

# KEEPING FAMILIES TOGETHER IN HOWARD COUNTY

July 16, 2018

Howard County Council  
CB 59 - 2018: General Plan Amendment



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# INTRODUCTION

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## Our Team

Community Engagement:  
*Roger Caplan*  
***The Caplan Group***

Petitioner:  
*Scott Templin*  
***Erickson Living***

Architecture and Planning:  
*Mark Heckman*  
***Marks Thomas***

Fiscal Analysis:  
*Eric Tazelaar*  
***Richard Reading & Associates***

Traffic Consultant:  
*Carl Wilson*  
***The Traffic Group***

Civil Engineer and Landscape Architecture:  
*Hank Alinger and Brandon Rowe*  
***Bohler Engineering***

Land Use Attorney:  
*Bill Erskine*  
***Offit Kurman***

Market Demand Analysis:  
*John Duberg*  
***Sage Policy Group***



# REQUEST

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## CB 59 - 2018

- Expand the Planned Service Area for water and sewer service to approximately 60 acres of land in Clarksville, Maryland for a Continuing Care Retirement Community (CCRC)
- Adjust the Growth Tier Maps and incorporate the property in Growth Tier 1
- Designate the property as a Targeted Growth and Revitalization Designated Place



# OVERVIEW

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## What is a CCRC?

- Type of retirement community where a continuum of aging care needs are all met on the campus
  - Independent living
  - Assisted living
  - Skilled Nursing
  - Memory Care





## Reversion Clauses

Now, Therefore,

**Section 1. Be It Enacted** by the County Council of Howard County, Maryland that the PlanHoward 2030 policy maps identified below are amended to expand the Planned Service Area, the Growth Tier I Area, and the Growth and Revitalization Designated Place Type area to include approximately 61 acres of property located west of Clarksville Pike (Md Route 108) and south of Sheppard Lane, in Clarksville, Howard County, Maryland and further identified as Tax Map 34, Parcel 185 and a part of Tax Map 28, Parcel 100 (the "Property"), as shown on attached Exhibit A and Exhibit B. Amended Policy Maps include: Map 4-1; Map 5-1; Map 6-2; Map 6-3; and Map 8-1.

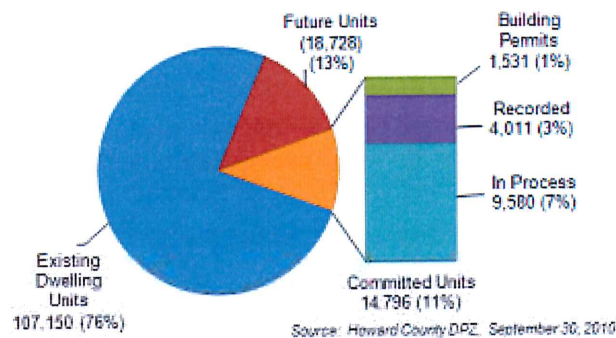
**Section 2. Be It Further Enacted** by the County Council of Howard County, Maryland that the provisions of this Act providing for expansion of the Planned Service Area and amendments to the Growth Tier Maps and Designated Place Types for Howard County shall be null and void and the Planned Service Area, Growth Tier Map, and Designated Place Type as it relates to this Property, shall revert to the Planned Service Area, Growth Tier, and Designated Place Type in place prior to this Act without any additional action of the County Council if

(1) The Howard County Zoning Board shall fail to issue a Decision and Order approving a Petition to Amend the Zoning Maps of Howard County to rezone the Property to CEF-M for the stated purpose of developing a CCRC community within 3 years from the effective date of this Act; or

(2) The connection between the Property and the public water and sewer infrastructure are not made within 10 years of the effective date of this Act.



**Figure 6-9 - Housing Units  
Buildout Based on Current Zoning  
Total = 141,000 Dwelling Units**



33% of future new homes will be single-family detached and 67% will be townhouses, condominiums, or apartments (Figure 6-9).

### Expansion of the Planned Service Area

Expansions to the Planned Service Area (PSA) for water and sewer service since 1990 have been very limited. In 1993, the County Council voted to extend water service to include the area around the Alpha Ridge Landfill. This extension was done solely out of concern for potential future groundwater contamination that might originate from the Alpha Ridge Landfill; therefore, only water service is provided in this area. No sewer service is allowed and no change from rural land uses or zoning is authorized. Map 6-2 shows the current boundary for public water and sewer as well as the water-service-only area.

The boundary of the PSA for both water and sewer service is important not only to determine which parcels will be served by public water and sewer service, but also because the PSA is Howard County's designated growth boundary or Priority Funding Area per the State's Smart

Growth Act. The PFA/PSA is also the boundary for *PlanHoward 2030*'s rural place designations. As such, adjustments to the PSA would have significant ramifications in terms of both permitted development intensity and the level of other County and State services.

*PlanHoward 2030* proposes three minor expansions of the Planned Service Area (adjoining Ellicott City, Clarksville, and Maple Lawn). To achieve Bay restoration goals it is preferable to include these properties in the PSA, rather than have them utilize septic systems particularly where the area drains to reservoirs or high quality stream systems. These properties, because of their location at the interface of the rural residential zone and the planned service area, should be designed and zoned to establish a transition that is compatible with and enhances surrounding communities. In addition, they should create an environmental benefit through environmental site design that mitigates impervious surfaces so that storm water will be captured onsite and not affect nearby waterways. In the future, it should be anticipated that there may be isolated situations where minor PSA adjustments may be appropriate. A PSA revision requires a General Plan Amendment to Map 6-2. Any requests for a General Plan Amendment for expansion of the PSA should be denied unless either:

1. The proposed expansion of the Planned Service Area is intended to provide for a public or institutional use such as a religious facility, philanthropic institution, or academic school; or
2. The proposed expansion of the Planned Service Area includes a

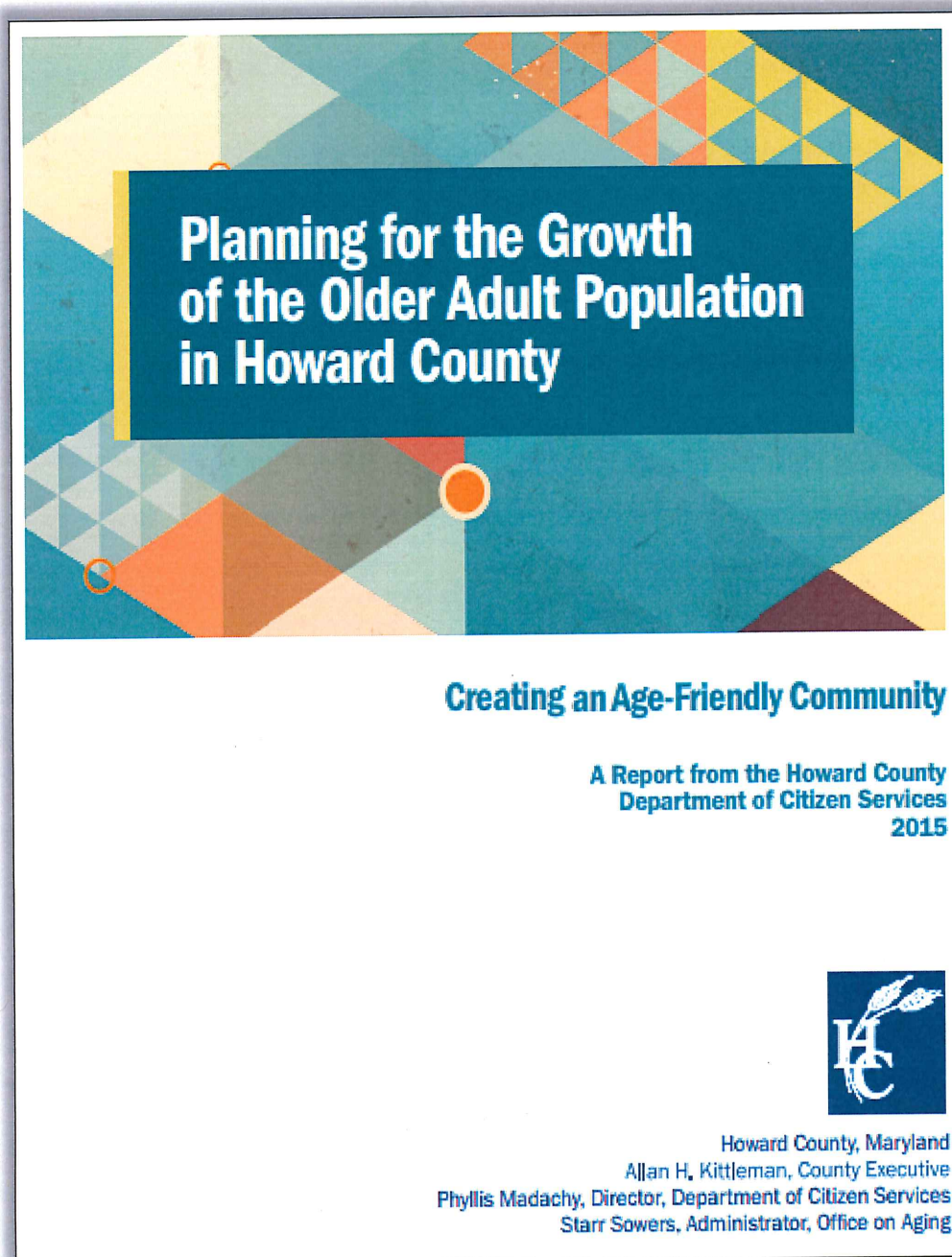
zoning proposal that is consistent with the General Plan and Smart Growth policies. Sewer and water infrastructure capacity and costs must be analyzed to confirm the feasibility and availability of scheduled capacity.

As established in General Plan 2000 and subsequent amendments, institutional or public use expansions of the Planned Service Area boundary are limited to:

1. Properties adjoining the existing PSA boundary without including an intervening privately owned parcel;
2. The minimum area necessary to serve the proposed use. Subdivision of the parcel consistent with the PSA boundary amendment is required after approval of the General Plan Amendment and prior to the inclusion of the parcel into the Metropolitan District; and
3. The particular use proposed at the time of expansion with a deadline for the completion of the improvements for the proposed use and connection to the public water and/or sewerage system. If the proposed public or institutional use is not actually constructed and connected to the public water and/or sewerage system by the deadline specified in the Bill, the Planned Service Area expansion shall be null and void and the Planned Service Area automatically shall revert to its location prior to the Council Bill approving the expansion.



# DEMOGRAPHIC CHANGES



- By 2035, **28,108** more residents over the age of 75 will be living in Howard County
- Howard County will be adding **1,124** residents over age 75 per year for the next 18 years
- Howard County residents age 85 and older will increase from 6,606 to **23,334** by 2035

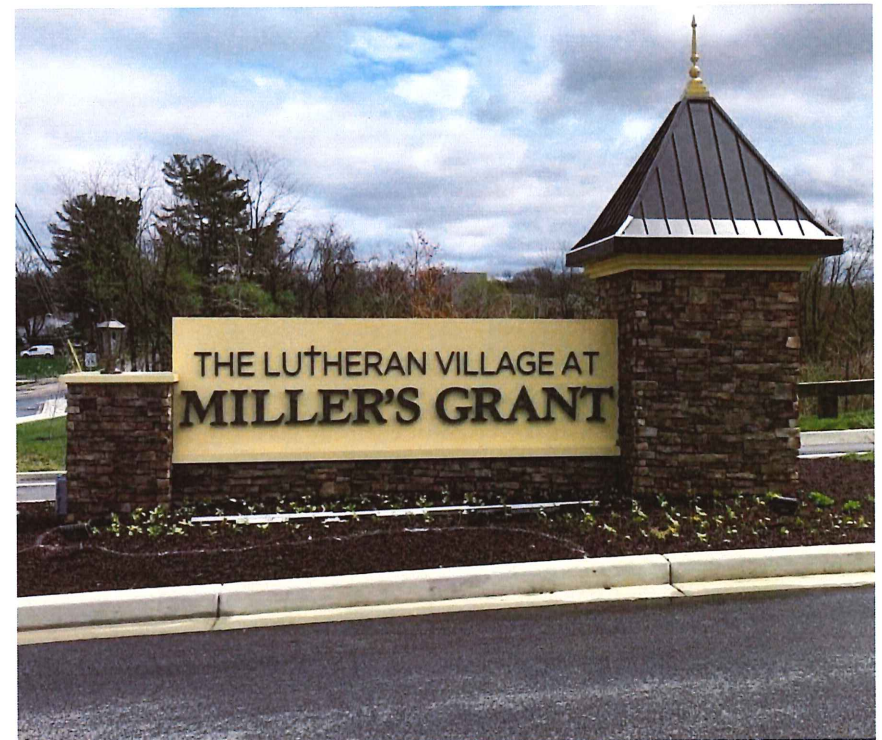


# HOWARD COUNTY ANALYSIS

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Sage Policy Group Report (Nov. 2017)

## Very Limited CCRC Availability in Howard County





# EXISTING CONDITIONS - CONTEXT MAP



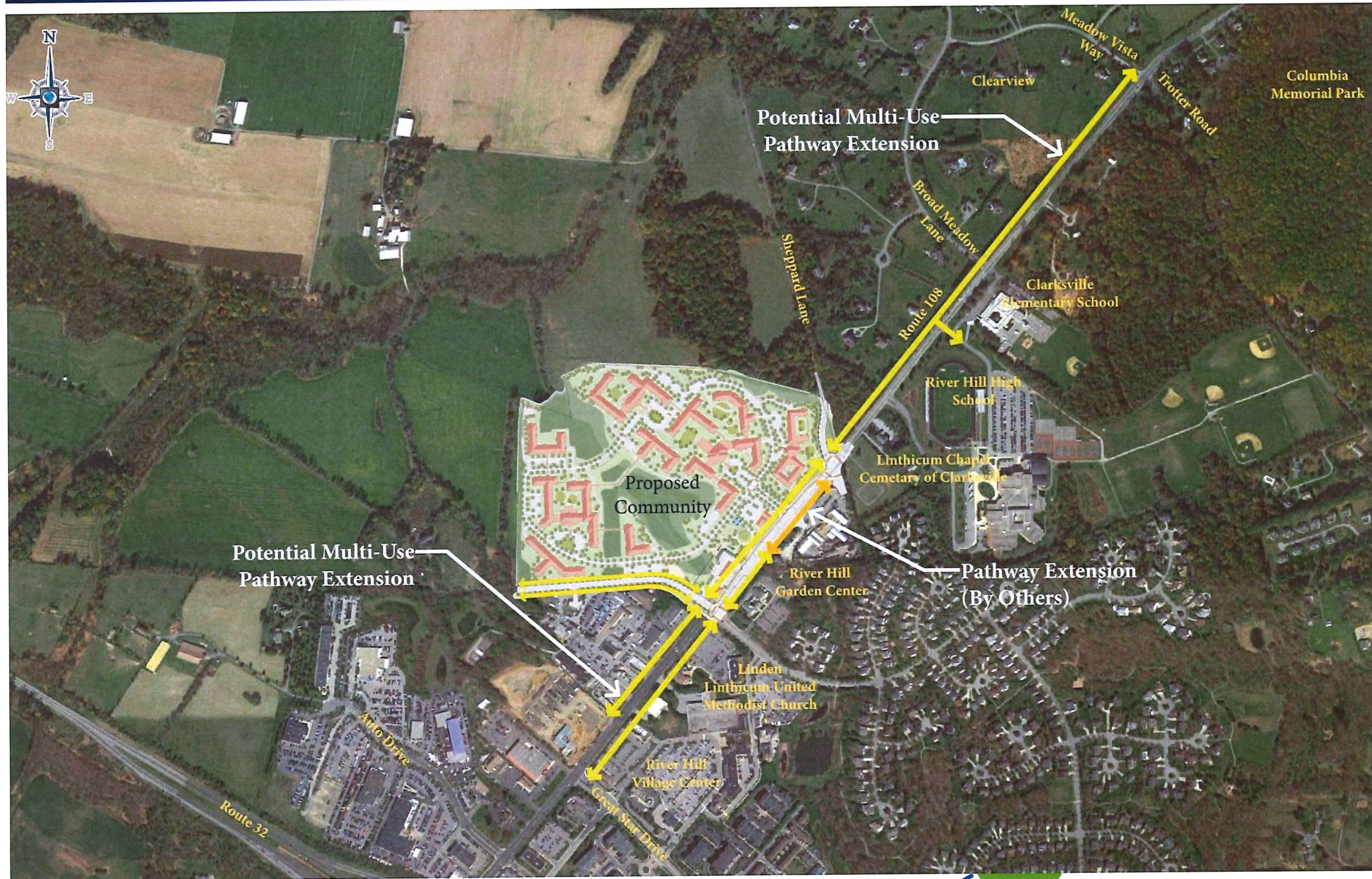


# CONCEPT PLAN





# POTENTIAL MULTI-USE PATHWAY EXTENSIONS





# WHY EXPAND THE PLANNED SERVICE AREA?

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## Reasons:

1. Meets requirements for the Planned Service Area expansion in PlanHoward2030
2. Addresses the housing shortfall and medical care needs for seniors in Howard County
3. Fiscal net positive impact of nearly \$4.2 million annually
4. Five-acre public park
5. Transportation enhancements that improve traffic conditions in Clarksville
6. Multi-use pathway that connects the greater Clarksville community from Trotter Road to Great Star Drive
  - Implements significant portion of the Clarksville Streetscape Design Guidelines





# KEEPING FAMILIES TOGETHER IN HOWARD COUNTY

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## QUESTIONS AND ANSWERS

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**Howard County: 283**

	<b>Last Name</b>	<b>First Name</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>	<b>Email</b>
Yes	Gatwood	Alison	6473 Onward Trl	Clarksville	MD	21029	afgatwood@gmail.com
Yes	Meyers	Margaret	9425 Hickory Limb	Columbia	MD	21045	megntali@verizon.net
Yes	Fine	Doris	12302 Benson Branch Rd	Ellicott City	MD	21042	darcyfine@hotmail.com
Yes	Scarlis	John	6136 Nest Side	Columbia	MD	21045	Sscarlis@msn.com
Yes	Skillman	Robert	4738 Bates Dr	Ellicott City	MD	21043	bob@rskillman.com
Yes	Bielski	Paul	3240 Roscommon Dr	Glenelg	MD	21737	pjbielski@gmail.com
Yes	Kissel	Gerald	4659 Pinto Ct	Ellicott City	MD	21043	jerrybear41@verizon.net
Yes	Ludicke	Theodore	12710 Triadelphia Rd	Ellicott City	MD	21042	tludicke@yahoo.com
Yes	Cosentino	Caroline	10860 Beech Creek Dr	Columbia	MD	21044	cosentinoct@gmail.com
Yes	Kline	Glenda	11811 Far Edge Path	Columbia	MD	21044	Glenda@FarEdge.info
Yes	Geisler	Robert	4643 Huntley Dr	Ellicott City	MD	21043	bobbyg06@hotmail.com
Yes	Aldridge	Dennis	6710 Potomac Hunt Ct	Elkridge	MD	21075	d.aldrige.email@gmail.com
Yes	Vogel	Sharon	8725 Warm Waves Way	Columbia	MD	21045	sharonleevogel@gmail.com
Yes	Brinker	Thomas	12285 Carroll Mill Rd	Ellicott City	MD	21042	tomnbetsy1@verizon.net
Yes	baldwin	j d	10006 Hyla Brook Rd	Columbia	MD	21044	jdoyleb@verizon.net
Yes	Melick	Gary	3300 Kenallen Ct	Glenwood	MD	21738	gmelick1@verizon.net
Yes	Kojzar	Paul	11710 Foxspur Ct	Ellicott City	MD	21042	paulkjzr@yahoo.com
Yes	Prather	Wanda	6320 Velvet Path	Columbia	MD	21044	pythonesk42@gmail.com
Yes	Mattman	A.	9539 Fulton Ave	Laurel	MD	20723	almatt@msn.com
Yes	Harris Jr	Armand	9570 Fallen Stone	Columbia	MD	21045	armandharris@verizon.net
Yes	Fox	Sara	8724 Sickelbar Way	Ellicott City	MD	21043	sara.fox@erickson.com
Yes	Templin	Scott	4770 Leyden Way	Ellicott City	MD	21042	stemplin3@gmail.com
Yes	Southwood	William	8218 Bubbling Spg	Laurel	MD	20723	will.southwood@gmail.com
Yes	Kellner	Evelyn	3011 Dexter Dr Unit 404	Ellicott City	MD	21043	pete2404@aol.com
Yes	Romenesko	Bruce	12163 Red Stream Way	Columbia	MD	21044	bruce.romenesko@gmail.com
Yes	cress	mary	3772 Plum Hill Ct	Ellicott City	MD	21042	mjcress@verizon.net
Yes	Turney	Maria	11800 Bare Sky Ln	Columbia	MD	21044	kenamar1@gmail.com
Yes	Colegrove	Joyce	5547 High Tor Hl	Columbia	MD	21045	JEC5547@aol.com
Yes	Wilson	Sheila	5573 Cedar Ln	Columbia	MD	21044	wilson.sensa.sheila@gmail.com
Yes	Blackman	Kathleen	11709 Bryce Overlook Ct	Columbia	MD	21044	kkblackman@comcast.net
Yes	Kronmiller	George	6252 Audubon Dr	Columbia	MD	21044	wkronmiller@gmail.com
Yes	Turney	John	11800 Bare Sky Ln	Columbia	MD	21044	johnturney1@gmail.com
Yes	Meyer	Clementina	4972 Moonfall Way	Columbia	MD	21044	donm4972@yahoo.com
Yes	McKinley	Sharon	5610 Gulfstream Row	Columbia	MD	21044	samckinley@gmail.com
Yes	Grabelle	Bonnie	8800 Bosley Rd Unit 207	Ellicott City	MD	21043	bgrabelle@gmail.com
Yes	Ewart	Rosemary	8003 Brightwood Ct	Ellicott City	MD	21043	rosemary.ewart@erickson.com
Yes	Taydus	Christopher	5668 Stevens Forest Rd	Columbia	MD	21045	ctaydus@erickson.com
Yes	Patterson	Kierra	5674 Stevens Forest Rd Apt 79	Columbia	MD	21045	Kierra.Patterson@erickson.com
Yes	Qian	Cheng	6472 Erin Dr	Clarksville	MD	21029	davidcqian@gmail.com
Yes	Yang	Enyu	6472 Erin Dr	Clarksville	MD	21029	enyuyang@gmail.com
Yes	Hill	Jennifer	6400 Autumn Sky Way	Columbia	MD	21044	hillfamily86@gmail.com
Yes	Kim	Joy	8519 Wheatfield Way	Ellicott City	MD	21043	joy.kim85@gmail.com
Yes	Goldie	Darla	6012 Laurel Wreath Way	Columbia	MD	21044	rockchickdg@hotmail.com
Yes	MAJILI	HAMIDA	9229 Deer Village Dr	Laurel	MD	20723	hamida.majili@erickson.com



