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# Transcript of Hearing

**Date:** January 12, 2023

**Case:** Telecom Partners/Rhodes Brothers, In Re: (CU 23-07)

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January 12, 2023

1 (1 to 4)

<p>1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS</p> <p>2 FOR MONTGOMERY COUNTY, MARYLAND</p> <p>3 -----x</p> <p>4 In Re: :</p> <p>5 TELECOM PARTNERS and RHODES : Case No. CU 23-07</p> <p>6 BROTHERS LLC :</p> <p>7 -----x</p> <p>8</p> <p>9 HEARING</p> <p>10 Before Hearing Examiner Lynn Robeson Hannan</p> <p>11 Conducted Virtually</p> <p>12 Thursday, January 12, 2023</p> <p>13 9:30 a.m.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Job: 472921</p> <p>24 Pages: 1 - 78</p> <p>25 Transcribed by: Molly Bugher</p>	<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 ON BEHALF OF MONTGOMERY COUNTY OFFICE OF ZONING AND</p> <p>4 ADMINISTRATIVE HEARINGS:</p> <p>5 LYNN ROBESON HANNAN, HEARING OFFICER</p> <p>6</p> <p>7 ON BEHALF OF THE APPLICANT:</p> <p>8 ED DONOHUE, ESQ.</p> <p>9 TRACEY THEMAK, ESQ.</p> <p>10 DONAHUE, THEMAK, &amp; MILLER</p> <p>11 117 Oronoco Street</p> <p>12 Alexandria, VA 22314</p> <p>13 (703) 548-1123</p> <p>14</p> <p>15 ALSO PRESENT:</p> <p>16 JOHN DURHAM, Citizen</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>1 Hearing conducted virtually.</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9 Pursuant to agreement before Joe Lorete, Notary Public</p> <p>10 in and for the State of Maryland.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 C O N T E N T S</p> <p>2 PAGE</p> <p>3 Transcript of proceedings 5</p> <p>4 TESTIMONY:</p> <p>5 John Durham 10</p> <p>6 Narendra Mangra 16, 62</p> <p>7 Shea Beltran 29</p> <p>8 Mark Fisher 31, 59</p> <p>9 Marc Marzullo 37</p> <p>10 Mark Filipovic 70</p> <p>11</p> <p>12 E X H I B I T S</p> <p>13 PAGE</p> <p>14 Exhibit 4 Zoning map 11</p> <p>15 Exhibit 6 Propagation maps 16</p> <p>16 Exhibit 15 Photos 32</p> <p>17 Exhibit 20 Email Exchange 45</p> <p>18 Exhibit 32 Staff Report 60</p> <p>19 Exhibit 39 Site Plan 43</p> <p>20 Exhibit 43 Zoning drawings 41</p> <p>21 Exhibit 48 Landscape Plan 56</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p>5</p> <p>1 PROCEEDINGS</p> <p>2 THE HEARING EXAMINER: Application of Telecom</p> <p>3 Capital Group and Rhodes Brothers LLC to construct a</p> <p>4 telecommunication facility at 28025 Ridge Road. Will the</p> <p>5 parties please identify themselves for the record?</p> <p>6 MR. DONOHUE: Good morning Madam Director. My name</p> <p>7 is Ed Donahue. I'm the attorney of record with Donahue,</p> <p>8 Themak, and Miller. With me is Tracey Themak.</p> <p>9 THE HEARING EXAMINER: Thank you.</p> <p>10 MS. THEMAK: Good morning.</p> <p>11 THE HEARING EXAMINER: Is there anyone on this call</p> <p>12 or on this hearing now that is not going to be called by Ms.</p> <p>13 Themak? Is anyone that wishes to testify that is not want to</p> <p>14 be one of Ms. -- one of Mr. Donohue's or Themak's witnesses?</p> <p>15 MR. DURHAM: Yes.</p> <p>16 THE HEARING EXAMINER: And you are? Can you</p> <p>17 identify your name and address and also email address for the</p> <p>18 record?</p> <p>19 MR. DURHAM: My name is John Durham. My address is</p> <p>20 28020 Ridge Road, Manassas, Maryland 20872. And my email is</p> <p>21 Durhaj@gmail.com.</p> <p>22 THE HEARING EXAMINER: Thank you, very much. A few</p> <p>23 ground rules before we begin. This is on a remote format that</p> <p>24 has some idiosyncrasies. And so we have -- one of them is</p> <p>25 there -- I didn't -- one of them is we're recording this on</p>	<p>7</p> <p>1 testify? Do you want to be called by -- are you going to be</p> <p>2 called by Ms. Themak or are you a citizen that wants to</p> <p>3 express their views?</p> <p>4 MR. MARZULLO: Good morning. Are you addressing</p> <p>5 Mark Marzullo?</p> <p>6 THE HEARING EXAMINER: No, I'm addressing --</p> <p>7 MR. FILIPOVIC: Can you hear me?</p> <p>8 THE HEARING EXAMINER: Whoever is showing up on the</p> <p>9 guest list as Laurel Lawns.</p> <p>10 MR. FILIPOVIC: Yes, can you hear me?</p> <p>11 THE HEARING EXAMINER: Yes. Are you a witness for</p> <p>12 Ms. Themak? Or do you want to add independent testimony? I</p> <p>13 think you're muted.</p> <p>14 MR. FILIPOVIC: I don't -- can you hear me now?</p> <p>15 THE HEARING EXAMINER: Yes I can, thank you.</p> <p>16 MR. FILIPOVIC: No, I just live in the</p> <p>17 neighborhood, so I'm listening. There are signs all over my</p> <p>18 neighborhood about this meeting. That's all.</p> <p>19 THE HEARING EXAMINER: Okay. Well, let me do this</p> <p>20 in case you just -- well, we'll get to that if you decide</p> <p>21 to --</p> <p>22 MR. FILIPOVIC: Thank you.</p> <p>23 THE HEARING EXAMINER: -- to testify. But thank</p> <p>24 you. Anyone else on the call now that is not going to be</p> <p>25 called as the Applicant's witness? Okay. Seeing none, we</p>
<p>6</p> <p>1 Microsoft Teams. It is not the official case, but we record</p> <p>2 it as a backup for the court reporter in case they have</p> <p>3 questions. This is no different. Since the transcript is</p> <p>4 verbatim, the recording is, as I said, nothing secret about</p> <p>5 the recording. Everything will be on the public record.</p> <p>6 The other thing is, avoid crosstalk, which is don't</p> <p>7 interrupt each other because -- I'm sorry -- that garbles the</p> <p>8 transcription. That garbles the ability of the court</p> <p>9 reporter -- I'm sorry -- to understand what's going on in the</p> <p>10 Microsoft Teams format. If you have an objection, because of</p> <p>11 the problem with crosstalk or you want to speak, there is a</p> <p>12 reaction button at the top of the screen where you can raise</p> <p>13 your hand. Wait, am I doing -- yeah, there it is. For the</p> <p>14 record, I'm showing them the raised hand under the reactions</p> <p>15 button.</p> <p>16 If that's of course if you have an objection and</p> <p>17 you need to stop it more quickly than this would permit, you</p> <p>18 can object. Note, I'm asking you on the consultant and the</p> <p>19 citizen -- if any citizens are -- no texting to witnesses</p> <p>20 during the hearing because we've had cases where people were</p> <p>21 prompting the witnesses with answers by text and that's not</p> <p>22 allowable.</p> <p>23 I see one more person on the -- that just came on</p> <p>24 the call. It looks like Laurel -- I can't hear -- is that</p> <p>25 person -- can you -- are you going to be -- do you wish to</p>	<p>8</p> <p>1 will -- are there any preliminary matters? Hearing none, Mr.</p> <p>2 Donohue, will proceed.</p> <p>3 Just for the people who are not being called by the</p> <p>4 Applicant, this is an informal hearing, but it does have</p> <p>5 certain formalities. Testimony is under oath and subject to</p> <p>6 cross-examination. You will have an opportunity to ask</p> <p>7 questions of the witnesses, but when you -- which is cross-</p> <p>8 examination. But when you do that, it's not your turn to</p> <p>9 testify. If you want to say something, you will get a chance</p> <p>10 testify. We begin with the Applicant's case and then you get</p> <p>11 a chance to testify.</p> <p>12 Now, I do have a question for Mr. Durham. Would it</p> <p>13 be helpful if you said what you want to say early? And you'll</p> <p>14 get a chance -- so the Applicant can address it in their</p> <p>15 presentation --</p> <p>16 MR. DURHAM: Sure.</p> <p>17 THE HEARING EXAMINER: -- and that way you don't</p> <p>18 have to wait for them to go through their whole hearing.</p> <p>19 MR. DURHAM: Okay. So my --</p> <p>20 THE HEARING EXAMINER: Just do -- wait. Just a</p> <p>21 second. Do you have any objections?</p> <p>22 MR. DURHAM: Yes.</p> <p>23 THE HEARING EXAMINER: Ms. Themak? Ms. Themak?</p> <p>24 Mr. -- I can't hear, you're muted.</p> <p>25 MR. DONOHUE: Madam Director, I don't know that I</p>

<p style="text-align: right;">9</p> <p>1 checked, but we do have the rules of procedure that the 2 Hearing Examiner follows and the case is called and the 3 Applicant presents its case. We would prefer to hear from the 4 project engineer, from the RF engineers and to go over the 5 PowerPoint that we presented to you before the neighbors have 6 an opportunity to address the Director. 7 THE HEARING EXAMINER: Well, I believe you 8 requested the opportunity to streamline the hearing. In my 9 experience, but it's up to you, having the concerns expressed 10 up front allows you to address them in your case in chief 11 rather than having -- so if you object, I will not -- I can 12 alter the order of proceedings, but if you object then I 13 won't. 14 MR. DONOHUE: No, I guess I would like to withdraw 15 the objection and proceeded as you suggest. 16 THE HEARING EXAMINER: Now if we do this, I'm going 17 to give Mr. Durham a chance after you've gone through your 18 case. 19 MR. DONOHUE: Yes, ma'am. 20 THE HEARING EXAMINER: I'm going to give Mr. Durham 21 a chance to add anything he wants to add if he disagrees with 22 what you said. 23 MR. DONOHUE: Yes ma'am, understood. 24 THE HEARING EXAMINER: Okay. With that, Mr. 25 Durham, can you turn your camera on, please? We're required</p>	<p style="text-align: right;">11</p> <p>1 MR. DURHAM: Where the actual staked out position 2 is. It's closer than that from my driveway. 3 THE HEARING EXAMINER: Okay. I'm going to share my 4 screen. This is the best -- I'm going to share my screen and 5 I would like you, if you could, to see if you can -- are you 6 seeing this exhibit? 7 MR. DURHAM: Yes. 8 THE HEARING EXAMINER: It's Exhibit 4. It's the 9 certified zoning map. Can you describe, based on where this 10 is, where your property is? 11 MR. DURHAM: So mine would be where your arrow is 12 right now. 13 THE HEARING EXAMINER: Okay. For the record, my 14 arrow is immediately below a property in pink, purple that is 15 zoned NR.75H45. So okay. That's helpful. Thank you. 16 MR. DURHAM: And I will say, I don't have a problem 17 with the change of zoning with on their property. It's just 18 the location of the tower being so close in proximity to the 19 residence for several reasons. I have young children in the 20 house. And also, I already have a traumatic brain injury. 21 And several of the problems that are shown include things such 22 as migraines, sleepless or sleep problems. Sorry, I have -- I 23 wrote some of them down because I can't always remember them. 24 Dizziness, sleep disorders, increased irritability, difficulty 25 concentrating, trouble remembering, loss of focus, fatigue,</p>
<p style="text-align: right;">10</p> <p>1 to have your camera. So part of what we do is assess the 2 credibility of the witnesses. Mr. Durham, would you please 3 raise your right hand? 4 Do you solemnly affirm under penalties of perjury 5 that the statements you're about to make are the truth, the 6 whole truth and nothing but the truth? 7 MR. DURHAM: I do. 8 THE HEARING EXAMINER: Okay. You've already stated 9 your name and address for the record. So why don't you let us 10 know what you would like to say? 11 MR. DURHAM: Okay. I'll just keep it brief. My 12 main concern is the distance from the house and the health 13 concerns that come within the -- what's been shown through 14 numerous studies of the 400 meters and that proximity to 15 several residences including my own where the location is set 16 now. 17 THE HEARING EXAMINER: Let me pull up -- if you 18 could identify -- let me see what the best -- are you next 19 (phone ringing) are you next to the property or within 400 20 feet of the property? 21 MR. DURHAM: Within 400 yards or 400 meters. 22 THE HEARING EXAMINER: Meters, okay. 23 MR. DURHAM: The picture which was taken that 24 showed the tower behind the tree was taken from my driveway. 25 THE HEARING EXAMINER: Okay.</p>	<p style="text-align: right;">12</p> <p>1 these are all things -- migraines, these are all things that I 2 already suffer from due to the traumatic brain injury and 3 we're afraid that it would exacerbate the symptoms. 4 THE HEARING EXAMINER: Understood. Mr. Donohue or 5 Ms. Themak, do you have any questions of Mr. Durham? 6 MR. DONOHUE: Tracey, that's you. 7 MS. THEMAK: I'm sorry. I don't have any 8 questions. We can address this as -- when I'm acting as a 9 witness and I take you through the presentation we can address 10 it. 11 THE HEARING EXAMINER: Thank you. 12 MS. THEMAK: But I don't have any questions. 13 THE HEARING EXAMINER: Mr. Durham, you will have an 14 opportunity to respond to their presentation. Thank you for 15 your testimony. All right. 16 So with that, Mr. Donohue, did you have an opening 17 statement? 18 MR. DONOHUE: What I would like to do, Madam 19 Director, is to introduce the team and then hand the 20 microphone over to Tracey Themak. As you know from the 21 correspondence, she's been on this day to day. So let me just 22 introduce those who will be speaking to you in addition to 23 Tracey and my -- 24 THE HEARING EXAMINER: Well, is that testimony? 25 MR. DONOHUE: Is --</p>

