

Sayers, Margery

From: Lynn B. Clark <lbclark@verizon.net>
Sent: Wednesday, January 30, 2019 9:21 PM
To: CouncilMail
Subject: CB3 and CB4

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

We support CB3 and CB4

We have lived on Lawyers Hill RD (LHRD) since 1998 when we bought a 1950's cape cod style house near the intersection with Montgomery RD. Although our home is not in the designated Historic Residential District, it is tied to a family that has many generations on "The Road"(LHRD) [including Old LHRD]. Families that have moved away for various reasons return even in succeeding generations. Despite the distance between many of the homes, especially the designated historic ones that are sheltered by stands of grand old trees, much of the sense of community springs from the historic Meeting Hall near the intersection of LHRD and Old LHRD. It was the center of the original Summer retreat homes for wealthy families from Baltimore. This was before electricity, air-conditioning/heating, and indoor plumbing. Of course, the historic homes' amenities have been upgraded interior-wise. The Meeting Hall retains many of these limitations to reflect the historic site designation but it is used as much as possible, weather permitting. It is where the social activities such as parties, dances, plays, musicals, and picnics occurred. Also, many of the battles began there to protect the area such as the splitting of the community by the building of Interstate 95 as all of the agreements to reduce the highway noise met the bedrock! It only took 50+ years of fighting for the community to have the noise barrier built!

We are now fighting for the integrity of all of the designated historic district's properties. A developer is trying apply a zoning rating for the surrounding area (RED) to override the zoning for a designated historic property to build homes that do not meet any of the printed Guidelines for this specific historic district's buildings and landscaping. Modern **interior** amenities are allowed. This developer has no intention of following the exterior Guidelines. He plans to strip the land's dense 100+ year-old trees and foliage that serve as a vital animal refuge and "plant 1 fruit tree in the back yard" of the 17 closely aligned lots. Nothing resembles the guidelines for the only historic residential district in our county.

Members of the LHRD community and the Gables community (adjoining part of the historic district) have met with this developer to discuss his plans and to give him input in relation to the Guidelines, the importance of the existence of the valuable trees and impact on the root systems of trees on nearby properties if clearance is too close to some property lines. Rainwater flow, nature of the landscape, and already existing traffic issues on LHRD and the Gables' through road (both from RT 1) were presented to him and were essentially ignored. He is doing everything to negate the property's existing zoning protections.

We recognize the significant financial gains for the landowner, developer, and potential builder of the proposed homes, but overriding this historic district designation will impact the future of all other historic properties in the district, leaving them subject to exploitation instead of preserving our history. This is why we support **CB3**.

Additionally, we support **CB4** in relation to the above property, and much of LHRD because of the rainwater flow from the east of many properties down a steep slope from RT1, despite the existing drainage systems and all of the trees and foliage. The record rainfall of 2018 indicates need for special additional rainwater control.

Lynn Burns Clark and Howard Douglas Keith
6541 Lawyers Hill RD
Elkridge, MD 21075

Sayers, Margery

From: Walsh, Elizabeth
Sent: Friday, January 25, 2019 10:09 AM
To: Sayers, Margery
Subject: Fw: Testimony CB-4
Attachments: CB-4 Favorable Testimony (1).pdf

From: Emily Ranson <eranson@cleanwater.org>
Sent: Tuesday, January 22, 2019 4:41 PM
To: Walsh, Elizabeth
Cc: Fisher, Karina; Dvorak, Nicole
Subject: Testimony CB-4

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Hi, Councilwoman Walsh and all,

Here is my written testimony for CB-4. I am not seeing a way to submit online - am I just missing the link?

Thanks,

Emily Ranson

Emily Ranson
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Thank you.

January 22, 2019

CB-4 2019

In Support

Clean Water Action is a water-oriented advocacy group with over 5,000 members in Howard County, and 37,000 in the state of Maryland. Clean Water Action supports policies that protect and improve water quality in Maryland and throughout the country.

Wetlands, streams, and steep slopes are vulnerable environmental features that need to be protected from development. Wetlands provide important ecosystem services, filtering and slowing runoff, and are an important feature in stormwater management. Streams are the direct pipeline for nutrients, pollution, and sediment downstream, and also serve as important habitat and sources of recreation for kids and other Howard County residents. Steep slopes pose a particular erosion risk and should be preserved.

