there were -- were conditions to 21 the approval and we'll -- we have some conditions 22 to deal with prior to certification, some technical 23 clarifications, and then we also have to show the 24 impacts to the culvert removal along Zion Road in 25 this plan as well.</p>
<p>58</p> <p>1 MR. FOSTER: Can you pull up 15A? 2 THE COURT: There it is. 3 MR. FOSTER: So 15A is the forest 4 conservation plan, and what -- what you're looking 5 at in tan are the total impacts that we'll be 6 having basically limited disturbance or other 7 impacts to the site, and that -- that area is what 8 generates our forest conservation requirement. So 9 we take it -- take that total area and apply the 10 forest conservation requirements, and that gives us 11 what we needed to do. 12 In this case we needed to do 13 reforestation. And so, in an area along the stream 14 and along Zion Road with the diagonal hatching, 15 that is all reforestation, and with the honeycomb 16 area, that is all forest that is being preserved. 17 It's -- so we took all the area in the stream 18 valley, put it into an easement, some of the 19 wetland areas that were required as well, and that 20 -- that meets our requirements onsite for forest 21 conservation. 22 THE COURT: Okay. And just -- 23 BY MR. CIFERRI: 24 Q And was this plan -- 25 MR. CIFERRI: oh, go ahead.</p>	<p>60</p> <p>1 Q Turning to some of the other related 2 zoning ordinance criteria, is there any proposal 3 for the removal of trees or landscaping in order to 4 allow for the installation of the solar array? 5 A There is not. 6 Q Okay. And is there any disturbance or 7 removal to a champion tree, or exceptionally large 8 tree? 9 A No. 10 MR. CIFERRI: Okay. If you could turn 11 to Exhibit 20. 12 (Exhibit 20 was marked.) 13 Q Can you identify that document? 14 A That is a letter that's issued by the 15 Maryland Department of Natural Resources, part of 16 the Wildlife and Heritage Service, that we have to 17 get a letter relating to any rare, threatened, or 18 endangered species on -- on or near the site when 19 we're getting a -- an NRI FSD approved, and this is 20 the letter that we received from DNR for that 21 purpose. 22 Q And is the Applicant's proposal in 23 conformance with that letter? 24 A Yes, it is. There are several types of 25 mollusks that are down in the Hawlings River that</p>

Transcript of Hearing
Conducted on December 11, 2023

16 (61 to 64)

<p>61</p> <p>1 are listed as threatened species, and they were 2 specific -- they gave us some specific 3 recommendations on minimizing it impervious and how 4 -- and stabilizing soil, minimizing clearing, and 5 we're abiding by all of those. 6 Q Thank you. And I would like to touch on 7 community outreach for the project. I'm going to 8 ask you about a series of exhibits just briefly. 9 If you could identify Exhibit 7. Was the -- 10 (Exhibit 7 was marked.) 11 A The adjoining and confronting property 12 owner's list. 13 Q And was that prepared by your office? 14 A Yes, it was. 15 MR. CIFERRI: Okay. And if we could go 16 to Exhibit 8. 17 (Exhibit 8 was marked.) 18 Q And could you identify that? 19 A The list of civic community condominium 20 and HOA's registered at Park and Planning for this 21 property. 22 Q Was that also prepared by your office? 23 A Yes, it was. 24 MR. CIFERRI: Okay. Exhibit 9, please. 25 (Exhibit 9 was marked.)</p>	<p>63</p> <p>1 A Yes, they were. 2 Q Okay. Okay. Was there a pre-submission 3 community meeting held for this project? 4 A There -- there was a pre-submission 5 community meeting held, even though there wasn't, 6 technically, one required. But, yes, we did hold 7 one. 8 Q And could you describe the participation 9 at the pre-submission meeting? 10 A We didn't really have anybody show up. 11 If I remember correctly -- 12 Q Was there -- 13 A -- there were -- there were no 14 participants. 15 Q Was there any other community outreach 16 as part of the project? 17 A Yes. We did get some correspondence 18 from -- as part of a you know, process, we talked 19 to a number of the neighbors on the opposite side 20 of Zion Road when they were concerned about, you 21 know, where the arrays were going to be and what 22 the impacts to Zion Road. And we met with them out 23 onsite, and then we also had some phone calls and 24 letters from, I think it was, the Patuxent River 25 Association that -- concerned with the Patuxent</p>
<p>62</p> <p>1 Q Do you identify that? 2 A That is the notice letter that was sent 3 out for the filing of a forest conservation plan. 4 Q And to the best of your knowledge, was 5 written notice mailed to the notice parties in 6 conformance with the zoning ordinance? 7 A Yes, it was. 8 MR. CIFERRI: If we could turn to 9 Exhibit 10. 10 (Exhibit 10 was marked.) 11 Q Could you identify that? 12 A That is the copy of the -- that's an 13 image of what the posted sign looked like. It was 14 posted on the site for the notifications of the 15 conditional use and the Forest Conservation Plan. 16 MR. CIFERRI: And if we could turn to 17 Exhibit 11. 18 (Exhibit 11 was marked.) 19 Q Can you identify that? 20 A Yes. That's an exhibit showing the 21 locations where the required signs would be posted 22 around the subject property. 23 Q And to the best of your knowledge, were 24 the signs posted in those areas and in conformance 25 with the zoning ordinance criteria?</p>	<p>64</p> <p>1 River water quality, and they seemed to be very 2 happy with what we were proposing since we were, 3 you know, doing everything according to the 4 regulations. 5 MR. CIFERRI: Thank you. Okay. I have 6 -- 7 THE COURT: Okay. Just one -- 8 MR. CIFERRI: -- no further questions. 9 THE COURT: One quick one. 10 MR. CIFERRI: Yeah. 11 THE COURT: Thank you for letting me 12 know about the conversations that you had with 13 neighbors and people reaching out. Just -- I'm 14 always curious about outreach with Zoom meetings. 15 How did -- 16 MR. FOSTER: Right. 17 THE COURT: How -- was the Zoom kind of 18 like your -- your -- you set it up for people to 19 come and attend. How was that advertised, or was 20 it, that you were going to have this Zoom meeting? 21 MR. FOSTER: Usually, we -- we usually 22 send the Zoom meeting notices to the same group 23 that is required for the notices for the project. 24 So it's all the adjoining confronting property 25 owners and all of those same civic groups.</p>

Transcript of Hearing
Conducted on December 11, 2023

17 (65 to 68)

<p>65</p> <p>1 THE COURT: Okay.</p> <p>2 MR. FOSTER: We use the exact same list.</p> <p>3 THE COURT: All right. Thank you.</p> <p>4 MR. CIFERRI: I have no further</p> <p>5 questions for Mr. Foster.</p> <p>6 THE COURT: I think Mr. Foster answered</p> <p>7 all of the questions that I had. Screening -- yep.</p> <p>8 I have no questions for you, Mr. Foster. Thank you.</p> <p>9 MR. FOSTER: Thank you.</p> <p>10 MR. CIFERRI: Thank you. I call next</p> <p>11 Tim Longfellow.</p> <p>12 THE COURT: Thank you.</p> <p>13 MR. CIFERRI: Thank you.</p> <p>14 Whereupon,</p> <p>15 TIMOTHY LONGFELLOW,</p> <p>16 being first duly sworn or affirmed to testify to</p> <p>17 the truth, the whole truth, and nothing but the</p> <p>18 truth, was examined and testified as follows:</p> <p>19 EXAMINATION BY COUNSEL FOR THE APPLICANT</p> <p>20 BY MR. CIFERRI:</p> <p>21 Q Could you state your name and occupation</p> <p>22 for the record?</p> <p>23 A Sure. Tim -- Timothy Longfellow. I'm a</p> <p>24 civil engineer registered in both Maryland and</p> <p>25 Virginia, and I've been with Gutschick, Little &</p>	<p>67</p> <p>1 BY MR. CIFERRI:</p> <p>2 Q Mr. Longfellow, did you or someone under</p> <p>3 your supervision perform a site distance evaluation</p> <p>4 for this project?</p> <p>5 A Yes, we did.</p> <p>6 MR. CIFERRI: If we could turn to</p> <p>7 Exhibit 46.</p> <p>8 (Exhibit 46 was marked.)</p> <p>9 Q Is that an accurate copy of the site</p> <p>10 distance evaluation that was prepared?</p> <p>11 A Yes, it is.</p> <p>12 Q Okay. And upon your review of site</p> <p>13 distance evaluation criteria, is this project in</p> <p>14 compliance with required site distances?</p> <p>15 A It -- it will be in compliance once we</p> <p>16 get into the applicable permit drawings. There is</p> <p>17 one tree that's noted in the comment sections that</p> <p>18 needs to be removed, and then upon its removal --</p> <p>19 excuse me -- upon its removal, we'll have more than</p> <p>20 adequate sight distance.</p> <p>21 Q Thank you. Did you evaluate stormwater</p> <p>22 management for this project?</p> <p>23 A Yes, we did.</p> <p>24 MR. CIFERRI: If we could turn to</p> <p>25 Exhibit 18.</p>
<p>66</p> <p>1 Weber for 30 years in various capacities, currently</p> <p>2 as a principal.</p> <p>3 Q Thank you.</p> <p>4 MR. CIFERRI: And turning to Exhibit 40.</p> <p>5 (Exhibit 40 was marked.)</p> <p>6 Q Is that an accurate depiction of your</p> <p>7 resume?</p> <p>8 A Yes, it is.</p> <p>9 Q And have you been qualified as an expert</p> <p>10 in civil engineering in the past?</p> <p>11 A Yes, I have. I've been qualified -- oh,</p> <p>12 go ahead.</p> <p>13 Q Go -- no; go ahead.</p> <p>14 A I've been qualified in front of OZAH for</p> <p>15 local map amendments, special exceptions, et</p> <p>16 cetera, as well as in some other adjoining</p> <p>17 jurisdictions, Anne Arundel County, Prince George's</p> <p>18 County and various jurisdictions throughout the</p> <p>19 state.</p> <p>20 Q Thank you.</p> <p>21 MR. CIFERRI: Based on his knowledge,</p> <p>22 training, and experience, I would ask to qualify</p> <p>23 Mr. Longfellow as an expert in civil engineering.</p> <p>24 THE COURT: Admitted.</p> <p>25 MR. CIFERRI: Thank you.</p>	<p>68</p> <p>1 (Exhibit 18 was marked.)</p> <p>2 Q Yeah. Page 1, is this a copy of the</p> <p>3 plan that you prepared?</p> <p>4 A Yes, it is.</p> <p>5 Q And could you walk us through the plan</p> <p>6 that's proposed and whether it demonstrates</p> <p>7 compliance with the applicable code criteria?</p> <p>8 A Sure. So, generally, as we approach --</p> <p>9 did you have something, Peter?</p> <p>10 Q No.</p> <p>11 A Okay. Generally, as we approach each</p> <p>12 project for stormwater management, we've got to do</p> <p>13 an evaluation of both the existing conditions and</p> <p>14 the proposed conditions and basically look at the</p> <p>15 increase in any storm discharges based on the</p> <p>16 proposed development. In this case, we also had to</p> <p>17 look at the MDE technical guidance that they</p> <p>18 provide and how they address impervious areas as</p> <p>19 they relate to solar panels. Their technical</p> <p>20 guidance -- I think it's Policy Number 8 that they</p> <p>21 have -- establishes that the only impervious areas</p> <p>22 for solar projects is the support to the panels</p> <p>23 themselves, and then any driveways and equipment,</p> <p>24 buildings, and things of that nature.</p> <p>25 So when we evaluated that, there</p>