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<p>13</p> <p>1 THE HEARING EXAMINER: I mean, that's testimony. 2 MR. DONOHUE: And so the -- 3 THE HEARING EXAMINER: You don't need to introduce 4 them. Ms. Themak will introduce them under oath as they come, 5 as they appear. 6 MR. DONOHUE: Very good. Then let me in the 7 microphone over to Ms. Themak. 8 THE HEARING EXAMINER: Thank you. 9 MS. THEMAK: Director Robeson, do want to swear me 10 in as I will be testifying as a witness? 11 THE HEARING EXAMINER: Wait, wait, wait, wait. Why 12 are you -- isn't that prohibited? 13 MS. THEMAK: Ed Donohue is handling the -- he is 14 conducting -- he is asking me to present the PowerPoint. I 15 was a project manager for this case. So I compiled and I'm 16 going to take you through it. 17 THE HEARING EXAMINER: No, but you've been acting 18 as an attorney in this case. You can't do this. You've been 19 acting as an attorney in this case and for the first time 20 you're telling me you're going to be a witness and that's 21 prohibited under the ethical laws. 22 MS. THEMAK: Well, I was going to take you to the 23 PowerPoint and -- 24 THE HEARING EXAMINER: You don't need to. Why 25 don't you have -- you don't need to take me -- I want the</p>	<p>15</p> <p>1 just going to give an opening statement as to the need in the 2 wireless industry and a little bit of background on the 3 application. 4 THE HEARING EXAMINER: Okay. That's testimony. So 5 do you have a radiofrequency engineer? 6 MS. THEMAK: We do. 7 THE HEARING EXAMINER: Let him do that. I'm 8 skipping the PowerPoint and I just -- I don't understand why 9 this wasn't -- so just call your first witness. If you want 10 to do the radiofrequency engineer, you can do him. There's a 11 lot of maps in the record. 12 MS. THEMAK: Add, then why don't we have 13 Narendra -- call Narendra and they can take you through the 14 propagation study? 15 THE HEARING EXAMINER: That's fine. Mr. -- I can't 16 read the name. Please turn your camera on. 17 MR. MANGRA: Hi, my name is Narendra. 18 THE HEARING EXAMINER: Okay it is on. Okay. 19 Please state your name and address for the record. 20 MR. MANGRA: Sure. First name Narendra, last name 21 Mangra. My address is 4234 40 Street NW, Washington DC 20016. 22 THE HEARING EXAMINER: Please raise your right 23 hand. Do you solemnly affirm under penalties of perjury that 24 the statements you're about to make are the truth, the whole 25 truth, and nothing but the truth?</p>
<p>14</p> <p>1 witnesses to take me through the PowerPoint, not you. I mean, 2 this is ethics 101. You can't be a witness in a case where 3 you've been the attorney. 4 MS. THEMAK: Well, we were going to give the -- I 5 think you are muted. I think we were going to get the 6 PowerPoint as our opening overview of the project and then 7 have the witness -- 8 THE HEARING EXAMINER: It's testimony. 9 MR. DONOHUE: Why don't you walk Mark Fisher 10 through the PowerPoint Tracey? 11 MS. THEMAK: Okay. Mark, are you there? 12 MR. FISHER: Yes, I am 13 MS. THEMAK: Okay. I will -- I'm going to bring up 14 the PowerPoint and see if I can share this. 15 THE HEARING EXAMINER: Now, is this PowerPoint in 16 the record? 17 MS. THEMAK: No, this was prepared for the 18 witnesses to go by and explain the presentation. 19 THE HEARING EXAMINER: Well, it's not in the 20 record. So why -- and you were supposed to submit everything 21 I mean, this is supposed to be on the website so people had 22 notice of it. 23 MS. THEMAK: We can go directly to the -- all of 24 the materials from slide 7 on our materials that were on the 25 website and submitted as part of the application. We were</p>	<p>16</p> <p>1 MR. MANGRA: I do. 2 THE HEARING EXAMINER: Okay. Go ahead Ms. Themak. 3 MS. THEMAK: I'm going to let Mr. Mangra take you 4 through the exhibit that shows the propagation maps. 5 THE HEARING EXAMINER: Okay. Thank you. What 6 exhibit is that? Because I can pull it up. 7 MS. THEMAK: I will -- I believe it was Exhibit 6. 8 THE HEARING EXAMINER: Coverage exhibit? 9 MS. THEMAK: Yes. 10 THE HEARING EXAMINER: Okay. I am going to -- 11 okay. I'm sharing my screen. It should be visible. Are you 12 seeing it? 13 MR. MANGRA: I am. 14 THE HEARING EXAMINER: Okay. Go ahead with your 15 testimony Mr. Mangra. 16 MR. MANGRA: Sure. So there was extensive 17 engineering studies done for the feasibility of the proposed 18 site. So it was broken down into three basic parts and that 19 is, is service required in that particular area to provide 20 adequate coverage to Route 27 as well as nearby residences. 21 And Ridge Road essentially had a lack of coverage and you will 22 see subsequent plots to that effect. 23 There was another study done, a series of maps that 24 you will see shortly, that addresses that -- can we use 25 alternative structures? And FirstEnergy poles were also</p>

<p style="text-align: right;">17</p> <p>1 considered. And you will see plots to support that. As well 2 as looking at all of the external or surrounding areas to see 3 if there was a way that the existing structures can be used, 4 all of the combinations basically, an overkill of sorts, to 5 see over and above, is the site required. And you will see 6 plots that support that the site is indeed required. 7 Most of the drivers for the nation is actually 8 going to be based on the terrain. And you will see a lot of 9 reference to the hilly terrain as we move forward. So if you 10 wouldn't mind proceeding to the next set of slides please. 11 Oh, if you could, just pause here. So the need for the site 12 was actually looked at as far as traffic that we are looking 13 at. 14 So you will see the vehicular traffic anywhere 15 closer to about 20,000 vehicles per day. And the surrounding 16 roads could be anywhere from 5,000 to 10,000 as well as the 17 residences along Gue Road and of course Honeysuckle Drive and 18 Moxley and a number of different streets. So those are really 19 part of the considerations for that particular site. I will 20 draw your attention to the hilly terrain and you will see how 21 that impacts the propagation sites later on, the propagation 22 characteristics. 23 If you could, proceed to the next slide please. So 24 here it's really a matter of saying, do we need to -- do we 25 need another site at this location. And the answer is clearly</p>	<p style="text-align: right;">19</p> <p>1 of the analysis is to say what if we were to use FirstEnergy 2 resources and facilities. So there were some existing power 3 pole that was provided to us for consideration. And we looked 4 at it as far as the bank of towers that you will see in the 5 following slides. So if you look at -- 6 THE HEARING EXAMINER: May I stop -- may I stop you 7 a minute? I don't understand. What's the -- can you just 8 explain for me what the FirstEnergy analysis is? What is 9 FirstEnergy? 10 MR. MANGRA: It's essentially -- 11 THE HEARING EXAMINER: Does that mean trying to 12 find another location that will work? 13 MR. MANGRA: When the proposal or the plots were 14 provided, the County essentially responded back and said there 15 were some power poles, would you like to take a look at it to 16 see if they are feasible. 17 THE HEARING EXAMINER: Okay. 18 MR. MANGRA: And they were existing structures and 19 power poles basically. And that is essentially the analysis 20 that you are seeing here as an alternative to the proposed 21 site. 22 THE HEARING EXAMINER: I see. Okay, thank you. 23 MR. MANGRA: So -- and actually, if you look at the 24 next slide over the terrain analysis, you will see essentially 25 the problem just in one graphic on the right-hand side for</p>
<p style="text-align: right;">18</p> <p>1 yes, as you can see from the red circles here. You will see 2 in the left-hand panel, without a site there, there is a lot 3 of gaps in coverage. So in some areas it's underserved and 4 some areas it's unserved areas. 5 So on the right-hand side there was essentially the 6 proposed site and you will see that it does cover the area 7 that you -- that's there. There are some gaps there. That is 8 due to terrain, but fortunately that is not essentially -- 9 it's basically open land in those particular areas. So the 10 right hand panel, you see the proposed site of 140 feet. And 11 subsequent slides that you will see different heights. 12 You can scroll to the next slide, please. So here 13 we have the site in a little bit more zoomed in plot, seemed 14 to imply. And you will see for example what are some of the 15 areas that we are looking at with this particular site. And 16 you will see at 140 feet, and that is essentially what we are 17 looking at to be able to provide a lot of good coverage here. 18 120, obviously as we go lower, you will see this going to be a 19 trend that the coverage is going to decrease a little bit, but 20 it's still acceptable. So 120 feet is there, but it opened up 21 a bit more. 22 And if you look at the slide below, you will see 23 that it opens up even more. So now we're starting to see a 24 lot more breaking points as far as services are concerned. 25 And that is essentially the proposed site. So the next stage</p>	<p style="text-align: right;">20</p> <p>1 example. The bank of towers that you see on the left-hand 2 side of the circle, there's about six towers there were 3 identified that may be a potential. And you can -- if you 4 look at the difference in elevation, there is a difference of 5 about 40 feet from the first power pole all the way to the 6 sixth power pole. So we are already losing height as far as 7 the ground elevation. 8 THE HEARING EXAMINER: I see. Okay. 9 MR. MANGRA: And if you look in towards the middle 10 along Ridge Road, you will see there is a higher elevation 11 there. So there is a natural boundary of sorts. And of 12 course that ground dips between the main streets, the main 13 roads. And that will also play -- have a factor as far as the 14 propagation characteristics. 15 THE HEARING EXAMINER: Okay. 16 MR. MANGRA: On the left-hand graphic it is more of 17 a 3-D version of what you're seeing in the right-hand side. 18 But basically to try to explain as far as the rolling hills 19 that we are looking at, that's going to impact terrain that 20 you will see in the subsequent slides. 21 THE HEARING EXAMINER: Okay, thank you. 22 MR. MANGRA: And for this one essentially there 23 were -- there were essentially -- we looked at the first power 24 pole here and there is a comparison on the right hand side. 25 You will see the proposed site at 140. That will remain</p>

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6 (21 to 24)

