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Update on Winter Thicket Road Closure

TC Thomas Coale <tcoale@talkin-oh.com>
Yesterday, 9:26 AM
CouncilMail; Wilson, B Diane; Siddiqui, Jahantab

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Action Items

Dear County Council-Members,

I wanted to provide an update on the Winter Thicket Road Closure and our conversations with the Gaither Hunt HOA. First, to be perfectly clear, we do not represent this HOA. Due to a miscommunication early in the process, we were left with the understanding that the Gaither Hunt HOA wanted Winter Thicket closed and wanted to join in the legislation. While it is still unclear whether Gaither Hunt HOA wants the road closed, it is apparent that they no longer wish to sponsor the legislation. In my conversations with the chair of the Gaither Hunt HOA, she indicated that the community may ultimately support the road closure so long as they had some assurances about Windsor Fox Chasing HOA's use of their property on either side of the road. I would ask that when CR1-2017 is taken off the table, it be amended to remove Gaither Hunt HOA.

Second, we are nearing a compromised agreement with the Gaither Hunt HOA regarding the closure of the road that may include a covenant from my client regarding the future use of its property. This would provide certainty and predictability to the community and allow the closure of this road to go forward should the Council see fit to do so. For that reason, I would ask that the resolution to close Winter Thicket remain on the table this evening pending this negotiated agreement, which should be completed over the next week.

I have CC'ed Ms. Wilson and Mr. Siddiqui with County Executive Kittleman's office to notify them of these developments.

Thomas G. Coale
Talkin & Oh, LLP
5100 Dorsey Hall Drive
Ellicott City, Maryland 21042-7870
410-964-0300 x18 (phone)
410-964-2008 (fax)

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CR 1-2017 Closing of Winter Thicket Road

MC Mary Christ <mitzichrist2@comcast.net> Reply all |
Yesterday, 2:46 PM
CouncilMail; Pam Feldman <pam.feldman@yahoo.com>; +2 more

Letter to Howard Count...
136 KB

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Action Items

Good Afternoon,

I am the president of the Gaither Hunt Homeowners association. Please see the attached letter requesting you to veto CR 1-2017 presented on January 17, 2017 by Thomas Coale.

I am cc'ing the other board members.

Thank you for your time and consideration,

Mitzi Christ

President GH HOA

11021 Steeplechase Court, EC

Greetings Howard County Council Members,

First let me say thank you for your time and service to the community. Next, let me say thank you for your time in listening to resident concerns in all matters and for listening to the concerns of the Gaither Hunt HOA and residents on the matter of CR1-2017.

On January 17, 2017, Tom Coale spoke at the Legislative Public Hearing on Council Resolution 1-2017. He indicated that he was representing the Windsor Forest Fox Chasing HOA, Inc. and the Gaither Hunt Homeowners Association, Inc. regarding a resolution to close all of Winter Thicket Road. I have been the president of the GH HOA for at least the past 10 years and I can say with certainty that no such request was made by the GH HOA.

One of our residents did attend the hearing and the GH HOA subsequently had a meeting to discuss this issue the evening of March 2nd. It was a unanimous vote by all in attendance that we do not wish to support this request at this time and would request the council to veto this CR.

Mr. Coale was kind enough to take my call Friday March 3rd to discuss the matter. I was able to provide him some background that he did not appear to know:

- He thought that Mr. Reuwer had placed the planters to block off the road but I informed him that the county had placed the planters in response to a request that I had made to our then county councilman Alan Kittleman's office quite a number of years ago to prevent vehicular traffic from going down the road to dump trash or engage in other unwelcome activities. Additionally, the HOA currently pays to have them planted with flowers and otherwise cared for.
- He told me that they wanted to road closed to eliminate folks from driving around the planters. The HOA had placed large rocks in the grass alongside the planters to eliminate the same. At this time, the only persons that we are aware that drive down that road is Mr. Hostetler, a resident of Gaither Farm Road, who I approached once as I saw him doing so after several neighbors complained about it. At the time I approached him he was dressed in hunting gear and said that he was authorized to check on the property on behalf of the owner, his friend, Mr. Reuwer. I contacted Mr. Reuwer to complain about the unsightly tire tracks left by his friend and Mr. Reuwer indicated that his friend liked to hunt on the property and that Mr. Reuwer would request that Mr. Hostetler enter the property from the other side instead of driving over the grass in the GH Community.
- Several residents of GH are distressed at the action being requested in CR1-2017 because they are concerned about any negative possibilities should Mr. Reuwer decide to develop that property. Mr. Coale told me during my phone conversation with him that the property was designated such that it was not buildable so those concerns were not well founded and that they simply wanted the road removed because it currently provided no value. The GH HOA and its members would argue that it does provide us value for use in its current state and also that it provides no harm so I asked Mr. Coale what benefit would be provided in exchange for the expense of tearing up the road. He indicated a decreased liability from folks entering onto the private property that surrounds the road. I then let Mr. Coale know that during a previous conversation some years ago that Mr. Reuwer had indicated to me a desire to tear up the road to reclaim the acreage so as to allow him to place some homes within the adjacent area. Mr. Coale indicated that he was not aware of such plans and would contact Mr. Reuwer to find out

more information and either he or Mr. Reuwer would call me back. He called me back a short while later to indicate that Mr. Reuwer did wish to build one home on adjacent property that would be entered from Manor Lane and asked if the GH HOA would support that. At this time, I don't have an answer for him as the GH HOA needs more information in order to make this decision.