<p>69</p> <p>1 was a fairly minimal increase in the impervious 2 area, and then we started to evaluate the different 3 types of stormwater management practices that we 4 might be able to undertake for projects like this 5 in the AR zone, and -- and other ag type practices. 6 Generally, we have the opportunity to look at can 7 we get any sheet flow credits to conservation 8 areas. As Mr. Foster pointed out earlier with the 9 creation of some of the forest conservation 10 easement, that was a great opportunity to do that. 11 So on the second page of the stormwater 12 concept plan -- and I think that's Exhibit -- 13 that's the one. So in -- on this plan, you've got 14 two insets. The inset on the right depicts the 15 area that we looked at that would actually sheet -- 16 sheet flow through a portion of the solar panel 17 array system, and that's outlined in red. On the 18 inset to the left, in green, we've highlighted 19 where those areas will actually sheet flow through 20 the conservation areas with a buffer width that 21 range from 100 feet to about 240 feet or so, and 22 that -- that sheet flow through the -- the 23 conservation area is -- is a practice that's 24 accepted by MDE and Montgomery County for 25 Stormwater Practices. So that is the extent of our</p>	<p>71</p> <p>1 Q Is that a copy of the analysis that was 2 prepared? 3 A Yes, it is. 4 Q And could you walk through why a culvert 5 analysis was necessary and -- and some of the 6 details of that analysis? 7 A Sure. So whenever we're looking at 8 proposed development plans, we have to, again, 9 assess the impact that that development may have on 10 downstream or surrounding properties -- excuse me 11 -- and in this case, you know, given the size of 12 the drainage area and the extent of the 13 development, we knew that we needed to look at that 14 culvert to be sure that it was safely conveying the 15 appropriate design storm. So you know, basically, 16 we identified that upfront and undertook that 17 analysis throughout the process. 18 Q And what was the applicable standard 19 that needed to be met? 20 A So MCDOT establishes the standard for 21 this type of road at a 25-year design storm. 22 Q And based on your examination and your 23 professional opinion, what is the condition of the 24 existing culvert? 25 A Sure. The existing CMP culvert is -- is</p>
<p>70</p> <p>1 stormwater management practice for this project. 2 Q Thank you. 3 MR. CIFERRI: And turning to Exhibit 19. 4 (Exhibit 19 was marked.) 5 Q Can you identify that document? 6 A Yes. That is a reconfirmation of a -- 7 of an initial approval that we receive that 8 basically says that Montgomery County Department of 9 Permitting Services finds the plan to be approvable. 10 Q Thank you. Were there any site features 11 specific to this property that required additional 12 examination? 13 A Yes. Through our initial, I guess, site 14 walks and -- and initial reconnaissance, we noticed 15 that there was a downstream culvert, and when we 16 looked at the drainage area that was draining to 17 that culvert, we recognized that we needed to do a 18 culvert analysis to be sure that it was in good 19 working condition. 20 Q And did you or someone under your 21 supervision prepare a culvert analysis? 22 A Yes, we did. 23 MR. CIFERRI: If you could turn to 24 Exhibit 28. 25 (Exhibit 28 was marked.)</p>	<p>72</p> <p>1 in fair condition, but unfortunately it does not 2 safely convey the appropriate 25-year design storm 3 without over topping and backing up water flow. 4 MR. CIFERRI: And if we could turn 5 quickly to Exhibit 29. 6 (Exhibit 29 was marked.) 7 BY MR. CIFERRI: 8 Q Could you identify that exhibit? 9 A Sure. This is a drainage area map that 10 shows the total drainage that we've outlined that 11 will drain to the culvert. It shows both an 12 existing condition and a proposed condition for 13 those drainage areas. 14 Q So taking the existing condition and 15 proposed condition, in your professional opinion, 16 what measures should be taken, if any, to remediate 17 the existing culvert? 18 A You know, based on our analysis, we've 19 determined that -- that existing 48-inch by 33-inch 20 CMP culvert needs to be removed and replaced with 21 two 42-inch circular culverts. 22 Q And is the Applicant's proposal to 23 undertake those measures? 24 A Yes, it is. 25 Q And at what stage of this project would</p>

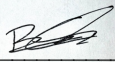
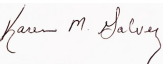
Transcript of Hearing
Conducted on December 11, 2023

19 (73 to 76)

<p>73</p> <p>1 that occur?</p> <p>2 A Typically we get underway with those</p> <p>3 types of design and construction plans once all the</p> <p>4 entitlements have been secured. In this case, our</p> <p>5 clients asked us to -- to kind of get started on</p> <p>6 that a little bit early as -- as it's an absolute</p> <p>7 necessity that it get replaced if the project moves</p> <p>8 forward.</p> <p>9 Q And have your recommendations been</p> <p>10 reviewed by the Planning Department, or DOT?</p> <p>11 A Yes, they have.</p> <p>12 Q And did you receive any feedback from</p> <p>13 those agencies?</p> <p>14 A Yes. MCDOT issued a -- a -- a comment</p> <p>15 letter, and, in there, they concurred with our</p> <p>16 conclusions, and, as such, Park and Planning</p> <p>17 adopted those same recommendations.</p> <p>18 Q Thank you.</p> <p>19 MR. CIFERRI: I have no additional</p> <p>20 questions for Mr. Longfellow.</p> <p>21 THE COURT: Thank you, Mr. Longfellow.</p> <p>22 MR. LONGFELLOW: Thank you.</p> <p>23 MR. CIFERRI: That concludes the</p> <p>24 Applicant's testimony, unless there are any further</p> <p>25 questions from the Examiner.</p>	<p>75</p> <p>1 going to --</p> <p>2 THE COURT: Less than that?</p> <p>3 MR. FOSTER: -- take that long.</p> <p>4 THE COURT: Okay.</p> <p>5 MR. FOSTER: I think it'll -- it may be</p> <p>6 a one- to two-month design process, and maybe, you</p> <p>7 know, two- to four-month approval process, at worst.</p> <p>8 THE COURT: Okay.</p> <p>9 MR. FOSTER: So yeah.</p> <p>10 THE COURT: All right. Okay. I just</p> <p>11 always like to know for -- for my own education</p> <p>12 exactly how long these things take after the</p> <p>13 decision is rendered.</p> <p>14 MR. FOSTER: Sure.</p> <p>15 THE COURT: All right. Thank you so</p> <p>16 much. And I have no further questions.</p> <p>17 So if there's any closing arguments</p> <p>18 or anything else you'd like to say?</p> <p>19 MR. CIFERRI: Thank you. Just briefly,</p> <p>20 we submit to the Hearing Examiners' recommendations</p> <p>21 and resolution in this matter. I would -- I would</p> <p>22 note that the testimony and documentation submitted</p> <p>23 as part of the application do satisfy the</p> <p>24 requirements under 59-3 and the applicable</p> <p>25 requirements under 59-6, as well as the conformance</p>
<p>74</p> <p>1 THE COURT: No. I think -- I think all</p> <p>2 of my questions have been -- well, I -- early on,</p> <p>3 Mr. Zimmerman testified as to length of</p> <p>4 construction. As far as the process, once the --</p> <p>5 it -- you know, assuming conditional use is</p> <p>6 approved, what are we looking at as far as</p> <p>7 application, process, stage, things that still have</p> <p>8 yet to be done before work can actually start?</p> <p>9 MR. CIFERRI: I think -- let's see. I</p> <p>10 think Mr. Foster is probably best suited to -- to</p> <p>11 answer the question as to a permitting timeline.</p> <p>12 THE COURT: Right.</p> <p>13 MR. FOSTER: Once the conditional use is</p> <p>14 approved, we would then start all of the technical</p> <p>15 design, stormwater management, sediment control and</p> <p>16 whatever culvert plans that -- that need to be</p> <p>17 done. Those typically are, you know, probably a</p> <p>18 several-month design process, and -- and then they</p> <p>19 have to be submitted to Montgomery County for</p> <p>20 review and approval, and that is also a multiple</p> <p>21 month process as well.</p> <p>22 THE COURT: So we're looking at nine</p> <p>23 months to a year before actual construction; is</p> <p>24 that --</p> <p>25 MR. FOSTER: No; I don't think it's</p>	<p>76</p> <p>1 with the applicable master plan and functional</p> <p>2 master plan.</p> <p>3 It is a harmonious application that does</p> <p>4 not alter the character of the surrounding</p> <p>5 neighborhood, and it is not in a -- in or</p> <p>6 neighboring a residential detached neighborhood,</p> <p>7 zoned anyway. It is served by adequate public</p> <p>8 facilities, to the extent those are applicable to</p> <p>9 the application, will not cause undue harm to the</p> <p>10 neighborhood as a result of non-inherent effects,</p> <p>11 and satisfies all the specific criteria for the</p> <p>12 conditional use. Again, based on the testimony</p> <p>13 today and the evidence in the record, we would ask</p> <p>14 for a -- for an approval from the Examiner.</p> <p>15 THE COURT: Thank you. And I want to</p> <p>16 thank all of you for participating today. This is</p> <p>17 our second Zoom hearing that we've had and any</p> <p>18 feedback you have, I -- I think it went fairly</p> <p>19 well. I think we'll be able to hear everything,</p> <p>20 able to see everything. Is it a -- a -- I'll just</p> <p>21 throw this out here. Do you guys prefer the option</p> <p>22 of -- I see a couple thumbs up, right?</p> <p>23 MR. CIFERRI: Yes.</p> <p>24 THE COURT: Right.</p> <p>25 MR. CIFERRI: Two thumbs up.</p>

Transcript of Hearing
Conducted on December 11, 2023

20 (77 to 80)

<p>77</p> <p>1 THE COURT: Save you time, save you 2 money. 3 MR. CIFERRI: We -- we had an 4 out-of-town witness and it was very helpful. Thank 5 you. 6 THE COURT: All right. Excellent. 7 Well, the -- the goal is that all hearings moving 8 forward will be hybrid, so I think it might just be 9 a couple of us here in the hearing room going 10 forward. All right. Excellent. Well, thank you. 11 Thank you. All. And I just have a few things to 12 wrap up. 13 All right. All exhibits -- I'm going to 14 admit all exhibits as they are identified, and we 15 reviewed those earlier. The record will be held 16 open for 10 days for a transcript to be prepared by 17 our court reporter. We have our court reporter 18 here, so I think this might be his last time here. 19 I think they can appear remotely too, I think, at 20 this point. There's -- there's no reason to -- to 21 drag those poor guys in here. 22 So at this point, the record is closed 23 for all other documents and a decision will be 24 rendered within 30 days after the record is 25 finally closed. So we've got 10 days and then</p>	<p>79</p> <p>1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC 2 I, Brendon Cuenca, the officer before 3 whom the foregoing proceedings were taken, do 4 hereby certify that any witness(es) in the 5 foregoing proceedings were fully sworn; that the 6 proceedings were recorded by me and thereafter 7 reduced to typewriting by a qualified 8 transcriptionist; that said digital audio recording 9 of said proceedings are a true and accurate record 10 to the best of my knowledge, skills, and ability; 11 and that I am neither counsel for, related to, nor 12 employed by any of the parties to this case and 13 have no interest, financial or otherwise, in its 14 outcome. 15 16  17 18 BRENDON CUENCA, NOTARY PUBLIC 19 FOR THE STATE OF MARYLAND 20 December 19, 2023 21 22 23 24 25</p>
<p>78</p> <p>1 another 30. I'll try to get it done as quickly as 2 I can for you guys because I know you can't do 3 anything until you get the final decision. So at 4 this point we are off the record, the record is 5 closed, and I would like to thank everybody for 6 attending. 7 (Off the record at 11:11 a.m.) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>80</p> <p>1 CERTIFICATE OF TRANSCRIBER 2 I, Karen M. Galvez, do hereby certify 3 that this transcript was prepared from the digital 4 audio recording of the foregoing proceeding; that 5 said proceedings were reduced to typewriting under 6 my supervision; that said transcript is a true and 7 accurate record of the proceedings to the best of 8 my knowledge, skills, and ability; and that I am 9 neither counsel for, related to, nor employed by 10 any of the parties to the case and have no 11 interest, financial or otherwise, in its outcome. 12 13  14 15 KAREN M. GALVEZ 16 PLANET DEPOS, LLC 17 December 19, 2023 18 19 20 21 22 23 24 25</p>

Transcript of Hearing
Conducted on December 11, 2023

21

A			
abiding 61:5	accordance 28:6	40:8, 61:11, 64:24, 66:16	43:15, 43:16, 48:21, 52:15, 52:19, 54:23
ability 79:10, 80:8	according 64:3	administration 30:19	agriculture 6:9, 6:12, 42:25, 43:11, 48:13, 48:15, 49:5, 51:2, 51:24
able 10:10, 10:20, 10:25, 21:10, 69:4, 76:19, 76:20	accurate 14:10, 30:1, 32:15, 37:7, 66:6, 67:9, 79:9, 80:7	administrative 1:2, 2:5, 3:12, 3:14	ahead 8:10, 11:20, 58:25, 66:12, 66:13
about 20:10, 21:25, 28:18, 30:11, 42:7, 42:9, 42:14, 43:9, 46:3, 51:11, 52:4, 52:10, 52:11, 61:8, 63:20, 64:12, 64:14, 69:21	accurately 17:12	admit 77:14	air 1:7, 7:16
above 35:7	acres 39:24, 39:25, 49:1, 49:9, 50:20, 51:1, 51:2, 51:3, 51:8	admitted 15:12, 31:15, 37:23, 66:24	alder 7:23, 11:25, 12:13, 14:5, 14:14, 14:15, 14:19, 24:6, 24:21, 25:16
absolute 73:6	across 19:20	adopted 73:17	all 7:4, 8:12, 8:16, 9:10, 9:12, 10:12, 10:19, 11:7, 11:16, 11:19, 15:19, 18:22, 19:16, 20:24, 21:12, 27:17, 27:21, 29:4, 33:9, 35:2, 35:13, 39:5, 41:24, 43:3, 43:5, 44:2, 44:3, 45:21, 46:18, 50:23, 53:8, 56:22, 57:2, 58:15, 58:16, 58:17, 59:9, 61:5, 64:24, 64:25, 65:3, 65:7, 73:3, 74:1, 74:14, 75:10, 75:15, 76:11, 76:16, 77:6, 77:7, 77:10,
absolutely 8:18, 36:7	act 15:18	adverse 20:7, 55:8	
abut 39:7, 44:3	actively 25:24, 40:2	advertised 28:21, 64:19	
abutting 55:9, 55:11	activity 35:6, 42:4, 48:21	advisory 45:9	
ac 16:9, 18:24, 18:25, 19:1, 19:7, 19:8, 21:1, 22:21	actual 50:24, 51:3, 74:23	affirmed 13:22, 29:11, 36:16, 65:16	
acceptance 25:6	actually 18:4, 18:6, 44:11, 50:22, 57:1, 69:15, 69:19, 74:8	after 8:5, 27:5, 75:12, 77:24	
accepted 69:24	additional 27:13, 35:25, 70:11, 73:19	ag 12:8, 39:2, 39:5, 39:7, 42:21, 69:5	
access 5:14, 23:8, 45:15, 45:16, 45:19, 45:20, 45:22, 45:24, 53:20, 53:21, 53:22, 54:4, 54:7, 54:8	address 68:18	again 7:12, 7:19, 11:14, 11:23, 35:15, 41:8, 44:13, 51:4, 71:8, 76:12	
	adequacy 32:22, 33:11	against 15:23	
	adequate 31:25, 55:12, 55:18, 55:21, 67:20, 76:7	agencies 73:13	
	adjacent 40:15, 56:23	aggregated 18:22, 19:3	
	adjoining 4:21, 40:6,	agreement 2:13, 16:25, 24:5, 25:15	
		agricultural 25:25, 41:3, 41:7, 42:18,	