<p>21</p> <p>1 constant. It's really more of a comparison so that you can 2 see each person along with the proposed site. 3 THE HEARING EXAMINER: Oh, I see. 4 MR. MANGRA: In this case you will see there is a 5 lot more service deficiencies with the first power pole at the 6 same height. So that's 140 feet with power pole 1. If you 7 look at the second slide you will see power pole 1 at 180 8 feet. Still there is some openings. You will see in the next 9 slide, power pole 1 at 200 feet and there is still some gaps. 10 So this is going to be the trend for the subsequent slots. As 11 far as the -- this third power pole and the sixth power pole, 12 just to give you an idea that it is not feasible. 13 So if you want to look at the next set of slides 14 you can see that it's going to be repetitive. It is going to 15 be 140 feet. You will see that it still does not fit, it does 16 not work. You will see it again at 180 feet in the next slide 17 and it still does not work. There is still some deficiencies. 18 And again at 200 feet you will see that yes, there is some 19 improvements, but definitely at 200 feet for the third power 20 pole you're not going to see a whole lot of difference as far 21 as being able to cover the area. And on the right-hand side 22 the -- the proposed site at 140 feet definitely provides the 23 adequate coverage. And a lot of that actually has to do with 24 location. 25 THE HEARING EXAMINER: Okay.</p>	<p>23</p> <p>1 really to determine that location matters. In this case, that 2 is the location that is best suited. And to determine the 3 heights that are necessary to provide service. 4 THE HEARING EXAMINER: Okay, thank you. 5 Ms. Themak, do you have follow-up questions? 6 MS. THEMAK: Just to be clear, this site is 7 designed to hold not only Verizon at the top spot, but also 8 four additional carriers. So it's going to have the capacity 9 to host a total of five carriers. Would that be possible -- 10 the height -- 11 I guess Mr. Mangra, my question is, does that 12 become possible as we lowered the height of the tower? 13 MR. MANGRA: As you lower the height of the tower 14 you will have decreased coverage area to be able to serve the 15 area. So at the requested 140 feet you would be able to 16 support five carriers. And going lower, you will not. 17 MS. THEMAK: Is it true that as we reduce the 18 height of the pole as well we would have less space or less 19 feasible propagation space, less effective RAD centers for 20 future carriers occupy? 21 MR. MANGRA: It is true. That is correct. 22 MS. THEMAK: Okay. Okay. Does that site -- 23 THE HEARING EXAMINER: I just have a question. 24 Well, do you want to -- I'm sorry to interrupt, Ms. Themak. 25 Go -- finish your question.</p>
<p>22</p> <p>1 MR. MANGRA: So this set of plots that you are seen 2 actually drives the point as far as saying that it is location 3 in this case, matters a whole lot. And that's -- 4 THE HEARING EXAMINER: All right. 5 MR. MANGRA: And yeah, these are basically 6 repetitive in the sense that the sixth power pole if you will 7 see similar. At 140 feet there's a lot of -- now, but 8 remember, we are going down 40 feet. We are dropping 40 feet 9 in elevation already. And now we also have the geometry as 10 far as the hills are concerned to be able to cover those 11 particular areas. And you will see that again. In this case, 12 140 feet, it does not provide adequate coverage. 13 In the next slide you will see at 180 feet it does 14 not provide coverage and the same for 200 feet. And if you 15 just pause here for a moment you will see the next set of 16 analysis. In this case we looked at said well, what if we 17 were to use all of the existing structures. Granted, this is 18 not feasible for a single service provider, but this is an 19 ultraconservative approach to look at this and say even if we 20 were to use everything, we still have a coverage hole. And if 21 we were to use the site at 140 feet you will see subsequent 22 plots that really shows that it does cover the areas that we 23 are intending to cover. 24 THE HEARING EXAMINER: Okay. 25 MR. MANGRA: So the extent of the analysis is</p>	<p>24</p> <p>1 MS. THEMAK: No, I would leave them for your 2 questions for anything more specific. 3 THE HEARING EXAMINER: Okay. Why did the -- what 4 is the driving force behind requiring the co-location? 5 MR. MANGRA: It allows multiple opportunities for 6 providing service to that particular area for different 7 carriers. And -- 8 THE HEARING EXAMINER: But why did they say -- is 9 it -- why did they not recommend it unless you added the 10 specific co-location application? 11 MS. THEMAK: Mr. Mangra I think -- are you 12 referring -- Director Robeson, are you referring to the tower 13 committees? 14 THE HEARING EXAMINER: Yes, I'm sorry. 15 MS. THEMAK: Yes, the tower committee, it's a 16 little confusing. 17 THE HEARING EXAMINER: No, he can answer. 18 MS. THEMAK: I don't know if he knows about that 19 comment. 20 MR. MANGRA: That is true. I was not part of the 21 co-location committee. 22 THE HEARING EXAMINER: Okay. You can have another 23 witness address it. 24 MS. THEMAK: Is Mark Fisher available? Mark? 25 MR. FISHER: Yes I am, hi.</p>

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<p>25</p> <p>1 MS. THEMAK: Mark is here for Telecom Capital 2 Group. And -- 3 THE HEARING EXAMINER: Wait just a second. Mr. 4 Fisher? 5 MR. FISHER: Yes, ma'am. 6 THE HEARING EXAMINER: Can you please state -- oh, 7 wait. I have to let Mr. Durham or anyone else who's listening 8 ask questions of Mr. Mangra. So is anyone that is not 9 represented by the Applicant, do they have questions about Mr. 10 Mangra's presentation? 11 MR. DURHAM: Yes. 12 THE HEARING EXAMINER: Okay Mr. Durham, go ahead. 13 MR. DURHAM: Okay. So I have one thing. When you 14 talk about the height, there is -- and you had mentioned the 15 elevation changes, how could the height of the tower change 16 with (inaudible) differences? Would it be able to be moved 17 and stay at a different level that it would still be just as 18 functional? 19 THE HEARING EXAMINER: Mr. Mangra, you're muted. 20 You thought you got away. 21 MR. MANGRA: Sorry about that. 22 THE HEARING EXAMINER: Go ahead. 23 MR. MANGRA: So it really depends. If it's a flat 24 terrain, then yes, you might be able to move it to some 25 degree. In this case as you can see, we did look at that.</p>	<p>27</p> <p>1 27. 2 MR. MANGRA: Perhaps if you look at the next slide 3 that's -- it will show you the elevation. As you can see 4 right there, the further away you move away from that 5 particular location you will see that you are going into 6 different elevation. That's going to impact as far as your 7 ability to provide service to different areas. 8 THE HEARING EXAMINER: When you say further away, 9 are you talk about further away on the same property? 10 MR. DURHAM: Yes, ma'am. 11 THE HEARING EXAMINER: No, this is for Mr. Mangra. 12 MR. DURHAM: Okay. 13 MR. MANGRA: It's a matter of how much further away 14 if we're going towards the ground elevation. As far as every 15 single area of the property, no, I did not look at every 16 single area of the particular property. 17 MS. THEMAK: And is that -- if I may. Mr. Mangra 18 is that due to -- we're directed by the landlord as to where 19 on the property -- 20 MR. MANGRA: That is correct. 21 MS. THEMAK: -- given the agricultural use we would 22 need to be -- okay. 23 MR. MANGRA: That is correct, yes. 24 THE HEARING EXAMINER: Mr. Durham, do you have any 25 other questions?</p>
<p>26</p> <p>1 And the FirstEnergy poles were a great example that even if 2 you move it you will have a difference in elevation, but also 3 your surrounding area and the relevant geometry associated 4 with that will change. And that is essentially the issue with 5 this particular location. 6 MR. DURHAM: Because my question would be if you 7 moved it further from the road where it gets a little bit 8 higher elevation, and you had talked about the 120 versus 140 9 foot poles, if it were back further would 120 foot pole 10 suffice the same as 140 at the location which it is? 11 MR. MANGRA: It's all a matter of how much further 12 back we are looking at it. So we looked at a number of 13 different areas there that make sense for that location and 14 that is the elevation that is the most feasible for that -- to 15 serve that particular area. So if you move it further back, 16 you're going to look at a difference in geometry. And in that 17 case there may be a dip in the hills between two higher 18 elevations. That's going to impact the coverage beyond that 19 area. As you saw in the FirstEnergy plots. If you look at 20 power pole 1 versus 6 you will see that it does make a 21 difference. And the same case, if you move the proposed TCG 22 site further away you will also see a difference. So it's a 23 matter of what particular locations are we looking at. 24 MR. DURHAM: Okay. I'm talking about the same 25 property, but further away from the residences that are along</p>	<p>28</p> <p>1 MR. DURHAM: No. 2 THE HEARING EXAMINER: Okay. Mr. Mangra, you can 3 be excused for now. I am going to let Mr. Durham respond. 4 Is there anyone else that has questions of Mr. 5 Mangra? I see an NO. Okay. I see no hands raised. So Mr. 6 Mangra, you can be excused for now, although my suspicion is 7 you may come back. But, okay. 8 MR. MANGRA: Thank you. 9 THE HEARING EXAMINER: Ms. Themak, please call your 10 next witness. 11 MS. THEMAK: I would like -- Ed and I have Shea 12 Beltran here from Verizon. They are the lead carrier on the 13 proposed monopole and Shea can provide a little bit of 14 information about the selection of this site. 15 THE HEARING EXAMINER: Okay. Okay. I see you. 16 Mr. Beltran, please raise your right hand. 17 Do you solemnly affirm under penalties of perjury 18 that the statements you're about to make are the truth, the 19 whole truth, and nothing but the truth? 20 MR. BELTRAN: Yes. 21 THE HEARING EXAMINER: Okay. Please state your 22 name and address for the record. 23 MR. BELTRAN: My name is Shea Beltran at 6095 24 Marshall Lee Drive, Elkridge, Maryland 21075. 25 THE HEARING EXAMINER: Okay. Now we did not</p>



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<p>29</p> <p>1 qualify Mr. Mangra as an expert. Ms. Themak do you wish to --</p> <p>2 has -- Mr. Beltran, what expertise are you looking to qualify</p> <p>3 him as?</p> <p>4 MS. THEMAK: I'm not looking to qualify Mr. Beltran</p> <p>5 as an expert. Mr. Mangra is an RF engineer. So -- and I --</p> <p>6 THE HEARING EXAMINER: Well, we'll get back to that</p> <p>7 under oath.</p> <p>8 MS. THEMAK: Okay.</p> <p>9 THE HEARING EXAMINER: And I'll just make a note</p> <p>10 to -- whoops. What did I do? Pardon me.</p> <p>11 I'll just make a note to bring him back and we'll</p> <p>12 get him qualified. Okay. So Mr. -- go ahead Ms. Themak with</p> <p>13 any questions of Mr. Beltran.</p> <p>14 MS. THEMAK: Can you just give us the -- an</p> <p>15 overview of the site acquisition part of this? How this</p> <p>16 parcel was selected?</p> <p>17 MR. BELTRAN: Sure, yeah.</p> <p>18 THE HEARING EXAMINER: Well, why don't you tell me</p> <p>19 who you -- you know, who are you and why do you know this?</p> <p>20 MR. BELTRAN: So again, I'm Shea Beltran. I'm a</p> <p>21 land use project manager with Network Building and Consulting</p> <p>22 representing Verizon.</p> <p>23 THE HEARING EXAMINER: Okay.</p> <p>24 MR. BELTRAN: Part of what Network Building and</p> <p>25 Consulting does is we receive what we call a search ring from</p>	<p>31</p> <p>1 Hearing none, Mr. Beltran, thank you for your</p> <p>2 testimony. You may be excused, but stick around in case they</p> <p>3 are -- because we're not finished all the presentation.</p> <p>4 MR. BELTRAN: Okay. Thank you, so much.</p> <p>5 THE HEARING EXAMINER: Thank you. Ms. Themak, do</p> <p>6 you want to call your next witness?</p> <p>7 MS. THEMAK: I would just call Mark Fisher back</p> <p>8 from Telecom Capital Group.</p> <p>9 THE HEARING EXAMINER: Okay, Mr. Fisher.</p> <p>10 MR. FISHER: Good morning.</p> <p>11 THE HEARING EXAMINER: Please raise your -- good</p> <p>12 morning.</p> <p>13 Do you solemnly affirm under penalties of perjury</p> <p>14 that the statements you're about to make are the truth, the</p> <p>15 whole truth, and nothing but the truth?</p> <p>16 MR. FISHER: I do.</p> <p>17 THE HEARING EXAMINER: Okay. Please state your</p> <p>18 name, business address for the record.</p> <p>19 MR. FISHER: Sure. It's Mark N. Fisher. Business</p> <p>20 addresses 5150 Sheraton Point Road, Prince Frederick, Maryland</p> <p>21 20678.</p> <p>22 THE HEARING EXAMINER: Okay. Ms. Themak, do you --</p> <p>23 you can go ahead and question.</p> <p>24 MS. THEMAK: Could we bring up the photos</p> <p>25 simulations that are posted as -- and I'm trying to find them</p>
<p>30</p> <p>1 Verizon which is an identified area of need for a new cellular</p> <p>2 facility. And we do our bidding process to try to find a</p> <p>3 suitable location for a new cellular facility. We identified</p> <p>4 a couple of properties and locations that would have fit our</p> <p>5 needs, went through the processes with landlords, one of which</p> <p>6 there was an existing lattice tower. I believe it's a mile-</p> <p>7 ish north of this property. And it was identified that that</p> <p>8 tower would not be structurally feasible to accommodate new</p> <p>9 carriers.</p> <p>10 We had another property across the street from</p> <p>11 that. We got into the leasing discussions with the landlord</p> <p>12 and they backed out at the last minute. They did not want to</p> <p>13 do business with Verizon Wireless. It was at that time we</p> <p>14 learned that Telecom Capital Group, TCG was interested in</p> <p>15 developing a facility on this subject property. And we agreed</p> <p>16 and Verizon agreed to join on as the anchor tenant on the</p> <p>17 proposed monopole.</p> <p>18 THE HEARING EXAMINER: Okay, thank you.</p> <p>19 Ms. Themak.</p> <p>20 MS. THEMAK: That is the background for this</p> <p>21 particular property and how it was selected. I don't have</p> <p>22 anything additional for Mr. Beltran.</p> <p>23 THE HEARING EXAMINER: Are there any questions from</p> <p>24 anyone in the -- who is not represented by the Applicant --</p> <p>25 are there any questions of Mr. Beltran?</p>	<p>32</p> <p>1 here. The exhibits --</p> <p>2 THE HEARING EXAMINER: It's Exhibit 15?</p> <p>3 MS. THEMAK: 15.</p> <p>4 THE HEARING EXAMINER: Yes, I'm just getting ready</p> <p>5 to share it.</p> <p>6 MS. THEMAK: And Mark, if you could, just take us</p> <p>7 through how these were developed and the purpose behind them.</p> <p>8 MR. FISHER: Sure. So I think we have the company</p> <p>9 also on the line as well that made these simulations and</p> <p>10 provided them. But the purpose of the photos simulations as</p> <p>11 most folks already know, but I'll certainly explain, is to</p> <p>12 choose a site and -- or rather once a site is chosen to</p> <p>13 determine whether the site that is chosen has visibility from</p> <p>14 other locations. So TCG contracts out, TCG being Telecom</p> <p>15 Capital Group, which is the company that I work for. It's my</p> <p>16 company. Contracts out to a company --</p> <p>17 THE HEARING EXAMINER: Well wait, why don't you</p> <p>18 just identify your position with Telecom Capital Group?</p> <p>19 MR. FISHER: Of course. Of course. I'm managing</p> <p>20 member of Telecom Capital Group.</p> <p>21 THE HEARING EXAMINER: Okay, thank you.</p> <p>22 MR. FISHER: Yes, ma'am.</p> <p>23 THE HEARING EXAMINER: Okay, continue.</p> <p>24 MR. FISHER: And so then the company is contracted</p> <p>25 out to provide these photos sims. And based on the site</p>