I am grateful for Mr. Coale's willingness to discuss this topic with me and for the additional information provided to Mr. Coale by Mr. Reuwer. I am certain that more discussions with Mr. Coale and/or Mr. Reuwer will come to help the GH HOA understand the implications of the request being made in CR1-2017 and of the offer to draft a legally binding covenant with the GH HOA regarding development plans for that property. At this time, our residents do use the road for walking, biking, rollerblading, and birdwatching. Our community roads are not very wide so having a road with no traffic is a blessing for these activities.

At this time, by unanimous vote of all present at our HOA meeting, the GH HOA and its residents and members respectfully request a veto of CR 1-2017 and do so for the following reasons:

- The original request inaccurately depicted GH HOA as a co-sponsor.
- Inadequate notification of that request was provided to the community.
- The evolving information and answers from Mr. Coale regarding this request are still being digested to be understood and the homeowner and community residents need more time to understand this and determine whether or not we should be seeking counsel from a real estate attorney more versed in these matters.

Respectfully,

Mitzi Christ

President, GH HOA

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Please vote against CR 1-2017. Please do NOT close Winter Thicket Road.

David Clarke <davidclarke56@hotmail.com>

Reply all |

Yesterday, 6:09 PM

CouncilMail

Please vote against CR 1-2017. Please do NOT close Winter Thicket Road.

I live at 11016 Hidden Fox Court, in the Gaither Hunt neighborhood. I am a member of the Gaither Hunt HOA (the "GHHOA").

CR 1-2017 was NOT sponsored by the GHHOA. Attorney Thomas Coale mis-represented the facts when he stated he was submitting the measure on behalf of both the Windsor Crossing Forest Fox HOA (the "WCFFHOA") and the GHHOA. Similarly, Mr. Coale mis-represented the facts when he stated at your January meeting that he was appearing on behalf of both the WCFFHOA and the GHHOA. He has never been hired by, or authorized to do anything on behalf of, the GHHOA. His only client is the WCFFHOA -- which, given that there are no residents in that neighborhood, is a one-member association consisting solely of the developer.

Moreover, adequate notice was not provided. The sign advising residents about CR 1-2017 only stayed up for one day, not the required 30 days. Moreover, certified letters were sent to few, if any, of the owners of contiguous properties.

CR 1-2017 should be rejected. Thank you.

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CR1-2017

Beverly Brennan <beverly.b.brennan@gmail.com>

Reply all |

Yesterday, 7:06 PM

CouncilMail

As a resident of Gaither Farm, I am against closing of Winter Thicket Rd. I believe this motion should be vetoed.

Thank You

Mike & Bev Brennan

11030 Dorsch Farm Rd

Ellicott City MD 21042

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re CR1-2017

Kamal K Behal <kbehal@aol.com>

Reply all |

Yesterday, 7:31 PM

CouncilMail

sir

I andmywife live at 11078 dorsch farm road,ellicott city,md 21042.

we are voting to veto the above measure.

we would also like to express our outrage at the manner in how this process has been carried out ,giving u s no opportunity to oppose it from the very onset.

Yours faithfully.
kamal and nawel behal

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re: CR1-2017

NS Nancy Spencer <nancy@spencerfam.com>
Yesterday, 10:31 PM
CouncilMail

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Howard County Council,

I live in the Gaither Hunt neighborhood of Ellicott City on Dorsch Farm Road. The petition to close Winter Thicket Road per CR1-2017 has been brought to my attention, along with the dubious manner it was presented to the County Council through misrepresentation of Gaither Hunt HOA which was not authorized by Gaither Hunt HOA, of which I am a member.

I feel the closure of Winter Thicket, and the burden of the cost to remove the asphalt and restore the road easement that would be placed upon Gaither Hunter HOA members through this petition, to be a grievous injustice. As homeowners, we already paid the price of development of Winter Thicket when we bought our homes from the developer – now we could be forced (if CR1-2017 is passed) to also pay the price to un-develop Winter Thicket Road.

CR1-2017 should be vetoed.

Nancy Spencer
11016 Dorsch Farm Road