77:11, 77:13, 77:14, 77:23 allow 60:4 allowed 51:17 allowing 5:24 alluded 34:11 along 40:10, 40:11, 40:12, 40:13, 46:2, 47:14, 54:11, 57:4, 58:13, 58:14, 59:24 already 16:10, 51:21 also 3:11, 8:8, 12:5, 12:16, 13:4, 13:8, 15:10, 24:2, 26:25, 27:4, 30:18, 36:5, 39:6, 40:18, 43:9, 54:9, 59:23, 61:22, 63:23, 68:16, 74:20 alter 76:4 always 64:14, 75:11 amendments 37:17, 66:15 among 14:17 amount 23:4, 42:8 amounts 22:18 analysis 6:10, 13:8, 32:19, 70:18, 70:21, 71:1, 71:5, 71:6,	71:17, 72:18 anne 66:17 another 78:1 answer 74:11 answered 27:21, 65:6 anticipated 39:21 any 11:13, 11:18, 11:19, 13:10, 20:1, 20:4, 20:6, 20:17, 23:14, 33:4, 33:11, 39:7, 39:8, 40:3, 43:24, 46:1, 46:20, 47:12, 48:16, 48:18, 51:9, 51:12, 52:16, 53:11, 54:13, 54:19, 55:8, 56:7, 56:14, 56:15, 59:19, 60:2, 60:6, 60:17, 63:15, 68:15, 68:23, 69:7, 70:10, 72:16, 73:12, 73:24, 75:17, 76:17, 79:4, 79:12, 80:10 anybody 63:10 anyone 11:9 anything 75:18, 78:3 anyway 76:7 appeal 8:4 appeals 8:4	appear 77:19 appears 11:8, 32:17 applicable 41:12, 56:5, 67:16, 68:7, 71:18, 75:24, 76:1, 76:8 applicant 3:3, 11:25, 12:3, 12:6, 13:25, 23:13, 26:9, 29:14, 36:19, 45:8, 46:16, 65:19 applicant's 60:22, 72:22, 73:24 application 1:5, 5:5, 7:15, 7:23, 8:1, 11:11, 17:4, 30:7, 31:19, 32:7, 43:25, 44:2, 46:17, 48:12, 55:3, 55:9, 74:7, 75:23, 76:3, 76:9 applied 31:24 apply 55:13, 55:15, 58:9 appreciate 7:9, 9:12 approach 68:8, 68:11 appropriate 71:15, 72:2 approvable 70:9 approval 5:17, 6:5, 23:25, 24:2, 24:4, 59:18, 59:19, 59:21,	70:7, 74:20, 75:7, 76:14 approved 24:23, 40:21, 54:7, 59:16, 59:17, 60:19, 74:6, 74:14 approximately 18:2, 19:21 ar 39:3, 39:4, 51:4, 69:5 architect 12:23, 36:24, 37:12, 37:14 architecture 37:22 area 6:11, 23:3, 25:23, 32:25, 33:23, 35:19, 39:14, 40:1, 41:12, 42:5, 43:12, 43:13, 43:18, 46:13, 46:20, 46:22, 46:25, 47:2, 47:11, 47:17, 47:19, 50:20, 51:1, 58:7, 58:9, 58:13, 58:16, 58:17, 69:2, 69:15, 69:23, 70:16, 71:12, 72:9 areas 46:25, 47:11, 58:19, 62:24, 68:18, 68:21, 69:8, 69:19, 69:20, 72:13 aren't 48:1 argument 4:14 arguments 75:17 around 41:6, 42:2,
---	--	--	--

47:10, 51:14, 54:24, 56:14, 62:22 array 17:17, 18:12, 19:25, 47:16, 52:17, 52:21, 52:24, 54:25, 60:4, 69:17 arrays 47:25, 63:21 arrive 16:7 article 1:9, 7:18, 8:2, 49:25, 50:5, 53:16 arundel 66:17 asked 73:5 asks 21:25 assess 71:9 assistance 11:4 associated 54:19, 54:21 association 63:25 assuming 59:6, 74:5 attach 19:19 attached 19:11 attend 64:19 attending 78:6 audio 79:8, 80:4 authority 25:9 authorization 17:4 availability 20:13	available 16:13 avenue 2:6, 43:12 average 35:15 <hr/> B <hr/> back 10:6, 17:25, 22:23, 44:9, 48:2, 48:6, 53:5, 53:16, 53:24 background 30:7 backing 72:3 backup 10:6 baltimore 15:2, 37:14 based 20:5, 31:11, 34:5, 40:23, 43:19, 46:6, 55:1, 55:6, 66:21, 68:15, 71:22, 72:18, 76:12 basically 15:19, 20:17, 21:16, 39:1, 41:8, 41:24, 46:19, 47:23, 58:6, 68:14, 70:8, 71:15 basis 15:11, 35:5 because 27:16, 33:12, 42:3, 44:12, 48:1, 52:4, 52:17, 78:2 been 10:8, 12:13, 14:21, 21:21, 24:5, 25:9,	30:11, 30:15, 30:24, 37:13, 46:23, 47:3, 59:16, 59:17, 65:25, 66:9, 66:11, 66:14, 73:4, 73:9, 74:2 before 1:16, 2:13, 11:19, 31:5, 54:22, 74:8, 74:23, 79:2 begin 11:19, 13:10 beginning 10:2 behalf 3:3 behanna 3:12 being 7:8, 7:9, 7:18, 10:3, 13:22, 22:14, 29:11, 36:16, 39:10, 56:5, 58:16, 65:16 believe 18:21, 28:8 best 22:5, 28:5, 28:9, 46:5, 48:24, 50:7, 62:4, 62:23, 74:10, 79:10, 80:7 better 18:6, 44:12 between 20:12, 24:6, 25:16, 48:4 beyond 20:2, 52:17 bid 5:20 biggest 47:18 biking 33:3	bill 15:23, 15:24 bit 20:9, 32:4, 33:21, 52:3, 52:23, 73:6 blue 47:10 board 6:21, 8:4, 19:3, 27:5, 27:10, 59:14 board's 27:1 both 24:4, 28:1, 65:24, 68:13, 72:11 brendon 1:25, 2:13, 79:2, 79:18 brief 24:23 briefly 11:22, 12:10, 16:5, 22:25, 24:17, 26:19, 37:10, 61:8, 75:19 bring 20:19, 21:7 broad 41:23 broadly 31:23 brought 21:1 buffer 56:14, 57:5, 69:20 buffering 57:9 buffers 43:6, 48:19, 53:7, 53:9 building 2:7, 51:12, 56:12
--	--	---	--

buildings 68:24 bulk 12:24 burtonsville 37:2 busiest 33:5, 33:6, 33:7 business 16:21 byrne 1:16, 7:13	71:11, 73:4, 79:12, 80:10 cases 34:2 category 25:7, 51:23 cause 76:9 center 18:19, 33:19 ceo 12:12, 14:5 certain 42:12 certainly 32:20, 34:14, 43:3 certifiable 26:4 certificate 21:14, 79:1, 80:1 certification 26:7, 26:10, 59:22 certified 4:20, 26:5, 26:15, 36:24 certify 79:4, 80:2 cetera 66:16 champion 60:7 chance 14:7, 17:8, 22:9, 26:21, 29:23, 37:3 changed 39:4, 45:3 changing 38:3 character 40:24, 41:1, 41:10, 76:4 chart 52:1, 52:2 chat 10:7	chosen 18:25 circular 72:21 circumstances 44:5 civic 4:23, 61:19, 64:25 civil 13:5, 65:24, 66:10, 66:23 clarifications 59:23 class 51:22, 52:8, 52:9, 52:15, 52:17, 52:21, 52:22 classification 52:7, 52:25 classifications 52:4, 52:5, 52:11, 52:13 classified 44:4, 51:22 classifies 52:13 cleared 16:10 clearing 61:4 clearly 8:9, 47:5 clients 73:5 closed 77:22, 77:25, 78:5 closest 47:12 closing 11:14, 75:17 cmp 71:25, 72:20 code 28:7, 28:10, 39:4, 42:7,	52:10, 56:11, 68:7 collection 1:6, 7:15, 12:7, 12:18, 15:9, 20:6, 22:8, 25:24, 31:22, 49:1, 50:14, 50:24, 51:10, 51:17, 53:6, 53:13, 54:14, 54:25 column 52:12 come 64:19 comes 20:23, 54:16 coming 7:21, 45:17, 54:8 comment 19:8, 67:17, 73:14 commission 23:25, 25:10 committee 45:9, 45:25 common 33:18 community 4:23, 7:24, 14:16, 14:22, 14:24, 15:14, 15:17, 15:21, 24:1, 61:7, 61:19, 63:3, 63:5, 63:15 company 26:3 compatible 55:3 compliance 57:23, 67:14, 67:15, 68:7 compliant 53:13, 54:9 complied 51:13
---	---	--	--

<p>comply 23:23, 27:8</p> <p>composite 5:11</p> <p>concept 5:15, 42:25, 55:19, 69:12</p> <p>conceptual 44:20</p> <p>concerned 46:1, 55:13, 63:20, 63:25</p> <p>concerns 20:14</p> <p>concludes 73:23</p> <p>conclusion 45:18</p> <p>conclusions 73:16</p> <p>concrete 18:18, 23:14, 23:16</p> <p>concurred 73:15</p> <p>condition 70:19, 71:23, 72:1, 72:12, 72:14, 72:15</p> <p>conditional 1:5, 5:8, 7:15, 8:2, 12:4, 12:8, 17:9, 37:18, 40:4, 44:21, 49:12, 49:20, 51:18, 62:15, 74:5, 74:13, 76:12</p> <p>conditions 27:9, 27:22, 38:6, 45:21, 59:19, 59:20, 59:21, 68:13, 68:14</p> <p>condominium 4:23, 61:19</p> <p>conducted 7:19</p>	<p>conduits 20:23</p> <p>confirm 59:10</p> <p>conformance 43:21, 46:8, 60:23, 62:6, 62:24, 75:25</p> <p>conforms 50:4</p> <p>confronting 4:21, 61:11, 64:24</p> <p>confusion 52:4</p> <p>connect 16:12</p> <p>connection 5:25</p> <p>connects 21:9</p> <p>conservation 5:12, 13:1, 43:7, 43:17, 53:9, 57:16, 57:24, 58:4, 58:8, 58:10, 58:21, 59:13, 62:3, 62:15, 69:7, 69:9, 69:20, 69:23</p> <p>consider 34:19</p> <p>considered 33:12, 48:1, 48:5</p> <p>consistent 45:5</p> <p>construct 20:11</p> <p>constructed 22:3</p> <p>construction 15:9, 20:10, 22:24, 23:1, 23:9, 34:13, 35:1, 73:3, 74:4, 74:23</p>	<p>consume 22:17</p> <p>consumer 22:19</p> <p>cont'd 5:1, 6:1</p> <p>contact 16:13</p> <p>context 12:12, 33:23</p> <p>continue 39:21</p> <p>continued 43:14</p> <p>continuing 15:10</p> <p>contract 6:7, 25:15</p> <p>contracting 26:2</p> <p>contractor 40:17</p> <p>contractual 16:24</p> <p>control 74:15</p> <p>conversations 64:12</p> <p>converts 18:24</p> <p>convey 72:2</p> <p>conveyed 46:4</p> <p>conveying 71:14</p> <p>coordinate 34:2</p> <p>copy 6:10, 14:10, 30:1, 32:15, 37:7, 48:11, 62:12, 67:9, 68:2, 71:1</p> <p>corner 50:16, 52:1, 57:2</p> <p>correct 21:18</p>	<p>correctly 63:11</p> <p>correspondence 63:17</p> <p>could 8:10, 8:16, 9:12, 10:23, 13:15, 14:2, 14:18, 15:15, 16:5, 16:17, 17:16, 17:19, 18:11, 19:13, 23:22, 24:7, 24:12, 24:17, 25:1, 25:20, 27:16, 28:1, 29:16, 29:20, 32:12, 32:18, 33:3, 37:10, 38:5, 38:8, 40:6, 42:10, 44:5, 44:9, 45:15, 50:3, 50:14, 51:25, 53:25, 56:4, 57:14, 57:22, 60:10, 61:9, 61:15, 61:18, 62:8, 62:11, 62:16, 63:8, 65:21, 67:6, 67:24, 68:5, 70:23, 71:4, 72:4, 72:8</p> <p>couldn't 45:20, 59:3</p> <p>counsel 13:25, 29:14, 36:19, 65:19, 79:11, 80:9</p> <p>county 1:1, 2:4, 2:7, 3:13, 15:2, 15:3, 16:1, 30:23, 31:3, 31:4, 31:8, 32:21, 34:16, 37:17, 38:22,</p>
---	---	---	---

