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# Transcript of Hearing

**Date:** November 6, 2025

**Case:** Notley Road

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15 (57 to 60)

1 Mr. Wilhelm as an expert, and we respectfully  
2 request the Hearing Examiner issue a ruling  
3 appropriately limiting the scope of Mr. Nusbaum's  
4 participation to what the rules would allow of an  
5 individual not represented by counsel. We'll  
6 address each of these in turn.

7 We object to the qualification of  
8 Mr. Dan Wilhelm as an expert on the basis that he  
9 does not have the requisite knowledge, skill,  
10 experience, training, or education to qualify as  
11 an expert in this land use proceeding. The  
12 Opposition's prehearing statement states that  
13 Michele Rosenfeld intends to present him as an  
14 expert, but it does not identify the field in  
15 which he's being offered as an expert.

16 Rather, Ms. Rosenfeld indicates an  
17 intention to have Mr. Wilhelm testify as an expert  
18 on five topics. In doing so, it appears the  
19 Opposition tends -- intends to broadly classify  
20 him as an expert in multiple areas of expertise,  
21 including both issues related to land use planning  
22 and transportation planning. These are two very  
23 different technical and highly specialized areas.

24 And in my career, I have not seen an  
25 individual before this body qualified as an expert

1 in both of those. For that very reason, this, in  
2 and of itself, is a red herring and a thinly  
3 veiled attempt to make the opinions of Mr. Wilhelm  
4 carry additional weight, which is not the  
5 intention of the rules.

6 The qualification as an expert is  
7 intended to be reserved for those select  
8 individuals that truly possess the requisite  
9 skill, knowledge, training, or experience to opine  
10 on land use issues with credibility to assist the  
11 fact finder. The bar is set high, given the  
12 weight that is afforded to expert testimony.

13 To suggest that Mr. Wilhelm's testimony  
14 should be given the same weight as someone who has  
15 formal educational training, professional  
16 certifications, and has spent years, if not  
17 decades, working on land use matters and  
18 participating in administrative land use hearings  
19 over the course of their career would be directly  
20 at odds with the intent of such a qualification.  
21 Under Maryland Rule 5-7.0.2, expert qualification  
22 requires specialized knowledge, skill, experience,  
23 training, or education.

24 We'll start with the easier of the two.  
25 Mr. Wilhelm's CV includes no relevant training or

57 1 education in land use, transportation, civil  
2 engineering, architecture, or related field.  
3 Mr. Wilhelm's education and training and  
4 employment history are in electrical engineering  
5 and program management. We would argue there's  
6 really no skill involved in this land use  
7 proceeding under which Mr. Wilhelm could seek to  
8 qualify as an expert, so that leaves knowledge or  
9 experience.

10 Maryland courts have consistently held  
11 that expert qualification under Rule 5-7.0.2  
12 requires a witness to possess specialized and  
13 sufficient knowledge, more than just a casual  
14 familiarity. To be qualified as an expert in land  
15 use of transportation planning, one must hold some  
16 specialized technical competency in the subject,  
17 not familiarity or general involvement as a  
18 citizen advocate in the planning process.

19 Mr. Wilhelm possesses no specialized  
20 knowledge or experience that would allow him to  
21 render an expert opinion on the topics that  
22 Opposition seeks to qualify him in. While  
23 Mr. Wilhelm's civic involvement and participation  
24 in committees and task force is commendable, it  
25 does not confer that specialized knowledge or

58 1 experience required to interpret Master Plans or  
2 draw technical planning conclusions, like  
3 compatibility, in this proceeding.

4 The advisory committees listed on  
5 Mr. Wilhelm's resum and those task forces are  
6 really simply more formalized mechanisms to gather  
7 public input. They confer no specialized  
8 knowledge.

9 For example, based on the guidelines on  
10 the County's websites for the MCDOT Citizens  
11 Advisory Committees, those were specifically  
12 convened, I quote, to provide opportunities for  
13 community members to learn about and provide input  
14 on Flash BRT projects, end quote. The stated  
15 purpose on the County's website for the CACs  
16 included community engagement, involvement, and  
17 information sharing among stakeholders.

18 We would note that Mr. Wilhelm's  
19 designated role in these committees and task force  
20 is almost exclusively through his role at the  
21 Great -- with the Greater Colesville Citizens  
22 Association or as a resident. For example, the  
23 White Oak Science Gateway Master Plan Citizen  
24 Advisory Committee notes that he represented GCA  
25 and clarifies that the CAC members -- this is

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16 (61 to 64)

1 from -- a quote from the White Oak Master Plan,  
2 the 2014 one, Members provide input during the  
3 planning process on the issues and concerns of  
4 organizations and associations they represent.