Yes	Vernon	Colleen	10699 Rain Dream HI	Columbia	MD	21044 cvernonmusic@gmail.com
Yes	Riss	James	6421 Waveland Way	Columbia	MD	21045 jriss2013@gmail.com
Yes	Bustos	pablo	10902 Olde Woods Way	Columbia	MD	21044 aeropablis2@gmail.com
Yes	Wells	Kara	7009 Calvert Dr	Elkridge	MD	21075 kara.wells@erickson.com
Yes	Nicholsonbrown	Felicia	4301 Buckskin Wood Dr	Ellicott City	MD	21042 fnichols77@gmail.com
Yes	Garrett	Lynda	11811 Chapel Woods Ct	Clarksville	MD	21029 lyndacooks@aol.com
Yes	MacIsaac	John	5590 April Journey	Columbia	MD	21044 johnmac18@verizon.net
Yes	Packard	Andrea	5476 Ring Dove Ln	Columbia	MD	21044 packardah@yahoo.com
Yes	yi	hung	12112 Flowing Water Trl	Clarksville	MD	21029 roskeyi@gmail.com
Yes	Pettiford	Bridget	5001 Rushlight Path	Columbia	MD	21044 pettifordbridget@yahoo.com
Yes	Antelman	Robert	13844 Russell Zepp Dr	Clarksville	MD	21029 bobgto65@aol.com
Yes	Pag	Ruben	6012 Pure Sky Pl	Clarksville	MD	21029 rubenpt12001@gmail.com
Yes	Campbell	Harold	11212 Ridermark Row	Columbia	MD	21044 haroldcamp@verizon.net
Yes	Cosentino	Sal and Caroline	10860 Beech Creek Dr	Columbia	MD	21044 bmarc1940@gmail.com
Yes	Berndt	Jo Ann	9409 Sunfall Ct	Columbia	MD	21046 jaberndt1@verizon.net
Yes	Kennan	Patsy	9045 Dunloggin Ct	Ellicott City	MD	21042 pkennan@verizon.net
Yes	Stengle	Janis	13717 Pasture Grn	Clarksville	MD	21029 stengle@comcast.net
Yes	Hilterbrick	Myra	8265 Academy Rd	Ellicott City	MD	21043 lamyra.mail@gmail.com
Yes	Waldman	Ed	10000 Town Center Ave Apt 401	Columbia	MD	21044 EdWaldman1958@yahoo.com
Yes	Immer	Elisabeth	10802 Warfield Pl	Columbia	MD	21044 eaimmer@yahoo.com
Yes	Kaminsky	Stephanie	11828 Chapel Estates Dr	Clarksville	MD	21029 sekaminsky@comcast.net
Yes	Openshaw	James L	12244 Yearling Ct	Ellicott City	MD	21042 helloclare@comcast.net
Yes	Heiss	Carole	7704 Chatfield Ln	Ellicott City	MD	21043 caroleh1130@gmail.com
Yes	Bowers	Jeff	8611 Honeysuckle Ct	Ellicott City	MD	21043 jbowers71@verizon.net
Yes	Eralp	Atal	10704 Symphony Way	Columbia	MD	21044 atal.eralp@gmail.com
Yes	Allen	Beth	13680 Triadelphia Mill Rd	Clarksville	MD	21029 bethallenenterprises@gmail.com
Yes	Lydic	Brent	12979 Clarksville Pike	Highland	MD	20777 bmllydic@gmail.com
Yes	Voskuhl	Nancy	3825 Paul Mill Rd	Ellicott City	MD	21042 tnavoskuhl@gmail.com
Yes	Young	Pamela	9496 Good Lion Rd	Columbia	MD	21045 pamyoung720@verizon.net
Yes	kaufman	jeff	15936 Meadow Walk Rd	Woodbine	MD	21797 jakaufman@hotmail.com
Yes	Robinson	Justy	5583 Thunder Hill Rd	Columbia	MD	21045 lrobinson@erickson.com
Yes	heazel	barbara	9413 Bullring Ln	Columbia	MD	21045 paddlebow-b@yahoo.com
Yes	Scorpio	Carolyn	5900 Whale Boat Dr Unit 308	Clarksville	MD	21029 cmayscorpio@verizon.net
Yes	Maslo	Rosemarie	5900 Whale Boat Dr	Clarksville	MD	21029 rjmaslo@gmail.com
Yes	Mcgrann	Debbie	12871 Folly Quarter Rd	Ellicott City	MD	21042 debmcgrann@aol.com
Yes	Klein	Steve	15105 Roxbury Rd	Glenelg	MD	21737 kle442@gmail.com
Yes	Bruette	Leo	6379 Tinted HI	Columbia	MD	21045 lbrulette@comcast.net
Yes	Warfield	Susan	5450 Sheppard Ln	Clarksville	MD	21029 suebee1261@aol.com
Yes	Edwards	Elma	5100 10 Oaks Rd	Clarksville	MD	21029 daveelma@verizon.com
Yes	Dye	Judith	3929 Hawthorne Rd	Ellicott City	MD	21042 jmdye123@msn.com
Yes	Carey	E. Niel	2661 Legends Way	Ellicott City	MD	21042 enielcarey@aol.com
Yes	Carey	Helen Simmons	2661 Legends Way	Ellicott City	MD	21042 hscarey@gmail.com
Yes	McClayton	Barbara	6100 Striker Ct	Columbia	MD	21044 freneticmom@gmail.com
Yes	Wegener	Charmaine	13339 Ridgewood Dr	Ellicott City	MD	21042 weghea@aol.com
Yes	Cucuzzella	Nancy	2669 Legends Way	Ellicott City	MD	21042 nlcucuzzella@verizon.net
Yes	Cucuzzella	Vincent	2669 Legends Way	Ellicott City	MD	21042 vcucuzzella@verizon.net



Yes	Griesser	Charles	2662 Legends Way	Ellicott City	MD	21042	crgriesser@gmail.com
Yes	Spoltore	Joan	2659 Legends Way	Ellicott City	MD	21042	jspoltore@verizon.net
Yes	Cory	Kay	2646 Legends Way	Ellicott City	MD	21042	kaycory@mindspring.com
Yes	YaSin	Najah	9370 Torrent Row	Columbia	MD	21045	nyasin@erickson.com
Yes	Rosewag	Matt	2010 Saint James Rd	Marriottsville	MD	21104	mrosewag@msn.com
Yes	Rose	Trevor	7434 Oakcrest Ln	Clarksville	MD	21029	rose_trevor@hotmail.com
Yes	Lowden	Renee	11236 Ridermark Row	Columbia	MD	21044	prejteach2@aol.com
Yes	Law	Barbara	6352 Guilford Rd	Clarksville	MD	21029	blaw21029@aol.com
Yes	Clark	Michael	5450 Sheppard Ln	Clarksville	MD	21029	mclark21029@verizon.net
Yes	Gross	Elizabeth	13336 Elliott Dr	Clarksville	MD	21029	lisaoliveragross@comcast.net
Yes	Hess	Karol	8616 Secret Waves Way	Columbia	MD	21045	karol@karolhess.com
Yes	Grant	Elizabeth	6459 Summer Cloud Way	Columbia	MD	21045	elagow@erickson.com
Yes	Mittal	Shhalu	5013 Linder Ct	Ellicott City	MD	21042	smittal@erickson.com
Yes	Kendall	Sandra	13240 Westmeath Ln	Clarksville	MD	21029	sandy@kendallhardware.com
Yes	Jackson	Beverly	9305 Woodsedge Ct	Laurel	MD	20723	bev_j@comcast.net
Yes	Suit	Margaret	12785 Frederick Rd	West Friends	MD	21794	masuit@verizon.net
Yes	Sadler	Sharon	2640 Legends Way	Ellicott City	MD	21042	sadlersmail@yahoo.com
Yes	Sadler	Donald	2640 Legends Way	Ellicott City	MD	21042	donaldwsadler@yyahoo.com
Yes	Luca	Msgr Joseph	12500 State Route 108	Clarksville	MD	21029	jluca@stlouisparrish.org
Yes	Conlin	Ann	12060 Windsor Moss	Ellicott City	MD	21042	annorralph@me.com
Yes	Hawes	Jim	9541 Longview Dr	Ellicott City	MD	21042	jim.hawes@erickson.com
Yes	Chaney	Rick	4725 Roundhill Rd	Ellicott City	MD	21043	rickchaney@yahoo.com
Yes	Burns	Rae	8278 Mary Lee Ln	Laurel	MD	20723	raekburns@gmail.com
Yes	Nodar	Cheryl	3755 Sharp Rd	Glenwood	MD	21738	cherko1@hotmail.com
Yes	Doherty	Gerald	6109 Syracuse Ct	Clarksville	MD	21029	gfd21029@gmail.com
Yes	preis	patrick	5024 Southern Star Ter	Columbia	MD	21044	patrick0982@hotmail.com
Yes	Breeden	Steven	587 Gaither Rd	Sykesville	MD	21784	breedenfamily@me.com
Yes	zanelotti	gail	12712 Maryvale Ct	Ellicott City	MD	21042	GailZanelotti1@gmail.com
Yes	Zanelotti	Kurt	12712 Maryvale Ct	Ellicott City	MD	21042	kzanelotti@ccsfloors.com
Yes	Jolles	Lisa	10408 Hardwood Ct	Woodstock	MD	21163	lisa@jollesinsurance.com
Yes	Terry	Mary	2812 Brian Ct	Ellicott City	MD	21043	maryterry21043@gmail.com
Yes	Caplan	Patti	6421 Misty Top Pass	Columbia	MD	21044	caplan04@comcast.net
Yes	Childs	Susan	11881 Bright Psge	Columbia	MD	21044	sechids@comcast.net
Yes	Klein	Cathy	12161 Clarksville Pike	Clarksville	MD	21029	cathy.rhgc@gmail.com
Yes	Terry	Robert	2812 Brian Ct	Ellicott City	MD	21043	robertterry35@gmail.com
Yes	Hiep	Lorena	6485 Empty Song Rd	Columbia	MD	21044	lorenahiep@msn.com
Yes	Lenny	Kerry	4547 Kingscup Ct	Ellicott City	MD	21042	kerry@caplangroup.com
Yes	Caplan	Roger	6421 Misty Top Pass	Columbia	MD	21044	roger@caplangroup.com
Yes	Miller	Brianne	2032 Meadow Tree Ct	Cooksville	MD	21723	briannefriskmiller@gmail.com
Yes	Connors	Anne	14010 Ardara Ct	Glenwood	MD	21738	annec39@comcast.net
Yes	Benson	William	1038 Henryton Rd	Marriottsville	MD	21104	tbcg@starpower.net
Yes	Wells	Kara	7009 Calvert Dr	Elkridge	MD	21075	kara.wells95@gmail.com
Yes	Korolev	Irina	2832 Dana Ct	Ellicott City	MD	21042	irina.korolev@erickson.com
Yes	Pippen	Will	5206 Eliots Oak Rd	Columbia	MD	21044	wpippen@sdcgroupp.com
Yes	Scoville	Nancy	4707 Leyden Way	Ellicott City	MD	21042	nancylovesyoga@yahoo.com
Yes	Betts	Lisa	4988 Ellis Ln	Ellicott City	MD	21043	lisabemail@comcast.net



Yes	Wilson	Robert	11216 Ridermark Row	Columbia	MD	21044 rwwljw@verizon.net
Yes	Manos	Bethany	5909 Sandy Rdg	Elkridge	MD	21075 bamanos@verizon.net
Yes	Embrey	Marilyn	2809 Deerfield Dr	Ellicott City	MD	21043 mmembrey@aol.com
Yes	Horrocks	David	13175 Brighton Dam Rd	Clarksville	MD	21029 davidhorrocks@hotmail.com
Yes	hottle	paul	10210 Blandford Way	Ellicott City	MD	21042 phottle46@verizon.net
Yes	Kane	Dawn	10121 Colonial Dr	Ellicott City	MD	21042 mkane4u2@gmail.com
Yes	Stadtter	Patricia	3318 Brantly Rd	Glenwood	MD	21738 pas@jhu.edu
Yes	Kane	Adam	4609 Broken Lute Way	Ellicott City	MD	21042 adam.kane@erickson.com
Yes	Longwell	Lauren	8583 Autumn Harvest	Ellicott City	MD	21043 lauren.longwell@gmail.com
Yes	Fraser	Pauline	PO Box 828	Hanover	MD	21076 pauline.fraser@erickson.com
Yes	Akers	Sharon	5941 Gentle Call	Clarksville	MD	21029 akersassociates@msn.com
Yes	Harvey-Bowen	Alan	9537 Wandering Way	Columbia	MD	21045 alan.harvey-bowen@erickson.com
Yes	van Black	Margot	4750 Dorsey Hall Dr Unit 4	Ellicott City	MD	21042 mvanblack@yahoo.com
Yes	Parrish	Sherry	10206 Castlehill Ct	Ellicott City	MD	21042 sherry.parrish@erickson.com
Yes	Snyder	Suzanne	8755 Redondo Way	Jessup	MD	20794 suzanne0706@gmail.com
Yes	Wright	Tia	6538 Smokehouse Ct	Columbia	MD	21045 TiaWright@msn.com
Yes	Dixon	Marie	6055 Cedar Wood Dr	Columbia	MD	21044 throughhisgrace@hotmail.com
Yes	Woodell	Ron	3633 Valley Rd	Ellicott City	MD	21042 ronwood177a@gmail.com
Yes	Lewis	Tiffany	5764 Stevens Forest Rd Apt 927	Columbia	MD	21045 tiffanylewis@me.com
Yes	Zahn	Ken	8417 Jandy Ave	Laurel	MD	20723 kenneth.zahn@erickson.com
Yes	Wallace	Anne	10505 William Tell Ln	Columbia	MD	21044 annewallace1@verizon.net
Yes	Maltz	Richard	8604 Lawrence Mill Ct	Ellicott City	MD	21043 rick.maltz@gmail.com
Yes	Araujo	Roberto	7032 Mink Hollow Rd	Highland	MD	20777 draraujo91@gmail.com
Yes	Mannchen	Holly	8876 Shining Oceans Way	Columbia	MD	21045 fordmann4@gmail.com
Yes	O'Ffill	Rebecca	9509 Windbeat Way	Columbia	MD	21046 roffill@verizon.net
Yes	Woodell	Judy	3633 Valley Rd	Ellicott City	MD	21042 judew1@msn.com
Yes	Buch	Mike	3200 Huntersworth	Glenwood	MD	21738 Mbuch@buch.us.com
Yes	Maltz	Rebecca	8604 Lawrence Mill Ct	Ellicott City	MD	21043 rebeccamaltz@gmail.com
Yes	Hall	John	2292 Ballard Way	Ellicott City	MD	21042 john.hall@erickson.com
Yes	Maltz	Sarah	8604 Lawrence Mill Ct	Ellicott City	MD	21043 sarahmaltz20@gmail.com
Yes	Dain	Andrew	2805 Deer Trail Ct	Ellicott City	MD	21042 andyd1@gmail.com
Yes	Kuhl	Steven	4933 Owens Ct	Ellicott City	MD	21043 steven_m_kuhl@yahoo.com
Yes	Lee	Andrew	10039 Baltimore National Pike Apt 301	Ellicott City	MD	21042 andy.lee@erickson.com
Yes	Hamilton	Lori	8149 Crest Rd	Laurel	MD	20723 lori.hamilton@erickson.com
Yes	Young	Pamela	12827 Folly Quarter Rd	Ellicott City	MD	21042 pamela.young@erickson.com
Yes	Schmitt	Kathy	7270 Darby Downs Unit F	Elkridge	MD	21075 kschmitt123@yahoo.com
Yes	Whiteford	Mag	4554 Kingscup Ct	Ellicott City	MD	21042 magmomm@yahoo.com
Yes	Cox	Lindsay	9546 Pamplona Rd	Columbia	MD	21045 Lindsay.M.Cox@gmail.com
Yes	Mogavero	Carri	8700 Ridge Rd Apt 423	Ellicott City	MD	21043 lovebeatles64@gmail.com
Yes	Miranda	Dilia	7821 Falling Leaves Ct	Ellicott City	MD	21043 dilia.miranda@erickson.com
Yes	Brazil	Quintyn	5351 Harpers Farm Rd	Columbia	MD	21044 quintyn.brazil@erickson.com
Yes	Demas	Wedlyne	9319 Morgans Landing Way	Laurel	MD	20723 wedlyne@yahoo.com
Yes	Ferris	Wendy	6072 Toomey Ln	Elkridge	MD	21075 awferris@verizon.net
Yes	Gingras	Russell	11881 Bright Psge	Columbia	MD	21044 gingrasre@comcast.net
Yes	Coleman	Scarlette	7821 Falling Leaves Ct	Ellicott City	MD	21043 sccoleman@erickson.com
Yes	Moulier	Leire	6754 Green Mill Way	Columbia	MD	21044 lmoulier3@gmail.com