<p>39:2, 41:25, 45:19, 48:25, 49:9, 52:18, 66:17, 66:18, 69:24, 70:8, 74:19 county's 31:24, 35:19 couple 40:19, 76:22, 77:9 course 33:4 court 2:14, 4:18, 5:3, 6:3, 7:2, 7:4, 8:11, 8:15, 8:20, 8:23, 9:2, 9:9, 9:19, 10:4, 10:16, 10:19, 11:18, 13:11, 13:15, 13:19, 14:25, 15:12, 17:21, 17:23, 18:9, 19:6, 19:12, 19:16, 24:11, 24:14, 27:15, 27:19, 28:19, 29:5, 29:8, 30:5, 31:15, 36:2, 36:7, 36:13, 37:23, 38:16, 42:13, 50:19, 56:17, 56:24, 57:6, 58:2, 58:22, 59:1, 59:5, 59:9, 64:7, 64:9, 64:11, 64:17, 65:1, 65:3, 65:6, 65:12, 66:24, 73:21, 74:1, 74:12, 74:22, 75:2, 75:4, 75:8, 75:10, 75:15, 76:15, 76:24,</p>	<p>77:1, 77:6, 77:17, 79:1 coverage 51:11 covers 50:13 creates 21:23 creation 69:9 credited 15:23 credits 21:22, 69:7 crews 20:14 criteria 8:1, 12:4, 12:7, 12:17, 13:3, 21:25, 23:23, 28:7, 48:24, 53:17, 53:18, 54:13, 55:13, 55:15, 60:2, 62:25, 67:13, 68:7, 76:11 crosstalk 9:21 cu 1:7, 7:23 cuenca 1:25, 2:13, 79:2, 79:18 culvert 6:11, 13:8, 55:21, 59:24, 70:15, 70:17, 70:18, 70:21, 71:4, 71:14, 71:24, 71:25, 72:11, 72:17, 72:20, 74:16 culverts 72:21 curious 64:14 current 45:3</p>	<p>currently 30:10, 39:10, 49:10, 57:3, 66:1 cut 9:14</p> <hr/> <p>D</p> <hr/> <p>data 50:15 day 34:19, 35:11, 35:15, 35:18 days 8:4, 34:22, 77:16, 77:24, 77:25 dc 18:23, 20:24 de 33:12 deal 59:22 december 1:18, 79:20, 80:17 decision 8:3, 8:5, 75:13, 77:23, 78:3 dedication 51:1 dedications 50:21, 50:23 define 40:24 degrees 18:2 demonstrate 12:1, 25:5 demonstrates 68:6 demonstrating 5:21 density 51:6, 51:8, 51:9 department 5:19, 26:23,</p>	<p>30:17, 51:23, 60:15, 70:8, 73:10 depending 20:13 depict 54:4 depiction 47:9, 66:6 depicts 69:14 depos 80:16 describe 14:18, 16:5, 16:17, 17:12, 17:16, 18:11, 23:22, 30:6, 37:10, 44:5, 57:22, 63:8 description 24:24 design 18:21, 44:20, 50:11, 71:15, 71:21, 72:2, 73:3, 74:15, 74:18, 75:6 designated 46:20, 47:11 designation 5:23, 46:16, 53:15 designed 18:14 detached 76:6 detail 5:10, 42:8 detailed 32:22, 33:17, 35:21 details 9:16, 12:24, 28:22, 71:6 determine 34:3 determined 72:19</p>
--	--	--	--

<p>determining 33:17 developed 15:1 development 12:1, 12:13, 14:5, 14:14, 14:15, 14:19, 15:9, 15:25, 20:15, 24:6, 24:21, 25:16, 32:24, 68:16, 71:8, 71:9, 71:13 developments 42:1 develops 14:16 diagonal 47:14, 58:14 dictating 45:23 different 24:18, 38:1, 50:18, 69:2 difficult 9:20 digital 79:8, 80:3 direct 38:2 direction 49:23 directly 10:21, 48:6 disabled 10:8 disagree 8:3 discharges 68:15 discount 15:24 discussions 45:14 distance 6:20, 13:6, 67:3, 67:10,</p>	<p>67:13, 67:20 distances 67:14 disturbance 58:6, 60:6 diverse 42:1 dnr 60:20 document 60:13, 70:5 documentation 24:4, 75:22 documents 77:23 dog 18:5, 47:6 dogwood 14:25 doing 50:16, 64:3 don 8:21, 14:4, 15:14, 25:23, 26:21 donald 3:15, 4:2, 6:18, 8:19, 12:12, 13:14, 13:21 done 18:21, 46:2, 55:22, 74:8, 74:17, 78:1 dot 73:10 down 9:14, 42:4, 48:2, 50:15, 57:1, 57:2, 60:25 downstream 70:15, 71:10 drag 77:21 drain 72:11 drainage 6:11, 55:17,</p>	<p>55:20, 55:21, 70:16, 71:12, 72:9, 72:10, 72:13 draining 70:16 drawing 18:18, 19:5 drawings 67:16 driban 3:16, 4:5, 6:15, 9:3, 9:4, 12:19, 29:7, 29:10, 29:18, 31:17, 36:1, 36:2, 36:3, 36:4, 36:8, 36:9, 55:17 driban's 31:11 drinking 42:18, 42:23 drive 20:20, 37:1 driven 18:16 driver 20:20 driveway 45:15, 53:23, 53:24, 54:18 driveways 68:23 driving 33:3, 52:24 dug 39:12 duly 7:2, 13:22, 29:11, 36:16, 65:16 during 10:11, 33:5, 35:11, 44:19, 44:22, 45:3 dust 20:1</p>	<p>E each 8:12, 12:3, 12:6, 18:13, 18:19, 68:11 earlier 69:8, 77:15 early 73:6, 74:2 earth 18:17, 23:4 easement 43:7, 53:10, 58:18, 69:10 easily 16:12 east 18:3, 38:23, 38:25, 43:13 eastern 40:13 edge 19:18 education 75:11 effect 46:15 effects 55:8, 76:10 either 39:12 electrical 20:22, 20:25, 21:2, 47:24 else 9:18, 75:18 elsewhere 31:9, 33:25 email 6:5, 6:8, 49:7 employed 30:11, 79:12, 80:9 employees 22:1, 35:4 enabled 15:18</p>
--	--	---	---

encompasses 41:25 end-to-end 18:16 endangered 60:18 ended 45:17 energize 21:11, 21:20 energy 7:23, 11:25, 12:13, 14:5, 14:14, 14:15, 14:19, 22:15, 22:18, 24:6, 24:21, 25:16 enforcing 31:25 engineer 12:20, 13:5, 30:8, 30:9, 30:12, 30:13, 30:16, 65:24 engineering 30:25, 31:14, 66:10, 66:23 enlarge 11:3 entail 14:13, 20:16 entitlements 73:4 environmental 43:18 equipment 18:12, 19:4, 21:1, 21:2, 35:3, 47:25, 68:23 esquire 3:4 essentially 25:15, 34:12 establish 26:3, 26:11 established 26:14	establishes 68:21, 71:20 et 66:15 evaluate 32:6, 67:21, 69:2 evaluated 34:5, 68:25 evaluation 6:20, 13:6, 32:9, 33:9, 33:12, 67:3, 67:10, 67:13, 68:13 even 50:23, 63:5 evening 33:7 every 35:11 everybody 78:5 everyone 7:5, 7:10, 10:25 everyone's 8:8, 9:11 everything 7:6, 10:16, 64:3, 76:19, 76:20 evidence 7:25, 12:2, 76:13 exact 19:23, 65:2 exactly 16:4, 75:12 examination 4:2, 4:5, 4:8, 4:11, 13:25, 29:14, 36:19, 65:19, 70:12, 71:22 examine 45:17 examined 13:24, 29:13,	36:18, 65:18 examiner 7:14, 15:16, 28:17, 37:16, 57:22, 73:25, 76:14 examiners 75:20 excellent 8:23, 9:9, 77:6, 77:10 except 7:11, 22:4 exception 40:16 exceptional 45:1 exceptionally 60:7 exceptions 37:18, 40:4, 66:15 excess 49:1 excuse 26:13, 30:10, 39:9, 39:24, 53:23, 67:19, 71:10 excused 36:5 exempt 33:11, 35:18, 35:19 exercised 17:2 exhibits 10:12, 10:21, 11:15, 24:17, 24:18, 61:8, 77:13, 77:14 existing 38:6, 39:20, 40:7, 42:22, 43:6, 44:6, 45:21, 50:23, 51:4, 57:3, 57:4, 57:8,	68:13, 71:24, 71:25, 72:12, 72:14, 72:17, 72:19 experience 14:19, 20:5, 31:12, 34:24, 37:11, 40:24, 41:9, 43:20, 46:7, 55:2, 55:7, 66:22 expert 15:8, 30:25, 31:13, 31:15, 37:21, 66:9, 66:23 expertise 12:18 explain 15:15, 24:17 extent 69:25, 71:12, 76:8 <hr/> <p style="text-align: center;">F</p> <hr/> facilities 12:18, 15:10, 22:8, 31:22, 31:25, 32:4, 32:23, 33:10, 34:11, 34:25, 49:1, 55:12, 76:8 facility 12:7, 22:14, 22:17, 22:24, 23:8, 25:24, 54:14 facing 17:25, 18:1 fact 49:6, 49:8 facts 12:15 factual 11:13, 15:11 fair 72:1
---	--	--	---

fairly 54:4, 69:1, 76:18 falls 50:13 familiar 23:19, 27:4, 31:17, 49:24, 53:17, 56:1 family 40:10 far 55:12, 74:4, 74:6 farm 39:11, 39:12, 40:2, 40:14 farming 48:21 farms 40:20 favor 48:22 features 70:10 feedback 9:14, 73:12, 76:18 feel 9:23, 38:3 feet 46:20, 47:12, 51:12, 69:21 fence 51:14, 54:24 fencing 54:22 few 9:15, 18:7, 28:18, 77:11 field 23:3 fields 40:15 fifth 52:12 fifty 33:7	filing 44:21, 62:3 final 78:3 finally 13:4, 77:25 financial 79:13, 80:11 finds 70:9 fine 28:19 fire 5:14, 45:18, 45:22, 54:7, 54:8 firm 30:15 first 13:11, 13:13, 13:22, 14:23, 22:14, 29:11, 36:16, 44:14, 65:16 fit 11:15 five 25:7 flat 16:11 flow 69:7, 69:16, 69:19, 69:22, 72:3 focused 42:2 focusing 43:1 following 53:2 follows 13:24, 29:13, 36:18, 65:18 foot 44:16, 44:17, 44:19, 44:25, 45:2, 53:23, 53:24, 56:13	foregoing 79:3, 79:5, 80:4 forest 5:12, 13:1, 43:7, 53:9, 57:16, 57:23, 58:3, 58:8, 58:10, 58:16, 58:20, 59:13, 62:3, 62:15, 69:9 forests 57:4 format 7:19 forth 1:9, 7:17, 8:2, 12:4 forward 73:8, 77:8, 77:10 foster 3:17, 4:8, 6:17, 8:24, 8:25, 12:22, 12:23, 28:2, 28:18, 28:22, 36:11, 36:12, 36:15, 36:23, 37:20, 37:25, 38:8, 38:17, 44:9, 47:8, 49:15, 51:25, 56:19, 56:25, 58:1, 58:3, 59:3, 59:7, 59:11, 64:16, 64:21, 65:2, 65:5, 65:6, 65:8, 65:9, 69:8, 74:10, 74:13, 74:25, 75:3, 75:5, 75:9, 75:14 four 20:13 four-month 75:7	frame 44:23 frank 28:11, 55:24 free 9:23, 38:3, 40:22 friendly 26:5, 26:6, 53:14 front 37:16, 66:14 frontage 40:12 fsd 60:19 full 33:8 fully 35:18, 35:19, 35:22, 79:5 fun 11:3 function 10:8 functional 46:8, 76:1 functions 11:4 further 12:12, 39:16, 43:5, 64:8, 65:4, 73:24, 75:16 <hr/> G <hr/> galvez 80:2, 80:15 gave 61:2 gear 23:18, 48:11 general 12:3, 13:2, 16:8, 16:13, 50:5, 53:17, 55:3, 56:11, 56:12
---	--	--	--

generalities 26:8 generally 18:18, 18:20, 23:17, 33:15, 49:17, 68:8, 68:11, 69:6 generate 19:25, 20:6, 33:3, 34:12, 35:14 generated 15:22 generates 58:8 generating 33:4, 33:10 generation 32:6, 32:19, 33:18, 33:24, 34:4, 34:5, 34:16 generator 22:19 george's 66:17 georgia 43:12 getting 7:6, 50:16, 53:5, 60:19 give 8:10 given 25:9, 71:11 gives 58:10 glw 12:23, 13:5 go 8:6, 8:10, 11:1, 11:15, 11:20, 19:14, 19:19, 21:6, 38:17, 44:9, 44:12, 58:25, 61:15, 66:12, 66:13	goal 77:7 goals 42:15 goes 48:2, 48:6 going 17:25, 22:11, 24:16, 28:3, 34:3, 35:4, 42:11, 46:4, 51:14, 61:7, 63:21, 64:20, 75:1, 77:9, 77:13 good 7:4, 8:13, 8:25, 9:4, 9:6, 11:23, 14:2, 29:18, 36:12, 36:21, 38:10, 38:14, 70:18 gotten 11:7, 23:24 grading 22:25, 23:2, 48:20, 53:12 grant 25:10 granted 53:21 grass 35:7 great 9:2, 25:19, 42:8, 69:10 greater 33:4, 49:9, 53:7, 53:10 green 69:18 gregg 1:7, 7:16, 7:24, 16:20, 38:25, 40:10, 40:12, 44:16, 44:24, 45:16, 45:18, 56:20	grid 15:20, 19:14, 19:19, 21:5, 24:3 gross 50:20 ground 20:23, 48:3, 48:4, 48:6 group 14:16, 18:19, 64:22 groups 59:8, 64:25 grow 16:22, 40:18 growing 35:7, 39:19, 40:2 grows 39:11 guess 50:6, 70:13 guidance 68:17, 68:20 guidelines 12:21, 31:18, 31:21, 31:23, 32:3, 32:22, 32:24, 32:25, 33:1, 33:16, 33:24, 46:23 gutschick 36:25, 49:21, 65:25 guys 19:13, 76:21, 77:21, 78:2	harm 76:9 harmonious 41:10, 76:3 hatching 58:14 hawlings 60:25 he'll 15:10 health 20:7, 43:18 hear 8:9, 8:12, 8:22, 27:17, 76:19 heard 10:2, 34:23 hearing 1:15, 2:1, 4:19, 5:4, 6:4, 7:11, 7:14, 7:18, 7:21, 9:16, 10:3, 11:2, 27:6, 29:1, 37:16, 75:20, 76:17, 77:9 hearings 1:2, 2:5, 3:14, 77:7 held 2:1, 28:21, 63:3, 63:5, 77:15 hello 8:21 help 17:20 helpful 44:10, 77:4 helps 9:14 here 7:9, 7:11, 7:21, 8:17, 9:1, 9:19, 10:20, 11:9, 11:10,
H			
	habitat 26:1, 26:5 hand 10:9, 13:16 hang 19:12, 19:13, 19:16 happy 45:25, 64:2		