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<p>33</p> <p>1 location and the location from which you can, in theory, see 2 the actual site, and that's what we are looking at here. 3 THE HEARING EXAMINER: Thank you. Okay. Ms. 4 Themak? 5 MS. THEMAK: I guess I wanted to address a question 6 that had come up earlier about the co-location and the reason 7 and that the interaction between the two applications that are 8 joined here under this conditional use. 9 Director, you had asked about the requirement for 10 the co-location application. There were two applications 11 submitted to tower committee. And I believe one of the 12 exhibits is the October 6th notice of action from the tower 13 committee. What they note in that notice of action is that 14 there is one application for the tower, the monopole itself. 15 However, in order to demonstrate the need that the tower 16 committee would need to determine to approve the site as a 17 whole, they need to have a carrier. The monopole application 18 did not have a carrier associated with it. That is the 19 separate co-location application that required approval. 20 THE HEARING EXAMINER: Wait, you're testifying. So 21 can we get Mr. Fisher to testify? 22 MS. THEMAK: Mark, is it true that TCG -- 23 THE HEARING EXAMINER: No, no, not is it true. Mr. 24 Fisher, why is -- why did the TSCG Tower Communications 25 Facilitating Group, why did they condition their</p>	<p>35</p> <p>1 on the site? 2 MR. FISHER: I do not object to it. I do think it 3 could delay better coverage in area. 4 MS. THEMAK: Director Robeson if I may, I think 5 there is a confusion of what's going on here. Can I offer 6 some clarification? 7 THE HEARING EXAMINER: Well, your witness is -- is 8 there anybody in your witness list that knows the background 9 of this? 10 MS. THEMAK: It's in the exhibit of the TC, the 11 tower committee's notice of action. I think there's just 12 confusion on what the question is to Mr. Fisher. The co- 13 location I believe that you're inquiring about is, there were 14 two applications before the tower committee, one for the 15 monopole, one for Verizon's co-location. 16 THE HEARING EXAMINER: Correct. 17 MS. THEMAK: Mr. Fisher, do you agree that the -- I 18 think the condition that the Director is proposing, is that 19 the very last page, is that the tower cannot be built unless 20 the co-location application for Verizon is also installed. 21 And that's what we are asking -- TCG is being asked to agree 22 to, not a second co-location carrier, Verizon as the co- 23 locating carrier? 24 MR. FISHER: Yes. 25 MS. THEMAK: Is that what TCG has agreed to?</p>
<p>34</p> <p>1 recommendation on co-location? 2 MR. FISHER: So I don't think Telecom Capital Group 3 conditioned it's actual proposal on co-location. We, because 4 we always submit cell sites to counties no matter where they 5 are so that they have a maximum amount of co-location on those 6 cell sites. And the purpose of that is very straightforward, 7 and that is to mitigate the number of cell sites that are 8 needed. So to the extent the cell site is built at the 9 proposed site we can accommodate additional carriers which is 10 the goal. 11 THE HEARING EXAMINER: Well, why did they 12 specifically recommend co-location with this application? 13 MR. FISHER: So I can't testify as to why someone 14 else does what they do and I'm probably not going to be able 15 to help you with that. 16 THE HEARING EXAMINER: Okay, then don't -- 17 MR. FISHER: But I do -- 18 THE HEARING EXAMINER: Don't speculate. 19 MR. FISHER: No ma'am, I won't. But I do want to 20 say that certainly Verizon has committed to going on the site 21 and committed in writing to do so. And as to why they have 22 required a second carrier to commit to doing so prior to the 23 site being built, I do not know why that is the case. 24 THE HEARING EXAMINER: Okay. Do you object to a 25 condition requiring that co-location application to be located</p>	<p>36</p> <p>1 MR. FISHER: Yes, and I appreciate the 2 clarification. 3 THE HEARING EXAMINER: Oh, okay. 4 MR. FISHER: I appreciate the clarification. 5 That's helpful. Thank you. 6 THE HEARING EXAMINER: Okay. Are there any other 7 questions of Mr. Fisher from the Applicant? Okay. 8 Are there any questions from any -- Mr. Fisher, 9 don't go yet. 10 MR. FISHER: No. 11 THE HEARING EXAMINER: Are there any -- are there 12 any questions from individuals who are not represented by the 13 Applicant about Mr. Fisher's testimony? 14 Okay. Hearing none, now you can go, Mr. Fischer. 15 Thank you. 16 MR. FISHER: And what do I need to do here? I'm at 17 a loss for what's next. 18 THE HEARING EXAMINER: Oh, you can just -- you 19 should stay on the meeting, but you can turn your video off. 20 MR. FISHER: Yes ma'am. You got it. 21 THE HEARING EXAMINER: Thank you. Okay. Now Ms. 22 Themak, do you want to call your next witness? 23 MS. THEMAK: Yeah. Mr. Donohue and I would like to 24 call Marc Marzullo to just explain the -- if he's available. 25 THE HEARING EXAMINER: Good morning Mr. Marzullo.</p>

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<p style="text-align: right;">37</p> <p>1 Please raise your right hand. Is that your -- yeah.</p> <p>2 Do you solemnly affirm under penalties of perjury</p> <p>3 that the statements you're about to make are the truth, the</p> <p>4 whole truth, and nothing but the truth?</p> <p>5 MR. MARZULLO: I do.</p> <p>6 THE HEARING EXAMINER: Okay. Please state your</p> <p>7 name and business address for the record.</p> <p>8 MR. MARZULLO: My name is Marc A. Marzullo. And my</p> <p>9 business address is 6100 Executive Boulevard, Suite 430,</p> <p>10 Rockville, Maryland.</p> <p>11 THE HEARING EXAMINER: Okay. Ms. Themak?</p> <p>12 MS. THEMAK: Mr. Marzullo, did Entrex, your</p> <p>13 company, did you prepare the photo sims of the site?</p> <p>14 MR. MARZULLO: Yes, we did.</p> <p>15 MS. THEMAK: Can you just give a little bit more</p> <p>16 background on how they are developed and what their intent is?</p> <p>17 MR. MARZULLO: Well firstly I'll start with the</p> <p>18 intent. The intent is to demonstrate what the monopole</p> <p>19 installation would look like after it's constructed from</p> <p>20 various locations around the site predominantly from the</p> <p>21 public right-of-way, not on other people's property, but to</p> <p>22 the north of the site and to the south of the site and a</p> <p>23 little to the west of the site from the public right of ways.</p> <p>24 And in this particular --</p> <p>25 THE HEARING EXAMINER: For the record, I just</p>	<p style="text-align: right;">39</p> <p>1 THE HEARING EXAMINER: Wait, what is the engineer?</p> <p>2 I didn't hear the type.</p> <p>3 MR. MARZULLO: Civil engineer and --</p> <p>4 THE HEARING EXAMINER: I'm sorry. I'm getting a</p> <p>5 garbled -- I can't hear the first word.</p> <p>6 MR. MARZULLO: Civil engineer.</p> <p>7 THE HEARING EXAMINER: Oh, I'm sorry, okay. I</p> <p>8 apologize. Okay, go ahead.</p> <p>9 MR. MARZULLO: (Inaudible) in civil engineering</p> <p>10 1976 from the University of Massachusetts, got a master of</p> <p>11 science in civil engineering from -- in 1978 from Lehigh</p> <p>12 University. And I've been practicing in this particular</p> <p>13 practice area of designing and engineering cellular</p> <p>14 communications facilities since 1995, that's 27 years.</p> <p>15 THE HEARING EXAMINER: Okay. And are you licensed</p> <p>16 as a civil engineer --</p> <p>17 MR. MARZULLO: Yes, I am.</p> <p>18 THE HEARING EXAMINER: -- in the State of Maryland?</p> <p>19 MR. MARZULLO: I am licensed in the State of</p> <p>20 Maryland. My PE Maryland licenses number 12913.</p> <p>21 THE HEARING EXAMINER: You must have that</p> <p>22 memorized.</p> <p>23 MR. MARZULLO: I do.</p> <p>24 THE HEARING EXAMINER: And have you ever testified</p> <p>25 as an expert in an administrative or court hearing?</p>
<p style="text-align: right;">38</p> <p>1 pulled up Exhibit 15, which is the photo sims.</p> <p>2 MR. MARZULLO: Right. And that exhibit shows where</p> <p>3 the site is located and there were in particular three photo</p> <p>4 sims prepared. Photo sim for photo number 1 is located to the</p> <p>5 south of the site, photo 2 is to the west of the site, and</p> <p>6 photo 3 is to the north of the site looking back at the site.</p> <p>7 And in this particular case, the photo sims were prepared with</p> <p>8 three-dimensional survey CAD facilities because the subject</p> <p>9 property had the cornfield planted at the time and we were not</p> <p>10 allowed to enter onto the field.</p> <p>11 So that's how these particular photo sims were</p> <p>12 developed. We took the photos and then using CAD software</p> <p>13 we -- based on ground elevations and tree heights and so on,</p> <p>14 we prepared the photo sims.</p> <p>15 THE HEARING EXAMINER: Let me stop you for a</p> <p>16 minute. Ms. Themak is Mr. -- is he testifying as an expert?</p> <p>17 MS. THEMAK: I would like Mr. Marzullo to be</p> <p>18 qualified as an expert if we can do that, yes.</p> <p>19 THE HEARING EXAMINER: Okay. Well, please tell me</p> <p>20 what you want him to be qualified as and what his -- and then</p> <p>21 can he testify as to his qualifications for that?</p> <p>22 MS. THEMAK: Sure. Marc, will you -- will you tell</p> <p>23 them about your qualifications as an engineer, architect, and</p> <p>24 civil engineer?</p> <p>25 MR. MARZULLO: Yes. Okay, my name is --</p>	<p style="text-align: right;">40</p> <p>1 MR. MARZULLO: Yes, I have.</p> <p>2 THE HEARING EXAMINER: And where was that?</p> <p>3 MR. MARZULLO: In Montgomery County, in Frederick</p> <p>4 County, in Howard County, in St. Mary's County, in Calvert</p> <p>5 County, in Prince George's County, in Baltimore.</p> <p>6 THE HEARING EXAMINER: Why don't you just list the</p> <p>7 ones where you didn't testify? I'm teasing. And were these</p> <p>8 administrative boards or courts?</p> <p>9 MR. MARZULLO: Both.</p> <p>10 THE HEARING EXAMINER: Okay. Is there any</p> <p>11 objection to qualifying this witness as an expert in civil</p> <p>12 engineering?</p> <p>13 Okay. Hearing no objections, I will so qualify</p> <p>14 him. And if you can continue, Ms. Themak. And I interrupted,</p> <p>15 but I wanted to make sure I can say this is expert -- you</p> <p>16 know, that we know whether he's an expert or not.</p> <p>17 MS. THEMAK: Understood, thank you.</p> <p>18 Thank you for the explanation of the photo sims.</p> <p>19 Mr. Marzullo, Entrex also prepared the zoning drawings for the</p> <p>20 site; is that correct?</p> <p>21 MR. MARZULLO: That is correct.</p> <p>22 MS. THEMAK: So if we could, could we bring up the</p> <p>23 drawings? They are exhibit --</p> <p>24 THE HEARING EXAMINER: Is this -- what are you</p> <p>25 referring to? The last exhibits for the conditional use?</p>