Yes	Glynn	Kathy	4977 Brampton Pkwy	Ellicott City	MD	21043 kmglynn07@7ahoo.com
Yes	Atwell	Jaime	PO Box 6455	Columbia	MD	21045 petunia77.ja@gmail.com
Yes	Mathews	Benjamin	6259 Bright Plume	Columbia	MD	21044 blmathews0@gmail.com
Yes	Goldberg	Patricia	4822 S Haven Dr	Ellicott City	MD	21043 pattigoldberg819@gmail.com
Yes	Yeager	Dawn	14234 Day Farm Rd	Glenelg	MD	21737 dawn.yeager@erickson.com
Yes	narrett	matt	11421 Butterfruit Way	Ellicott City	MD	21042 narrett@comcast.net
Yes	KUHL	STACY	4933 Owens Ct	Ellicott City	MD	21043 stacy.kuhl@erickson.com
Yes	Little	Nicholas	6913 Deerpasture	Columbia	MD	21045 nlittle.umd@gmail.com
Yes	Deese	Tracy	6633 Woodbine Rd	Woodbine	MD	21797 tracydeese205@gmail.com
Yes	Triscoli	John	11691 Laureloak Ct	Ellicott City	MD	21042 jtriscoli@gmail.com
Yes	Thrift	Debra	9332 Gentle Way	Columbia	MD	21045 debbiethrift@hotmail.com
Yes	Vernon	Erin	3326 Governor Carroll Ct	Ellicott City	MD	21043 erin.vernon@erickson.com
Yes	Breeden	Steve	587 Gaither Rd	Sykesville	MD	21784 sbreeden@sdcgroup.com
Yes	Erskine	William	11849 Tall Timber Dr	Clarksville	MD	21029 wmerskine@verizon.net
Yes	Regina	Abbott	2914 Eaton Sq	Ellicott City	MD	21043 reginaabbott@verizon.net
Yes	Dennis	Aldridge	6710 Potomac Hunt Ct	Elkridge	MD	21075 d.aldridge.email@gmail.com
Yes	Robert	Antelman	13844 Russell Zepp Dr	Clarksville	MD	21029 bobgto65@aol.com
Yes	Jaime	Atwell	PO Box 6455	Columbia	MD	21045 petunia77.ja@gmail.com
Yes	Jessie	Atwell	PO Box 6455	Columbia	MD	21045 jessarie86@gmail.com
Yes	Tyree	Ayers	6106 Little Foxes Run	Columbia	MD	21045 tpayers@hotmail.com
Yes	Wilma	Barger	12244 Pointer Hill Ct	Ellicott City	MD	21042 wab0727@gmail.com
Yes	Jo Ann	Berndt	9409 Sunfall Ct	Columbia	MD	21046 jaberndt1@verizon.net
Yes	Steven	Breeden	587 Gaither Rd	Sykesville	MD	21784 breedenfamily@me.com
Yes	Rae	Burns	8278 Mary Lee Ln	Laurel	MD	20723 raekburns@gmail.com
Yes	Roger	Caplan	6421 Misty Top Pass	Columbia	MD	21044 roger@caplangroup.com
Yes	E. Niel	Carey	2661 Legends Way	Ellicott City	MD	21042 enielcarey@aol.com
Yes	Susan	Childs	11881 Bright Psge	Columbia	MD	21044 trends@comcast.net
Yes	Robert and Diane	Cockrell	3272 Starting Gate Ct	Woodbine	MD	21797 cockrell@connect.net
Yes	Joyce	Colegrove	5547 High Tor HI	Columbia	MD	21045 JEC5547@aol.com
Yes	Scarlette	Coleman	7821 Falling Leaves Ct	Ellicott City	MD	21043 sccoleman@erickson.com
Yes	Andrew	Dain	2805 Deer Trail Ct	Ellicott City	MD	21042 andyd1@gmail.com
Yes	Atal	Eralp	10704 Symphony Way	Columbia	MD	21044 atal.eralp@gmail.com
Yes	Doris	Fine	12302 Benson Branch Rd	Ellicott City	MD	21042 darcyfine@hotmail.com
Yes	Sara	Fox	8724 Sicklebar Way	Ellicott City	MD	21043 hallsara@gmail.com
Yes	Pauline	Fraser	PO Box 828	Hanover	MD	21076 pauline.fraser@erickson.com
Yes	Lynda	Garrett	11811 Chapel Woods Ct	Clarksville	MD	21029 lyndacooks@aol.com
Yes	Robert	Geisler	4643 Huntley Dr	Ellicott City	MD	21043 bobbyg06@hotmail.com
Yes	Kathy	Glynn	4977 Brampton Pkwy	Ellicott City	MD	21043 kathy.glynn@erickson.com
Yes	Darla	Goldie	6012 Laurel Wreath Way	Columbia	MD	21044 rockchickdg@hotmail.com
Yes	Raenelle	Gooden	5993 Setter Dr	Elkridge	MD	21075 Raenelle.Gooden@erickson.com
Yes	Bonnie	Grabelle	8800 Bosley Rd Unit 207	Ellicott City	MD	21043 bgrabelle@gmail.com
Yes	Elizabeth	Gross	13336 Elliott Dr	Clarksville	MD	21029 lisaoliveragross@comcast.net
Yes	Ellen	Hamburg	10613 Glass Tumbler Path	Columbia	MD	21044 ellenhamburg@verizon.net
Yes	Armand	Harris Jr	9570 Fallen Stone	Columbia	MD	21045 armandharris@verizon.net
Yes	Norma	Heim	7522 Summer Blossom Ln Apt	Columbia	MD	21046 njhomaheim@gmail.com
Yes	Erna	Henrich	10205 WINCOPIN CIR APT 302	COLUMBIA	MD	21044 Werna3138@gmail.com



Yes	Karol	Hess	8616 Secret Waves Way	Columbia	MD	21045 karol@karolhess.com
Yes	David	Horrocks	13175 Brighton Dam Rd	Clarksville	MD	21029 davidhorrocks@hotmail.com
Yes	Beverly	Jackson	9305 Woodsedge Ct	Laurel	MD	20723 bev_j@comcast.net
Yes	helane	jeffreys	10533 Green Mountain Cir	Columbia	MD	21044 helanej175@gmail.com
Yes	Evelyn	Kellner	3011 Dexter Dr Unit 404	Ellicott City	MD	21043 pete2404@aol.com
Yes	Sandra	Kendall	13240 Westmeath Ln	Clarksville	MD	21029 sandy@kendallhardware.com
Yes	Gerald	Kissel	4659 Pinto Ct	Ellicott City	MD	21043 jerrybear41@verizon.net
Yes	Cathy	Klein	12161 Clarksville Pike	Clarksville	MD	21029 cathy.rhgc@gmail.com
Yes	Glenda	Kline	11811 Far Edge Path	Columbia	MD	21044 Glenda@FarEdge.info
Yes	Ryan	Lee	6932 Ducketts Ln	Elkridge	MD	21075 ryan.lee@erickson.com
Yes	Sandra	Levy	7029 Mink Hollow Rd	Highland	MD	20777 sandy.r.levy@icloud.com
Yes	Nicholas	Little	6913 Deerpasture	Columbia	MD	21045 nlittle.umd@gmail.com
Yes	Jason	Longwell	8583 Autumn Harvest	Ellicott City	MD	21043 jaslongwell75@gmail.com
Yes	Barbara	Lovett	2625 Buckingham Rd	Ellicott City	MD	21043 bjlovet@aol.com
Yes	Brent	Lydic	12979 Clarksville Pike	Highland	MD	20777 brent.lydic7@gmail.com
Yes	Maureen	McCormick	6150 Shadywood Rd	Elkridge	MD	21075 mccormic@umbc.edu
Yes	Debbie	Mcgrann	12871 Folly Quarter Rd	Ellicott City	MD	21042 debmcgrann@aol.com
Yes	Sharon	McKinley	5610 Gulfstream Row	Columbia	MD	21044 samckinley@gmail.com
Yes	Gary	Melick	3300 Kenallen Ct	Glenwood	MD	21738 gmelick1@verizon.net
Yes	Steve	Mendelsohn	6508 Tender Mist Mews	Columbia	MD	21044 stevemem@comcast.net
Yes	Margaret	Meyers	9425 Hickory Limb	Columbia	MD	21045 megntali@verizon.net
Yes	Leire	Moulier	6754 Green Mill Way	Columbia	MD	21044 leire.moulier-clark@erickson.com
Yes	Sandeep	Nair	10054 Rowan Ln	Laurel	MD	20723 sand.karmanair@gmail.com
Yes	Matt	Narrett	11421 Butterfruit Way	Ellicott City	MD	21042 mnarrett@erickson.com
Yes	Rebecca	O'Ffill	9509 Windbeat Way	Columbia	MD	21046 roffill@verizon.net
Yes	James L	Openshaw	12244 Yearling Ct	Ellicott City	MD	21042 helloclare@comcast.net
Yes	Andrea	Packard	5476 Ring Dove Ln	Columbia	MD	21044 packardah@yahoo.com
Yes	Judith	Pittman	8125 YELLOW PINE DR # JEC	ELLICOTT CIT	MD	21043 judy.pittman99@gmail.com
Yes	Jamie	Popoola	7423 Hickory Log Cir	Columbia	MD	21045 karebear2904@hotmail.com
Yes	Heather	Quill	8860 TOWN AND COUNTRY BLVD APT D	ELLICOTT CIT	MD	21043 heather.france@erickson.com
Yes	Ann	Rasenberger	6356 Windharp Way	Columbia	MD	21045 annras@verizon.net
Yes	Paul	Revelle	7017 Meandering Stream Way	Fulton	MD	20759 paul.revelle@gmail.com
Yes	Victoria	Reyes-Spriggs	9643 Lambeth Ct	Columbia	MD	21046 vikkireyes@yahoo.com
Yes	Mark	Rothstein	12302 Benson Branch Rd	Ellicott City	MD	21042 markrothstein@hotmail.com
Yes	Jim	Sanders	6100 Swift Current Way	Clarksville	MD	21029 jsanders@comcast.net
Yes	John	Scarlis	6136 Nest Side	Columbia	MD	21045 Sscarlis@msn.com
Yes	Carolyn	Scorpio	5900 Whale Boat Dr Unit 308	Clarksville	MD	21029 cmayscorpio@verizon.net
Yes	robert	skillman	4738 Bates Dr	Ellicott City	MD	21043 jskillman@comcast.net
Yes	James	Skirven	9011 Queen Maria Ct	Columbia	MD	21045 eskirv1@verizon.net
Yes	Janis	Stengle	13717 Pasture Grn	Clarksville	MD	21029 stengle@comcast.net
Yes	Mary	Terry	2812 Brian Ct	Ellicott City	MD	21043 maryterry21043@gmail.com
Yes	Margot	van Black	4750 Dorsey Hall Dr Unit 4	Ellicott City	MD	21042 mvanblack@yahoo.com
Yes	John	Van Oosten	8724 Sage Brush Way	Columbia	MD	21045 jvanoosten@icloud.com
Yes	Erin	Vernon	3326 Governor Carroll Ct	Ellicott City	MD	21043 erin.vernon@erickson.com
Yes	Anne	Wallace	10505 William Tell Ln	Columbia	MD	21044 annewallace1@verizon.net
Yes	Susan	Warfield	5450 Sheppard Ln	Clarksville	MD	21029 suebee1261@aol.com



Yes	Robert	Wilson	11216 Ridermark Row	Columbia	MD	21044 rwwljw@verizon.net
Yes	Tia	Wright	6538 Smokehouse Ct	Columbia	MD	21045 TiaWright@msn.com
Yes	Pamela	Young	9496 Good Lion Rd	Columbia	MD	21045 pamyoun720@verizon.net
Yes	Thomas	Zagami	5105 Sheppard Ln	Ellicott City	MD	21042 tzagami@ZagamiLawOffice.com
Yes	Ken	Zahn	8417 Jandy Ave	Laurel	MD	20723 kjnnzahn01@verizon.net
Yes	Templin	Sloane	4770 Leyden Way	Ellicott City	MD	21042 sloane.templin@gmail.com
Yes	Hickey	Rebecca	3521 West Gate Drive	Ellicott City	MD	21042 annehickey518@gmail.com
Yes	Hickey	James	3521 West Gate Drive	Ellicott City	MD	21042 hickeyra@aol.com
Yes	Templin	Clayton	5643 Open Sky	Columbia	MD	21044 claystemp@gmail.com
	Kosak	David	501 Hillen Rd	Towson	MD	21286 dkosak@peakepublicaffairs.com
	Hall	Rosemary	4 Monroe Field Ct	Catonsville	MD	21228 rhall@comcast.net
	Boyd	April	219 Whitsons Run	Stafford	VA	22554 aprilboyd7779@yahoo.com
	Rites	Nicole	40 Dorba Ct	Severna Park	MD	21146 nlepley1@yahoo.com
	Goodick	Kathryn	10 Dogtown Rd	Gloucester	MA	1930 kgoodick@hotmail.com
	Golub	Elliott	181 Turkey Dr	Massanutten	VA	22840 elgolubret@comcast.net
	Golub	Thea	181 Turkey Dr	Massanutten	VA	22840 theagolub@comcast.net
	Errera	Lois	3518 Homeland Ter	Olney	MD	20832 lerrera1128@aol.com
	Bell	James	5324 W Boniwood Turn	Clinton	MD	20735 james.bell@erickson.com
	O' Callaghan	Paul	37 Hoban Ct	Nottingham	MD	21236 ocallaghanpaul@gmail.com
	detwiler	michael	114 S Ellwood Ave	Baltimore	MD	21224 michael.detwiler@erickson.com
	Sweeney	Steven	4216 Winterode Way	Nottingham	MD	21236 steven.sweeney@erickson.com
	Fasusi	olugbenga	8751 Contee Rd	Laurel	MD	20708 ofasusi@yahoo.com
	perry	heather	122 Sunview Dr	Beaver Falls	PA	15010 heather.perry@erickson.com
	DelGavio	Richard	57 S Hawthorne Rd	Middle River	MD	21220 richard.delgavio@erickson.com
	Driscoll	Teresa	8319 Avondale Rd	Parkville	MD	21234 td82161@yahoo.com
	Kleinschmidt	Andrew	900 Lorraine Dr	Finksburg	MD	21048 ajk3797@yahoo.com
	Richardson	Sherrie	309 Loganwood Ct	Joppa	MD	21085 sherrie.richardson@erickson.com
	Fletcher	Dameon	8 Silver Leaf Ct	Cockeysville	MD	21030 dfletch3@yahoo.com
	Lagaz	Kelley	204 Homberg Ave	Essex	MD	21221 rav1ori2@aol.com
	flores	andrea	5209 56th Ave	Hyattsville	MD	20781 andreaflores41182@gmail.com
	Fiume	Marlene	2448 Maxa Meadows Ln	Forest Hill	MD	21050 marlenef1022@hotmail.com
	odetoye	doyin	1374 Halstead Rd	Parkville	MD	21234 codetoye@gmail.com
	Manley	Thakira	553 Wyndholme Way	Baltimore	MD	21229 thakira.manley@erickson.com
	kyei	augustina	12207 Blue Moon Ct	Laurel	MD	20708 tinakyei@gmail.com
	Crook	Veronica	5 Hawthorne Ct	Litchfield	CT	6759 ronniecrook@gmail.com
	Monroe	Anthony	6526 Colgate Ave	Dundalk	MD	21222 tonymonroe0714@gmail.com
	Kimbell	Jeff	248 Saltgrass Dr	Glen Burnie	MD	21060 jeffk365@gmail.com
	Morris	Charles	412 Campus View Dr Apt 6311	Towson	MD	21204 chazmorris1995@yahoo.com
	harvin	yolanda	PO Box 1524	Ellicott City	MD	21041 kennedy_28@yahoo.com
	Dimeler	Valerie	1909 Victory Dr	Halethorpe	MD	21227 Valerie.dimeler@erickson.com
	Schulte	Laura	5343 N 118th Ct	Milwaukee	WI	53225 laura.schulte@specializedmed.com
	Walls	CC	1413 Forest Glen Ct	Catonsville	MD	21228 thewallsplus2@yahoo.com
	Romanik	Cara	8 Kelbark Ct	Parkville	MD	21234 cromanik710@gmail.com
	Forster	Michelle	2914 Gladnor Rd	Pasadena	MD	21122 mforster39@gmail.com
	Walls	KE	1413 Forest Glen Ct	Catonsville	MD	21228 eckowalls@yahoo.com
	Preston-Lambert	Mary	3309 Sir Thomas Dr Apt 34	Silver Spring	MD	20904 maryplambert@gmail.com



Ballard	Vera	236 Oak Hollow Ct	Pasadena	MD	21122	vlballard@aol.com
Jackson	Mark	6908 Bellona Ave	Baltimore	MD	21212	mpjaks@yahoo.com
Ferguson	Jackie	11 Trotters Ridge Ct	Catonsville	MD	21228	jackie.ferguson@erickson.com
Blumberg	Nathan	8206 Pumpkin Hill Ct	Pikesville	MD	21208	nathan.blumberg@gmail.com
Fairhurst	Kelly	3815 Thoroughbred Ln	Owings Mills	MD	21117	kellyfairhurst66@gmail.com
Breeden	Garrett	155 E 31st St Apt 8P	New York	NY	10016	gkbreeden@gmail.com
Schline	Don	14 Glenberry Ct	Phoenix	MD	21131	donschline@gmail.com
Wilhour	James	508 Old Orchard Cir	Millersville	MD	21108	j.j.wilhour@erickson.com
Boyle	Jason	9946 Hilltop Dr	Parkville	MD	21234	kamen927@hotmail.com
Birchfield	Janet	16119 Kenny Rd	Laurel	MD	20707	janet_birchfield@yahoo.com
rivera	arnaldo	3453 Santee Rd	Nottingham	MD	21236	a.rivera1@verizon.net
Eller	Tim	228 Hunters Ridge Rd	Lutherville Ti	MD	21093	timothy.eller@erickson.com
Besche	Joseph	122 Dorchester Rd	Glen Burnie	MD	21060	lieut210@yahoo.com
Hirshfield	Andrew	44 E Heath St	Baltimore	MD	21230	andrew.hirshfield@ericison.com
skrypchuk	cara	1867 Kings Pl	Crofton	MD	21114	watchdc@verizon.net
Lee	Brenda	1895 Norhurst Way N	Catonsville	MD	21228	bsuelee71@gmail.com
Jones	Kerry	6729 Fairford Ln	Baltimore	MD	21209	Kerry.Jones@erickson.com
Hill	Michael	701 Estates Ct	Bel Air	MD	21015	mhill@hillustration.com
Pyle	Cynthia	3114 Woodring Ave	Parkville	MD	21234	cynthia.pyle@hotmail.com
Neville	Kate	703 Maiden Choice Ln	Catonsville	MD	21228	kate.neville@erickson.com
Romero	TestfromInternalnetwork	5525 Research Park Dr	Catonsville	MD	21228	jromero@erickson.com
RobDerickson	ITTest	5525 Research Park Dr	Catonsville	MD	21228	rob.derickson@erickson.com
Cooks	Tina	2206 Rockwell Ave	Catonsville	MD	21228	gkalwa@yahoo.com
Sawicki	Erin	6122 Bardu Ave	Springfield	VA	22152	erin.sawicki@gmail.com
Rowland	Ralph	3112 Gracefield Rd Apt 106	Silver Spring	MD	20904	r.w.rowland@ieee.org
Dunne	dan	3510 Northshire Ln	Bowie	MD	20716	ddjets1@verizon.net
Sawicki	Scott	6122 Bardu Ave	Springfield	VA	22152	scott.sawicki@gmail.com

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## CB-59-2018 Supporters Sign-Up Sheet

Name Susan Warfield  
Address 5450 Sheppard Lane  
City Clarksville State MD Zip 21029  
Email suebee126@aol.com

Name Laurance Hughes  
Address 10525 Chester Way  
City Woodstock State (MD) Zip 21163  
Email lhughes2@gmail.com

Name BRIAN JONES  
Address 9804 WILDEARNESS LANE  
City LAUREL State MD Zip 20723  
Email brianjones@comcast.net

Name Margaret Dedecian Smith  
Address 2645 Legends Way  
City Ellicott City State MD Zip 21042  
Email \_\_\_\_\_

Name MATT DESTINE  
Address 4308 CORNFLOWER CT  
City ELICOTT CITY State MD Zip 21043  
Email matthdestine@gmail.com



## CB-59-2018 Supporters Sign-Up Sheet

Name (please print neatly) JACKIE BREEDEN  
 Address 587 GAITHER RD  
 City SYKESVILLE State MD Zip 21784  
 Email bredenfamily@me.com

Name (please print neatly) ~~Joe~~ Gerald Kissel  
 Address 4659 Pinto Ct  
 City Ellicott City State MD Zip 21043  
 Email tonybear41@verizon.net

Name (please print neatly) DON & GUS ELLEN GROVE  
 Address 2701 WESTHEIMER AVE  
 City Ellicott City State MD Zip 21043  
 Email LEFTYGRONER@VERIZON.NET

Name (please print neatly) Shari Orszulka  
 Address 4033 Chatham Rd.  
 City Ellicott City State MD Zip 21042  
 Email SHARIANDPAUL@YAHOO.COM

Name (please print neatly) KAROL Hess  
 Address 8416 SECRET WAVES WAY  
 City COLUMBIA State MD Zip 21045  
 Email KAROL@KAROLHess.com

## CB-59-2018 Supporters Sign-Up Sheet

Name (please print neatly) Wendy Ferris  
 Address 6072 Toomey Lane  
 City Elkridge State MD Zip 21075  
 Email awferris@verizon.net

Name (please print neatly) Ryan Mitchell  
 Address 6307 Lumbden Ct  
 City Elkridge State MD Zip 21075  
 Email ryanmitchell19@gmail.com

Name (please print neatly) CRAIG R. KASTNER  
 Address 5450 Sheppard Lane  
 City Clarksville State MD Zip 21029  
 Email CKASTNER41@gmail.com