24:17, 26:3, 35:16, 50:10, 76:21, 77:9, 77:18, 77:21 hereby 79:4, 80:2 heritage 60:16 high 18:15 highlighted 69:18 highway 30:19 historic 40:20 hoa's 4:24, 61:20 hold 27:17, 63:6 honeycomb 58:15 honorable 1:16 hopefully 7:7, 8:22 hotel 33:19 hour 33:6, 33:7, 33:11 hours 21:25, 22:2, 33:5, 34:18 housekeeping 9:16 howard 41:24 hundreds 30:21, 30:22 hybrid 7:19, 9:16, 15:7, 77:8 hydrologic 52:7, 59:8	identify 8:7, 57:14, 57:15, 60:13, 61:9, 61:18, 62:1, 62:11, 62:19, 70:5, 72:8 ii 3:12 illumination 20:1 image 5:6, 62:13 impact 30:20, 33:9, 33:13, 35:21, 46:4, 47:18, 71:9 impacts 20:7, 55:11, 58:5, 58:7, 59:24, 63:22 impervious 5:13, 47:19, 47:21, 47:23, 48:1, 48:5, 61:3, 68:18, 68:21, 69:1 import 24:18 imposed 27:10 improve 43:17 improvements 46:2 inception 14:23 inch 72:19, 72:21 including 30:23, 31:3, 31:4, 31:5, 42:17 increase 68:15, 69:1 indicating 24:22	individual 15:20 industry 20:6 infiltrated 48:3 information 34:5, 34:7 initial 5:16, 70:7, 70:13, 70:14 initially 33:20 inset 69:14, 69:18 insets 69:14 inspector 26:15 installation 60:4 installed 20:21, 35:3 instructions 11:5 intend 12:1, 26:5 intended 57:9 interconnect 24:3 interconnection 24:5, 24:23, 24:24, 25:14, 25:17 interest 79:13, 80:11 interested 16:15 interrupt 9:18 introduce 8:16 introduced 12:10 inverter 18:23 inverters 18:24, 19:1,	21:1 involved 14:21 issue 21:13 issued 5:18, 8:5, 60:14, 73:14 it'd 50:8 it'll 75:5 itself 17:17, 23:3, 39:10, 47:16 <hr/> J <hr/> job 1:23 jump 11:21 jurisdictions 66:17, 66:18 <hr/> K <hr/> karen 80:2, 80:15 kathleen 1:16 katie 7:13 kevin 3:17, 4:8, 6:17, 8:24, 8:25, 12:22, 36:11, 36:15, 36:23 kind 11:14, 26:10, 48:11, 53:1, 64:17, 73:5 knew 71:13 know 9:10, 10:23, 16:13, 20:3, 26:12, 28:21, 30:21, 34:17,
<hr/> I <hr/> identified 71:16, 77:14			

<p>35:6, 35:7, 35:8, 35:15, 38:2, 39:11, 39:23, 41:4, 41:22, 43:7, 45:13, 47:12, 49:16, 52:9, 53:2, 55:20, 63:18, 63:21, 64:3, 64:12, 71:11, 71:15, 72:18, 74:5, 74:17, 75:7, 75:11, 78:2 knowledge 28:6, 28:9, 31:12, 43:19, 46:6, 48:24, 55:6, 62:4, 62:23, 66:21, 79:10, 80:8 kv 21:7</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>laid 32:2 land 12:22, 16:14, 16:15, 16:18, 16:25, 36:24, 37:11, 37:13, 37:21, 42:15, 43:14 landowners 39:13 lands 43:16 landscape 5:11, 12:23, 36:24, 37:12, 37:13, 37:22, 40:17, 56:13 landscaping 12:25, 16:21, 16:22, 35:6, 56:1, 57:8, 60:3 large 40:11, 40:14,</p>	<p>41:3, 60:7 last 77:18 later 27:24, 28:25, 30:17, 36:6 latr 12:21, 31:18, 31:23, 33:16 layman's 21:17 lead 12:13, 14:15 leading 53:24 lease 16:16, 16:25 leasing 16:15 led 30:17 left 38:23, 52:6, 69:18 left-hand 52:1, 57:1 legislative 15:18 legs 54:18 length 74:3 lenhart 29:18, 30:10, 30:14, 30:21 less 22:20, 33:10, 51:20, 75:2 let's 8:11, 10:1, 11:1, 74:9 letter 5:5, 5:18, 5:24, 6:21, 27:1, 27:5, 32:10, 32:16, 60:14, 60:17, 60:20, 60:23,</p>	<p>62:2, 73:15 letters 63:24 letting 64:11 lighting 54:19, 54:21 limit 51:6, 51:8 limited 46:3, 47:20, 58:6 limiting 47:19 line 20:2, 21:7, 40:13, 41:25 lines 47:14, 53:3 list 4:22, 10:13, 61:12, 61:19, 65:2 listed 44:15, 44:16, 44:18, 61:1 listen 7:24 little 9:15, 11:3, 12:12, 20:9, 36:25, 39:16, 44:11, 44:12, 49:21, 50:18, 52:3, 52:23, 56:22, 65:25, 73:6 llc 12:1, 16:20, 80:16 local 32:25, 33:23, 35:19, 37:17, 66:15 located 1:7, 7:16, 23:18, 37:1, 42:6, 45:24,</p>	<p>46:12 location 2:1, 5:7, 38:19 locations 45:11, 62:21 long 20:10, 45:16, 75:3, 75:12 long-term 16:15 longfellow 3:18, 4:11, 6:14, 9:5, 9:6, 9:7, 13:4, 65:11, 65:15, 65:23, 66:23, 67:2, 73:20, 73:21, 73:22 look 10:13, 34:3, 39:16, 43:4, 68:14, 68:17, 69:6, 71:13 looked 62:13, 69:15, 70:16 looking 18:5, 33:22, 33:24, 34:16, 34:18, 49:17, 56:18, 58:4, 71:7, 74:6, 74:22 looks 16:8, 27:16, 33:1 lose 19:6 lot 20:19, 41:4, 51:8 lots 40:11 lower 50:15, 57:1</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>made 21:12, 46:23</p>
--	---	---	---

mailed 62:5 main 45:20 maintain 43:17, 52:18 maintenance 22:5, 35:9, 54:16 majority 39:18, 41:6, 42:1, 42:4, 42:20 make 7:6, 8:7, 8:12, 11:11, 35:6, 48:15, 48:16, 50:22 management 13:7, 43:15, 46:13, 46:22, 46:25, 47:1, 47:11, 47:17, 47:19, 55:19, 67:22, 68:12, 69:3, 70:1, 74:15 many 19:21, 52:9 map 4:20, 5:7, 6:11, 37:17, 38:14, 52:6, 66:15, 72:9 marked 14:8, 17:10, 18:8, 24:9, 25:3, 25:13, 25:22, 26:20, 27:2, 29:22, 32:14, 37:5, 38:15, 47:7, 48:10, 49:4, 49:14, 54:2, 55:25, 57:13, 60:12, 61:10, 61:17, 61:25, 62:10, 62:18,	66:5, 67:8, 68:1, 70:4, 70:25, 72:6 maryland 2:6, 2:8, 3:8, 5:18, 5:22, 14:17, 14:20, 26:6, 30:18, 34:9, 60:15, 65:24, 79:19 maryland's 23:20 master 41:12, 41:14, 41:16, 41:23, 42:2, 42:3, 42:11, 42:15, 42:21, 43:10, 43:21, 43:24, 44:1, 44:6, 44:22, 46:8, 46:11, 46:19, 76:1, 76:2 matter 46:12, 75:21 maybe 75:6 mcdot 71:20, 73:14 mcmillan 3:5, 11:24 mde 68:17, 69:24 mean 21:16, 34:13 means 7:20, 15:16 measurable 20:2 measures 72:16, 72:23 meet 45:8, 45:18, 51:19, 55:20 meeting 27:22, 28:2, 28:10, 28:13, 48:20, 63:3,	63:5, 63:9, 64:20, 64:22 meetings 64:14 meets 58:20 megawatt 16:9 megawatts 22:21, 51:20 members 15:20 mentioned 15:14, 22:24, 34:18, 54:22 met 26:16, 45:11, 45:21, 56:5, 63:22, 71:19 metering 23:20, 53:14 methodology 31:24, 33:1, 33:17 metro 3:5, 11:24 mf 38:8 microphones 9:11 mics 8:8 middle 19:4, 38:21 might 17:20, 35:16, 44:11, 47:2, 47:5, 69:4, 77:8, 77:18 might've 10:2 mile 54:10 mind 8:15 minimal 23:4, 46:5, 69:1	minimis 33:13 minimized 23:1, 53:12 minimizing 48:20, 61:3, 61:4 minimum 17:1 modules 18:20, 19:22 mollusks 60:25 moment 24:15 monday 1:18 money 77:2 montgomery 1:1, 2:4, 3:13, 15:3, 30:23, 31:3, 31:4, 31:8, 32:21, 37:17, 38:22, 39:2, 45:19, 48:25, 49:9, 69:24, 70:8, 74:19 month 74:21 months 20:13, 74:23 montrose 3:6 more 22:15, 28:18, 33:18, 35:20, 36:5, 67:19 morning 7:4, 8:13, 8:25, 9:4, 9:6, 11:23, 14:2, 29:18, 33:6, 36:12, 36:21 most 47:21, 47:23, 52:14
--	---	---	---

mounted 18:13, 19:4, 20:22, 21:1 move 18:6, 35:1 moved 44:20 moves 73:7 moving 77:7 mowing 35:6 much 7:12, 40:11, 75:16 multiple 19:1, 37:15, 74:20 muted 9:13, 27:15, 27:20 mw 6:6	10:8, 10:17, 11:4, 26:11, 26:12, 74:16 needed 58:11, 58:12, 70:17, 71:13, 71:19 needs 26:9, 67:18, 72:20 neighborhood 40:25, 41:2, 76:5, 76:6, 76:10 neighboring 20:7, 76:6 neighbors 63:19, 64:13 neither 79:11, 80:9 net 23:20, 53:14 network 33:14, 35:23 never 20:3 new 7:7, 39:4 next 12:19, 18:7, 29:6, 65:10 nick 3:16, 4:5, 6:15, 9:3, 9:4, 12:19, 29:6, 29:10, 29:16, 29:18, 29:23 nine 74:22 noise 20:1 nominate 44:23 non-inherent 55:8, 55:10, 76:10 none 48:4	norm 7:7 north 17:18, 18:1, 38:24, 40:9, 56:20, 56:21 northeast 38:24, 56:21 northeastern 47:15 northern 40:12, 42:6, 42:16, 42:24, 43:10, 47:14 northwest 39:2 notary 79:1, 79:18 note 75:22 noted 67:17 nothing 13:17, 13:23, 29:12, 36:17, 65:17 notice 5:5, 28:7, 62:2, 62:5 noticed 10:1, 70:14 notices 64:22, 64:23 notifications 62:14 noting 59:1 nri 60:19 number 15:1, 19:23, 33:2, 34:10, 40:18, 42:7, 46:22, 46:25, 51:18, 63:19, 68:20 numbers 22:1, 59:6	nurseries 51:5 nursery 16:23, 39:20
O			
			objection 9:19 obviously 20:14, 21:5, 21:10, 23:5, 51:19 occasions 37:16 occupation 14:3, 29:17, 36:22, 65:21 occur 73:1 occurring 35:10 odd 52:25, 53:2 odors 20:1 off-peak 35:17 office 1:1, 2:4, 2:7, 3:13, 6:8, 6:12, 11:24, 37:1, 48:12, 48:15, 49:5, 49:19, 61:13, 61:22 officer 79:2 oh 27:19, 58:25, 66:11 okay 13:13, 14:13, 17:3, 17:6, 18:4, 18:9, 19:11, 19:25, 22:6, 22:20, 23:13, 24:11, 25:1, 27:12, 27:15, 27:19,

