

Introduced 1/7/19
Public hearing 1/22/19
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2019 Legislative Session

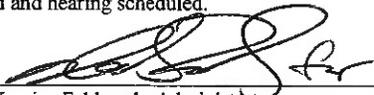
Legislative day # 1

BILL NO. 3 - 2019

Introduced by:
Liz Walsh

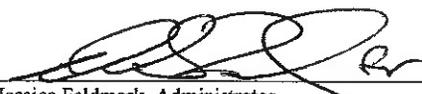
AN ACT amending the Howard County Code by removing certain exceptions for a certificate of approval for new development in a historic district; and generally relating to historic district certificate of approvals.

Introduced and read first time January 7, 2019. Ordered posted and hearing scheduled.

By order 
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on January 22, 2019.

Tabled 2/4/19

By order 
Jessica Feldmark, Administrator

This Bill was read the third time on February 4 2019 and Passed __, Passed with amendments __, Failed X. Bill Expired on the Table 3/18/19

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2019 at ___ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2019

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard County**
2 **Code is hereby amended as follows:**

3

4 *By Amending:*

5

6 *Title 16. "Planning, Zoning and Subdivisions and Land Development Regulations"*

7

8 *Subtitle 6. "Historic Preservation Commission."*

9 *Section 16.603. "Certificates of approval."*

10

11

12

HOWARD COUNTY CODE

13

14

Title 16. PLANNING, ZONING AND SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS

15

16

17

Subtitle 6. Historic Preservation Commission.

18

Section 16.603. Certificates of approval.

19

20 (a) *Certificate of Approval Required.* Except as provided otherwise in this section, a certificate
21 of approval from the Commission is mandatory before the following may be undertaken
22 within any historic district:

23

(1) Construction, moving, demolition, repair or alteration of any structure in any manner
24 affecting the exterior appearance of the structure;

25

(2) Construction or alteration of parking areas; and

26

(3) Installation or alteration of exterior signs.

27

(b) *Exemptions.* A certificate of approval is not required for:

28

(1) Routine maintenance; or

29

(2) Minor alterations that are determined by the Executive Secretary of the Commission to
30 be consistent with the guidelines. The Executive Secretary's determination shall be posted
31 on the Commission's website. The Executive Secretary shall notify each Commissioner
32 in writing. If within five days of posting on the website, and written notification to the
33 Commissioners, any person objects in writing to the Executive Secretary, a certificate of

1 approval is required. Notwithstanding any provision of this Code, the determination of
2 the Executive Secretary may not be appealed.

3 ~~[(c)]~~ *Preparation for New Development.* A certificate of approval is not required for the following
4 work when carried out in accordance with an approved subdivision plan, site development
5 plan, forest conservation plan, or grading plan:

6 (1) Construction or alteration of public streets and sidewalks, use-in-common driveways,
7 storm drains and drainage swales, stormwater management facilities, and utility lines;

8 (2) Tree clearing and removal; or

9 (3) Installation of forest conservation plantings, street trees, and other required landscaping.]]

10 ~~[(d)]~~ *(c) Building Permit.* The Department of Inspections, Licenses and Permits shall not issue
11 a building permit or a grading permit for work requiring a certificate of approval unless the
12 Commission has issued a certificate of approval. The permit shall incorporate any
13 requirements or modifications required by the certificate of approval.

14 ~~[(e)]~~ *(d) Sign Permit.* The Department of Inspections, Licenses and Permits shall not issue a sign
15 permit for work requiring a certificate of approval unless the Commission has issued a
16 certificate of approval. The sign permit shall incorporate any requirements or modifications
17 required by the certificate of approval.

18 ~~[(f)]~~ *(e) Posted on Property.* The certificate of approval shall be posted on the property in a
19 location visible from a public street while the work authorized by the certificate is being
20 performed.

21 ~~[(g)]~~ *(f) Expiration of Certificate of Approval.* Unless extended by the Commission, a certificate
22 of approval issued by the Commission shall expire automatically if:

23 (1) The work has not been substantially completed within 18 months from the date the
24 certificate of approval was issued for an application for the alteration, repair, moving, or
25 demolition of a structure, or for the construction of a new accessory structure.

26 (2) The work has not been substantially completed within three years from the date the
27 certificate of approval was issued for an application for the construction of a new principal
28 structure.

1 ~~[(h)]~~ (G) *Extension of Certificate of Approval.* An application for extension of a certificate of
2 approval shall be treated and considered as a new application before the Commission.

3

4

5 ***Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall***
6 ***become effective 61 days after its enactment.***

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on _____, 2019.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2019.