Name (please print neatly) Nadine Cristello  
 Address 11806 Union Chapel Rd  
 City Clarksville State MD Zip 21029  
 Email Nadine@a.scoopandpaddle.com

Name (please print neatly) Al Edwards  
 Address 10616 Steamboat Landing  
 City Columbia State MD Zip 21044  
 Email alsbackup@hotmail.com



## CB-59-2018 Supporters Sign-Up Sheet

Name (please print neatly) STEVE BREEDEN  
 Address 587 GARDNER ROAD  
 City SYKESVILLE State MD Zip 21784  
 Email SBREEDEN@SDCGROUP.COM

Name (please print neatly) Beth + Phil Grant  
 Address 6459 Summer Cloud Way  
 City Columbia State (MD) Zip 21045  
 Email \_\_\_\_\_

Name (please print neatly) Michael Clark  
 Address 5450 Sheppard Lane  
 City Clarksville State (MD) Zip 21029  
 Email ragnarlvf@aol.com

Name (please print neatly) REID MCKEOWN  
 Address 12811 Macbeth Farm Ln  
 City Clarksville State MD Zip 21029  
 Email \_\_\_\_\_

Name (please print neatly) Xiaopeng Hu  
 Address 4125 Tiber Falls Dr  
 City Ellicott City State MD Zip 21043  
 Email \_\_\_\_\_

## CB-59-2018 Supporters Sign-Up Sheet

Name (please print neatly) Norma HeimAddress 7522 Summer Blossom LaneCity Columbia State MD Zip 21046Email njhomeheim@gmail.comName (please print neatly) EVA HENRICHAddress 10205 WINDOPIN CIRCLE, Apt. 302City COLUMBIA State MD Zip 21044Email WERNIA3138@GMAIL.COMName (please print neatly) Renee DuboisAddress 5908 Fleets of Time CtCity Clarksville State MD Zip 21029

Email \_\_\_\_\_

Name (please print neatly) Steve MendelsohnAddress 6508 Tender Mist MewsCity Columbia State MD Zip 21044Email Stevemc@comcast.netName (please print neatly) Ethan MendelsohnAddress 6508 Tender Mist MewsCity Columbia State MD Zip 21044Email EthanM715@gmail.com



## CB-59-2018 Supporters Sign-Up Sheet

Name (please print neatly) Daniela Celius (Employee)  
 Address 5519 Harpers Farm Rd  
 City Columbia State MD Zip 21044  
 Email dacelius@yahoo.com

Name (please print neatly) Maria Poppe  
 Address 5126 Pepple Court  
 City Columbia State MD Zip 21045  
 Email Waldemaria1@aol.com

Name (please print neatly) Matt Narrett  
 Address 11421 BUTTERFRUIT way  
 City E. C. State MD Zip 21042  
 Email m narrett@erickson.com

Name (please print neatly) Diane Thometz  
 Address 7013 Helmsdale Ct  
 City Clarksville State MD Zip 21029  
 Email dithometz@aol.com

Name (please print neatly) LUIGI PALMA ESPESITO  
 Address 12325 ~~CLARKSVILLE~~ AUTUMN TREE LN  
 City CLARKSVILLE State MD Zip 21029  
 Email FACCI RESTAURANT@VERIZON.NET



# CB-59-2018 Supporters Sign-Up Sheet

Name (please print neatly) David Shavell  
Address 3335 Knolls Pky  
City Gaithersburg State MD Zip 20878  
Email MVDT49@gmail.com

Name (please print neatly) SANDRA L. KENDALL  
Address 13240 WESTMEATH LA  
City CLARKSVILLE State MD Zip 21029  
Email SANDY@KENDALLHARDWARE.COM

Name (please print neatly) Atal Erarp  
Address 10704 Symphony Way  
City Columbia State MD Zip 21044  
Email atal.earp@gmail.com

Name (please print neatly) David Cerebouch  
Address 4379 Euclid Ave  
City Kelleyville State MD Zip 21075  
Email ec9911@aol.com

Name (please print neatly) Margaret Meyer  
Address 9425 Hickory Lane  
City Columbia State MD Zip 21045  
Email megtali@verizon.net



## CB-59-2018 Supporters Sign-Up Sheet

Name (please print neatly) Emily A Kendall  
Address 12201 Triadelphia Road  
City Ellicott City State MD Zip 21042  
Email emily@emilykendall.com

Name (please print neatly) Nicole Klein  
Address 11129 Wood Elves Way  
City Columbia State MD Zip 21044  
Email nicole.rhgc@gmail.com

Name (please print neatly) Anne Hickey  
Address 3521 West Gate Dr  
City Ellicott City State MD Zip 21042  
Email annehickey518@gmail.com

Name (please print neatly) Jin Hickey  
Address 3521 West Gate Dr  
City Ellicott City State MD Zip 21042  
Email hickeyra@aol.com

Name (please print neatly) Sandra Levy  
Address 7029 Mink Hollow Rd  
City HIGHLAND State MD Zip 20717  
Email sandy.v.levy@icloud.com

## CB-59-2018 Supporters Sign-Up Sheet

Name (please print neatly) Catherine Klein  
 Address 12165 Clarksville Pike (business address)  
 City Ellicott City State MD Zip 21029  
 Email cathy.rhac@gmail.com

Name (please print neatly) Jane Webster  
 Address 12817 Folly Quarter Rd  
 City Ellicott City State MD Zip 21042  
 Email Jane.Webster@erickson.com

Name (please print neatly) Jo Ann BERNDT  
 Address 9409 SUNFALL CT  
 City COLUMBIA State MD Zip 21046  
 Email \_\_\_\_\_

Name (please print neatly) RAE Burns  
 Address 8278 Mary Lee Ln  
 City Lanham State MD Zip 20723  
 Email raeburns@gmail.com

Name (please print neatly) LORNA SPENCER  
 Address 3616 Platte Ct.  
 City E.C State MD Zip 21042  
 Email lornaspencer@gmail.com



## CB-59-2018 Supporters Sign-Up Sheet

Name (please print neatly) JOHN HALL  
Address 2292 BALLARD WAY  
City ELLICOTT CITY State MD Zip 21042  
Email john.hall@erickson.com

Name (please print neatly) Gayle Annis - Forder  
Address 12101 Lindenbrook Lane  
City Clarksville State MD Zip 21029  
Email pastorgayle@l-tune.org

Name (please print neatly) Glenda Kline & Ron  
Address 11811 Far Edge Path  
City Columbia State MD Zip 21044  
Email glenda@FarEdge.info

Name (please print neatly) Mark Stier  
Address 3742 CATHART  
City ELLICOTT CITY State MD Zip 21042  
Email \_\_\_\_\_

Name (please print neatly) Jennifer Hill  
Address 6400 Autumn Sky Way  
City Columbia State MD Zip 21044  
Email \_\_\_\_\_



# CB-59-2018 Supporters Sign-Up Sheet

Name (please print neatly) JOHN STEFANO  
 Address 6438 WINDSOR CT  
 City COLUMBIA State MD Zip 21044  
 Email JCSTEFANO@VERIZON.NET

Name (please print neatly) CATHERINE B. STEFANO  
 Address same as for John Stefano  
 City Columbia State MD Zip 21044  
 Email jcostefano@verizon.net

Name (please print neatly) Gerri Noesges  
 Address 8873 Warm Granite DR.  
 City Columbia State MD Zip 21045  
 Email gerri.noesges@erickson.com

Name (please print neatly) Wanda Pratha  
 Address 6320 Velvet Path  
 City Columbia State MD Zip 21044  
 Email pythonesk42@gmail.com

Name (please print neatly) Jim + Clare Openshaw  
 Address 12244 Yearling Ct  
 City Ellicott City State MD Zip 21042  
 Email helloclare@comcast.net



# CB-59-2018 Supporters Sign-Up Sheet

Name (please print neatly) John SCARLIS  
Address 4136 Nest Side  
City Columbia State MD Zip 21045  
Email JSCARLIS@msn.com

Name (please print neatly) Victoria Goodman  
Address 523 Hilton Ave  
City Catonsville State MD Zip 21228  
Email \_\_\_\_\_

Name (please print neatly) Edward Swing  
Address 10503 GRAELOCK RD  
City Laurel State MD Zip 20723  
Email edswing@aol.com

Name (please print neatly) Elizabeth Jayne  
Address 7112 Morning Light Trl  
City Columbia State MD Zip 21044  
Email eJayne@gmail.com

Name (please print neatly) Dennis Aldridge  
Address 6710 Potomac Hunt Ct.  
City Elkridge State MD Zip 21075  
Email d.alldridge.email@gmail.com

## CB-59-2018 Supporters Sign-Up Sheet

Name (please print neatly) Rick Menz  
 Address 10425 Kingsbridge Rd  
 City E.C State MD Zip 21042  
 Email rickmenz@northropteam.com

Name (please print neatly) PAMELA + JOHN VAN OOSTEN  
 Address 8724 SAGE BRUSH WAY  
 City COLUMBIA State MD Zip 21045  
 Email pbluh@icloud.com + jvanoosten@icloud.com

Name (please print neatly) THOMAS + JANIS STENGLE  
 Address 13717 PASTURE GREEN  
 City CLARKSVILLE State MD Zip 21029  
 Email stengle@comcast.net

Name (please print neatly) DORIS FINE  
 Address 17302 BENSON BRANCH RD  
 City ELLCOTT CITY State MD Zip 21042  
 Email darcyfine@hotmail.com

Name (please print neatly) MARK ROTHSTEIN  
 Address 17302 BENSON BRANCH RD  
 City ELLCOTT CITY State MD Zip 21042  
 Email \_\_\_\_\_





# CB-59-2018 Supporters Sign-Up Sheet

Name (please print neatly) George A. Spencer Jr  
 Address 3416 Platte Ct  
 City Ellicott City State MD Zip 21042  
 Email buzzspencer@gmail.com

Name (please print neatly) Sharon Schultz  
 Address 8524 Ellicott View Road  
 City Ellicott City State MD Zip 21043  
 Email SSchultz@erickson.com

Name (please print neatly) D. Baldwin  
 Address 10006 Hyla Brook  
 City Columbia State MD Zip 21044  
 Email \_\_\_\_\_

Name (please print neatly) D.C. Baldwin  
 Address 10006 Hyla Brook  
 City Columbia State MD Zip 21044  
 Email \_\_\_\_\_

Name (please print neatly) Ken Zahn  
 Address 8417 Jandy Ave  
 City Laurel State MD Zip 20773  
 Email Kenneth.Zahn@erickson.com

## CB-59-2018 Supporters Sign-Up Sheet

Name (please print neatly) WILMA A BARGER  
 Address 12244 POINTER HILL Ct  
 City ELLICOTT City State (MD) Zip 21042  
 Email wab0727@gmail.com

Name (please print neatly) Eleanor Breeden  
 Address 2820 Pfefferkorn Rd.  
 City West Friendship State MD Zip 21784  
 Email \_\_\_\_\_

Name (please print neatly) Pund Mehota  
 Address 10214 Dohys Way  
 City Columbia State MD Zip 21044  
 Email Pundoy@gmail.com

Name (please print neatly) Nicole Busch  
 Address 8472 Red St  
 City Ellicott City State (MD) Zip \_\_\_\_\_  
 Email nicolebusch2012@gmail.com

Name (please print neatly) E. NIEL CAKEY  
 Address 2661 LEGENDS WAY  
 City ELLICOTT CITY State MD Zip 21042  
 Email ENIELCAKEY@aol.com



## CB-59-2018 Supporters Sign-Up Sheet

Name (please print neatly) Kevin Bell  
Address 14180 TWISTING Lane  
City DAYTON State MD Zip 21036  
Email KBell@winzelly.com

Name (please print neatly) Sheeryl M. Parrish  
Address 10206 Castle Hill Ct  
City E. C State MD Zip 21042  
Email SheerylMarrish@aol.com

Name (please print neatly) Jim Sanders  
Address 611 Swift Current  
City Clarksville State MD Zip 21029  
Email JSANDERS@comcast.net

Name (please print neatly) SHARON McKeown  
Address 12811 Macbeth Farm La.  
City Clarksville State MD Zip 21029  
Email SMcKeown61@gmail.com

Name (please print neatly) LISA JOLLES  
Address 9804 WILDERNESS LANE  
City LAVERNE State MD Zip 20723  
Email LisaEjolles@insurance.com



# CB-59-2018 Supporters Sign-Up Sheet

Name (please print neatly) Pamela Isabel  
Address 10525 Chester Way  
City Woodstock State MD Zip 21163  
Email lhughes2@gmail.com

Name (please print neatly) Nicholas Little  
Address 6913 Deerpasture  
City Columbia State MD Zip 21045  
Email nlittle.umd@gmail.com

Name (please print neatly) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State MD Zip \_\_\_\_\_  
Email \_\_\_\_\_

Name (please print neatly) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State MD Zip \_\_\_\_\_  
Email \_\_\_\_\_

Name (please print neatly) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State MD Zip \_\_\_\_\_  
Email \_\_\_\_\_



Date: 16 July 2016

Subject: CB59-2018 Erickson Proposal – Expansion of the PSA

Dear Council Members – My name is Stu Kohn and I am the President of the Howard County Citizens Association, HCCA testifying on their behalf. This proposed Bill is not about any marketing on Erickson's part or any campaign donations. It is about the expansion of the Planned Service Area, PSA and only this. Unfortunately the Planning Board did not adhere to this mandate announced by Val Lazdins, Director of DPZ when it was heard in April. You will hear from other Associations that we are very infuriated we are even here to discuss CB59. We should not be here. This is because the Howard County – Code of Ordinances under TITLE 16 - PLANNING, ZONING AND SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS, SECTION 16.211 – COUNCIL MANIC ELECTION YEARS clearly states the following:

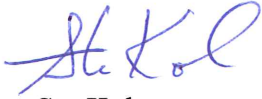
“In any year in which members of the County Council are elected, the incumbent Councilmembers, shall not take final action on any zoning application after the date of the primary election as set by law and until the newly elected County Councilmembers have qualified and taken office. The enactment of this section shall not in any way prevent the Zoning Board or the County Council from acting on zoning matters which are considered, in the discretion of the Council or the Board, to be emergency matters that could be injurious to the County or any of its citizens.”

There is absolutely no interpretation required as the aforementioned states you are not permitted to discuss any zoning changes during the specified period of time. In fact you clearly state exactly this in the proposed CB56 which you all support on page 3, Lines 2 thru 4. It states, “Because the County Council is prohibited from taking any Zoning action until January 2019, it is imperative that the County have sufficient time to consider and act on any recommendations concerning zoning changes in the Tiber Branch Watershed.” Furthermore you declared CB56 via a Resolution an Emergency situation. So in order for CB59 an Emergency must be declared by this body via a Resolution before you even think about public testimony. In addition, the sad thing is that CB59 and for that matter CR119 was not Pre-filed or Late-filed when you conducted your Legislative Hearing on 2 July. Why not? How was the public to be properly informed? On the County Website regarding Pre-filed it states, “Legislation that will be introduced at the next legislative session is pre-filed 11 calendar days before that legislative session. During these 11 days, you will be able to view pre-filed legislation on this page.” Where is the transparency?

In conclusion you as Councilmembers have no choice but to tell the applicant that the Expansion of the PSA cannot be discussed by us because we would be wasting everyone's time as we are not permitted to take final action because of an election year as stipulated in Title 16, Section 16.211. If the applicant wants to pursue then it is incumbent for you to tell them their proposal

will have to wait until at least January 2019. We simply ask you to fulfill your duty as our representatives.

Thank You,

A handwritten signature in blue ink, appearing to read 'Stu Kohn', with a stylized, cursive script.

Stu Kohn  
HCCA, President





HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Stu Kohn, have been duly authorized by  
(name of individual)

Howard County Citizens Association to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB59 to express the organization's  
(bill or resolution number)

support for / opposition to / request to amend this legislation.  
(Please circle one.)

Printed Name: Stu Kohn

Signature: Stu Kohn

Date: 16 July 18

Organization: HCCA

Organization Address: P.O. Box 89

ELICOTT CITY MD 21041

Number of Members: 300

Name of Chair/President: Stu Kohn

*This form can be submitted electronically via email to [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov) no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.*







HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION


I, Dan O'Leary, have been duly authorized by  
(name of individual)

Greater Highland Crossroads Association to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB-59 - 2018 to express the organization's  
(bill or resolution number)

support for / opposition to / request to amend this legislation.  
(Please circle one.)

Printed Name: Dan O'Leary

Signature: 

Date: July 16, 2018

Organization: Greater Highland Crossroads Association

Organization Address: PO Box 235 Highland MD 20777

PO Box 235 Highland MD 20777

Number of Members: 75-100 on average

Name of Chair/President: Charlotte Williams, President

*This form can be submitted electronically via email to [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov) no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.*



**Should the Howard County Counsel Enact CB 59-2108?**

Is the General Plan enacted Howard County Law	Yes	No
Does General Plan Policy 6.1a (GP p.171) require that Service Area Expansions be “limited?	Yes	No
Is Erickson’s requested Expansion limited?	Yes	No

## Submission and Testimony opposing CB 59-2108

Dear Council Members

Please accept the following as our testimony and submission opposing CB 59-2108.

**Erickson Living's "Proposed Continuing Care Retirement Community" is not a General Plan for Howard County Policy 6.1a "limited" expansion of the Planned Service Area, is not "consistent with" GP Policy 6.1a and should not become law**

Preliminarily, we refer you to page 70 of the General Plan ("GP") and its reference to a "minor expansion of the Planned Service Area" ... "adjoining Clarksville for which the GP noted that it "is preferable to include these properties in the PSA" to achieve Bay restoration goals. Bill 59-2018's proposed Sites do not include the referenced minor expansion. *September 19, 2017 Montgomery letter to chairperson Weinstein*. Accordingly, unlike the proposed minor expansions referenced on page 70 of the GP, Bill 59-2018's requested expansion was not considered by the drafters of GP and was not considered or enacted into law as part of the GP.

Page 70 of the GP provides that "[i]n the future, it should be anticipated that there may be isolated situations where minor PSA adjustments may be appropriate." No reasonable person could consider Bill 59-2018's requested expansion "minor."

GP Policy 6.1a (GP p.171) allows for "Limited Planned Service Area Expansion[s]" if "consistent with the General Plan". The word "limited" is not discussed or mentioned anywhere in Erickson's petition which is now being considered as Council Bill 59-2018. Although Erickson has chosen not to address the issue of whether its requested expansion of the PSA is "limited" and thus consistent with GP Policy 6.1a, this Council has a duty to recognize and resolve this issue.

The word "limited" must include consideration of something else other than the existence of a physical boundary. Otherwise any expansion would be allowed as long as it has boundaries.

The GP provides specific guidance regarding the term "limited." Reference is again made to page 70 of the GP:

"Expansions to the Planned Service Area (PSA) for water and sewer service since 1990 have been very limited. In 1993, the County Council voted to extend water service to include the area around the Alpha Ridge Landfill. This extension was done solely out of concern for potential future groundwater contamination that might originate from the Alpha Ridge Landfill; therefore, only water service is provided in this area." (Emphasis added).

The GP, which is enacted Howard County law, provides an example and an explanation of what makes a

PSA expansion “limited.” Contamination from the Alpha Ridge Landfill is a limited risk. It was not a risk to locations outside the area of expansion. Accordingly, a “limited” expansion was approved.

The Alpha Ridge expansion was limited to the area of risk. Accordingly, developers and other parties cannot utilize the Alpha Ridge expansion of the PSA as precedent for another expansion unless they can prove a similar groundwater risk. The Alpha Ridge expansion was, accordingly, limited. The GP expressly provided the Alpha Ridge expansion as an example of a “limited” expansion. Because the GP was enacted into law, its reasoning and language are binding on this Council.

Unlike the expansion 25 years ago, Bill 59-2018's expansion is in no way “limited”. Enactment of Bill 59-2018 will render GP Policy 6.1a's requirement that expansions be “limited” meaningless. The next developer can, and will, successfully rely on the enactment of 59-2018 to obtain an expansion of the PSA to build additional housing for economically advantaged elderly, or for other population groups.

Granting of Bill 59-2018's expansion will eventually allow for expansion of the PSA for any reason relating to housing. If Bill 59-2018 becomes law, the nature of Howard County will be permanently changed. It may be that housing is more important than environmental and open space considerations. This issue, however, should be specifically addressed and addressed in the context of a new General Plan with a new and different policy for expansion of the PSA.

Erickson's proposal submitted as Bill 59-2018 makes no mention of GP Policy 6.1a's requirement that PSA expansions be “limited.” That is understandable, Erickson has a fiduciary duty to its shareholders. Unlike Erickson, this Council has a duty to apply the requirements of the General Plan. Because Bill 59-2018's expansion is not “limited” as required by GP Policy 6.1a, Bill 59-2018 is not “consistent” with GP Policy 6.1a, and should not become law.