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<p>41</p> <p>1 MS. THEMAK: Yes. So he --</p> <p>2 THE HEARING EXAMINER: Is that what you mean by</p> <p>3 zoning drawings?</p> <p>4 MS. THEMAK: Yes, it would specifically be sheets</p> <p>5 Z3, Exhibits 25 and 26.</p> <p>6 THE HEARING EXAMINER: Welcome okay. Hold on. I</p> <p>7 think -- was there a replacement of that?</p> <p>8 MS. THEMAK: These should be --</p> <p>9 THE HEARING EXAMINER: I have Exhibit 42 as Z3.</p> <p>10 MS. THEMAK: Z3, yes there was a revision made,</p> <p>11 yes. So it is Exhibit 42 and 43.</p> <p>12 THE HEARING EXAMINER: Okay. Go ahead.</p> <p>13 MS. THEMAK: Mr. Marzullo, can you just give us a</p> <p>14 brief description of the compound and the elevation that we're</p> <p>15 going to see in these two sheets from the zoning drawings?</p> <p>16 MR. MARZULLO: Okay. This exhibit that we're</p> <p>17 looking at right now is the compound plan which shows</p> <p>18 basically a 50 x 50 compound that's fenced with a solid wood,</p> <p>19 8-foot tall wood fence. The monopole is in the middle. You</p> <p>20 can see that it has five spaces on the ground for five</p> <p>21 carriers, one being Verizon Wireless in the lower right-hand</p> <p>22 corner. It has a 12 foot gate in the front, and power and</p> <p>23 telephone facilities in the front side. And then the 12 foot</p> <p>24 access road heading to the left.</p> <p>25 MS. THEMAK: And the next one, the elevation view</p>	<p>43</p> <p>1 record this is Exhibit 39.</p> <p>2 MR. MARZULLO: Could you enlarge that possibly?</p> <p>3 THE HEARING EXAMINER: I can. Let's see how much I</p> <p>4 can go. Okay.</p> <p>5 MR. MARZULLO: I think you can go a little more?</p> <p>6 THE HEARING EXAMINER: I'm trying to -- a little</p> <p>7 more?</p> <p>8 MR. MARZULLO: Yeah. Okay. I think it'll be</p> <p>9 easier for everybody to see.</p> <p>10 THE HEARING EXAMINER: Okay. Let me try one more.</p> <p>11 Okay. How's that?</p> <p>12 MR. MARZULLO: Great. Great. So what we're</p> <p>13 looking at here is -- this is a -- this is basically the site</p> <p>14 plan of the entire property, with all the abutters shown. And</p> <p>15 the abutter properties are numbered. The property boundary is</p> <p>16 the dash line, the thickened dash line going around the</p> <p>17 property. This particular property is -- I think it's 45.47</p> <p>18 acres. It's a very large property. It does not have any</p> <p>19 residential structures on the property. It's used primarily</p> <p>20 for agricultural use.</p> <p>21 The site itself is located on the west side of the</p> <p>22 property and it is -- it's close to the Ridge Road, Route 27</p> <p>23 corridor. The site selection itself was selected by the site</p> <p>24 acquisition folks, I guess, to keep the site as close to the</p> <p>25 (inaudible) 1:00:26 as possible. Some other considerations in</p>
<p>42</p> <p>1 of the monopole.</p> <p>2 THE HEARING EXAMINER: That's Exhibit 43.</p> <p>3 MS. THEMAK: Correct.</p> <p>4 MR. MARZULLO: Okay. This is -- this exhibit shows</p> <p>5 the monopole elevation and what you see here is the 145 foot</p> <p>6 tall monopole with 4-foot legging run. The top carrier</p> <p>7 position is Verizon Wireless at 140, and then there are 4</p> <p>8 future carrier locations at 130, 120, 110, and 100. The</p> <p>9 monopole's centered in the compound. The 8-foot wood fence is</p> <p>10 shown and the ground elevation site is about 753.</p> <p>11 MS. THEMAK: Thank you. And as part of the</p> <p>12 development of these -- of the full set of zoning drawings we</p> <p>13 did need to determine that the compound and facility itself</p> <p>14 were located a specific -- a minimum distance from surrounding</p> <p>15 residences; is that correct?</p> <p>16 MR. MARZULLO: That is correct.</p> <p>17 MS. THEMAK: And I'm trying to locate the sheet</p> <p>18 where the closest residence is.</p> <p>19 MR. MARZULLO: It would be on the Z-1 sheet.</p> <p>20 MS. THEMAK: Can you bring that up? The site plan?</p> <p>21 I think it's the one just before that.</p> <p>22 THE HEARING EXAMINER: Exhibit -- okay.</p> <p>23 MR. MARZULLO: And you want might want to blow that</p> <p>24 up a little bit.</p> <p>25 THE HEARING EXAMINER: This is Exhibit -- for the</p>	<p>44</p> <p>1 why the site is exactly where it is on this property is -- are</p> <p>2 as follows; one, we need to meet certain setback criteria and</p> <p>3 the criteria are basically the monopole has to be at least the</p> <p>4 height of the monopole from a property line.</p> <p>5 So that's one driver, and then the second driver</p> <p>6 under the Montgomery County Zoning Ordinance is that the site</p> <p>7 has to be at least 300 feet from the closest residential</p> <p>8 property. Given those constraints the site has been located</p> <p>9 as far north and as far west as we can put it on the property.</p> <p>10 Another consideration was the fact that there is a deeded</p> <p>11 access through the parcel that is shown below the site that</p> <p>12 runs from Route 27 to parcel -- to the far east on the</p> <p>13 property.</p> <p>14 THE HEARING EXAMINER: When you said -- can I stop</p> <p>15 you a moment? Is that -- what did you -- is it -- does it</p> <p>16 begin at L15?</p> <p>17 MR. MARZULLO: Yes.</p> <p>18 THE HEARING EXAMINER: And it's represented on the</p> <p>19 western side on Ridge Road, and it's represented by a light</p> <p>20 hatched line?</p> <p>21 MR. MARZULLO: Yes.</p> <p>22 THE HEARING EXAMINER: Okay. That's helpful.</p> <p>23 Thank you. Continue.</p> <p>24 MR. MARZULLO: Okay. So given the constraints of</p> <p>25 the setback requirements the setback from the closest</p>

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<p style="text-align: right;">45</p> <p>1 residential property, and the fact that there is a deeded 2 access to the south side of the site, that location was 3 chosen. In addition, we were also trying to choose a location 4 that had minimum impact, or as minimal impact as possible to 5 the agricultural operation. That being said, we were also 6 trying to keep the total disturbed area of the project at, or 7 under 10,000 square feet to mitigate other things that we 8 would need to do to develop the site. So that is the 9 background as to why the site is sited in this particular 10 location, beyond the fact that it may need to be in that 11 northwest corner of the property for RF reasons as well. 12 MS. THEMAK: Thank you. I think Mr. Marzullo, you 13 and I, I believe that there were inquiries from the hearing 14 examiner as to an additional residence that was located across 15 the street. And this goes to exhibit, let me see if I can 16 find it. I believe it's Exhibit 20, Director Robeson. And 17 Mr. Marzullo, I believe Entrex confirmed that they, and I'm 18 asking you if you can confirm this, the property to the north 19 is the Gladhope Brothers John Deere Tractor Supply, so that's 20 a commercial property? 21 MR. MARZULLO: Correct. 22 MS. THEMAK: To the west is Broadleaf Ground Works, 23 that was the structure across the street, and then, I believe 24 it is the Durham residence that is located across the street. 25 And you determined that to be 435 feet from the monopole, is</p>	<p style="text-align: right;">47</p> <p>1 THE HEARING EXAMINER: Okay. Thank you. 2 MS. THEMAK: Thank you, Mr. Marzullo, I think 3 that's all. 4 THE HEARING EXAMINER: Okay. Mr. -- does anyone 5 have any questions about Mr. Marzullo's testimony? 6 MR. DURHAM: Yes. 7 THE HEARING EXAMINER: Okay. Just a second. Okay, 8 Mr. Durham, go ahead. 9 MR. DURHAM: Okay. It keeps coming up of the least 10 disturbance to agriculture, and would that disturbance be less 11 if the entrance were not off of 27, and having a driveway 12 back, but off of one of the existing driveways that basically 13 frame both sides of this property? 14 MR. MARZULLO: You're addressing that question to 15 Mr. Marzullo? 16 THE HEARING EXAMINER: Yes. 17 MR. MARZULLO: Okay. Technically, I would say yes. 18 However, I would say that some things we need to keep in -- 19 take into consideration, is the driveways to both sides are 20 private driveways, and you know, that adds another 21 complication into what we're trying to do here. We are trying 22 to make sure that we have access to the property from a public 23 right-of-way. 24 MR. DURHAM: The driveway to the south is the same 25 owner as the subject property.</p>
<p style="text-align: right;">46</p> <p>1 that correct? 2 MR. MARZULLO: That is correct. 3 MS. THEMAK: 435 feet, which is over the 300 4 foot -- the minimum that we saw required for residences, was 5 how many feet? 6 MR. MARZULLO: 300. 7 MS. THEMAK: 300. Okay, so those were the 8 additional structures. 9 THE HEARING EXAMINER: Would you kindly tell me 10 which building -- the Durham residence, for the record, 11 because the record can't see the exhibit, does the Durham 12 residence have two Xs on it? 13 MR. MARZULLO: Two small Xs. 14 THE HEARING EXAMINER: And across the road and 15 south of the subject property? 16 MR. MARZULLO: I would describe it as immediately 17 west of the house that's identified as being 300 feet from the 18 site. 19 THE HEARING EXAMINER: Okay. So it's labeled on 20 this exhibit as existing house? 21 MR. MARZULLO: No, it's the house directly opposite 22 to the west. 23 THE HEARING EXAMINER: I know, but you're saying 24 it's directly to the west of what's marked as existing house? 25 MR. MARZULLO: Correct.</p>	<p style="text-align: right;">48</p> <p>1 MR. MARZULLO: That probably -- 2 THE HEARING EXAMINER: Is that a question? Okay, 3 Mr. Durham, for some reason I'm having a little trouble 4 hearing you. Can you repeat that question? 5 MR. DURHAM: The driveway to the south, basically 6 where on this -- it's showing the 217.5, it looks like -- that 7 driveway is owned by the same owners as the subject property 8 where the tower construction would be. So if the tower -- if 9 we're worried about the agricultural use, the driveway coming 10 off of 27 seems like it's not a -- it's, you know, as good of 11 an idea as coming off of a shorter distance. And so location 12 wise, I'm just wondering -- you said that (inaudible) short 13 distance from the access if you could access it off of a 14 driveway, would that be a simpler idea? 15 MR. MARZULLO: Well, I would say that it's 16 certainly shorter to go the 160 feet to the north to that 17 driveway. The distance to the driveway to the southwest is 18 going to be longer, probably on the order of 200 feet. But it 19 would be shorter than what we're proposing currently. 20 THE HEARING EXAMINER: Well, if you -- you could 21 only shorten the distance to the northwest by 15 feet; am I 22 correct? Because the tower has to be set back 145 feet. 23 MR. MARZULLO: Well, I think the question really 24 was, we're not talking about moving the tower, we just talking 25 about where the access driveway is going to.</p>