<p>28:16, 29:3, 30:4, 31:6, 32:15, 38:13, 40:6, 40:23, 42:13, 45:5, 46:15, 47:6, 48:23, 52:1, 55:23, 57:11, 58:22, 60:6, 60:10, 61:15, 61:24, 63:2, 64:5, 64:7, 65:1, 67:12, 68:11, 75:4, 75:8, 75:10 old 14:25 olney 39:2, 41:14, 41:16, 41:24, 42:3, 42:6, 42:11, 42:15, 42:16, 42:21, 42:24, 43:10 once 17:1, 21:10, 21:11, 21:15, 21:18, 22:3, 35:1, 35:22, 67:15, 73:3, 74:4, 74:13 one 11:21, 14:23, 18:14, 19:13, 19:16, 24:15, 27:17, 27:24, 34:22, 35:16, 42:16, 44:11, 45:13, 46:11, 51:20, 54:17, 63:6, 63:7, 64:7, 64:9, 67:17, 69:13, 75:6 online 10:14 only 7:17, 10:4,</p>	<p>10:6, 11:8, 11:9, 23:3, 23:17, 28:20, 28:23, 29:1, 39:22, 39:25, 41:23, 50:24, 55:15, 68:21 onsite 22:4, 22:15, 58:20, 63:23 open 25:6, 39:18, 40:14, 42:19, 42:25, 43:11, 43:12, 43:16, 77:16 opening 11:12, 11:20 operate 21:13, 21:16, 21:19, 34:17 operating 16:2, 22:1, 35:22 operation 14:24, 21:25, 35:2 operations 30:13, 30:17 operator 10:20 opine 49:5 opinion 7:25, 55:7, 71:23, 72:15 opportunity 10:13, 69:6, 69:10 opposed 50:17 opposite 56:20, 63:19 opposition 11:9 option 7:8, 7:9, 7:20, 10:9, 16:25,</p>	<p>17:1, 76:21 order 60:3 ordinance 12:5, 12:9, 12:17, 13:2, 21:24, 22:7, 23:11, 32:1, 48:24, 50:1, 57:24, 60:2, 62:6, 62:25 orient 38:19, 38:22 oriented 17:17 original 42:24, 45:14 other 8:12, 13:3, 14:17, 15:1, 34:24, 34:25, 39:8, 43:24, 46:11, 51:10, 53:5, 58:6, 60:1, 63:15, 66:16, 69:5, 77:23 otherwise 79:13, 80:11 out 11:7, 21:4, 32:2, 34:15, 39:24, 42:22, 44:10, 54:16, 62:3, 63:22, 64:13, 69:8, 76:21 out-of-town 77:4 outcome 79:14, 80:11 outlined 38:20, 44:14, 69:17, 72:10 output 18:25 outreach 61:7, 63:15,</p>	<p>64:14 outside 48:18 over 19:23, 35:1, 72:3 own 75:11 owner 4:22, 16:18, 16:20, 34:6, 39:11 owner's 61:12 owners 16:14, 64:25 ozah 10:21, 31:5, 66:14</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>pad 19:4, 21:2, 23:5, 23:17, 47:24 page 4:2, 4:5, 4:8, 4:11, 4:14, 4:19, 5:4, 6:4, 38:10, 38:21, 42:10, 42:14, 42:24, 43:10, 44:10, 44:11, 68:2, 69:11 pages 1:24, 38:3 panel 18:13, 19:3, 69:16 panels 17:24, 18:1, 18:16, 18:21, 19:22, 19:24, 20:21, 35:8, 48:4, 48:6, 68:19, 68:22 parallel 39:15</p>
---	---	---	---

parameters 20:4	64:13, 64:18	pieces 18:11	27:5, 27:9,
park 4:24, 34:2,	pepco 5:24, 6:5, 6:7,	pile 20:20	30:25, 31:14,
38:10, 54:17,	24:6, 24:21	piles 18:17, 20:20	34:3, 37:21,
61:20, 73:16	percent 22:15, 47:20,	pilot 14:22, 15:18,	38:10, 59:14,
parking 54:13, 54:15	47:22, 47:23,	24:1, 25:7	61:20, 73:10,
part 23:1, 23:14,	53:8, 53:11	pin 11:2	73:16
32:23, 44:23,	perfect 28:23	pinning 11:4	plans 5:15, 17:8,
46:18, 47:1,	perform 67:3	place 24:25, 38:11	43:5, 43:24,
47:14, 47:15,	perhaps 17:19	plan 5:8, 5:9, 5:11,	45:5, 46:7,
47:16, 56:7,	perimeter 51:14, 54:24,	5:12, 5:13,	71:8, 73:3,
60:15, 63:16,	56:14	5:14, 12:25,	74:16
63:18, 75:23	permission 21:13, 21:15,	13:1, 17:7,	plant 26:12
participants 63:14	21:18	17:9, 41:12,	planted 39:13
participate 24:1	permit 67:16	41:15, 41:17,	please 10:9, 13:16,
participating 7:21, 9:22,	permitting 70:9, 74:11	41:23, 41:24,	30:6, 38:3,
76:16	person 7:9, 33:2,	42:2, 42:3,	50:3, 61:24
participation 63:8	33:8, 33:11,	42:11, 42:15,	pma 46:24, 47:18,
particular 16:7, 19:2,	50:17	42:21, 43:10,	47:20, 47:21
20:18, 25:8	personnel 22:4	43:21, 44:1,	point 21:8, 21:20,
parties 8:7, 62:5,	pertains 32:1	44:7, 44:22,	38:1, 77:20,
79:12, 80:10	peter 3:4, 8:14,	46:9, 46:12,	77:22, 78:4
parts 49:13	11:23, 19:8,	46:19, 49:12,	pointed 69:8
passes 21:12	68:9	49:17, 49:20,	pole 21:8
past 31:1, 66:10	pg 15:2	50:4, 54:7,	poles 19:19, 21:4,
patience 7:5	phase 20:16, 34:14,	55:19, 57:17,	21:5, 21:7
patuxent 42:17, 46:13,	35:1	58:4, 58:24,	policy 68:20
46:18, 46:21,	phone 63:23	59:5, 59:13,	pollinator 26:1, 26:4,
63:24, 63:25	phonetic 16:19	59:25, 62:3,	26:6, 53:14
peak 33:5, 33:7,	photograph 38:21	62:15, 68:3,	pollinator-frien-
33:10, 34:18	pick 49:16	68:5, 69:12,	dly 26:4
people 9:20, 49:18,		69:13, 70:9,	pollinator-frien-
		76:1, 76:2	ds 5:22
		planet 80:16	poor 77:21
		planner 12:22, 36:24,	portion 39:23, 50:25,
		37:11, 37:13	
		planning 4:25, 6:21,	
		26:22, 27:1,	

69:16 portrait 18:15 posted 5:6, 28:6, 62:13, 62:14, 62:21, 62:24 potomac 3:8 poured 20:25 power 15:20, 15:21, 16:12, 19:14, 19:19, 21:5, 21:23 powers 21:10 practice 69:23, 70:1 practices 69:3, 69:5, 69:25 pre-submission 28:2, 28:10, 63:2, 63:4, 63:9 pre-submittal 28:13, 28:14, 28:15 predominantly 22:18, 41:2 prefer 76:21 prep 20:17, 20:19 prepare 32:10, 70:21 prepared 26:22, 27:8, 32:11, 32:16, 49:18, 49:21, 57:18, 57:20, 61:13, 61:22, 67:10, 68:3, 71:2, 77:16, 80:3 present 3:11, 12:19	presentation 11:13 preserved 58:16 preserving 42:25 president 14:5, 29:19, 30:9 pretty 38:14, 40:11 previously 32:21, 34:7, 34:11 primarily 12:14, 30:20 primary 43:14, 46:13, 46:21, 46:24, 47:1, 47:11, 47:17 prime 52:14 prince 66:17 principal 36:25, 51:11, 66:2 prior 30:14, 40:3, 59:22 probably 18:6, 38:9, 42:10, 50:8, 54:12, 74:10, 74:17 proceed 11:12 proceeding 80:4 proceedings 79:3, 79:5, 79:6, 79:9, 80:5, 80:7 process 10:11, 16:6, 26:2, 44:19, 45:4, 63:18,	71:17, 74:4, 74:7, 74:18, 74:21, 75:6, 75:7 production 43:16 professional 30:2, 30:6, 30:12, 30:13, 37:8, 37:11, 40:23, 41:9, 55:7, 71:23, 72:15 program 5:23, 14:22, 14:24, 15:18, 23:20, 24:1, 24:2, 25:7, 26:7 programs 43:17 prohibited 52:16, 53:6 project 6:6, 12:14, 12:15, 12:24, 13:7, 13:8, 15:4, 15:15, 15:17, 15:19, 15:22, 16:3, 16:10, 18:25, 20:10, 20:11, 20:12, 23:14, 23:22, 23:24, 24:22, 25:18, 32:19, 44:15, 44:20, 45:8, 47:22, 48:22, 51:15, 51:20, 54:20, 55:1, 55:14, 55:16, 56:2, 56:6, 56:8, 61:7, 63:3, 63:16, 64:23, 67:4, 67:13, 67:22, 68:12, 70:1, 72:25, 73:7 project's 12:21	projects 14:16, 14:23, 14:25, 15:1, 31:6, 32:24, 34:8, 49:8, 68:22, 69:4 promise 13:16 properties 17:18, 20:7, 39:6, 39:8, 39:9, 40:6, 40:8, 55:9, 55:11, 56:15, 56:23, 71:10 property 4:22, 12:16, 13:9, 19:18, 20:2, 28:6, 38:6, 38:23, 38:24, 38:25, 39:1, 39:6, 39:10, 39:16, 39:18, 39:23, 40:1, 40:4, 40:9, 40:12, 40:13, 40:16, 40:18, 40:19, 40:20, 41:13, 41:14, 41:18, 41:21, 41:22, 42:5, 44:3, 44:13, 45:24, 46:12, 47:9, 47:15, 47:22, 50:25, 53:21, 54:5, 54:8, 55:10, 55:18, 56:21, 61:11, 61:21, 62:22, 64:24, 70:11 proposal 17:13, 41:9, 43:20, 50:4, 57:23, 60:2, 60:22, 72:22 propose 23:13
--	--	---	--

<p>proposed 41:18, 56:2, 68:6, 68:14, 68:16, 71:8, 72:12, 72:15 proposing 17:15, 19:22, 64:2 protect 43:3, 43:8 protecting 42:17, 42:21, 42:22 protection 43:1 provide 32:18, 56:7, 56:13, 68:18 provided 10:7, 56:16 provides 57:5 providing 12:11, 55:20 ptoe 6:16, 30:13 public 1:15, 7:14, 10:7, 23:25, 25:10, 27:22, 28:25, 31:25, 55:12, 76:7, 79:1, 79:18 published 33:25 pull 10:21, 24:14, 38:8, 53:25, 58:1 pulled 10:24 purpose 60:21 purposes 10:5, 16:23, 25:25 pursuant 2:13, 8:1</p>	<p>put 23:8, 43:5, 52:2, 52:21, 53:9, 58:18 puts 20:23</p> <hr/> <p>Q</p> <hr/> <p>qualified 15:7, 30:24, 31:13, 37:21, 66:9, 66:11, 66:14, 79:7 qualify 66:22 quality 64:1 question 27:21, 28:3, 28:20, 29:1, 74:11 questions 11:19, 13:10, 18:7, 22:12, 27:13, 28:18, 36:1, 36:5, 64:8, 65:5, 65:7, 65:8, 73:20, 73:25, 74:2, 75:16 quick 27:20, 64:9 quickly 72:5, 78:1 quite 28:11, 41:25</p> <hr/> <p>R</p> <hr/> <p>rack 20:20, 20:21 racking 18:14 racks 20:22 raise 10:9, 13:16 range 40:22, 42:1,</p>	<p>52:8, 69:21 ranging 41:23 rare 54:16, 60:17 rated 22:15 rates 33:25, 34:1 rather 29:23 rdt 39:4 reaching 64:13 reading 42:12 reality 47:25 really 18:5, 33:16, 35:4, 41:5, 42:2, 42:14, 42:16, 45:17, 45:23, 46:1, 46:3, 48:1, 48:5, 55:16, 63:10 reason 77:20 receive 70:7, 73:12 received 24:2, 60:20 receiving 21:22 recognized 70:17 recommendations 6:13, 27:9, 27:10, 41:21, 42:20, 43:22, 45:6, 45:12, 46:9, 46:23, 48:16, 61:3, 73:9, 73:17, 75:20 recommended 43:13, 43:14</p>	<p>recommends 44:7 reconfirmation 5:16, 70:6 reconnaissance 70:14 record 8:14, 11:23, 12:2, 14:3, 29:17, 36:22, 36:23, 65:22, 76:13, 77:15, 77:22, 77:24, 78:4, 78:7, 79:9, 80:7 recorded 1:25, 10:3, 79:6 recording 10:4, 79:8, 80:4 red 38:20, 44:14, 69:17 reduced 79:7, 80:5 refer 10:6, 24:7, 38:1 reference 10:5, 42:11 reforestation 58:13, 58:15 regarding 28:20, 28:25 region 16:2, 37:15 registered 61:20, 65:24 registration 4:24 regraded 23:6 regular 34:22, 35:2, 35:4, 35:5, 35:9, 35:10 regulations 64:4</p>
--	---	---	--