**Erickson has failed to meet its burden of proof to show that its proposed Community is “consistent with the General Plan and Smart Growth policies”**

It is Erickson that is requesting an amendment of the GP and Erickson bears the burden of proof. As to the degree of Erickson's burden, it has been over 25 years since the Alpha Ridge expansion of the PSA and 25 years of precedent should and must be considered. This Council should require Erickson to convince the Council, with certainty, that its proposal is consistent with the GP policies.

As reviewed in the prior section, because Erickson's proposal is not “limited” under GP Policy 6.1a, it is, by definition, not “consistent” with GP Policy 6.1a and should not become law.

Putting aside GP Policy 6.1a's requirement that PSA expansions be “limited” and putting aside the GP's example and definition of the word “limited” on page 70 of the GP, Erickson has failed to meet its burden of proof.

In Bill 59-2018, Erickson quotes Policy 9.4 of GP to meet its burden of proof. Policy 9.4 provides as follows:

“Policy 9.4 – Expand housing to accommodate the County's senior population who prefer to age



in place and people with special needs.”

- a. Universal Design. Expand partnerships with public, private, and nonprofit organizations to assist senior citizens and residents with special needs by universal design renovations.
- b. Promoting Self-Sufficiency. Enhance the development of personal service and home maintenance businesses to promote self-sufficiency for those choosing to age in place.
- c. Increasing Awareness. Expand outreach to senior citizens and residents with disabilities to increase awareness of existing County, nonprofit, and business services.
- d. Transportation and Transit. Incorporate transportation options.”

Erickson fails to cite or quote the 4 subsections under Policy 9.4. These subsections make it clear that Policy 9.4 is directed at seniors who want to continue to live in the home they are currently in or wish to move to a home in the community in which they live.

Erickson’s proposed community is a new and separate community. Erickson’s web page specifically provides:

“Our communities are largely self-sufficient with robust transportation services for residents and staff. Erickson Living campuses are uniquely self-sufficient, and provide their own security. They also manage their own road repair, snow removal, and other services typically funded by the local government.”

Erickson’s “Limestone Community” is not and will not be the same community as Clarksville, Columbia or any other Howard County community. If a resident of Clarksville or Columbia wishes to walk or drive on the sidewalks and roads of Erickson, he or she can be prohibited from doing so at the discretion of Erickson. In other Erickson “communities”, a non-resident must check in at the gate and, if not a visitor of a resident, cannot go in. Unlike any other Howard County community Erickson even provides its own “security.”

Contrary to Erickson’s representation, separate communities of economically advantaged seniors are not consistent with Howard County Policy 9.4

Separate communities of economically advantaged seniors are not consistent with the GP Policy 9.2 which establishes that developing affordable housing for diverse income levels is a Howard County Policy. Bill 59-2018 does nothing for housing for low or moderate income individuals.


Separate communities of economically advantaged seniors with like the one proposed by Erickson sets a poor precedent. There are wealthy communities in Howard County. They do not, however, have their own police force and do not prevent people from entering the community.

Finally, reference is made to Policy 5.1. *GP page 167*. It is the policy of Howard County to “establish a

distinct and readily identifiable research and technology brand in the global marketplace as a top global tech center." The jobs provided by Erickson's proposed community will be relatively low wage with comparatively limited opportunity for advancement. They likely will not be held by Howard County residents but will be filled by individuals who commute into Howard County by automobile. The jobs that will be provided by Erickson are inconsistent with GP Policy 5.1.

Thank you for your consideration.

July 16, 2018

A handwritten signature in black ink, appearing to read "John Sutherland", with a stylized, sweeping flourish at the end.

John Sutherland

A handwritten signature in black ink, appearing to read "Barbara Lyons", with a stylized, flowing script.

Barbara Lyons

12022 Misty Rise Court, Clarksville Maryland

Date: July 10<sup>th</sup>, 2018

To: Howard County Council

Subject: Council Bill (CB) 59-2018; An ACT Amending "PlanHoward 2030"

On July 9<sup>th</sup>, our Church Council, which serves as the decision-making body for Linden-Linthicum United Methodist Church (LLUMC), held a special meeting to discuss the above bill and the associated project for Erickson Living to build a Continuing Care Retirement Community (CCRC). The Council voted unanimously to offer our support of the bill, but on a conditional basis. The following summarizes the position of our Church and the reasons our support is conditional.

LLUMC is located directly across Maryland Route 108 from the property referenced in the bill so we have a vested interest in any changes to its use. In an ideal world, we would love the property to be maintained as current farmland which provides a beautiful vista from the Narthex of our Church and serves as a reminder of God's gift to us all. Since the land directly to the east, west and south of the property has already been developed, however, we believe it is very likely that this property also will be developed at some point.

The lineage of our Church in Howard County dates back to the mid-1800's as two congregations, Linden Church and Linthicum Chapel. These two churches merged, and LLUMC built a new church in a new location in Clarksville in 1963. Since that is our history, we feel it would be hypocritical of the Church not to recognize the need for growth and development. Interestingly, in 1964, the zoning for the country's first planned community, later to be known as Columbia, was rejected due to concerns over growth. Fast forward to today and love it or not, Columbia is generally considered one of the most ambitious and successful planned communities ever built in the United States. And, appreciate it or not, the surrounding communities and its residents have benefited and continue to benefit greatly from its development.

Associates of Erickson Living first contacted our Church well over a year ago to inform us of their desire to build a CCRC and to seek our input. They have communicated often and clearly with us and other community groups about the progress of the proposed plan. Erickson Living staff have met with our pastor, lay leaders, and wider congregation on a number of occasions, requesting our input throughout the development of their plans. The modifications of the plan through the process reflect a desire to incorporate the needs of the community, shared by our church and other community groups in numerous meetings and conversations.

The Church perceives the type of services that will be provided by Erickson Living for the elderly population of Howard County to be greatly needed. We have a critical mass of members who are of the age to be looking for such services for themselves and their parents. We also believe that residents of this CCRC will benefit from the services and ministries provided by our Church, and we envision a productive partnership in serving the needs of the residents.

We also believe that many of the "community enhancements" proposed by Erickson Living through the CEF-M zoning which they plan to request will bring substantial benefit to Clarksville Community and the Church. They propose to address ongoing community concerns about traffic on Rt. 108, walkability from the High School to the Village Center, and other things that have not been addressed in other government budgets and planning.



LLUMC supports the bill as written, noting specifically the requirement that the adjustments will be null and void unless certain conditions are met.

Our support, however, is offered conditionally. This is no fault of this bill itself, but rather is due to Howard County's development process itself. It is our understanding that this bill must be enacted before zoning changes can be petitioned by Erickson Living for the CEF-M zoning. Therefore, neither the Church nor the community has any official documentation or proposal to examine as we would during the normal request for a change in zoning.

We also would like to use this opportunity to point out other flaws which exist in the current planning and zoning process. One such example is the traffic flow resulting from the simultaneous development occurring at 12171 Route 108, Clarksville, Maryland 21029 (Tax Map 35, Parcel 1) directly across the street from the planned CCRC. From our attendance at meetings on both projects, it appears a major change is planned for the intersection of Sheppard Lane and Route 108 that will change the intersection from a three-way intersection to a four-way intersection connecting the new River Hill Square development to the intersection. Also, both projects have planned ingresses from and egresses onto Route 108 which appear to be directly opposite from each other. Due to the current planning and zoning process, neither our Church nor the community at large has been afforded a mechanism to understand and review the overall design, and the resulting impact of the change in traffic patterns on our church or the community.

We wish to emphasize this issue is a result of the current planning and zoning process and not an issue of Erickson Living. We are asking that this situation be resolved in a manner which allows the Clarksville community to participate in discussions about how these two developments together will impact our community.

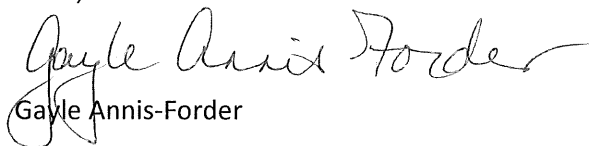
In summary, LLUMC supports the current bill as written. We also support the concept of building a CCRC on the property specifically due to CEF-M zoning being pursued and the types of community enhancements we have been told will accompany this zoning. We strongly commend Erickson Living for their tireless efforts to engage in a collegial, dynamic and transparent process with us and our surrounding community. This experience suggests to us that they will be a valued partner and asset in our community. We look forward to being able to review the final plans for the property that will be submitted for the zoning change planned, so that we can present our final position based on that information.

Sincerely,



Richard A. Smith

Chair, Church Council



Gayle Annis-Forder

Pastor



HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, (Pastor) Gayle Annis-Forder, have been duly authorized by  
(name of individual)

Linden Linthicum United Methodist Church to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB59-2018 to express the organization's  
(bill or resolution number)

support for / opposition to / request to amend this legislation.  
(Please circle one.)

Printed Name: Gayle Annis-Forder

Signature: Gayle Annis-Forder

Date: 7/16/18

Organization: Linden Linthicum United Methodist Church

Organization Address: 12101 Linden Linthicum Lane

Clarksville, MD 21029

Number of Members: @ 500

Name of Chair/President: Richard Smith, Church Council Chair

*This form can be submitted electronically via email to [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov) no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.*

Dear Howard County Council,

July 16, 2018

We, Howard County senior citizens, thank you for considering plans for seniors' housing and living needs. We especially thank you for Howard County's relatively new seniors' aging at home program and, we acknowledge the need for additional new communities to care for Howard County senior citizens. However, I am asking you to please consider different options. Unfortunately, the Ericson Senior Citizen Community proposed for Howard County creates both a major zoning density change, significant rural local community changes and a serious amendment to our General Plan.

Large successful Ericson Continuing Care Retirement Communities (CCRC) are for-profit businesses. To be successful, they market and attract new residents from a wide geographical area as well as local communities. As a citizen of Western Howard County, I am seriously concerned that we would consider rezoning our beautiful open space land, Tier 1, to high density, Tier 4, for a new Maple Lawn type community for the purpose of attracting senior citizens to move to Howard County in a large scale. Local established facilities will be inundated with many more senior citizens who need care. **We need different smaller senior housing and care facilities that just focus on Howard County Seniors.**

Please consider other models that better serve Howard County. For example, Jim Rouse's Vantage House is a good model for senior living communities that offers all the needed senior housing options; independent living, assistant living and nursing and rehabilitative care. Vantage House focuses on Howard County residents and Howard County resident's parents and loved ones that need to move closer to their family. I have a friend who is 94 and has lived at Vantage House for many years. She stills plays golf with us at the Hobbit's Glen Golf Course. I have a friend who lived in Highland and needs assisted living care. She lives in Vantage House and regularly has her grandchildren for lunch at Vantage House. I know a family from Mt. Hebron that ended their days peacefully at Vantage House. We have a good Howard County example in Vantage House that is meeting the needs of Howard County Residents. **Happy seniors are seniors who are still connected to the communities they know and love.**

Adequate public facilities for new communities are traditionally a concern. Traffic congestion in Clarksville is already intolerable and adequate entrance lanes to a new large senior citizen community will not even touch the big picture traffic congestion problem that now exists and will be increased with a new Ericson Community. Howard County Hospital has consistently grown to meet our present needs. However, the emergency room remains overwhelmed. A large population of senior citizens moving into Howard County with their additional medical needs will burdened our Hospital and medical community.

**Please don't be snowed by Ericson's number of units needed for Howard County residents.** I am a senior and most of my senior friends are moving out of Howard County because living expenses and taxes are cheaper in Delaware and the south. Families have scattered and older citizens are moving to be closer to their children.

We are counting on you, our county council, to make the right decision about developing a good senior citizens housing and care plan that both meets Howard County's seniors' needs and protects Tier 1 Zoning as established in the General Plan. Howard County simply does not need another a new town for old people. Please make this decision now.

**Do not kick the can down the road to the next county council. Please Take Action NOW.**

**We know the old trick.** After citizens spend time preparing and giving their testimony, there is an interim and they go back to their busy lives. During this interim, the department of planning and zoning seems to almost always find a way to make the developer happy and approve the developer's zoning plan while ignoring the public's testimony about the project (Maple Lawn, Haviland Mill Road Community, Schooley Mill Farm Community, and many others in between).

As you know I am a Highland Citizens and I would be amiss if I did not thank you and respect you for hearing our concerns regarding BRX Zoning and eliminating this zoning law that threatened the character of our crossroads. Now, I implore you to do the right thing for the Clarksville Community and Howard County.

**NOW Vote NO for rezoning property in Clarksville to Tier 4 & Vote NO for an Ericson Community in Howard County.**

Sincerely yours,

D. Susan Scheidt  
psscheidt@verizon.net



## STATEMENT OF SUPPORT – ERICKSON FACILITY IN HOWARD COUNTY

July 16, 2018

To: Members of the Howard County Council

My wife and I strongly encourage the Howard county Council to take necessary steps to approve and expedite the proposed Erickson independent living facility in the area of Clarksville, MD. The demographics of Howard County, with the projected increase of citizens age 65 and above, provide strong and convincing evidence of the need for independent living facilities for this population. The Erickson facility as planned would help to meet this need. I have visited Charlestown and the Erickson Devonshire facility in southern Florida, and have been impressed with the environment and services provided, the pricing of the units and fees, and especially the competent, customer-oriented staff. An Erickson independent living facility would be a big plus for Howard County.

E. Niel Carey, M.Ed., NCC, NCCC (ret)  
2661 Legends Way  
Ellicott City, MD 21042  
410.530.8298; 410.465.6994

Testimony on Council Bill 59  
Monday, July 16, 2018  
Virginia M Thomas  
6153 Forty Winks Way  
Columbia, Maryland 21045

I would like to thank you for the leadership this Council has played in approving both legislation and budgets towards the goal of helping seniors remain as independent as possible. I know this proposal by Erickson is presented as trying to also help seniors but does it?

Do you have the knowledge you need to make a decision regarding CCRC's so you don't create an excess capacity that could hurt seniors who have already invested their life savings in a CCRC. These seniors are trusting the promise to provide them with services including rehabilitation, assistive living, skilled nursing care, memory care and if needed hospice care will be delivered.

We all know what happened to local hospitals when there were more beds then needed. The State now requires proof of need for new hospital beds, and nursing home beds. The State even protects the small liquor stores by not allowing the large grocery stores to sell alcohol.

The least you can do is too make sure you really know that when you vote you won't do harm to the seniors you represent.

You might want to think about CCRC's without walls that would make use of the new technology and could serve seniors of all incomes in their homes or in the 55+ communities.

The following are areas that impact CCRC's and the current and future residents.

#### **POPULATION:**

CCRC's still serve about 10% of the Senior Population.  
Erickson is misrepresenting the Maryland Department of Planning Study of Howard County  
Yes there will be an increase of seniors age 75+ by 2030 in Howard County but only 10% will even consider a CCRC.

#### **1 Typical/Average CCRC Consumer: Requirements:**

- Financially qualify – Contingent upon geographical area. i.e. Howard County will have higher price point than rural Midwest.
- Physical Qualifications – Consumer must be independent both physically and mentally.
- Type C community may not require this since the Health Center expense is per diem and covers expense as it occurs as opposed to a Life Care contract which underwrites the expense of future health care needs. Type C contract means they have Medicaid beds.

LCS – New CCRC: average move in age is 82 and meet above criteria. Entry price point is contingent on geographic location

Miller's Grant has 241 IL units with approval for 54 more,

Vantage House has 203 IL units.

Total will be 498 for both facilities

#### **WORK FORCE ISSUE**

Currently it is challenging to meet the demands of positions in the long term care area. It's predicted in the next 5 – 10 years there will be insufficient work force to meet the needs of the senior population. The new immigration laws are not helping the situation. I do not have the actual statistics readily available.

Here are a few dot points that summarize the workforce issue as pulled together last year by the PHI organization - work funded by the Weinberg Foundation - the PHI will be conducted a comprehensive "Environmental Scan" covering (Maryland and D.C.) - the first phase will be presented to the Collaborative's Annual Meeting to be held in Columbia on September 27 -

- "Each day in Maryland, more than 54,500 direct care workers provide essential care for older adults and people with disabilities -
- The demand for these workers is expanding dramatically across the state. Over this decade, Maryland will see the number of personal care aides grow by 54% and the number of home health aides grow by 59% - outpacing the growth rate of 12% for all other occupations. Growth in the Certified Nursing Assistant (CNA) occupation will double that of all other occupations at 25%.
- The poor quality of direct care jobs will contribute to workforce vacancies. Wages (\$10.76 per hour for personal care aides and \$10.98 for home health aides) fall significantly those for all Maryland occupations (\$19.52 on average.)

I hope this helps - the Collaborative has a website: [www.Rodham Institute/GW School of Medicine](http://www.RodhamInstitute/GWSchoolofMedicine)

#### **REGULATORY OVERSIGHT:**

The Maryland Department of Aging and the Department of Health and Mental Hygiene heavily regulate the industry.

#### **WAIT LIST ISSUE:**

I believe you mentioned that Erickson claims to have 400 people on their waiting list and are using those numbers to illustrate a need for another community. If they are making that claim, you might want to point out that the best practice for waitlists is to maintain a list that is 3 times annual attrition, with a ready list 1.5 times the annual attrition. Meaning that if they have 1800 units and they have 12.5% attrition they have 225 units becoming available each year. Based on industry best practices they should have a waiting list of 675 and a ready list (People who are ready to move) of 338. If 400 is their total waitlist (Priority and 10% deposit) then 400 represents an underperforming Waitlist.

Wait List is 10% of the Entrance fee however there are several steps prior to this:

#### **Priority or Future Resident List**

Community will conduct survey, host events etc. to collect Priority Deposits which equal about \$1,000 single and \$1,500 couple.

Future clients on either list may not move -in due to:

- They waited too long and no longer qualify
- They die before community is built
- The inventory/style they prefer is not available
- The development may be significantly delayed due to regulatory or financing issues. i.e. – Miller's Grant could not reach the 67 – 70% for years.

#### **Part 1: Waitlist**

According to the National Investment Center (NIC), independent living occupancy across the country averaged 90.6% in the fourth quarter of 2017 with assisted living occupancy at



86.5%, the lowest level in the history of occupancy reporting.

When independent living occupancy is high, it is not uncommon for a community to maintain a waitlist for in-demand apartment styles. It is essential, however, to note that not all waitlists are the same.

The following are three factors that differentiate waitlist.

- **The Type of Waitlist**
- **Complimentary Waitlist (Free)**  
This program is usually designed to allow a person to experience the community for a limited period with the intention of moving them forward in the sale process.
- **Priority Waitlist: (\$750.00 - \$1500.00)**  
A person is assigned a number based on the date they place a small refundable deposit. They have selection priority over all future residents except those on the Ten Percent Deposit Waitlist. It is not uncommon for a depositor to have a Priority Waitlist deposit with multiple Retirement Communities.
- **Ten Percent Deposit Waitlist (15,000 and up)**  
A person selects a specific floorplan or apartment type, pays ten percent of the entrance fee and a processing fee ranging from one hundred-fifty to five hundred dollars. A depositor is offered an available apartment based on their selection and position on the waitlist. This type of deposit is a more valid indication of interest in a community. The waitlist deposit is usually 100% refundable less a processing fee.
- **Internal Waitlist (Transfer fee varies)**  
When a person moves into a community and their preferred apartment is not available they may elect to go on an internal waiting list. Typically, resident on the internal waitlist takes priority over a non-resident waitlist member.
- **Waitlist Management (The right of refusal)**
- **Open-ended Waitlist**  
If you decline an apartment when offered, you maintain your position on the list.
- **Rolling Position**  
If you decline an apartment when offered, you go to the bottom of the list. This stipulation usually causes people to take action and typically creates a waitlist comprised of people who are ready-to-move.
- **Community Occupancy Status**
- **Pre-open**  
The community usually collects priority waitlist deposits and later converts the depositors to a Ten-Percent Waitlist when they can select a specific unit. All or most of the deposit is refundable less a processing fee. The community is growing a waitlist based on a future commitment. There is usually some attrition when the time comes to convert to move-in.
- **Fill-up**  
When an existing community has low occupancy and is taking steps aggressive step to fill units, it can be considered to be in fill-up mode. A waitlist in a community with vacancies is the weakest indication of interest in the community. It merely means that those on the list are not ready to move and may not be for some time.