<p>49</p> <p>1 THE HEARING EXAMINER: I see.</p> <p>2 MR. DURHAM: Well, so I have a two part question to</p> <p>3 it. So right now the driveway is 254.2 feet and a lot of the</p> <p>4 things are -- keep talking about the impact to the</p> <p>5 agricultural use. Whereas a shorter driveway would affect</p> <p>6 less impact on the agricultural use. And again, the setback</p> <p>7 from 27 -- and I guess my questions are kind of a couple of</p> <p>8 and I'll move on to this for one second.</p> <p>9 So the 300 feet, and how is that number</p> <p>10 established? Because I was doing the research for these and</p> <p>11 everything kept coming up with, for rural area communication</p> <p>12 towers, a 400 meter distance. Whereas, ones that are used,</p> <p>13 say in the city, are a lower tower and can be mounted on the</p> <p>14 top of apartment buildings, let's say, but they don't have as</p> <p>15 much signal strength. They don't go as far of a distance. So</p> <p>16 how does that 300 feet -- where does that number come from?</p> <p>17 MR. MARZULLO: Well, it's my understanding that the</p> <p>18 Montgomery County Zoning sets the criteria for siting a</p> <p>19 monopole requires that a monopole has to be a minimum of 300</p> <p>20 feet from the closest residential structure. In this</p> <p>21 particular case the monopole is sited such that it is 310 feet</p> <p>22 to give a little buffer to that number. So that's where that</p> <p>23 comes from. It's just a -- that is a County zoning ordinance</p> <p>24 requirement for siting a monopole.</p> <p>25 MR. DURHAM: So -- but my question is, you said</p>	<p>51</p> <p>1 MR. DURHAM: Okay.</p> <p>2 MR. MARZULLO: Which this does. That's essentially</p> <p>3 over a football field in length.</p> <p>4 MR. DURHAM: Right, but (inaudible), 400 meters in</p> <p>5 many -- well, even say 300 meters, that's a third of that</p> <p>6 distance, so you're within the -- what many studies have</p> <p>7 shown, 150 meters, which increases the amount because 300 feet</p> <p>8 is 150 -- or 100 yards which is way less than 150 meters.</p> <p>9 THE HEARING EXAMINER: Well, let me jump in here</p> <p>10 for a moment because Mr. Durham, we are prohibited by federal</p> <p>11 law from considering the health impact of these towers.</p> <p>12 MR. DURHAM: Okay.</p> <p>13 THE HEARING EXAMINER: I'm letting it in, in case</p> <p>14 you want to appeal on that basis and there is a very</p> <p>15 complicated situation that the FCC and the courts about</p> <p>16 whether that's a valid law, or whether the health impacts --</p> <p>17 but, that is the law. That we cannot consider health effects.</p> <p>18 So I'm just jumping in here because I don't want you to think</p> <p>19 by my taking your testimony I'm letting it in, but we cannot</p> <p>20 deny a use based on health effects and whether I think that's</p> <p>21 right or wrong is beyond my jurisdiction. But I will tell you</p> <p>22 that so that we don't prolong this with regard to health</p> <p>23 effects.</p> <p>24 And I also think that you may be -- well, I suspect</p> <p>25 you may be confusing 5G and 4G poles, but you know, I can't</p>
<p>50</p> <p>1 it's a minimum of 300 feet.</p> <p>2 MR. MARZULLO: Right.</p> <p>3 MR. DURHAM: Is that number going off of a pole</p> <p>4 that is, say, in a more, you know, populated area? Or is</p> <p>5 that --</p> <p>6 MR. MARZULLO: No, it doesn't matter. It doesn't</p> <p>7 have anything to do with the population. It's just zoning</p> <p>8 ordinance.</p> <p>9 MR. DURHAM: I just didn't know, as far as signal</p> <p>10 strength if there's a difference in distance of what is</p> <p>11 considered a healthy distance versus what the minimum standard</p> <p>12 is that they have to be away from residences.</p> <p>13 MR. MARZULLO: I think the logic is -- I mean, it's</p> <p>14 certainly not a fall zone criteria because the monopole is 145</p> <p>15 feet. But I think the logic when the zoning ordinance was</p> <p>16 established was that they want to make sure that the</p> <p>17 telecommunications towers are enough, generally, away from any</p> <p>18 residential house so that they're not obtrusive, either</p> <p>19 visually. I think, essentially, it's a visual issue as</p> <p>20 opposed to an RF criteria.</p> <p>21 I'm not -- I didn't write the ordinance. You know,</p> <p>22 I can't really address it any further than that. It makes</p> <p>23 good common sense that you would want to have a zoning</p> <p>24 ordinance that would keep these type of structures, as</p> <p>25 practically as far from residential properties as you can.</p>	<p>52</p> <p>1 get into that. So I just wanted to let you know, the</p> <p>2 Applicant hasn't objected, but I just wanted you to know that</p> <p>3 at the moment I'm letting you testify in case you would like</p> <p>4 to assert that as an argument at some point. But that is what</p> <p>5 the federal law states.</p> <p>6 MR. DURHAM: Understood. I have just one other</p> <p>7 question, or I guess it's two questions. As far as the first</p> <p>8 slide that was up, with the photos, showing the visual impact</p> <p>9 to the area --</p> <p>10 THE HEARING EXAMINER: I'm getting them. Okay.</p> <p>11 You should be seeing them, it's Exhibit 15, I think.</p> <p>12 MR. DURHAM: Okay. So the photos -- photo 1 was</p> <p>13 taken looking northbound from the southbound lanes, photo 2</p> <p>14 was taken not even on the roadway, and photo 3 was taken</p> <p>15 facing southbound from the northbound lane?.</p> <p>16 MR. MARZULLO: Well, the point of the photo sims</p> <p>17 was to take them from areas away from the property where you</p> <p>18 can see the effects of the monopole. I think it's pretty</p> <p>19 obvious in looking at the photo sims that you're going to be</p> <p>20 able to see the 145 foot monopole from various locations. In</p> <p>21 the particular case of your house, yours is pretty much</p> <p>22 blocked because of the existing tree foliage that's to the</p> <p>23 south side of the property.</p> <p>24 MR. DURHAM: Well, except when (inaudible).</p> <p>25 MR. MARZULLO: I think that's the entrance to your</p>

<p>53</p> <p>1 driveway in the south?</p> <p>2 MR. DURHAM: Correct.</p> <p>3 MR. MARZULLO: The southwest corner there.</p> <p>4 MR. DURHAM: Right. Where the picture is not what</p> <p>5 is laid out. It would be just off of the back corner of the</p> <p>6 small white building that sits just to the east of 27.</p> <p>7 MR. MARZULLO: Well, when you refer --</p> <p>8 THE HEARING EXAMINER: For the record, were looking</p> <p>9 at photo 1 of Exhibit 15.</p> <p>10 MR. MARZULLO: Can I ask a question?</p> <p>11 MR. DURHAM: Yes.</p> <p>12 MR. MARZULLO: So when you say laid out, what are</p> <p>13 you referring to?</p> <p>14 MR. DURHAM: Where the stakes are all staked out</p> <p>15 right now.</p> <p>16 MR. MARZULLO: Yeah. Okay. Well, I want to point</p> <p>17 out the stakes weren't where the monopole is supposed to be.</p> <p>18 The stakes were for putting borings in for the storm water</p> <p>19 management facility testing that's to the west side of the</p> <p>20 site.</p> <p>21 MR. DURHAM: Okay.</p> <p>22 MR. MARZULLO: So if you are using that as a</p> <p>23 reference, it's probably not correct.</p> <p>24 MR. DURHAM: Okay. Because some of the stakes are</p> <p>25 actually behind that white building from where I'm looking.</p>	<p>55</p> <p>1 And similarly, we went as far to the north side of the</p> <p>2 property to look back over the John Deere Tractor facility to</p> <p>3 see what it was going to look like. So you know, that's what</p> <p>4 the photo Sims show, basically.</p> <p>5 MS. THEMAK: If I may, Mr. Marzullo, can I ask you</p> <p>6 a question? We heard from staff that as you (inaudible) we</p> <p>7 know that the monopole is going to be visible at 145 feet.</p> <p>8 However, staff recommended changes to the plans to decrease</p> <p>9 the visibility of the equipment compound at its base. Can you</p> <p>10 describe what changes we agreed to make given that we can't --</p> <p>11 THE HEARING EXAMINER: Well, let me finish with Mr.</p> <p>12 Durham's cross-examination, and then you can get to rebuttal</p> <p>13 testimony. Okay? Or you can get to redirect testimony. I'm</p> <p>14 sorry.</p> <p>15 Go ahead -- Mr. Durham, are you finished with your</p> <p>16 questions?</p> <p>17 MR. DURHAM: That's all I have. Thank you.</p> <p>18 THE HEARING EXAMINER: Okay. Thank you. Any</p> <p>19 redirect Ms. Themak?</p> <p>20 MS. THEMAK: Yes. This is just the -- if Mr.</p> <p>21 Marzullo can provide a description of the additional measures</p> <p>22 that were agreed to by the Applicant to screen the compound</p> <p>23 given the open area.</p> <p>24 MR. MARZULLO: Maybe we could pull up that exhibit.</p> <p>25 There we go.</p>
<p>54</p> <p>1 MR. MARZULLO: Okay. Knowing the lay of the land,</p> <p>2 the pictures don't represent the same location of the pole in</p> <p>3 each picture is what I'm wondering. Why no one's going to be</p> <p>4 driving northbound looking at how it affects versus if they</p> <p>5 were driving northbound what the view is, and vice versa. If</p> <p>6 they were driving southbound what the view would be from the</p> <p>7 southbound lanes of verses the northbound lanes, they're not</p> <p>8 going to be driving southbound in the northbound lane.</p> <p>9 MR. MARZULLO: Okay. I would just say this. You</p> <p>10 know, the guidance from making photo simulations, is not</p> <p>11 directed by what a driver would see driving in a particular</p> <p>12 driveline. These are general considerations. There could be</p> <p>13 somebody walking on the side of the road where this picture</p> <p>14 was taken. So what we tried to do is -- were not trying to</p> <p>15 hide the monopole, obviously, we're trying to show you what it</p> <p>16 is going to look like from reasonable locations.</p> <p>17 You can find lots of locations where the tree</p> <p>18 infrastructure is going to block the monopole, but what we're</p> <p>19 trying to show is if you come down the street, this is about</p> <p>20 the first place you're going to see that monopole, as you come</p> <p>21 down Ridge Road on the side. Just because of existing houses</p> <p>22 and infrastructure. Similarly, you know, what we were trying</p> <p>23 to do is to depict what is it going to look like near that</p> <p>24 church looking across the street?</p> <p>25 Obviously, it's going to be a visible structure.</p>	<p>56</p> <p>1 THE HEARING EXAMINER: For the record, we're</p> <p>2 looking at Exhibit 48.</p> <p>3 MR. MARZULLO: Right. Montgomery County Zoning</p> <p>4 requested to help minimize the visual impact of the</p> <p>5 communication site that we one, remove the chain-link fence</p> <p>6 and replace it with a wood fence to soften the look. And they</p> <p>7 recommended that we put in some low maintenance shrubbery.</p> <p>8 And we did. We've made the changes that they requested to</p> <p>9 help mitigate the appearance of the site at the ground level.</p> <p>10 MS. THEMAK: Thank you. And that's all I have for</p> <p>11 Mr. Marzullo.</p> <p>12 THE HEARING EXAMINER: Okay. All right. Do you --</p> <p>13 why don't you -- Ms. Themak do you want to call your next</p> <p>14 witness?</p> <p>15 MS. THEMAK: I believe -- we don't want to have</p> <p>16 anybody take you through the voluminous statement of</p> <p>17 justification or all the points of Section 59352, and we rely</p> <p>18 on the staff work and their technical expertise --</p> <p>19 THE HEARING EXAMINER: Okay.</p> <p>20 MS. THEMAK: -- as related therein.</p> <p>21 THE HEARING EXAMINER: I just have one -- and I</p> <p>22 think I put this in an email to you. I have one question</p> <p>23 about compliance with the master plan, and visit -- vistas,</p> <p>24 not visit, vistas in Damascus. And I think Mr. Marzullo --</p> <p>25 no, well I think that, yes, Mr. Marzullo's testimony, this is</p>

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15 (57 to 60)