relate 13:2, 42:21, 68:19 related 22:12, 60:1, 79:11, 80:9 relatedly 23:9 relates 12:15, 12:17, 42:16 relating 60:17 relationship 16:18, 16:23, 16:24 relevant 14:19, 30:7, 41:20, 43:24, 44:2 remain 9:12, 40:2, 51:1, 57:9, 57:10 remediate 72:16 remember 63:11 remote 7:8, 7:11 remotely 7:22, 9:22, 77:19 removal 23:1, 59:24, 60:3, 60:7, 67:18, 67:19 removed 67:18, 72:20 render 7:25 rendered 75:13, 77:24 rephrase 16:21 replaced 23:6, 72:20, 73:7	report 6:22, 26:19, 26:22, 32:10, 38:9, 38:22 reporter 2:14, 7:2, 8:11, 9:19, 77:17, 79:1 reporter's 10:4 require 23:10 required 28:10, 33:8, 45:19, 50:22, 54:15, 56:2, 56:7, 56:9, 56:13, 58:19, 62:21, 63:6, 64:23, 67:14, 70:11 requirement 58:8 requirements 22:7, 23:19, 26:16, 45:22, 48:21, 49:25, 50:5, 51:9, 51:19, 53:5, 55:4, 56:5, 56:10, 58:10, 58:20, 75:24, 75:25 requiring 35:20 reserve 12:8, 39:3, 39:5, 39:7 reservoir 42:18 residence 56:9, 57:2 residences 40:11, 56:18, 56:19 residential 33:19, 39:8, 41:3, 41:4,	42:22, 51:7, 56:15, 76:6 residentially 39:8 resolution 75:21 resources 5:19, 43:2, 43:4, 43:8, 60:15 respect 17:17, 17:18, 32:5, 32:7, 41:17 respective 31:18, 41:13, 41:21, 48:23 rest 40:1 result 32:9, 35:13, 76:10 resume 6:14, 6:15, 6:17, 6:18, 14:11, 30:2, 37:8, 66:7 retained 4:18, 5:3, 6:3 review 7:25, 10:24, 14:7, 17:8, 22:9, 26:21, 29:24, 32:22, 32:25, 33:23, 35:20, 37:4, 55:1, 67:12, 74:20 reviewed 41:16, 59:14, 73:10, 77:15 reviewer 30:19 reviewing 33:9 revised 6:19 riggs 39:1, 40:13,	40:14, 44:18, 44:25 right 7:4, 9:10, 10:19, 11:7, 11:16, 11:19, 11:21, 13:16, 14:21, 15:17, 24:20, 26:12, 26:13, 27:21, 28:15, 29:4, 31:7, 31:10, 41:6, 48:17, 50:9, 50:12, 56:6, 59:9, 64:16, 65:3, 69:14, 74:12, 75:10, 75:15, 76:22, 76:24, 77:6, 77:10, 77:13 right-hand 50:16 right-of-way 44:16, 44:17, 44:19, 44:25, 45:2, 50:21, 50:22 right-of-ways 45:3, 51:13 rights 44:6 river 46:19, 46:21, 60:25, 63:24, 64:1 road 3:6, 7:24, 14:25, 16:20, 19:20, 38:24, 38:25, 39:1, 39:15, 40:10, 40:13, 44:15, 44:16, 44:17, 44:18, 44:24, 44:25, 45:1, 45:16, 45:18, 45:21, 46:2,
--	---	---	--

46:4, 47:24, 51:1, 53:22, 54:11, 56:20, 57:4, 58:14, 59:24, 63:20, 63:22, 71:21 road's 44:22 roads 1:8, 7:17, 41:5, 44:1, 44:3, 44:4, 45:9, 45:25, 46:8, 47:10, 50:23, 55:16, 55:17 roadway 23:7 rockville 1:17, 2:8 role 14:13 room 2:7, 7:12, 7:21, 11:2, 77:9 rows 18:2 run 21:4 running 7:7, 18:3 runs 39:14, 39:15, 48:2 rural 42:18, 42:25, 43:11, 43:12 rustic 44:1, 44:4, 44:15, 44:18, 44:22, 44:24, 45:1, 45:9, 45:25, 46:8 <hr/> <p style="text-align: center;">S</p> <hr/> safely 71:14, 72:2 said 10:2, 30:9,	33:20, 51:4, 79:8, 79:9, 80:5, 80:6 same 15:24, 42:23, 64:22, 64:25, 65:2, 73:17 sara 3:12 sat 50:24 satisfaction 12:21 satisfied 12:3, 12:6 satisfies 76:11 satisfy 75:23 save 77:1 say 26:15, 75:18 saying 9:21 says 42:24, 70:8 scale 46:3 school 34:20 scope 5:20 scrape 23:12 scrapping 23:10, 53:11 screen 10:11, 10:22, 10:24, 11:3 screened 57:3 screening 56:7, 56:10, 65:7 second 19:17, 27:17, 69:11, 76:17	secondary 44:17 section 1:10, 7:18, 8:2, 12:5, 43:9, 50:12, 56:10 sections 42:7, 42:12, 67:17 secured 73:4 sediment 74:15 see 8:9, 10:1, 10:25, 11:1, 11:15, 16:14, 17:20, 18:18, 21:24, 34:21, 35:5, 35:10, 43:5, 47:13, 47:16, 50:9, 52:5, 56:22, 59:5, 74:9, 76:20, 76:22 seeds 26:13 seemed 45:12, 64:1 seen 34:24 selection 16:6 send 64:22 sends 15:19 sensitive 43:2, 43:4 sent 62:2 separate 21:6 series 22:11, 24:16, 61:8 serve 55:18	served 76:7 service 23:25, 25:10, 60:16 services 70:9 session 34:21 set 1:9, 7:17, 8:1, 12:4, 21:6, 64:18 setbacks 51:12 seven 12:9, 30:15 several 13:3, 60:24 several-month 74:18 shape 52:23, 52:24, 53:2 shaped 52:25 share 10:11, 10:22, 24:13 sheet 5:10, 69:7, 69:15, 69:16, 69:19, 69:22 shopping 33:19 should 22:4, 49:16, 72:16 show 24:16, 25:1, 47:5, 59:23, 63:10 showing 7:10, 62:20 shown 12:25, 26:3, 56:16, 56:22 shows 47:9, 54:7,
---	---	---	--

<p>54:10, 55:19, 72:10, 72:11 side 20:24, 39:15, 54:17, 56:20, 63:19 sight 6:20, 67:20 sign 5:6, 5:7, 62:13 signature-b7fzp 79:16 signature-mig2k 80:13 signed 24:5 significant 22:18 signs 62:21, 62:24 similar 34:8 since 14:22, 37:15, 44:2, 48:5, 64:2 single 35:11, 40:10, 53:23 sit 47:17 site 5:9, 5:10, 12:25, 13:5, 16:6, 16:7, 20:15, 20:17, 20:19, 22:2, 23:1, 23:10, 33:2, 33:4, 33:10, 34:15, 34:17, 35:4, 35:18, 38:20, 40:15, 41:6, 43:4, 47:1, 49:17, 49:20, 50:4, 50:15, 52:20, 53:1, 53:11, 53:20, 53:21, 53:22,</p>	<p>53:24, 54:4, 58:7, 60:18, 62:14, 67:3, 67:9, 67:12, 67:14, 70:10, 70:13 sites 16:8, 35:14, 53:3 sits 39:1 situation 19:2 six 20:13 size 16:9, 51:20, 71:11 skills 79:10, 80:8 slopes 53:7, 53:10 small 54:9 soil 22:25, 52:7, 52:11, 53:12, 59:2, 59:6, 59:8, 61:4 soil's 53:3 soils 51:22, 52:2, 52:4, 52:5, 52:13, 52:15, 52:17, 52:19, 52:20, 52:25 solar 1:6, 7:15, 7:24, 12:7, 12:18, 14:16, 14:22, 14:24, 15:9, 15:15, 15:17, 15:25, 17:17, 17:24, 17:25, 18:12, 18:24, 19:25, 20:6, 20:21,</p>	<p>22:8, 24:1, 25:23, 31:6, 31:9, 31:22, 32:3, 34:8, 34:11, 34:25, 35:8, 40:21, 40:22, 47:16, 47:25, 48:25, 49:8, 50:14, 50:24, 51:10, 51:16, 52:16, 52:21, 52:24, 53:6, 53:12, 54:13, 54:24, 56:6, 60:4, 68:19, 68:22, 69:16 sold 21:21, 39:13 some 11:3, 11:5, 12:16, 14:18, 22:6, 23:16, 23:18, 34:15, 35:5, 41:3, 58:18, 59:21, 59:22, 60:1, 61:2, 63:17, 63:23, 66:16, 69:9, 71:5 someone 9:18, 67:2, 70:20 something 10:2, 18:23, 27:23, 27:24, 68:9 sometimes 50:18, 52:3 somewhere 20:12, 50:10 sorry 59:3 sort 15:7, 16:3, 24:18, 34:21, 35:2, 35:9 south 17:25, 40:15</p>	<p>space 42:19, 43:11, 43:13, 43:16 spaced 18:2 spaces 43:1 speak 9:13, 10:9, 10:10 speaking 9:17, 9:18, 9:23, 33:16 special 37:17, 40:3, 40:16, 66:15 specialist 3:12 species 60:18, 61:1 specific 12:7, 12:16, 13:3, 13:9, 22:1, 22:7, 31:6, 31:21, 31:24, 32:3, 33:22, 34:1, 48:16, 54:13, 54:15, 61:2, 70:11, 76:11 specifically 13:1, 17:7, 32:2, 51:16 spell 8:11 spent 30:18 sporadic 22:5 squares 56:22 stabilizing 61:4 stacked 18:16 stadler 16:19 staff 6:22, 26:19,</p>
---	--	--	---

26:22, 34:2, 38:9, 38:22 stage 72:25, 74:7 standard 1:8, 7:17, 71:18, 71:20 standards 32:7, 45:19 start 8:9, 20:17, 38:11, 42:10, 74:8, 74:14 started 44:14, 69:2, 73:5 state 14:2, 23:20, 29:16, 30:18, 30:20, 30:23, 34:8, 34:25, 36:21, 65:21, 66:19, 79:19 state's 53:14 stated 7:20, 32:20, 48:18 statement 6:19, 11:12, 11:14, 32:11 states 14:17, 43:11, 51:23 stating 49:7 stb 30:16 steel 18:17 steps 26:9 stewardship 43:15 sticking 54:12 still 74:7	storm 68:15, 71:15, 71:21, 72:2 stormwater 13:7, 55:19, 67:21, 68:12, 69:3, 69:11, 69:25, 70:1, 74:15 stream 39:14, 43:6, 53:6, 53:8, 58:13, 58:17 strengthened 43:1 stripping 48:19 studies 30:20, 30:22, 55:21 study 35:21 style 54:24 sub 49:13 subject 40:15, 42:5, 44:13, 47:9, 62:22 submit 75:20 submitted 17:8, 48:12, 74:19, 75:22 subparts 49:16 subscribe 15:21 subscribers 21:22 subscriptions 15:22, 21:21 substantial 43:21, 46:7 sufficient 16:9 suite 3:7	suited 74:10 summary 32:18 supervision 49:18, 57:19, 57:21, 67:3, 70:21, 80:6 supply 42:23, 43:2, 54:11 support 11:10, 68:22 supporting 15:25 supportive 45:13 sure 7:6, 8:7, 8:12, 8:18, 14:4, 17:21, 22:13, 24:14, 27:20, 28:11, 28:24, 35:6, 38:4, 38:7, 40:9, 44:8, 50:6, 57:25, 65:23, 68:8, 70:18, 71:7, 71:14, 71:25, 72:9, 75:14 surface 5:13 surrounding 12:15, 33:13, 35:23, 39:6, 40:25, 41:2, 55:11, 71:10, 76:4 switch 23:18 switching 48:11 swn 5:15 sworn 7:3, 13:22, 29:11, 36:16,	65:16, 79:5 system 1:6, 7:16, 18:14, 20:24, 21:9, 21:11, 21:17, 21:20, 50:24, 53:13, 53:14, 69:17 systems 20:6, 50:14, 51:10, 51:17, 53:6 <hr/> T <hr/> table 18:20, 18:22, 50:11, 50:15 tables 50:13 take 10:13, 20:11, 24:24, 26:10, 39:23, 58:9, 75:3, 75:12 taken 72:16, 79:3 takes 18:23 taking 39:25, 72:14 talk 42:7, 42:8 talked 46:3, 51:11, 52:10, 63:18 talking 43:9, 52:11 talks 42:14 tan 58:5 team 16:8, 20:22 technical 59:22, 68:17, 68:19, 74:14 technically 63:6
---	--	---	---