- **Stable**

**When a community has robust and stable occupancy consistently above 92% sold and occupied it can be considered stable. In many cases, the Ten Percent Waitlist deposit is placed on a specific apartment type, location, or size. It is a strong indication of interest in the community and often leads to depositors moving into an alternate choice and getting on the internal waitlist for their preferred apartment.**

**ATTRITION ISSUE:**

**Independent Living attrition is a measure of the number of apartments that become available in a given time. The annual average attrition in a CCRC is 12% - 15 %.**



July 13, 2018

Howard County Council  
George Howard Building  
3430 Court House Drive  
Ellicott City, MD 21043

RE: CB59 - 2018

Dear Members of the County Council,

The River Hill Community Association's (RHCA) Board of Directors supports CB59-2018 to expand the Planned Service Area, adjust the Growth Tier Designation and Maps, and change the Designated Place type of the approximately 61 acres of property identified in the bill. As outlined in *PlanHoward 2030*, Howard County has a growing senior population with diverse housing needs. Supporting the needs of this population is County policy. The Association recognizes the value of having another continuing care retirement community (CCRC) in the County. Critical to the Association's support for CB59-2018 is Erickson Living Properties II, LLC's proposal to change the zoning of the affected properties to a Community Enhancement Floating – Mixed (CEF – M) zone. Approval of CB59-2018 will enable Erickson to continue to work with the County, the State, the Association and others to refine and improve their plans for the CCRC and related community enhancements. The Association also supports the inclusion of measures to make the General Plan changes contingent on rezoning the properties to establish a CCRC and requiring a connection between the property and public water and sewer infrastructure within 10 years of the effective date of the bill.

Adjusting the boundaries of the County's Planned Service Area (PSA) should not be taken lightly. However, it is the Association's view that given its location eventually these properties will be developed in some fashion. It is in the best interest of River Hill residents to insure what is built benefits the community without opening the doors to more dense development to the west. Given the location of the site, its scenic nature, the agricultural easements on properties to the west, and existing and planned commercial and residential development along MD 108 in Clarksville, the extension of the PSA must be tied to a specific project. The future use must be acceptable to the community, serve as a transition between the residential and institutional uses to the east and Clarksville's commercial core, and provide amenities that might not otherwise be achievable in the near term. The Association opposed changing the zoning of 12171 Route 108 (former River Hill Garden Center) to a commercial (B-1) use and does not support a traditional commercial use on the parcels defined in this legislation.

Beginning in May 2017, and throughout the process to date, Erickson Living has engaged with Clarksville/River Hill residents, businesses, organizations and institutions. They have informed the community of the need for senior housing in the County, about CCRC's and those that



Erickson operates, and their vision for their Clarksville project. Erickson's staff and their consultants have met numerous times with RHCA's Development Advisory and Traffic and Safety Committees and with the Board. Members of Erickson's team have also met with individual River Hill residents. Erickson has listened and been responsive to many concerns that have been raised by the community. The Association has also had conversations with representatives from the State Highway Administration who are aware of the community's traffic and safety related concerns and have agreed to take them into consideration when evaluating the project.

The CCRC plans propose changes along MD 108 that are consistent with the vision and design goals supported by the RHCA and outlined in the *Clarksville Pike Streetscape Plan and Design Guidelines* (February 2016). Erickson's plans include the extension of Linden Linthicum Lane across MD 108 and the addition of a signal at this intersection. A signal at this intersection is an improvement that the Association and many River Hill residents have been requesting for years. The proposed extension of Linden Linthicum Lane also provides an opportunity to improve ingress and egress to businesses fronting on Clarksville Pike which could be a positive for the community. In response to concerns raised by RHCA, Erickson Living has modified their designs to enhance the integration of the CCRC into the Clarksville/River Hill community. Erickson has:

- Enhanced views from MD 108 into the site's stream valley and beyond;
- Extended pedestrian and bicycle connections along MD 108 and the Linden Linthicum Lane extension;
- Added open space amenities such as pickleball courts, a dog park, a playground, and an amphitheater that will be accessible to the public and will encourage greater social interaction; and
- Agreed to require CCRC staff and to encourage their residents to use the proposed entrance from Linden Linthicum Lane extended for ingress and egress.

Erickson Living is aware of the Association's concerns regarding the safety of the proposed entrance on MD 108, especially for drivers turning into the property when approaching from the south. They have been receptive and have agreed to explore options to address these concerns. They have also committed to having the traffic improvements completed early in the construction process.

We believe that a new CCRC and the types of community enhancements proposed in the Erickson project will benefit Howard County. We encourage you to approve CB59-2018. Let's create the opportunity for Erickson Living, LLC's rezoning request to be considered.

Sincerely,



Richard Thomas, Chairperson  
Board of Directors

CC: Steven Montgomery, Erickson Living II, LLC  
Scott Templin, Erickson Living II, LLC  
Linden Linthicum United Methodist Church  
Steve Breeden, Security Development Corporation  
Village Board/Council Representative



HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Renée DuBois, have been duly authorized by  
(name of individual)

River Hill Community Association to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB 59-2018 to express the organization's  
(bill or resolution number)

support for / opposition to / request to amend this legislation.  
(Please circle one.)

Printed Name: Renée DuBois

Signature: Renée DuBois

Date: 07/14/2018

Organization: River Hill Community Association, Inc

Organization Address: 6020 Daybreak Circle  
Clarksville, MD 21029

Number of Members: 2,096<sup>+</sup> (2096 homes in Village)

Name of Chair/President: Richard Thomas

*This form can be submitted electronically via email to [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov) no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.*









July 16, 2018

TO: Howard County Council  
3430 Court House Drive  
Ellicott City, MD 21043

FR: Susan M. Smith  
Village Manager

A handwritten signature in black ink, appearing to read "Susan M. Smith", is written over the printed name and title.

RE: CB59-2018

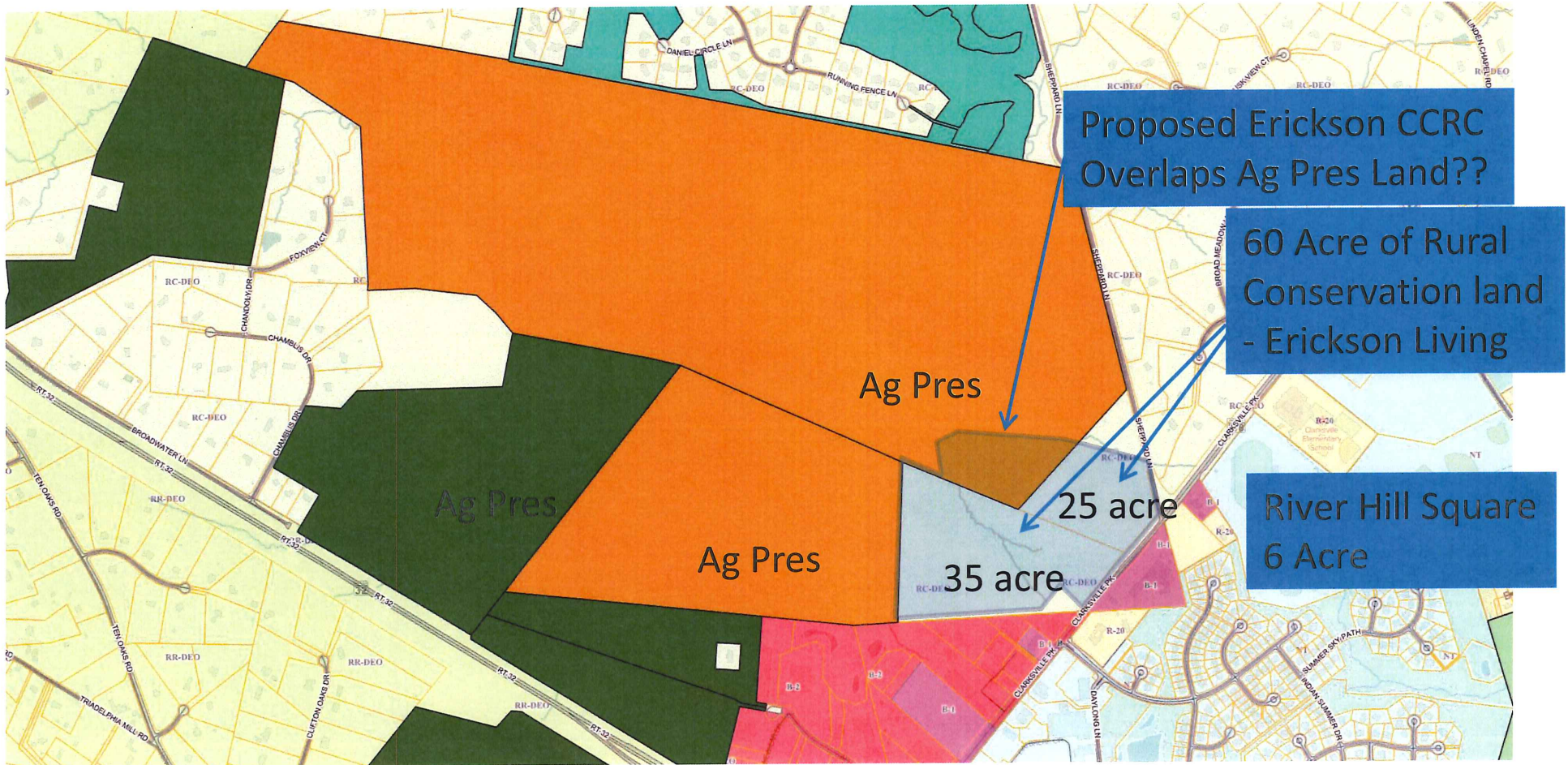
At their meeting on July 9, 2018, the River Hill Board of Directors approved the Association's written testimony (4-0-0). This testimony was submitted electronically on July 13, 2018. Hard copies are attached.

At their meeting on July 9, 2018, the River Hill Board of Directors appointed Renee DuBois, Board Member and Development Advisory Committee Chairperson, to speak on behalf of the Association at the Council's hearing(s) regarding CB59-2018.

# Opposition to Expansion of PSA to Support Erickson Living CCRC

- David Elsaesser, 5737 Whistling Winds Walk, Clarksville, MD 21029
- Two main reasons
  - Development here will enhance the likelihood that AG Preservation land behind proposed site will be further developed into commercial property
    - In fact, MD AG Pres was changed to enable this very proposed Erickson CCRC Project
  - The Erickson Living CCRC Development plan, specifically changes proposed to MD108 and Sheppard Lane, are contrary to the interests of Citizens of Howard County
    - These changes are NOT a **COMMUNITY ENHANCEMENT** per the requested Zoning (CEF)
    - They will cause traffic congestion on MD108 and dangerous curves on Sheppard Lane
    - A much safer and higher throughput MD108/Sheppard configuration is available
    - This is a unique opportunity to fix Sheppard and MD108 and the County is letting one land owner dictate the road configuration beneficial to that individual alone – The River Hill Square Development
    - If RHS Site Plan is approved we will be stuck with a single lane bottleneck on MD108 at Sheppard Lane forever!!
- 3<sup>rd</sup> Reason: CEF zoning is inappropriate for this site

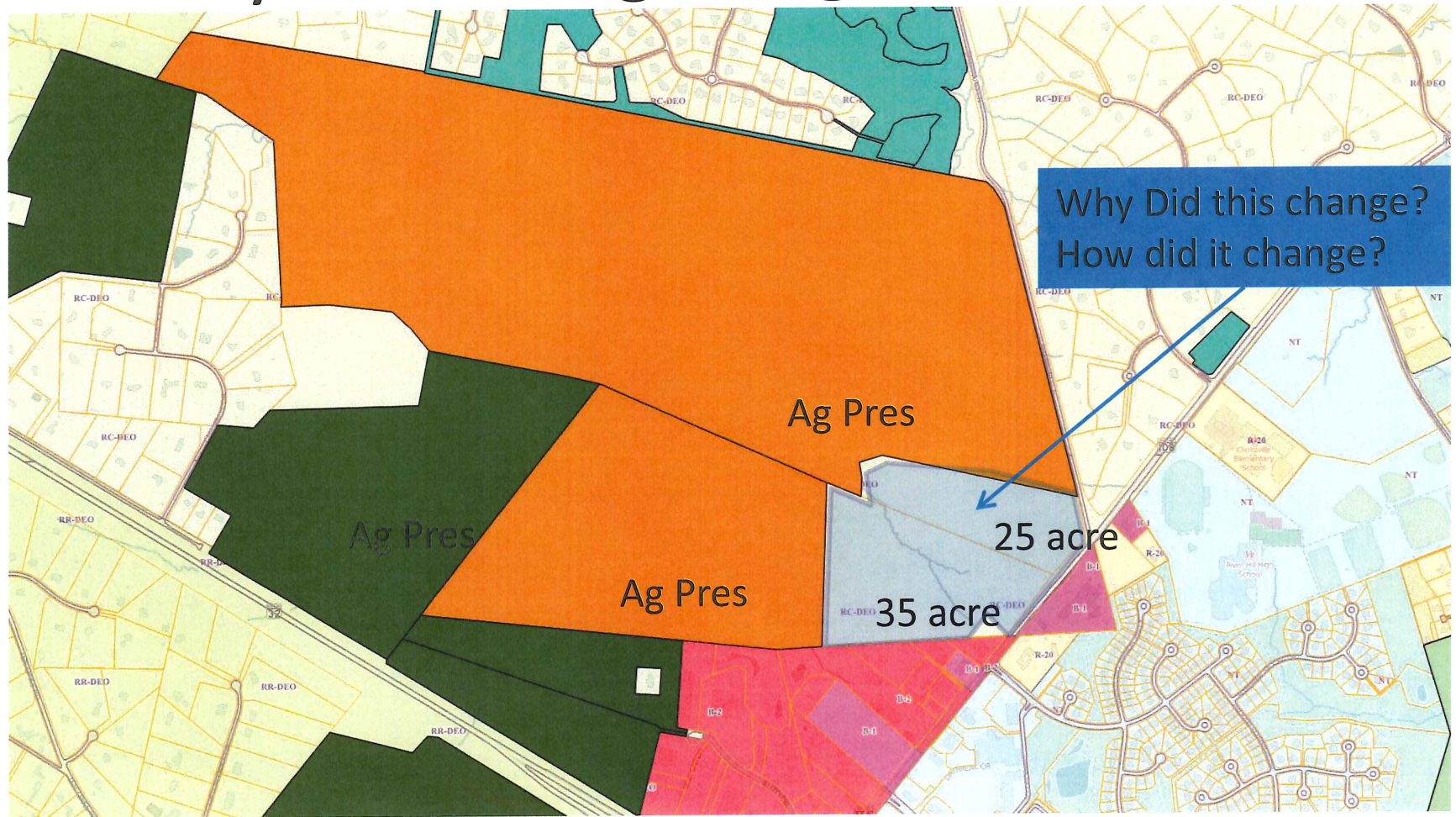
# Removal of Ag Preservation Easy and enables Erickson CCRC site plan



- **Developer claims expansion of PSA farther west past Erickson request impossible because of State Ag Perseveration Land**
  - Proposed to redevelop RC Land into Retirement community 1400 units
  - Use approx 60 acres in 2 lots north of MD108
  - 25 Acres from Limestone Valley Farm
  - **Map from Howard County Gov in Jun 2017. Shows overlap with MD Ag Pres**



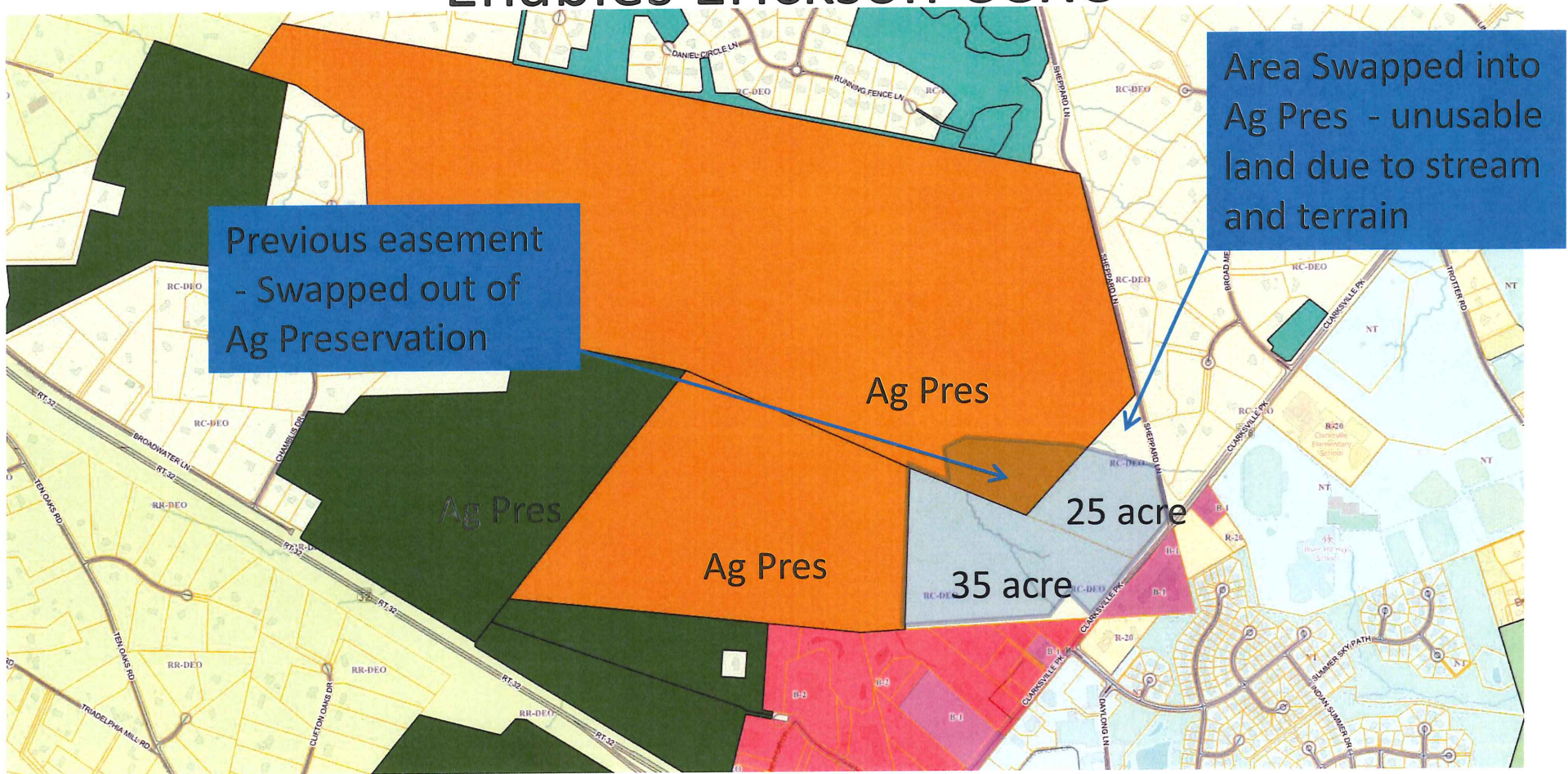
# Gerrymandering of Ag Preservation



- This new HoCo Ag Pres map in Sep 2017. Compare to Jun 2017 map
- Looks like someone is redrawing the Ag Pres easement to make a larger useable area when combined with 35 acre lot
- Lot in Question: Howard **County**, Limestone Valley Farm, Map 28 parcel 100, grid 24
- Ag preservation swap per request of Michael Clark in 2015 to enable a larger contiguous area for redevelopment by removing easement on encumbered land, avoids stream



# Removal of Ag Preservation Easy Enables Erickson CCRC



- Development would not be feasible without the larger contiguous area
- Area swapped into Ag Pres has a creek and uneven terrain and poor soil – not usable for Ag or redevelopment into non-Ag uses
- HoCo Ag Pres Office recommended against swap
- Swap done without any public notice of the request, or public hearing