<p>57</p> <p>1 pretty visible. And so what is your response to the master 2 plan? And I know what staff says, but do you have any 3 additional response, justification for the master plan 4 compliance? 5 MS. THEMAK: We do believe -- 6 THE HEARING EXAMINER: Do you have a witness with 7 additional response? 8 MS. THEMAK: I think we would rely on, again, on 9 Mr. Marzullo's testimony that it is impossible to make this 10 tower invisible. We've done our best with the compound as he 11 described. 12 THE HEARING EXAMINER: Did he say -- I don't 13 remember him saying that but -- 14 MS. THEMAK: Can we call him back and I will -- 15 THE HEARING EXAMINER: Sure. Mr. Marzullo, can 16 you -- thank you. Mr. Marzullo, how -- is there any 17 possibility -- well, you may not know what the recommendations 18 of the master plan are. But they say that you -- they 19 discourage uses that are going to impede the vistas in the 20 Damascus -- the rural vistas in Damascus, in the Damascus 21 area. And what is your response to that because that's a 22 master-planned recommendation? If you have any. 23 MS. THEMAK: Can I ask him a question to help focus 24 him on this? 25 THE HEARING EXAMINER: Yes.</p>	<p>59</p> <p>1 of these rural vistas and even in this area, the Damascus 2 area, you are proposing -- the reason that you are here in 3 this specific location is driven by Verizon's needs; is that 4 correct? 5 Okay. I think you're on mute. 6 THE HEARING EXAMINER: Mr. -- wait a minute. Mr. 7 Fisher, you're muted. 8 MR. FISHER: That's correct. 9 MS. THEMAK: Okay. So would there be a way that 10 you know of to bring service via a monopole with Verizon at 11 the height it needs and everything we heard from Mr. Mangra, 12 without a tall structure such as that proposed here? 13 MR. FISHER: There is not a way that I'm aware of. 14 MS. THEMAK: Okay. I think that would be what I 15 would say our witnesses would provide to the master plan. 16 THE HEARING EXAMINER: Understood. All right. Mr. 17 Fisher? 18 MR. DURHAM: I guess I will address this to Mr. 19 Fisher. During the -- based on the realty there shows within 20 1,500 feet of the tower, a cell phone tower, that there is 21 approximately a 7-1/2 percent home value decline. Do you know 22 about that? 23 MR. FISHER: No, I do not. 24 MR. DURHAM: Okay. 25 THE HEARING EXAMINER: Okay. Any redirect Ms.</p>
<p>58</p> <p>1 MS. THEMAK: Given the master plans' 2 recommendations for this protection, is it possible -- would 3 it be possible to completely eliminate the visibility of the 4 site? 5 MR. MARZULLO: No. 6 MS. THEMAK: Given the height? 7 MR. MARZULLO: No. 8 MS. THEMAK: Referring to your testimony before, 9 you indicated that a fence and landscaping has been provided 10 to mitigate the visual impact to the greatest degree possible; 11 is that correct? Is that what you testified? 12 MR. MARZULLO: I did. That's correct. 13 MS. THEMAK: And I would ask -- I guess I would ask 14 Mr. Fisher if we could bring him up. 15 THE HEARING EXAMINER: Mr. Fisher? 16 MS. THEMAK: Mark Fisher. 17 THE HEARING EXAMINER: Well, first let me say real 18 quick, Mr. Durham, do you on what we just heard from Mr. 19 Marzullo? 20 MR. DURHAM: No, I do not. 21 THE HEARING EXAMINER: Okay. Mr. Fisher, you're 22 on. 23 MS. THEMAK: Okay. 24 THE HEARING EXAMINER: You're still under oath. 25 MS. THEMAK: And we're talking about the protection</p>	<p>60</p> <p>1 Themak? 2 MS. THEMAK: No thank you. 3 THE HEARING EXAMINER: Okay. Do you have any 4 further witnesses? 5 MS. THEMAK: That's all we have. 6 THE HEARING EXAMINER: Okay. Mr. Durham, do you 7 have any testimony you want to offer in response to what 8 you've heard from the Applicant? 9 MR. DURHAM: I will just say that again, we can't 10 go off of the health impact, it is an agricultural area. I 11 myself am involved in agriculture as well, and you know, it 12 does prohibit the view of what of known as Claggettsville, 13 actually. It was a historic district in this area of what's 14 called Claggettsville, that was based upon this intersection, 15 and that was known for its rolling hills and unobstructed 16 views. And so that's one thing that I do think is an impact 17 upon that. 18 The second is just that the pricing value of homes 19 within the area being affected by cell towers. Those would be 20 my only two objections. 21 THE HEARING EXAMINER: Okay. I am pulling -- Mr. 22 Durham, I'm pulling up Exhibit 32, which is the staff report, 23 and it shows an aerial photograph of the surrounding area, 24 which is a zoning term of art. Can you describe for me where 25 Claggettsville is? Can you see it?</p>



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16 (61 to 64)

<p>61</p> <p>1 MR. DURHAM: Yes. So Claggettville, would 2 basically fall -- I can't see -- where the red line is is a 3 little bit shy -- I believe, so it's basically Moxley Road. 4 THE HEARING EXAMINER: You have to tell me where 5 Moxley Road is. 6 MR. DURHAM: So Route 80, which is the left side of 7 the fork there in the roadway that goes up. 8 THE HEARING EXAMINER: Okay. I know that, yes. 9 MR. DURHAM: And so Moxley Road would be, basically 10 where there's -- just south of there -- so right along 80. 11 Basically, there's a like a, a kind of a shark tooth looking 12 property. It keeps going over it too quickly for me to stop 13 you, just head towards 80 from there, just straight up. And 14 yes -- well, you went past. There's a like a white spot 15 almost. Right there. Yes. I believe that would be where 16 Moxley Road is. It's hard to tell from this picture but 17 basically, Moxley Road. And so outside of that would pretty 18 much encompass what is in the red circle, plus that area. 19 THE HEARING EXAMINER: Okay. Thank you for 20 clarifying that. So your testimony is that it impedes views 21 from Claggettville? 22 MR. DURHAM: Just that Claggettville was known, 23 and for it's agricultural as Damascus was, you know, for its 24 agriculture and rolling hills views, but that's obstructed 25 views of that agricultural use, you don't find in many parts</p>	<p>63</p> <p>1 and Calvert. 2 THE HEARING EXAMINER: Okay. And what are the 3 credentials? Do you have, like, a PE? 4 MR. MANGRA: I have a bachelors and a masters in 5 radiological engineering from Apollo Tech University, 1993 and 6 1995 respectively. And I have also been involved in wireless 7 network engineering since 1995 and have deployed a lot of the 8 networks from the ground up. 9 THE HEARING EXAMINER: Okay. And do you -- are you 10 required to have a license? 11 MR. MANGRA: It is not a requirement. 12 THE HEARING EXAMINER: Okay. All right. Does 13 anyone have any objection to offering Mr. Mangra as an expert 14 in radiofrequency engineering? 15 Okay. Hearing none, Mr. Mangra, you're so 16 qualified. 17 MR. MANGRA: Thank you. 18 THE HEARING EXAMINER: Okay. Ms. Themak, do you 19 have any rebuttal, or do you have any other testimony? 20 MS. THEMAK: No, we're concluding our presentation 21 at this time. 22 THE HEARING EXAMINER: Okay. Do you have a 23 closing -- would you like to present a closing statement based 24 on the evidence we've had? 25 MS. THEMAK: Yes. We do believe that we submitted</p>
<p>62</p> <p>1 of the county anymore. But that's -- Claggettville was and 2 if you look, that was part of this key feature because it's 3 open, rolling hills. 4 THE HEARING EXAMINER: Okay. Ms. Themak, any 5 questions of Mr. Durham? 6 MS. THEMAK: No, we don't have any questions. 7 THE HEARING EXAMINER: Okay. Mr. Durham, did you 8 finish what you wanted to say? I may have assumed. 9 MR. DURHAM: Yes. 10 THE HEARING EXAMINER: Okay. Thank you. Let me do 11 this, I'd like to get Mr., is it Mangra? Let's get him back. 12 I wasn't sure if he was testifying as an expert or not. And 13 I'd like to clarify that on the record. 14 So Mr. Mangra, can you turn your camera on, please? 15 Thank you. You're still under oath, of course. 16 Ms. Themak, are you offering Mr. Mangra as an 17 expert, and if so, in what capacity? 18 MS. THEMAK: Yes. The Applicant is submitting that 19 Mr. Mangra is an expert in radiofrequency engineering. 20 THE HEARING EXAMINER: And has Mr. Mangra -- or 21 have you ever qualified as an expert in this in administrative 22 or court proceedings? 23 MR. MANGRA: I've testified prior -- previously for 24 different zoning hearings in Oklahoma, and of course, here in 25 the -- in Maryland in Charles County and St. Mary's County,</p>	<p>64</p> <p>1 a complete application. We are in agreement with and 2 appreciate staff's consideration of all of the materials that 3 were submitted. And I believe we've agreed to the conditions 4 as proposed by staff and by yourself. We're happy to consider 5 other proposed conditions to the application. And we rely on 6 the technical expertise of staff as published in the staff 7 report as well as the experts presented today, and we'll close 8 with that. 9 THE HEARING EXAMINER: Okay. Let me do this. Just 10 as a -- I think I forwarded you a prior report with the 11 conditions we've imposed, not all of them, of course, are 12 applicable but I'd just like to go through them and double 13 check, you know, whether -- is a -- whether they're -- you 14 would agree to them. Is there a -- you do not have a forest 15 conservation plan, correct? 16 MS. THEMAK: We got an exemption. I believe -- and 17 I want to -- 18 THE HEARING EXAMINER: Okay. 19 MS. THEMAK: And I want to make sure that that's an 20 accurate statement. I believe that was Exhibit -- 21 THE HEARING EXAMINER: I think it's in the record. 22 MS. THEMAK: Yes. The approved forest exemption -- 23 forest conservation plan exemption is Exhibit 7. 24 THE HEARING EXAMINER: Okay. 25 MS. THEMAK: The plan itself was Exhibit 8.</p>

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17 (65 to 68)

<p>65</p> <p>1 THE HEARING EXAMINER: Okay. And for the record, 2 I'm going through the hearing examiner's opinion in CU 19-01, 3 which is our most recent monopole case, and it was forwarded 4 to Ms. Themak by email, which is in the record. 5 Okay. Do you have -- I'm looking at condition 3. 6 Do you have any issue with that condition? 7 MS. THEMAK: Since we have Mr. Fisher, the 8 representative directly from Telecom Capital Group, I would 9 ask him if he had any objection to that. 10 THE HEARING EXAMINER: Okay. Mr. Fisher, can you 11 turn your camera on, please? 12 MR. FISHER: I had turned it on, I'm not sure -- 13 yeah, there it is. 14 THE HEARING EXAMINER: Okay. Thank you. Do you 15 see condition number 3 in the prior report of CU 19-01? It 16 requires you to maintain growth. 17 MR. FISHER: I do. 18 THE HEARING EXAMINER: Do you have an objection to 19 that condition? 20 MR. FISHER: I have no objection. 21 THE HEARING EXAMINER: What about condition 4? 22 MR. FISHER: I have -- 23 THE HEARING EXAMINER: It says -- 24 MR. FISHER: I have no objection. 25 THE HEARING EXAMINER: This requires you to certify</p>	<p>67</p> <p>1 THE HEARING EXAMINER: No, outside of the support 2 structure equipment building. Do you -- and that's another 3 zoning ordinance requirement. 4 MR. FISHER: No objection. 5 THE HEARING EXAMINER: And then, there is a 6 requirement that you, and owner -- all the Applicants are 7 responsible for maintaining this facility in a safe condition. 8 MR. FISHER: No objection. 9 THE HEARING EXAMINER: 11 says there must be no 10 antenna lights or stroboscopic lights unless required by the 11 FCC, the FAA, or the County; do you have an objection to that? 12 MR. FISHER: I don't -- 13 THE HEARING EXAMINER: I don't think you're 14 proposing any. 15 MR. FISHER: No. 16 THE HEARING EXAMINER: The second one isn't 17 applicable, and the third is our standard -- the last one, 13, 18 is our standard condition that we include in every special 19 exception case, just requiring you to comply with all laws, 20 and annual payment of conditional use administrative fees by 21 DPS. 22 Okay. Now your counsel also stated that you would 23 agree that this approval is contingent on the PFC co-location 24 of the application mentioned in the tower committee report. 25 Your counsel already indicated that was acceptable. I'll</p>
<p>66</p> <p>1 to DPS the height and location of this support structure is in 2 conformance with what you presented here. 3 MR. FISHER: I have no objection. 4 THE HEARING EXAMINER: Okay. Do you have a 5 condition -- do you have an objection for providing space for 6 five providers? 7 MR. FISHER: I have no objection. 8 THE HEARING EXAMINER: Okay. Now -- and 7, 9 condition 7 says, the equipment compound, which we've already 10 seen, must provide sufficient area for a total of 5 providers. 11 Do you have an issue with that? 12 MR. FISHER: I have no objection. 13 THE HEARING EXAMINER: Okay. Condition 8, I don't 14 know if it really needs to be a condition, but the zoning 15 ordinance requires you to remove, at the cost of the owner, if 16 the telecommunications tower is no longer in use by any 17 wireless communication carrier for more than 12 months, and 18 that's a requirement of the zoning ordinance. Do you have a 19 problem with the condition -- that condition? 20 MR. FISHER: I have no objection. 21 THE HEARING EXAMINER: And I assume that your 22 telecommunication compound, the zoning ordinance requires you 23 to display a contact information sign on the compound for the 24 support structure. 25 MR. FISHER: I have no objection.</p>	<p>68</p> <p>1 check with you. Is that acceptable to you? 2 MR. FISHER: Yes, it is. 3 THE HEARING EXAMINER: Okay. And then, staff 4 conditions -- well, let me try pulling the staff report up 5 again online. That might be a better way to do it. Okay. If 6 I can pull -- okay. There's a list of staff conditions, 7 recommended in their report. Do you agree to abide by those 8 conditions as well? 9 MR. FISHER: Yes, I do. 10 THE HEARING EXAMINER: Except 5, you've already 11 agreed to the wood board screening fence and landscaping. So 12 there will be a condition saying all development on the site 13 must conform. 14 All right. With that, Mr. Durham, do you have any 15 questions of what I just asked Mr. Fisher? 16 MR. DURHAM: No, I do not. 17 THE HEARING EXAMINER: All right. Ms. Themak, any 18 final words? 19 MS. THEMAK: No. We appreciate all the time that 20 staff and you have put into this. 21 THE HEARING EXAMINER: And Mr. Durham, any final 22 words? 23 MR. DURHAM: My final thought would be if there 24 were a feasibility to, again, move the distance to a different 25 location. I understand that the pole cannot be completely</p>