Buffers around these features, especially forested buffers, are a critical tool for preserving water and habitat quality. Forest is one of the most effective ways to combat nutrient pollution in water. They decrease water velocity by soaking up stormwater, decrease water temperatures to provide a more hospitable environment for aquatic life, are a carbon sink, and provide necessary habitat for local wildlife, among other benefits. Trees can also reduce erosion by stabilizing stream banks, necessary with rising quantities of stormwater runoff and bigger storm events increasing the quantity and velocity of water in our streams and rivers..

Trees, shrubs, and plants located in sensitive areas including 100-year floodplains, intermittent and perennial streams and their buffers, and steep slopes are, per state law, to be considered priority for retention and should be left undisturbed.

When state regulations were imposed, local jurisdictions were allowed to develop waiver programs in order to provide discretion and flexibility in enforcing the law. However, each jurisdiction is given the authority to be more stringent than state minimums, and each jurisdiction can better protect their water resources. CB-4 better protects Howard County's water resources by limiting development inside the most critical areas: within the stream buffer, in wetlands, and by steep slopes.

Best,

Emily Ranson
Maryland Program Coordinator
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443-562-2832

Sayers, Margery

From: John Garber <jgar2002@msn.com>
Sent: Friday, January 25, 2019 6:27 PM
To: CouncilMail
Subject: CB-04-2019
Attachments: Survey of variance use.docx

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council members:
Please see the attached letter re: a survey of variance use

Sincerely,

John Garber
Laurel, MD

Re: Suggested Survey or data collection on variance use

As an observer of the 1/22/19 Council Legislative Hearing I was taken aback by the comments from the development community regarding the use of variances (now called alternative compliance).

Those opposing CB-04 regarding elimination of DPZ discretion maintained that few developers use them and only when necessary-- so there is no abuse/reason to eliminate DPZ discretion. The implication is that DPZ has an objective knowledge base to determine when it is appropriate to allow this mechanism to be used. Unless and until such a data set is available it does not appear unreasonable to at least suspend the use of different 'relief mechanisms' by DPZ, if not eliminate it.

If records of variance use currently exist that are searchable, then they should be examined and analyzed first to see if they can provide an objective base for decision making. If not available, this discretion should be suspended or eliminated. Anecdotal reports should be used only to get a sense of the time, place, frequency, and identity of those making the requests. This information could provide the focus for the development of the parameters/criteria to be used if the discretionary power was needed. Each type of "relief" should be treated separately for analysis purposes: necessary disturbances, alternative compliance, administrative adjustments, or variances.

It is probably reasonable to assume that the 80/20 condition exists here. That is, 80% of the requests are coming from 20% of the developers. The tendency to specialize by certain land use attorneys and 'development consultants' would support that assumption. Those normally working with properties presenting greater challenges for development would be more likely to encounter situations needing some form of relief.

Smaller properties, infill properties, properties with steep slopes, forests, storm water management issues all present challenges when trying to meet the maximum density allowed. Properties with these constraints are the last to be developed for obvious reasons. Those with fewer constraints are more desirable and are developed first.

The essential issue here is attempting to force the property to match the desired plan rather than adapting the plan to match the capability and suitability of the property to support it. The goal of siting the maximum units allowed is the goal most likely to force the developer to seek solutions that would otherwise be unnecessary.

The term “highest and best use” refers to both the owners and the community’s needs. As an alternative to waivers DPZ could better serve the development community, their clients and the public by guiding developers to consider reducing unit yield as the first option when revising plans. Use of the State’s higher standard, practicable, rather than the lower standard, practical, to match the plan to a property’s capability and suitability should be considered.

Definitions play an important role in the plan evaluation process.

suitability

the quality of being right or appropriate for a particular person, purpose, or situation.

capability

the power or ability to do something.

practicable

able to be done or put into practice successfully. *Synonyms:* realistic, feasible, possible, within the bounds/realm of possibility, viable, reasonable sensible, workable, achievable

practical

of or concerned with the actual doing or use of something rather than with theory and ideas.

The suggestion to examine the data on the granting of the various forms of relief could contribute unreasonably to a delay in bringing CB-

04-2019 to a vote. It would therefore be reasonable, appropriate, and prudent that during any delay to collect data, no additional relief is granted to new projects.

I urge you to vote for CB-04 due to its ability to better protect wetlands, streams, and steep slopes. It is essential that we do not continue to abuse critical land features for short term financial gain while risking our future safety and sustainability.

John Garber
Charter member AICP