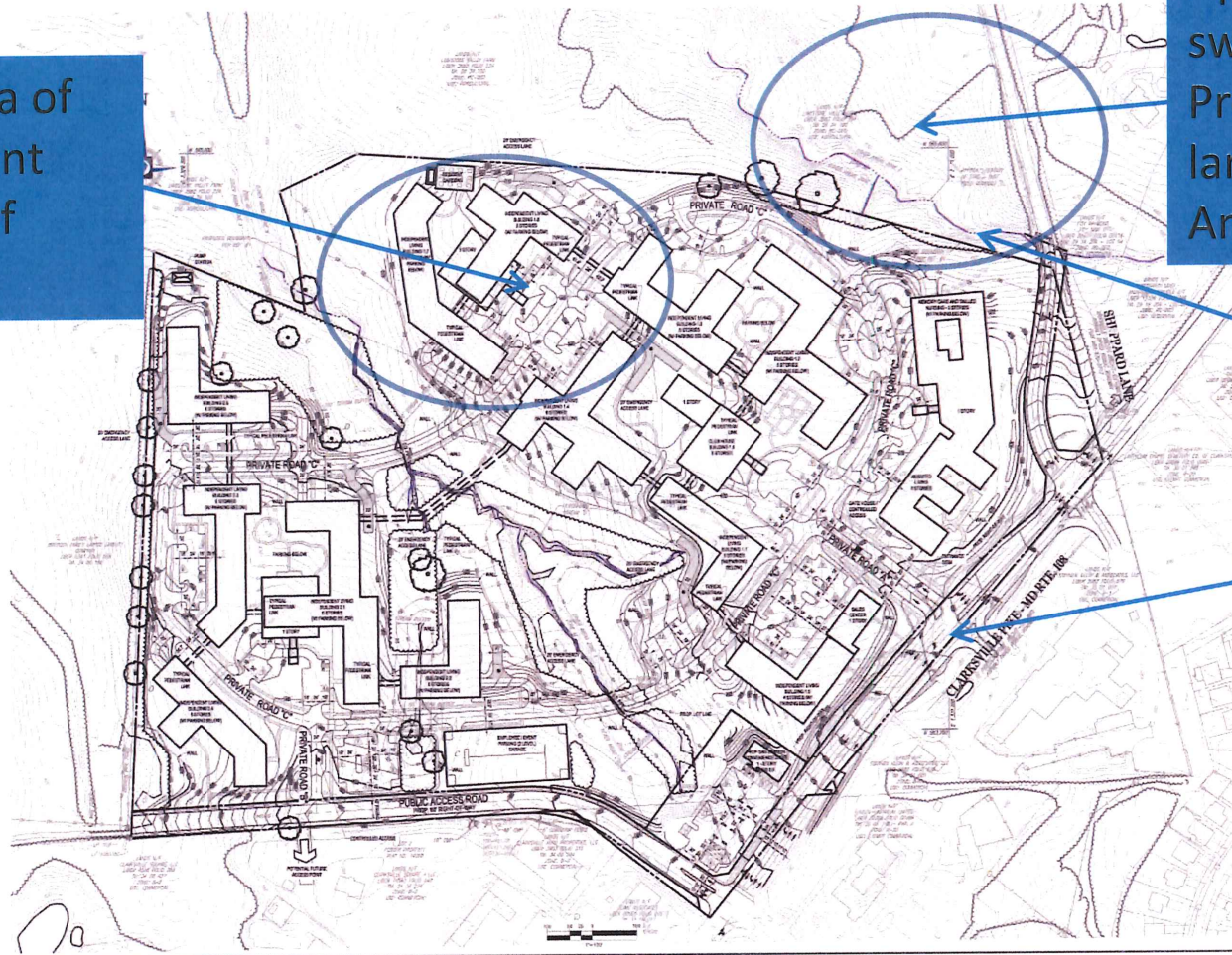
# Detailed Site Concept Plan

Approximate area of  
Previous easement  
- Swapped out of  
Ag Preservation

Approximate Area  
swapped into Ag  
Pres - unusable  
land due to stream  
And terrain

Stream

MD108



- Looks like the Ag Preservation area was changed to avoid stream, hilly and unusable area and to enable Erickson Development
- Demonstrates that AG-Preservation can easily be removed/swapped to some other rural property in the state WITHOUT any PUBLIC NOTICE!!
- The AG-Preservation land behind the proposed CCRC is NOT SAFE from development<sup>5</sup>!!



# Traffic Issues

Detail "A"

Detail "B"

Detail "C"

Good

BAD

VERY BAD

Proposed Public Access Road

Clarksville Pike (MD 108)

Reassigned Sheppard Lane

Proposed Community

Community Entrance

Proposed Public Access Road

Proposed Community

Clarksville Pike (MD 108)

Reassigned Sheppard Lane

Hill School

SDC is broker for RC property

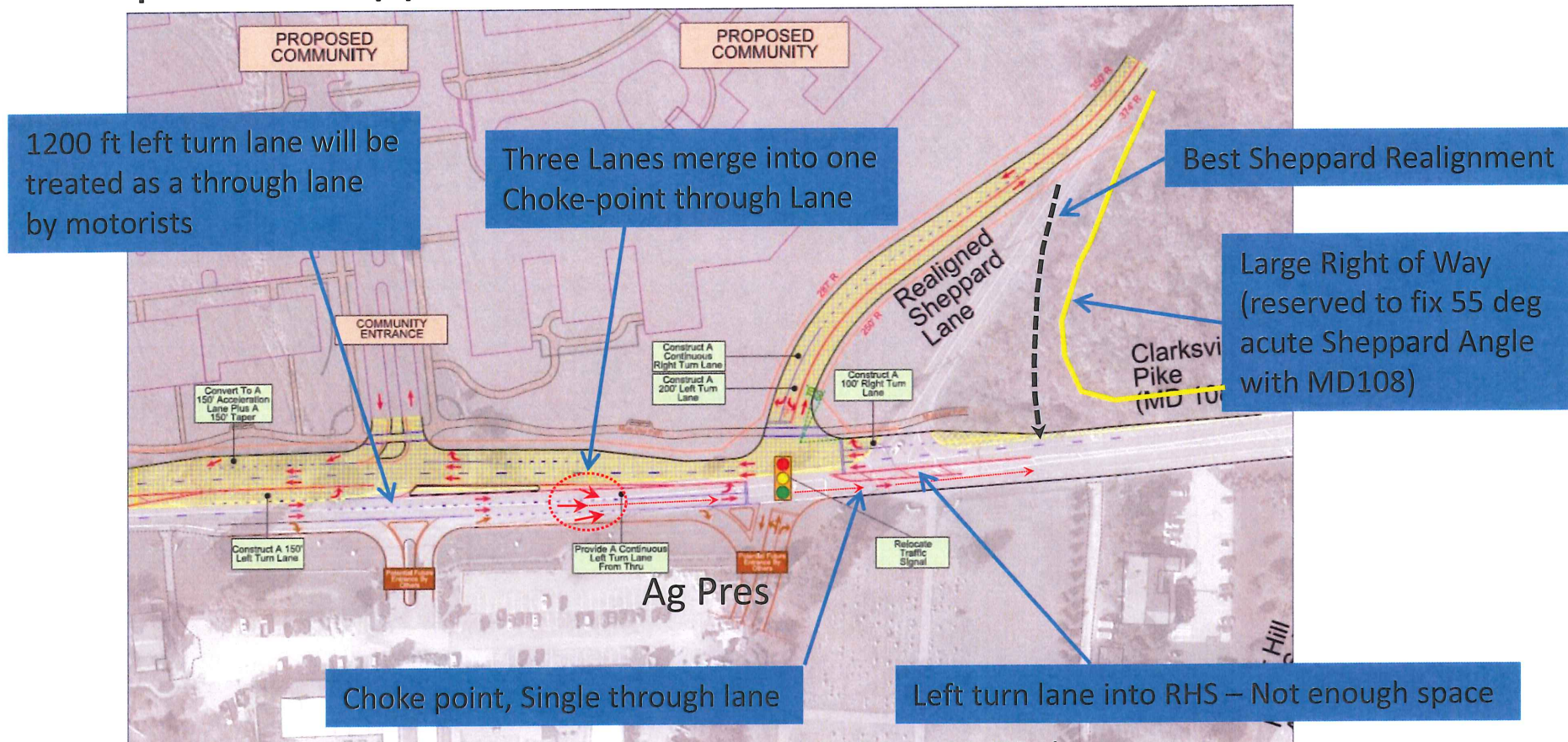
SDC is developer for RHS

Freestate (located)

- 7



# Proposed Sheppard Lane Intersection Bad for Community



- Sharp bend as Sheppard approaches MD 108, meets MD108 at 60-70 degrees
- Single through lane to the East is a choke point on MD-108
  - Three lanes funnel into one through lane at Sheppard causes delays at peak traffic times
  - Developer brags of 1200 ft turn lane onto Sheppard North. Motorists will treat it as a through lane until near Sheppard intersection, then try to merge into single through, blocking left lane
  - Extra 2 phases on light at Sheppard for RHS further causes delays
  - Highway Needs Inventory specifies 5-lane MD-108, between Rt32 and Rt29—this proposal is counter to this regional road plan
- **COMMUNITY GETS A BAD INTERSECTION BECAUSE LAND OWNER BOUGHT A TRIANGLE and is trying to turn it into a high-throughput shopping center.**



# PM Traffic Congestion

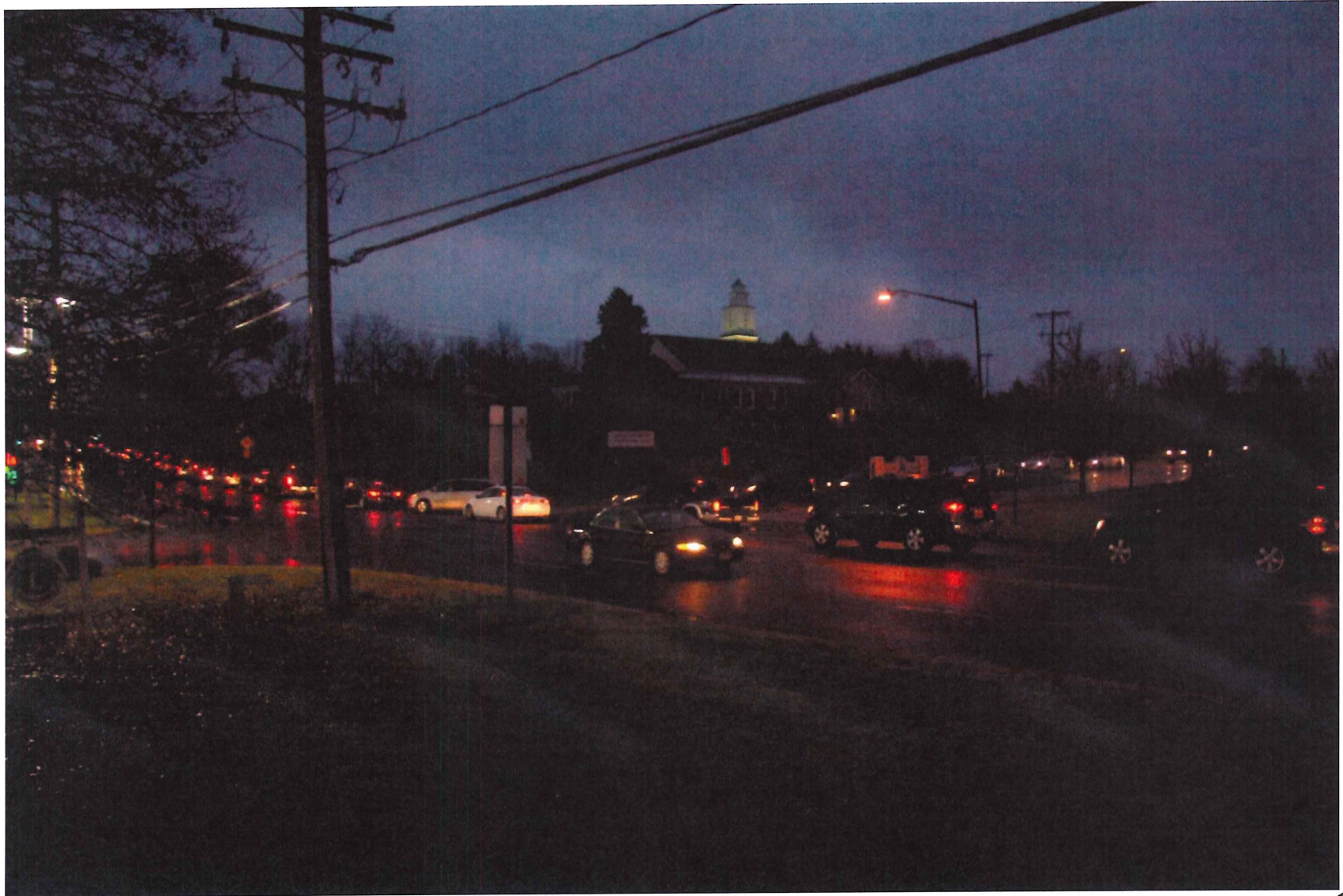
- 5pm, Thursday, Dec 5, 2013 at MD108/Linden Linthicum Lane due to choke point at Sheppard Lane





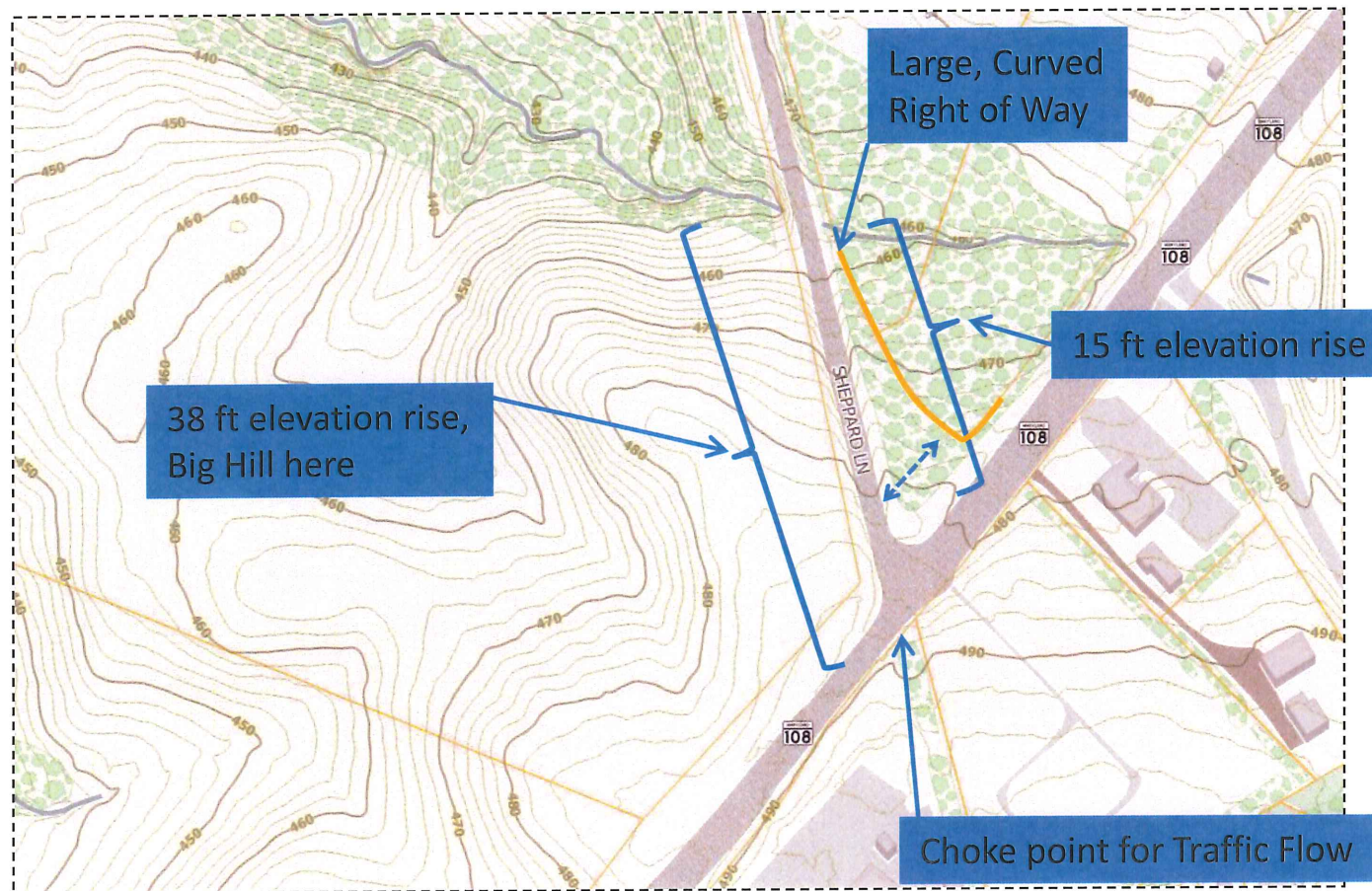
# AM Traffic Congestion

- 7:15 AM, Friday, Dec 6, 2013 at MD108/Linden Linthicum Lane due to choke point at Sheppard Lane





# Terrain at Sheppard Lane MD108 intersection



- Moving Sheppard lane to east into the large Right of Way is much better because:
  - The terrain less hilly to the east, and there is a smaller elevation rise east of the current Sheppard location compared to Erickson's proposal of the West (15 vs 38 ft)
  - The Right of Way is curved to the East indicating that its intention was to gradually bend Sheppard to the East and bring it into a standard perpendicular intersection
  - You only have to bend Sheppard one way, gradually to the east. **No crazy, dangerous bends!**



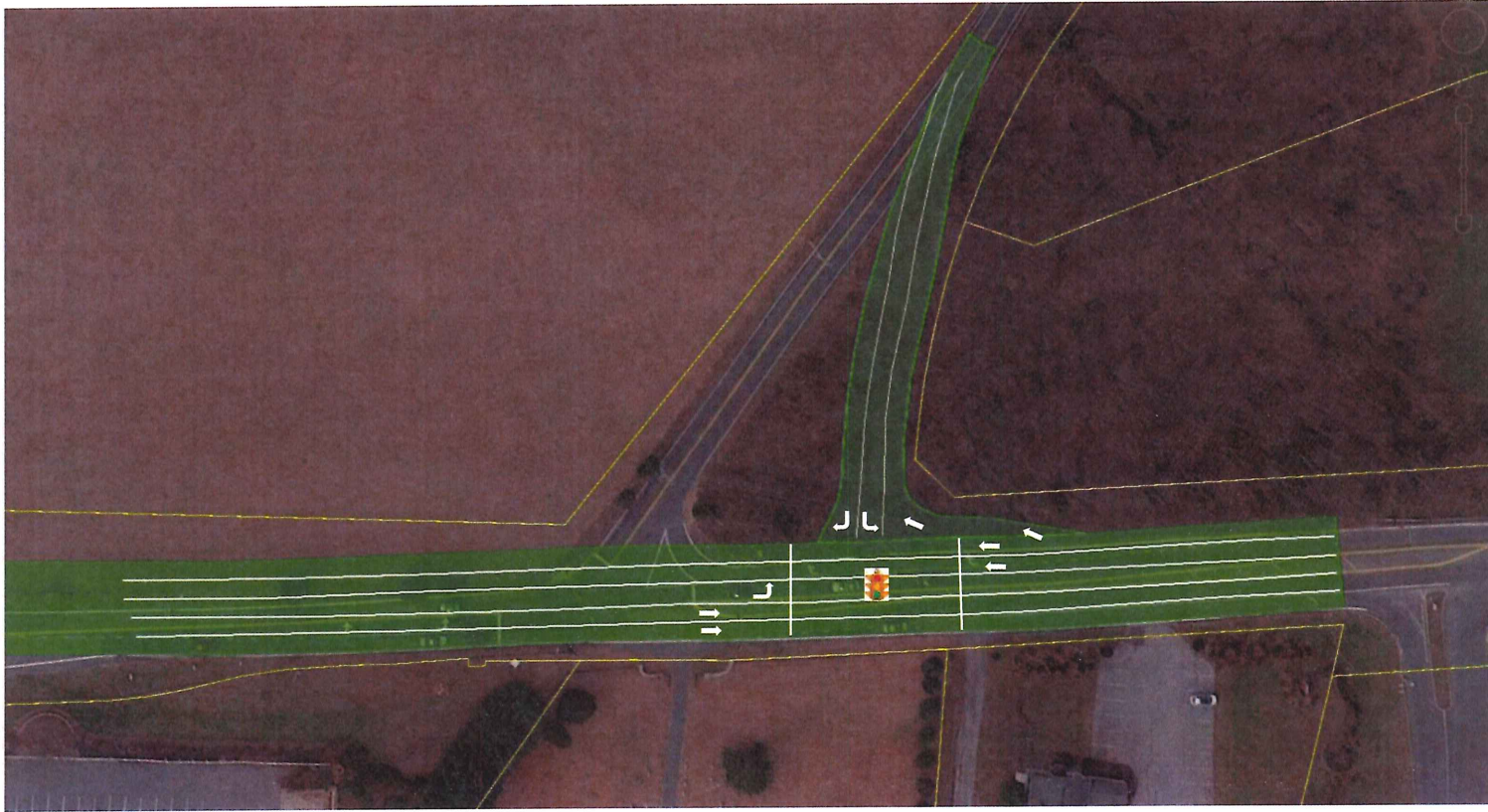
## Continuous 5 lane MD108 to Schools and Safe MD108 Sheppard Intersection