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18 (69 to 72)

<p style="text-align: right;">69</p> <p>1 hidden, but just that it would not be so close to the roadway, 2 and so close to the houses where it obstructs the historical 3 value of the area. 4 THE HEARING EXAMINER: Okay. And any final thing, 5 Ms. Themak? You're the Applicant, you get the final word. 6 MS. THEMAK: No. 7 THE HEARING EXAMINER: Okay. With that, I have -- 8 I'm going to leave the record open for 10 days solely to 9 receive the transcript. No other testimony, no other 10 exhibits, just to receive the transcript. I have some days, 11 typically 30 -- awake, I see a Mark Filipovic with his hand 12 up. Mr. Filipovic, did you want to say something? 13 MR. FILIPOVIC: Yeah, positively. I was on there 14 earlier whenever you guys first started, and I was at the 15 house, the residence. I just have a -- 16 THE HEARING EXAMINER: Wait, before you start -- 17 MR. FILIPOVIC: Yeah? 18 THE HEARING EXAMINER: Before you start, please 19 turn your camera on. 20 MR. FILIPOVIC: I'll try my best to. Camera, 21 camera, camera. 22 THE HEARING EXAMINER: I apologize, if I did not 23 see your hand until now. Okay. Well, let me ask this. Does 24 anyone object to taking Mr. Filipovic's testimony without his 25 camera on?</p>	<p style="text-align: right;">71</p> <p>1 email address, and street address for the record. 2 MR. FILIPOVIC: All right. So Mark Filipovic, 3 email address is laurallawns@gmail.com. My address is 28062 4 Ridge Road, Damascus, Maryland 20872. 5 THE HEARING EXAMINER: And you gave me the email 6 address? 7 MR. FILIPOVIC: Yeah, it's Laurellawns@Gmail. 8 THE HEARING EXAMINER: Okay. 9 MR. FILIPOVIC: L-A-U-R-E-L -- 10 THE HEARING EXAMINER: Oh I saw you there. You 11 were there earlier. 12 MR. FILIPOVIC: Yeah, it was earlier and I had to 13 go to work. But I was on the property, then I had to leave to 14 come up, over for -- to work. 15 THE HEARING EXAMINER: Isn't that sad that we all 16 have to work? 17 MR. FILIPOVIC: It is, but you know, it is what it 18 is. My little issue is, I'm okay with the antenna itself. 19 You know, I know having communication is important that's why 20 I had -- I couldn't get reception when I was there on the 21 property. But, I'm just looking at this on, you guys have the 22 aerial key maps? You guys have -- 23 THE HEARING EXAMINER: They're photo -- I think 24 you're talking about the photo Sims? 25 MR. FILIPOVIC: Yes, the photos. Those are four</p>
<p style="text-align: right;">70</p> <p>1 MS. THEMAK: No. The Applicant doesn't object, as 2 long as we have the time -- we're allowed to respond to any 3 statements he makes. 4 THE HEARING EXAMINER: Absolutely. 5 Mr. Filipovic, how's your camera doing? He may be 6 rebooting because I don't see him on the participant list. 7 We're coming in on -- oh no, he is on the participant list. 8 No, that's Mr. Fisher. 9 I'll tell you what, let's go off the record -- 10 well, if he comes back on, he's not going to know we're off 11 the record. 12 Let me just make sure he's not trying to contact us 13 at the office. 14 THE COURT REPORTER: This is the court reporter, do 15 we want to go off the record? 16 THE HEARING EXAMINER: I think we'll go off. I'm 17 going to ask the court reporter to do something unusual, which 18 is, if he comes back on -- 19 (Off the record) 20 (On the record) 21 THE HEARING EXAMINER: Do you solemnly affirm under 22 penalties of perjury that the statements you're about to make 23 are the truth, the whole truth, and nothing but the truth? 24 MR. FILIPOVIC: Yeah, no problem. Yes. 25 THE HEARING EXAMINER: Please state your name,</p>	<p style="text-align: right;">72</p> <p>1 photos, and you guys have some errors on that -- I do 2 everything in detail when I can, but you guys have the word 3 Damascus spelled incorrectly. I would like to see you guys to 4 redo this whole thing where you have the word Damascus spelled 5 properly. (inaudible) says C -- it goes T-C-G, down the other 6 side, it to the right hand side. Yeah. The word Damascus, 7 for some reason, I can't find it in the dictionary as that 8 same spelling. I was wondering if there was a way you guys 9 could update the whole thing to where it is correct on all 10 those four pictures? 11 MS. THEMAK: Uh, well -- 12 MR. FILIPOVIC: So you have it spelled correctly? 13 Or is that asking too much? 14 THE HEARING EXAMINER: Okay. Did you have any 15 other comments? 16 MR. FILIPOVIC: Yes. The spelling of Damascus is 17 not correct. 18 THE HEARING EXAMINER: Okay, that's your main 19 comment? 20 MR. FILIPOVIC: Yeah. I have no problem with 21 the -- 22 THE HEARING EXAMINER: This is your time to 23 testify, so I have to keep in order. That's it? 24 MR. FILIPOVIC: Yeah, I don't -- I don't have a 25 problem with the site. I'm just looking at the -- whoever put</p>

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19 (73 to 76)

<p style="text-align: right;">73</p> <p>1 this all together, if they're going to make sure it's right, 2 I'm just wondering if they can make sure it's right. 3 THE HEARING EXAMINER: Okay. Does the Applicant, I 4 guess this will be Mr. Fisher? 5 MR. FISHER: Yes. 6 THE HEARING EXAMINER: Do you have any objection to 7 resubmitting this photo with the corrected spelling? 8 MR. FISHER: I have no objections to resubmitting, 9 and having -- to resubmit with the proper spelling. And for 10 the record, I just want to put in the record that the site is 11 the correct location. We're talking about a misspelling of 12 the word, not the location of the site. But happy to fix it, 13 of course. 14 THE HEARING EXAMINER: Yeah. So it -- Mr. 15 Filipovic, you're talking about the label on Exhibit 15 that's 16 just spelled D-M-A-S-C-U-S. 17 MR. FILIPOVIC: Yeah. And for some reason that -- 18 THE HEARING EXAMINER: Is that correct? 19 MR. FILIPOVIC: Yes. That doesn't look like the 20 right wording to me, but yeah. I'm not a professional in this 21 type of stuff, I just live on the property and I just wanted 22 to make sure if something is going to be done, let's do it 23 right the first time, or the second time. But again, if 24 corrections will be done, I'm not a professional, a lawyer, 25 I'm just somebody who lives there and was worried about this</p>	<p style="text-align: right;">75</p> <p>1 write my decision, but because this is governed by the shot 2 clock, you're going to get a decision much earlier. Those who 3 have given their email will -- you have additional time -- the 4 decision will -- sorry. 5 The decision will tell you -- give you appeal 6 rights. You can appeal this decision to the Board of Appeals 7 within 10 days of issuance. The appeal rights will be written 8 on the -- you'll get a notification memo that the decision has 9 been published. It will be on our website. So keep a 10 lookout. I don't -- I have to figure out the shot clock 11 shortens my time to write this decision. I believe it will be 12 shortly after the record closes in 10 days. So you will get 13 notification. There are appeal rights to the Board of Appeals 14 if anyone disagrees with my decision. 15 So I just wanted to point that out because it's a 16 little different from our cases -- our normal cases. So with 17 that, the record will close on -- but the record's only open 18 for 10 days and it's not to receive any additional evidence, 19 except the revised Exhibit 15 with the label corrected. So 20 the record will close 1/22. Let me just make sure that's a 21 week day. No, it's a Sunday. The record will close January 22 23rd, 2023. And is only open for the revised exhibit. 23 MS. THEMAK: Understood. 24 THE HEARING EXAMINER: All right. Anything else? 25 Okay. With that I will adjourn this public</p>
<p style="text-align: right;">74</p> <p>1 you know, I'm okay with the site. 2 THE HEARING EXAMINER: Okay. All right. Thank 3 you. Wait a minute. Does anyone have any questions of Mr. 4 Filipovic? 5 MS. THEMAK: None. 6 THE HEARING EXAMINER: Okay. Thank you Mr. 7 Filipovic, you can be excused. 8 All right. So getting to where we were, a little 9 bit, with a little wrinkle, during the 10 -- how long do you 10 think it will take you to get the corrected exhibits -- the 11 label on Exhibit 15 corrected? 12 I have to keep the record open for 10 days anyway 13 to receive the transcript. 14 MS. THEMAK: I'm fairly certain, Mr. Marzullo can 15 confirm, I'm fairly certain we can get that corrected within 16 the next couple of days. 17 MR. MARZULLO: I concur. 18 THE HEARING EXAMINER: All right. Within 10 days? 19 MS. THEMAK: Yes. 20 THE HEARING EXAMINER: So the record will close 10 21 days from now. Wait, I need an affirmative, a verbal 22 affirmative. 23 MS. THEMAK: Yes, we can do that. 24 THE HEARING EXAMINER: Okay. All right. So you 25 will get that within 10 days. Now normally, I have 30 days to</p>	<p style="text-align: right;">76</p> <p>1 hearing. Thank you for your participation. 2 MS. THEMAK: Thank you. 3 MR. FISHER: Thank you. 4 (Proceedings concluded 11:29 a.m.) 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

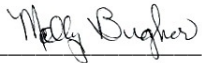
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20 (77 to 80)

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CERTIFICATE OF TRANSCRIBER

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



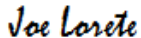
MOLLY BUGHER, CDLT-161  
January 23, 2023

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CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

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

IN WITNESS WHEREOF, I have hereunto set My hand and affixed my notarial seal this 23rd day of January, 2023.



Joe Lorete, Notary Public  
for the State of Maryland

A			
<b>abide</b>	<b>accommodate</b>	59:18, 71:1,	<b>agreed</b>
68:7	30:8, 34:9	71:3, 71:6	30:15, 30:16,
<b>ability</b>	<b>accurate</b>	<b>addresses</b>	35:25, 55:10,
6:8, 27:7, 77:5	64:20	16:24, 31:20	55:22, 64:3,
<b>able</b>	<b>acquisition</b>	<b>addressing</b>	68:11
18:17, 21:21,	29:15, 43:24	7:4, 7:6, 47:14	<b>agreement</b>
22:10, 23:14,	<b>acres</b>	<b>adds</b>	2:9, 64:1
23:15, 25:16,	43:18	47:20	<b>agricultural</b>
25:24, 34:14,	<b>across</b>	<b>adequate</b>	27:21, 43:20,
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10:5, 15:24,	<b>acting</b>	75:25	61:25
17:15, 20:2,	12:8, 13:17,	<b>administrative</b>	<b>agriculture</b>
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25:9, 25:14,	<b>action</b>	39:25, 40:8,	61:24
25:21, 26:8,	33:12, 33:13,	62:21, 67:20	<b>ahead</b>
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28:14, 28:18,	<b>actual</b>	60:23, 71:22	25:12, 25:22,
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36:13, 37:3,	<b>actually</b>	<b>affected</b>	47:8, 55:15
38:23, 42:10,	17:7, 17:12,	60:19	<b>alexandria</b>
47:5, 48:9,	19:23, 21:23,	<b>affects</b>	3:12
48:24, 48:25,	22:2, 53:25,	54:4	<b>all</b>
49:4, 51:15,	60:13	<b>affirm</b>	7:17, 7:18,
54:19, 56:23,	<b>add</b>	10:4, 15:23,	12:1, 12:15,
58:25, 59:22,	7:12, 9:21,	28:17, 31:13,	14:23, 17:2,
65:21, 70:22,	15:12	37:2, 70:21	17:4, 20:5,
71:24, 73:11,	<b>added</b>	<b>affirmative</b>	22:4, 22:17,
73:15, 73:25	24:9	74:21, 74:22	26:11, 31:3,
<b>above</b>	<b>addition</b>	<b>affixed</b>	43:14, 47:3,
17:5	12:22, 45:3	78:10	53:14, 55:17,
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