5 This comports with Mr. Wilhelm's own  
6 admission on his CV that the experience in these  
7 committees and task forces is rooted in advocacy.  
8 We would note that the word advocacy is used to  
9 describe all five of his roles listed under his  
10 current involvement section on his CV, and several  
11 listed under his civic involvement.

12 And as Mr. Wilhelm's resum expressly  
13 notes, his role in GCCA under -- the umbrella  
14 under which he participated in many of these  
15 committees and task forces, was, quote, advocate  
16 for local citizens in land use and zoning matters.  
17 Experts are not advocates. Rather, they provide  
18 objective unbiased information based on their  
19 professional analysis of fact.

20 The test is not whether Mr. Wilhelm has  
21 general knowledge about land use process, but  
22 whether he is sufficiently familiar with the  
23 subject to render an expert opinion.  
24 Participation in land use proceedings via his role  
25 through GCCA does not afford him with that

1 knowledge needed to render expert opinion.  
2 Advocating for special interests of a  
3 community is completely different than objectively  
4 analyzing how a specific application conforms to  
5 the County's policy and regulations. To qualify  
6 him as an expert based on his participation would  
7 be a slippery slope that would open the floodgates  
8 for other active members of the community to  
9 testify as experts.

10 We would also note he has no expertise  
11 to speak about the consistency of this application  
12 to previously zone CRNF applications. To our  
13 knowledge, Mr. Wilhelm nor GCCA -- to our  
14 knowledge, neither of them offered any testimony  
15 on those prior CRNF zone applications. And so he  
16 would have no more experience or knowledge than a  
17 layperson to opine on that issue.

18 Similarly, transportation planning is a  
19 highly specialized area of expertise. We see  
20 nothing in Mr. Wilhelm's experience that would  
21 afford him with the specialized knowledge or  
22 experience needed to opine on these issues beyond  
23 his lay observations.

24 As the Hearing Examiner is aware,  
25 transportation adequacy is a very technical issue

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1 that a transportation consultant or engineer would  
2 typically speak to. Mr. Wilhelm certainly may  
3 testify as a layperson, in fact, if he plans to  
4 testify as to transportation offerings that are  
5 currently available. That's something a layperson  
6 can understand and does not require expert  
7 testimony.

8 But if he intends to go beyond those lay  
9 observations, he lacks the necessary  
10 qualifications to do so. He should also not be  
11 able to testify as an expert in Master Plan  
12 conformance compatibility or these technical  
13 transportation issues without the requisite  
14 knowledge or experience to draw those conclusions.  
15 As such, we respectfully request the Hearing  
16 Examiner decline to qualify Mr. Wilhelm as an  
17 expert and make clear that his testimony is  
18 limited to that of a lay opinion.

19 The second issue we raised an objection  
20 to was with respect to Mr. Keith Nusbaum. The  
21 Applicant respectfully requests that the Hearing  
22 Examiner eliminate his -- limit his participation  
23 to that permitted of an individual member of the  
24 public.

25 Pursuant to his prehearing statement and

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1 subsequent email correspondence, Mr. Nusbaum is  
2 appearing pro se in his own capacity as an  
3 individual party of record. His prehearing  
4 statement indicates an intention to participate in  
5 the hearing in a role that is reserved for counsel  
6 representing organized opposition, which is not  
7 permitted by the rules.

8 Being a party of record does not afford  
9 Mr. Nusbaum with additional rights to call  
10 witnesses and present evidence, as all individuals  
11 that testify before OZAH are deemed parties of  
12 record, pursuant to Rule 3.1.A, allowing all  
13 parties of record to call witnesses or present  
14 evidence would be contrary to the order that the  
15 rules are intending to create.

16 By email dated September 4th, 2025,  
17 Hearing Examiner Byrne confirmed the only rule  
18 that would apply to Mr. Nusbaum is Rule 3.5.  
19 While Rule 3.5 would allow Mr. Nusbaum to testify  
20 as an individual member of the public and submit  
21 written pertinent material, Mr. Nusbaum does not  
22 fall within one of the other three categories  
23 under that rule.

24 He's confirmed he is not being  
25 represented by counsel. Second, he is not

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