- Clarksville and Howard County need a continuous 5 lane section of MD108 through commercial center and to or past the Clarksville Elementary School
- Better for traffic flow on MD108, especially in light of new/upcoming changes:
  - New Clarksville Commons Shopping Center, New Shopping Center at Ten Oaks Rd, Residential Community at Guilford Rd., Rt32 Expansion, School Redistricting
- Safer for School, School buses, This is the only way for Residents to drive to RHHS, CES
- RH Square can use its existing entrance, with a protected left if necessary



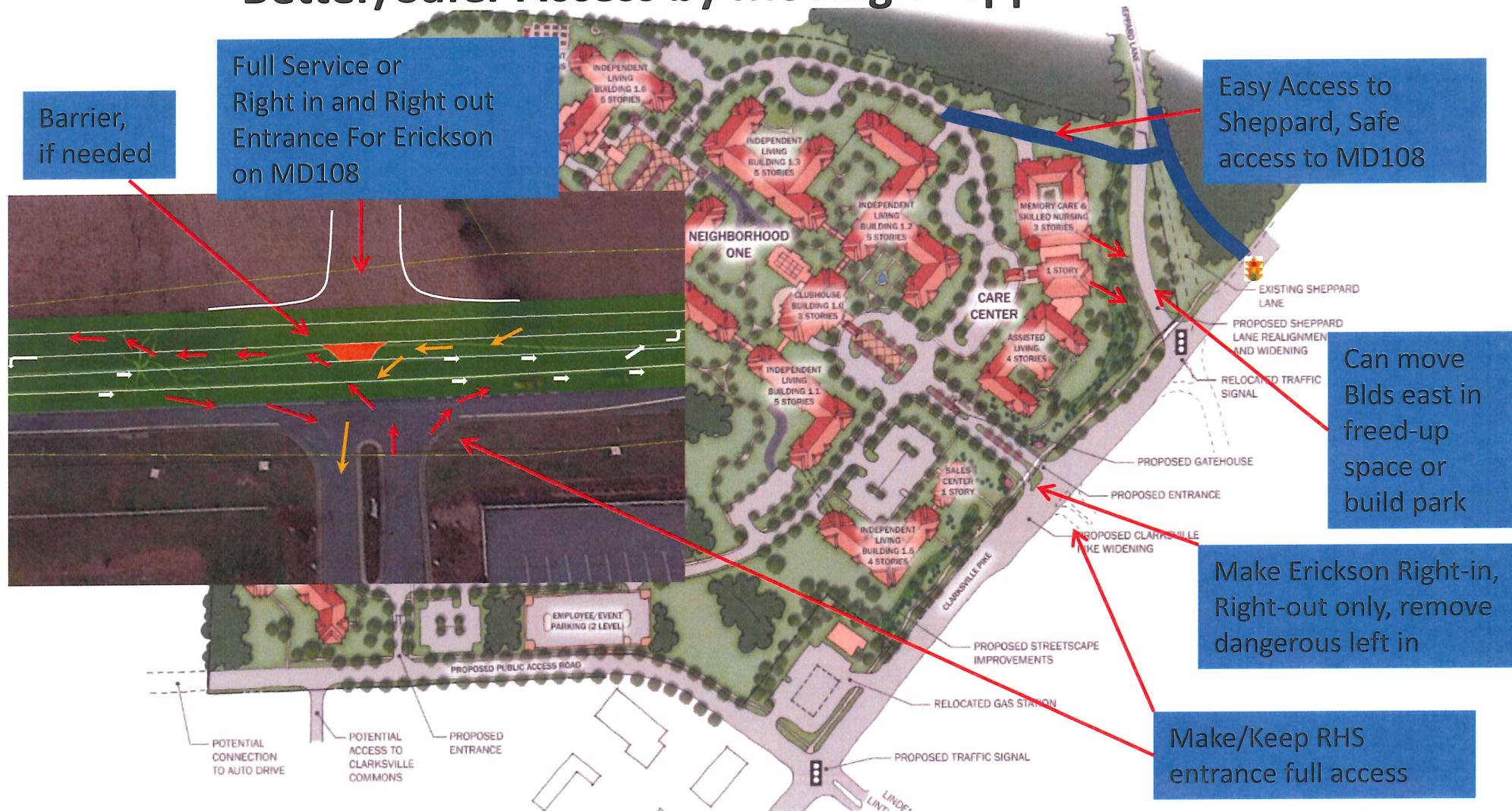
# Better Sheppard Intersection and Better MD108 Throughput



- Bend Sheppard Lane to the east for the benefit of the community!
- Better traffic flow: Allows TWO through lanes to east and TWO through lanes to the west
- Safer: Standard Perpendicular/90 degree Sheppard Intersection with MD108
- Safer: Less and more gradual bending of Sheppard Lane as it approaches MD108
- Extra Lane ensure no backups due to high traffic volumes and due to sharing of a single lane with the RH High School entrance
- **WHO IN THE COUNTY AND STATE ARE ADVOCATING FOR THE COMMUNITY!!!**



# Better/Safer Access by Moving Sheppard to East



- Bend Sheppard Lane to the east vs west. Allows Assisted Living Blds to move to east as well.
  - Provide space to add an entrance on Sheppard Lane. Provides safer access MD 108
  - This access to Sheppard lane MD108 closer to most of independent living buildings
- Remove dangerous left turn into CCRC from MD108 east, make it right in, right out
  - Allows RHS entrance (opposite) to be a full movement entrance with barriers in center lane for protection of vehicles turning left onto MD108 westbound



# Community Enhancement Floating Overlay Zoning District

## (Does it apply in this case?)

### CEF Purpose:

The Community Enhancement Floating (CEF) District is established to encourage the creative development and redevelopment of **commercial and residential properties** through flexible zoning so that the proposed development complements and enhances the surrounding uses and creates a more coherent, connected development. While it is envisioned that the CEF District could place residential uses on land zoned for employment in some circumstances, it should not be viewed primarily as a way to convert land zoned for employment to residential.

- Erickson Proposal – uses approximately 60 acres of Rural Conservation (RC) land
  - Sec 104.0.A. Purpose of RC is “The Rural Conservation District is established to conserve farmland and to encourage agricultural activities ...”
  - Sec 103.0 Commercial Use: “Commercial Use: Any use involving in part or in whole the sale or rental of merchandise, materials or services” ... i.e., B1, B2, POR
  - Sec 121.B.1. CEF Uses Permitted: “uses permitted as a matter of right in residential zoning districts and the POR, B-1 and B-2 Districts may be permitted as a matter of right”
- While a single residence or low density residential lots may be permitted under RC, the main purpose of RC land is AGRICULTURE, NOT RESIDENTIAL or COMMERCIAL
- Use of CEF in this case involves conversion of farm/agricultural land into a very high density residential use (1400 residential units) – also contrary to CEF Purpose Statement
- Conclusion: CEF is not appropriate. CEF is being used to side step the Comprehensive Planning Process.

To: The Howard County Council

16 July 2018

Concerning: Expansion of Planned Service Area (PSA) in Clarksville, MD for the Benefit of Erickson Living Properties LLC

Howard County is being asked to amend its general plan and expand the Planned Service Area (PSA) because Erickson Living Properties LLC's (Erickson) proposal for development of a Continuing Care Retirement Community (CCRC) under CEF zoning requires inclusion of the development within the PSA. Howard County's expansion of the PSA without a separate requirement to do so is tantamount to endorsing the zoning request and so my objection to the amendment is on the basis that elements of the proposed development are harmful to the community and that CEF zoning is inappropriate for this development and so **the CEF zoning request should be denied and the PSA should not be expanded.**

The development of the rural conservation (RC) lots and redevelopment of the B-2 lot on the north side of MD-108 between Linden Linthicum Lane and Sheppard Lane under the Community Enhancement Floating (CEF) district into a CCRC is seriously flawed and contains an element that is in fact damaging to the community. In addition, use of the CEF to develop and redevelop these lots is inconsistent with the CEF district purpose.

**A. Serious Flaw: Movement and Realignment of Sheppard Lane to the West**

Under the CEF district Erickson is required to provide community enhancements and Erickson claims that realigning Sheppard Lane to the west and from its current 55 degrees angle with MD108 into a 60 to 70 degree angle is a traffic enhancement beneficial to the community. In fact, it is only beneficial to the broker for the RC land to Erickson, which is also the developer of the property that would benefit from the road movement. It is detrimental to the community, our access to the local school by the community, and traffic flow on MD-108. A much superior realignment of Sheppard Lane is available, as discussed below in A.2.

**A.1. Realignment of Sheppard Lane to the west is for the benefit of of the River Hill Square (RHS) development, directly opposite the proposed Erickson CCRC on MD108. It is contrary to the interests of the community and Erickson.** Erickson's concept plan and narrative shows that the purpose of moving Sheppard Lane to the west is to align the road with a proposed future entrance for the River Hill Square (RHS) development on the north corner of that triangular property. Section 121.0.G of the HC Zoning Regulation requires that the CEF development contain design features or enhancements which are beneficial to the community ... that shall be free and open to the general public, as opposed to a commercial use." As discussed below this proposed realignment of Sheppard Lane to the west is harmful to Howard County citizens and the local community. And there is a much better alternative for realigning Sheppard and enhancing safety and throughput of MD108. Erickson's plan to move Sheppard Lane to the west of its current location is for the sole benefit of the developer, Security Development Corporation (SDC) and its client the proposed River Hill Square (RHS) Shopping Center. SDC is also the Broker for the sale of the 60 acres of RC-zoned property to Erickson and is the owner of the Freestate Gas Station, which will be moved under this proposal in order to allow Linden Linthicum Lane to be extended north and to provide a main entrance for the Erickson community. Therefore, the SDC can

dictate to Erickson that it must move Sheppard to the west for SDC's benefit and for the benefit of SDC's client, the RHS. Moving Sheppard Lane closer to its proposed community is of no benefit to Erickson. The sole purpose of bending and realigning Sheppard is to provide a signalized entrance to the RHS in order to maximize the value and enhance the throughput of this commercial property at the expense of traffic flow and safety of commuters on MD108 and Sheppard Lane.

**A.2. Movement of Sheppard Lane to the east on MD108 is far superior for the community and all Howard County residents.** The attached slides illustrate a much better road configuration for enhancing safety and throughput on MD108 and at the Sheppard Lane, MD108 intersection. They also illustrate the deficiencies of the Erickson proposed road configuration. The key issue is that many years ago the county realized that the 55 degree intersection of Sheppard Lane and MD108 was dangerous and limited movements and visibility for vehicles on MD108 and Sheppard Lane and should be rectified. Therefore they reserved a wide right-of-way on the east side of Sheppard as shown on the attachment slide 11. The shape of the right-of-way indicates the preferred solution to gradually and gently bend Sheppard Lane to the east bringing it into a safe, standard, 90 degree (perpendicular) intersection with MD108. This is in contrast to the Erickson proposal in slide 8 where Sheppard Lane must be bent twice, first to the west and then back to the east in order to align it to the proposed RHS entrance. In addition, the Erickson proposed intersection only achieves a 60 to 70 degree of alignment with MD108, which is largely due to the requirement to maintain the same angle with that of the proposed RHS entrance and the internal driveway which run along the eastern side of its triangular property. The RHS owner and developer's insistence on acquiring access to the signalized intersection and maximizing the internal use of this property is driving reason for continued oblique angle of this "realigned" intersection. Slide 11 also includes elevation contours to the east and west of Sheppard Lane, which demonstrates that, in addition to the two bends, the Erickson realignment to the west must traverse roughly 38 ft in elevation to reach MD108, as compared with only 15 feet in elevation for the eastward realignment, which is shown in slide 13. It is clear that west realignment of Sheppard Lane with its crazy bends, rapid elevation change, and 70 deg intersection is much more dangerous, complex, and difficult to navigate for commuters than the east realignment. In addition, the eastern realignment will clearly be much less costly to construct and would offer more space for the Erickson community to use the land previously occupied by Sheppard Lane for its development or to add a community enhancement. The eastern realignment is much better for Erickson, and yet they did not select this alignment even though I made them aware of this opportunity.

**A.3 The western realignment is very bad for throughput on MD108.** The current Sheppard Lane/MD108 intersection permits only one through lane to the east on MD108. This is a choke point for all traffic flowing eastward out of River Hill. It is a big problem for members of the community who are trying to drive to the Clarksville Elementary and River Hill High School and for other commuters at rush hour. Backups routinely occur from Sheppard Lane past Great Star Dr. due to this choke point. These backups are shown in the attached slides. The Highway Needs Inventory calls for MD108 to be a 4/5 lane road between MD32 and MD29, and this is really required because this road presently carries around 20,000 vehicles per day in River Hill. Furthermore, traffic will only increase due to the continued residential and business developments in River Hill and the surrounding communities. Slide 12 shows



the road configuration achieved by moving Sheppard Lane to the east and expanding the width of MD108 by keeping the same white line on the south side of MD108 but adding 5 standard lanes. We can maintain a consistent 5-lane section of road from MD32 through the Sheppard Lane intersection, which will keep traffic moving and prevent traffic jams in River Hill. In contrast, Erickson's proposal to move Sheppard Lane to the west DOES NOT add any extra through lane to MD108 east and further exacerbates traffic delays for two reasons. First, the new signal will have to include at least two extra phases to allow vehicles to enter and exit from the proposed RHS development. In addition, as shown on slide 8, there are three lanes moving east on MD108 towards the relocated signal. The middle lane is the SINGLE through lane, the lane on the right is the acceleration lane from the right-out of the RHS right-in, right-out entrance. Finally, the left lane is a 1200 ft long left turn lane that extends to the Linden Linthicum Lane but suddenly turns into a left turn lane at the Sheppard Lane intersection. Many vehicles will use this left lane as an eastward through lane out of River Hill and they will be forced to merge to the right when their lane turns into a left-only lane as they approach Sheppard Lane. These vehicles will stop and block other vehicles wanting to use it as a left turn lane. **Vehicles in these three lanes will be merging into ONE THROUGH LANE and combined with the extra signal phases this will cause enormous backups and frustrated commuters, including frustrated teenager trying to get to River Hill High School.** The addition of an extra 1200 ft long eastbound lane between Linden Linthicum Lane and Sheppard Lane does NOTHING to enhance east bound traffic capacity on MD108 as a result of the single lane choke point at the Sheppard Lane Intersection.

The insistence on these two MD-108 accesses for the 6-acre triangular RHS site gives rise to other problematic traffic issues. For instance, many vehicles leaving the RHS center right out onto MD108 east will be cutting through the one MD108 through lane in order to get to the left turn lane onto Sheppard Lane north. This is very dangerous. In addition, the Erickson plan does not show a left turn lane into the proposed RHS entrance on the east side of the relocated Sheppard Lane (slide 8). In fact, there is a very narrow and short spacer (yellow lined keep out region) lane there now. It is not wide enough, or long enough to accommodate a reasonable left turn lane into the proposed RHS signalized entrance. Putting a left-in turn lane on MD108 west at this point would greatly add to the complexity of this proposed intersection.

**A.4 Reasonable Access for RHS, Erickson on MD108, Good throughput for MD108/Sheppard.** Slide 14 shows that a 5 lane section of MD108 which enhances traffic flow for commuters is consistent with reasonable access to the RHS development and to the proposed Ericson CCRC. The RHS can use its existing entrance and a left turn onto MD108 westbound access would be facilitated by the center lane. This is the same means of access that most shopping centers on MD108 in River Hill use for left access onto MD108. If necessary, a barrier (shown on the slide) could be added in the center lane as a traffic control device to provide a protected left turn onto MD108 west from the RHS. There will be 600 ft of distance between the RHS entrance and the relocated Sheppard Lane. This will be plenty of space for a left turn into the RHS from MD108 west and for a left turn onto Sheppard North from MD108 East. Erickson would have to give up the east-bound left turn into their MD108 entrance and convert this entrance into a right-in, right-out entrance only, if a traffic control barrier were implemented for the RHS. The middle lane, and other lanes, could also be widened between the two opposing entrances at

this point to allow easier traffic movements and any barriers. The proposed Erickson left turn in on MD108 seems dangerous and adds un-needed complexity on eastbound MD108. Erickson also claims that its operations will generate minimal traffic and so this left-in is not necessary as another entrance is provided by its proposed extension of Linden Linthicum Lane to the north past MD108. In addition, another safe access point into the community could easily be added via the reconfigured Sheppard Lane as shown in slide 14. This would enable much safer access to MD108 for the elderly drivers trying to access MD108.

**A.5. Summary of Sheppard realignment west.** Moving Sheppard Lane to the west will be very bad for traffic flow on MD108 and bad for safety of vehicular commuters at and near this proposed intersection, especially on Sheppard Lane. This Sheppard Lane configuration is also bad for the proposed Erickson development. Sheppard Lane is being moved for the sole benefit of one person, the owner of the RHS, at the request of his developer SDC, who is also a beneficiary of both the Erickson and RHS development. **These issues raise the following questions:**

**Who in the Howard County Government and the Maryland State Governments are advocating for road modifications that are in the best interests of the citizens and tax payers?**

**How can a single developer be allowed to move a road into a configuration that is beneficial for them alone but contrary to the public interest?**

**Why are the residents of River Hill, Howard County, and the State of Maryland being asked to tolerate a less than optimal intersection because the owner of the River Hill Square bought a triangular property?**

**A.6. An opportunity (lost?) to fix a problematic intersection.** If Howard County and State of Maryland approve this realignment of Sheppard lane to the proposed River Hill Square entrance they will have missed an opportunity to fix a dangerous, narrow, oblique, choke-point intersection. River Hill will be bracketed by two highly problematic and dysfunctional intersections: MD108 at Ten Oaks and MD108 at Sheppard Lane, all for the benefit of one property owner. If our governments do the right thing and act for the good of the citizens and insist on a safe and better intersections and road configurations as opposed to the intersection this developer is insisting upon, then the Erickson CCRC proposal would genuinely be providing a community enhancement, a requirement for CEF zoning.

Given that the Erickson CCRC proposal in its current form is harmful to the community, I will also point out another serious flaw in the proposal.

**B. The proposal is contrary to the purpose of the Community Enhancement Float (CEF) district.**

The purpose of the Community Enhancement Floating District according to the HC Zoning Regulations is:

“The Community Enhancement Floating (CEF) District is established to encourage the creative development and redevelopment of **commercial and residential properties** through flexible zoning so that the proposed development complements and enhances the surrounding uses and creates a more coherent, connected development. While it is envisioned that the CEF District could place residential

uses on land zoned for employment in some circumstances, it should not be viewed primarily as a way to convert land zoned for employment to residential."

However, the bulk of the property (60 acres) for which Erickson is seeking the CEF in order to develop a high density Continuing Care Retirement Center (CCR) is currently zoned as rural conservation land (RC). According to section 104.0.A, "The Rural Conservation District is established to conserve farmland and encourage agricultural activities ..." Although, a low density residential use is permitted on RC land (1 home/4.25 acres), the regulation states, "The preferred land use in the RC district is agriculture." In addition, section 103.0, states, "Commercial Use: Any use involving in part or in whole the sale or rental of merchandise, materials or services" and section 104.B.1 CEF lists Permitted: "uses permitted as a matter of right in residential zoning districts and the POR, B-1 and B-2 districts may be permitted as a matter of right."

While low density residential lots may be permitted under RC, the main purpose of RC land is not commercial activities or residential uses, but agriculture, and so the use of CEF in this case should not be allowed to convert farm/agricultural land into a very high density residential use (1400 residential units, 2000+ residents). In addition, if the CEF purpose statement discourages use of CEF to convert commercial properties into residential areas, then it should also be concerning that agricultural land is being converted to very high density residential property.

If implemented, this development will create a "mini-city" within the River Hill community and at the same time, introduce a highly complex section of road on MD108 between the community and its schools. The developer is asking that this project be approved before the impact of other recent and upcoming developments can be gauged, including, the addition of Clarksville Commons Shopping Center, CVS/Chick-fil-A/Mr. Tire at Ten Oaks Rd and MD108, the Enclave Community of 160 homes at Guilford Rd and MD108, the Simpson Oaks residential development, the Rt 32 expansion, and school redistricting. All of these changes could drastically affect traffic patterns in River Hill on MD108.

A change of this magnitude should be accomplished as part of the comprehensive planning process in 2023, where proper zoning, such as, Planned Senior Community (PSC) could be considered.

In conclusion, CEF is not appropriate for conversion of this agricultural land into high-density residential units. CEF is being used as an expedient to side step the Comprehensive Planning Process.

Sincerely,

//Signed//

David W. Elsaesser  
5737 Whistling Winds Walk  
Clarksville, MD 21029  
elsaessers@gmail.com