tell 13:17 tend 41:7 term 15:14, 23:11 terms 21:17, 35:20 test 21:9, 21:11 testified 13:24, 29:13, 34:6, 36:18, 37:15, 51:21, 55:17, 65:18, 74:3 testify 12:14, 12:20, 12:24, 13:5, 13:22, 15:11, 27:23, 27:25, 29:11, 34:23, 36:16, 65:16 testifying 9:24 testimony 7:25, 11:21, 12:2, 12:11, 39:17, 73:24, 75:22, 76:12 tests 21:12, 21:13 thank 7:5, 7:12, 8:23, 9:8, 9:9, 9:10, 10:19, 11:17, 13:19, 14:6, 15:5, 15:13, 17:22, 19:21, 25:11, 25:19, 26:17, 27:12, 27:19, 29:3, 29:4, 29:5, 29:8, 30:5, 31:16, 32:13, 35:24, 36:2, 36:3, 36:7, 36:9,	36:10, 36:13, 37:3, 37:19, 37:24, 38:19, 43:19, 48:8, 53:4, 53:16, 57:6, 59:9, 61:6, 64:5, 64:11, 65:3, 65:8, 65:9, 65:10, 65:12, 65:13, 66:3, 66:20, 66:25, 67:21, 70:2, 70:10, 73:18, 73:21, 73:22, 75:15, 75:19, 76:15, 76:16, 77:4, 77:10, 77:11, 78:5 themselves 68:23 thereafter 79:6 thing 33:20 things 21:25, 50:17, 68:24, 74:7, 75:12, 77:11 think 11:9, 22:25, 28:20, 28:23, 38:9, 38:10, 40:21, 47:2, 47:5, 63:24, 65:6, 68:20, 69:12, 74:1, 74:9, 74:10, 74:25, 75:5, 76:18, 76:19, 77:8, 77:18, 77:19 third 12:21, 36:10 threatened 60:17, 61:1 three 44:3, 47:10	three-phase 16:11 through 8:6, 11:1, 11:14, 15:18, 16:25, 38:5, 40:7, 42:12, 44:20, 50:3, 52:8, 56:4, 56:9, 68:5, 69:16, 69:19, 69:22, 70:13, 71:4 throughout 30:20, 30:22, 34:8, 34:25, 48:25, 66:18, 71:17 throw 76:21 thumbs 76:22, 76:25 thursday 34:20, 35:12 tied 21:3 ties 20:24 tilted 18:1 tim 6:14, 9:5, 9:6, 13:4, 65:11, 65:23 time 7:10, 8:6, 15:24, 21:6, 27:14, 30:14, 30:18, 36:8, 44:23, 45:16, 77:1, 77:18 timeline 74:11 timothy 3:18, 4:11, 65:15, 65:23 today 8:17, 12:2,	76:13, 76:16 together 19:3, 20:24, 21:3, 52:3 took 45:16, 53:8, 58:17 top 21:8 topic 15:8 topping 72:3 topsoil 23:6, 23:10, 23:12, 48:19 total 39:24, 40:1, 49:1, 51:2, 58:5, 58:9, 72:10 totally 52:23 touch 61:6 tract 50:20 traffic 6:19, 12:20, 29:19, 30:8, 30:10, 30:13, 30:14, 30:16, 30:17, 30:19, 30:21, 30:25, 31:14, 32:1, 32:11, 34:12, 34:17 training 31:12, 43:20, 46:6, 55:2, 55:6, 66:22 transcriber 80:1 transcript 77:16, 80:3, 80:6 transcriptionist 79:8
---	--	---	--

transformer 20:25, 23:18 transit 33:4 transmitted 27:5 transportation 30:9, 31:14, 32:23, 32:25, 33:9, 33:14, 33:23, 35:20, 35:23 traveling 41:5 traversing 41:5 tree 39:11, 40:2, 51:5, 60:7, 60:8, 67:17 trees 16:22, 39:12, 39:18, 40:18, 60:3 trench 21:4 trenches 23:5 tributaries 47:13 tributary 46:20, 47:12 trip 32:6, 32:19, 33:18, 33:24, 34:4, 34:16 trips 33:2, 33:8, 33:11, 34:15, 35:11, 35:14, 35:17 truck 54:16 true 79:9, 80:6 truth 13:17, 13:23, 13:24, 29:12,	29:13, 36:17, 36:18, 65:17, 65:18 try 9:17, 78:1 tuesday 34:20, 35:12 turn 9:13, 9:23, 21:19, 22:6, 25:20, 29:20, 32:12, 46:11, 47:4, 49:11, 60:10, 62:8, 62:16, 67:6, 67:24, 70:23, 72:4 turnaround 54:9, 54:18 turning 14:6, 17:6, 22:23, 26:18, 26:25, 37:25, 48:9, 49:3, 53:16, 53:20, 55:23, 57:11, 60:1, 66:4, 70:3 twice 45:11 two 14:23, 18:15, 35:16, 45:10, 45:11, 69:14, 72:21, 75:7, 76:25 two-month 75:6 type 33:20, 35:8, 51:7, 69:5, 71:21 types 59:2, 59:6, 60:24, 69:3, 73:3 typewriting 79:7, 80:5 typical 34:19, 35:11,	35:15, 52:5 typically 33:22, 35:17, 52:15, 73:2, 74:17 <hr/> U <hr/> uh-huh 56:24 under 1:8, 7:17, 23:17, 25:23, 26:6, 28:10, 49:18, 49:23, 50:13, 57:18, 57:20, 67:2, 70:20, 75:24, 75:25, 80:5 undercutting 23:7 underground 19:14, 21:6 understand 9:20, 59:4 undertake 69:4, 72:23 undertook 71:16 underway 73:2 undue 76:9 unfortunately 72:1 unique 32:4, 33:21 unit 51:8 united 51:23 units 52:6, 52:7 unless 9:18, 13:10, 36:5, 73:24 unmute 27:16 until 9:13, 78:3	update 44:23 updated 44:22 upfront 71:16 upgraded 45:1 upper 18:19, 52:1 usable 21:16 usage 22:16 use 1:5, 5:8, 7:15, 10:9, 12:4, 12:8, 17:9, 23:14, 32:3, 32:4, 33:19, 33:20, 33:21, 33:25, 39:20, 39:22, 40:1, 40:16, 40:21, 41:18, 41:21, 42:15, 44:21, 45:15, 45:20, 49:12, 49:20, 50:12, 50:13, 51:3, 51:5, 51:7, 51:18, 52:11, 52:12, 62:15, 65:2, 74:5, 74:13, 76:12 useful 52:14 uses 8:2, 33:18, 37:18, 40:4, 40:7, 41:4, 41:6, 42:4, 42:22, 43:14, 50:13 usually 64:21 utility 16:1, 21:8,
--	--	---	---

21:12, 24:3, 25:9, 25:17	water 42:18, 42:23, 43:2, 48:2, 48:5, 54:10, 64:1, 72:3	wetland 39:14, 58:19	witnesses 8:16, 27:24
V	watershed 42:17	wetlands 43:6, 48:19, 53:7, 53:8	work 5:20, 5:21, 9:11, 9:12, 11:1, 11:14, 23:4, 74:8
valley 58:18	way 10:7, 11:8, 41:24, 44:6	whatever 74:16	worked 30:15, 34:10
various 66:1, 66:18	we'll 8:7, 8:9, 11:15, 21:19, 24:14, 29:6, 39:16, 43:5, 58:5, 59:21, 67:19, 76:19	whatsoever 35:22	working 8:8, 37:14, 70:19
vegetation 57:3	we're 7:6, 21:10, 33:22, 33:24, 34:3, 56:6, 56:9, 56:13, 60:19, 61:5, 71:7, 74:22	when 10:10, 71:7	worst 75:7
via 7:22, 12:1	we've 11:7, 14:21, 15:1, 18:21, 34:10, 34:24, 55:22, 56:16, 68:12, 69:18, 72:10, 72:18, 76:17, 77:25	whereas 45:20	would've 21:21
vibrating 20:19	weather 20:14	whereupon 7:2, 13:20, 29:9, 36:14, 65:14	wouldn't 8:15
vice 29:19, 30:9	weber 36:25, 49:21, 66:1	whether 68:6	wrap 77:12
video 11:2, 11:5	website 10:22, 11:6	whole 13:17, 13:23, 29:12, 36:17, 40:12, 65:17	write 49:7
virginia 1:17, 65:25	wednesday 34:20, 35:12	width 69:20	written 62:5
virtually 50:17	went 76:18	wildlife 60:16	Y
visible 56:8, 56:14	weren't 48:19	wish 10:8, 10:10, 10:23, 11:20	yeah 18:13, 19:12, 22:23, 27:15, 28:15, 28:16, 32:20, 38:5, 38:18, 47:6, 64:10, 68:2, 75:9
visit 26:14	west 18:3, 39:15, 40:19, 43:12	within 8:4, 16:1, 30:23, 32:2, 33:1, 34:17, 46:12, 46:20, 47:12, 47:17, 47:19, 54:10, 77:24	year 25:7, 71:21, 72:2, 74:23
volts 18:25, 19:1, 19:7, 19:8		witness 3:15, 3:16, 3:17, 3:18, 13:12, 13:13, 15:8, 28:25, 77:4	years 17:1, 30:11, 30:15, 66:1
W		witness(es) 79:4	yep 38:16, 65:7
walk 38:5, 40:7, 50:3, 56:4, 68:5, 71:4			Z
walking 33:3			zero 34:12, 35:14, 35:17
walks 70:14			zimmerman 3:15, 4:2,
want 7:6, 16:10, 16:11, 20:9, 22:6, 76:15			
wanted 59:10			
wants 28:22, 52:18			
washington 37:14			

Transcript of Hearing
Conducted on December 11, 2023

46

6:18, 8:19, 8:20, 8:21, 12:12, 13:14, 13:15, 13:18, 13:21, 14:4, 15:7, 17:24, 19:7, 27:13, 27:23, 28:5, 28:24, 29:2, 29:4, 34:7, 34:23, 51:21, 74:3 zion 1:8, 7:16, 38:23, 39:15, 44:15, 45:21, 46:4, 53:22, 54:11, 57:4, 58:14, 59:24, 63:20, 63:22 zone 1:7, 7:16, 12:8, 39:5, 39:7, 51:4, 69:5 zoned 39:3, 39:9, 76:7 zoning 1:1, 2:4, 3:13, 4:20, 12:5, 12:9, 12:17, 13:2, 21:24, 22:7, 23:11, 39:4, 48:23, 49:25, 52:10, 56:11, 60:2, 62:6, 62:25 zoom 7:22, 9:15, 10:3, 10:20, 11:4, 28:21, 50:14, 51:25, 64:14, 64:17, 64:20, 64:22, 76:17 zooming 38:3 <hr/> .1 8:3, 12:5	.1180 3:9 .2 1:10, 7:18, 12:9 .3 56:10 <hr/> 0 <hr/> 04 1:7 <hr/> 1 <hr/> 1.5 47:23 10 5:6, 8:4, 47:20, 47:21, 62:9, 62:10, 77:16, 77:25 100 2:6, 69:21 11 1:18, 5:7, 62:17, 62:18, 78:7 12 39:23 12.6 39:25 12.60 51:2 13 4:3 13,000 19:8 13.2 21:7 14 5:8, 5:9, 5:10, 5:11, 6:18, 17:7, 17:10, 17:20, 17:23, 18:5, 18:6, 18:8, 49:12, 49:14, 55:24, 55:25 15 5:12, 5:13,	42:14, 47:4, 47:7, 53:7, 53:10, 57:12, 57:13, 57:15, 57:16, 58:1, 58:3 16 5:14, 19:2, 42:24, 54:1, 54:2 17 5:9, 30:11 18 5:10, 5:15, 43:10, 67:25, 68:1 1800 49:1, 49:9 19 5:16, 70:3, 70:4, 79:20, 80:17 1986 37:15 <hr/> 2 <hr/> 20 5:18, 18:2, 53:24, 60:11, 60:12 200 2:7, 22:15 2023 1:18, 79:20, 80:17 20850 2:8 20854 3:8 21 5:20, 25:21, 25:22 23 5:24, 24:8, 24:9, 24:19 24 1:7, 5:24, 6:5, 25:2, 25:3	240 69:21 2404 7:23 25 5:20, 6:5, 6:7, 17:1, 25:12, 25:13, 51:8, 53:23, 71:21, 72:2 26 6:8, 6:22, 18:21, 49:3, 49:4 27 6:21 28 6:10, 70:24, 70:25 29 4:6, 6:11, 6:15, 72:5, 72:6 2b 59:1, 59:6 <hr/> 3 <hr/> 3 49:25, 50:5, 50:9, 50:12, 55:4, 75:24 3.7 1:10, 7:18, 12:9 3.83 50:25 30 56:13, 66:1, 77:24, 78:1 301.251 3:9 307 3:9 32 6:19, 52:9 33 72:19 36 1:19, 4:9
--	--	--	--

Transcript of Hearing
Conducted on December 11, 2023

47

<p>37 6:12, 6:17, 48:9, 48:10 37.52 51:2 38 4:20 3909 37:1</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>40 6:14, 66:4, 66:5 400 3:7 41 6:15, 29:21, 29:22, 29:24 42 72:21 43 6:17, 37:4, 37:5 44 6:18, 14:6, 14:8 45 6:19, 32:13, 32:14 46 6:20, 67:7, 67:8 47 5:13 48 6:12, 6:21, 27:1, 27:2, 72:19 49 5:8, 6:8, 6:22, 26:19, 26:20</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5,000 19:23 5,408 19:24</p>	<p>50 33:5, 33:10, 51:12 506133 1:23 53.59 39:25 53.95 50:20 54 5:14 55 5:11 57 5:12 59 1:9, 7:18, 8:2, 49:25, 50:5, 50:9, 50:12, 53:16, 55:4, 75:24, 75:25</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 53:16, 55:4, 75:25 6.5 56:10 60 5:18, 44:17 600 18:25, 19:1, 19:7 61 4:21, 4:23, 5:5 62 5:6, 5:7 65 4:12 66 6:14 660 46:20, 47:12 67 6:20 68 5:15 6a 59:1, 59:6</p>	<p style="text-align: center;">7</p> <hr/> <p>7-foot 54:23 7.3 8:3, 12:5 70 5:16, 6:10, 44:16, 44:19, 44:25 72 6:11 75 4:15 7811 3:6</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>80 1:24, 45:2</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9 1:19</p>	
--	--	--	--