Jessica Feldmark, Administrator to the County Council

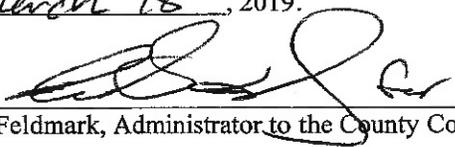
BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2019.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on March 18, 2019.



Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2019.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2019.

Jessica Feldmark, Administrator to the County Council

Amendment 1 to Council Bill No. 3

BY: Liz Walsh

Legislative Day 4
Date: March 4, 2019

Amendment No. 1

(This amendment would require a certificate of approval from the Historic Preservation Commission for tree clearing and removal in a historic district when carried out in accordance with an approved subdivision plan, site development plan, forest conservation plan, or grading plan.)

On page 2, in lines 3 and 9, strike the brackets.

On the same page, in line 7, after the semicolon, insert "OR".

On the same page, strike beginning with "Tree" in line 8 down through "(3)" in line 9.

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On the same page, in line 7, after the semicolon, insert "OR".

On the same page, strike beginning with "Tree" in line 8 down through "(3)" in line 9.

HOWARD COUNTY COUNCIL
RECEIVED

February 2, 2019

2019 FEB -6 PM 1:24
EW OJ CR DY
TW MS

The Honorable Christiana Rigby, Chair
Howard County Council
3430 Courthouse Drive
Ellicott City, MD 21043

RE: Council Bill 3-2019

Dear Chairperson Rigby:

We, the undersigned business leaders and professionals of Howard County, respectfully request that the County Council table Council Bill 3-2019 pending the conclusion of an ongoing ethics investigation regarding Historic Preservation Commission ("HPC" or "Commission") Board Member Drew Roth. While this legislation may have been filed with good intentions, information made available subsequent to its introduction has raised significant questions about the propriety of giving the Commission more power over the approval of development projects.

On December 6, 2018, HPC-18-63 regarding a 17-home subdivision to be located at 5819 Lawyers Hill Road was presented to the Commission. At that time, the Petitioner notified the Board that Board Member Drew Roth owned property adjoining the proposed subdivision and asked that he recuse himself. Mr. Roth refused and the Office of Law declined to intervene. Over the course of the hearing, Mr. Roth expressed clear opposition to the subdivision and sought modifications outside of the scope of the HPC. Notably, in the absence of Council Bill 3, the HPC is limited to advisory comments to be considered by the Planning Board in any approval or denial of the subdivision. Council Bill 3 would authorize the Commission to defeat the subdivision entirely.

Under Maryland law, an adjoining or abutting property owner is "presumptively aggrieved" by the development of a neighboring parcel. Such property owners have equal standing before administrative bodies as the petitioner. Undoubtedly, if the situation were reversed and Mr. Roth were the petitioner as opposed to a presumptive protestant, this Council would be reticent to give him more authority over the approval of projects on his land. The analysis is no different here.

We are sympathetic to the pressures put on the Council to support legislation that impedes residential growth. Existing constituencies routinely oppose any and all measures that will add new homes and, presumptively, lower property values.

Nevertheless, the exclusionary policies that were adopted last year and the popular will that directs it has set Howard County on a dangerous path. Council Bill 3 represents a bridge too far. Regardless of intention, its effect on the processing of the Lawyer's Hill subdivision would be nothing short of blatant corruption.

That leads to the motivation behind this letter. None of the undersigned have an interest in this project. This is a matter of good government. This bill, and anyone who votes for it, is telling the business community that corruption is acceptable so long as it is targeted at the right party. We believe this legislation should be defeated entirely, but in the absence of that we would strongly urge the Council to table the bill pending the resolution of an ethics complaint that has been filed against Mr. Roth regarding his refusal to recuse himself from voting on this project.

Sincerely,
Natalie Ziegler



HOWARD COUNTY COUNCIL
RECEIVED

February 2, 2019

2019 FEB 11 AM 10:43
CMBRS TW MS

The Honorable Deb Jung
Howard County Council
3430 Courthouse Drive
Ellicott City, MD 21043

RE: Council Bill 3-2019

Dear Councilwoman Jung:

We, the undersigned business leaders and professionals of Howard County, respectfully request that the County Council table Council Bill 3-2019 pending the conclusion of an ongoing ethics investigation regarding Historic Preservation Commission ("HPC" or "Commission") Board Member Drew Roth. While this legislation may have been filed with good intentions, information made available subsequent to its introduction has raised significant questions about the propriety of giving the Commission more power over the approval of development projects.

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Sincerely,
Natalie Ziegler
Carroll Mill Farm

A handwritten signature in black ink, appearing to read "Natalie Ziegler", followed by a stylized flourish or mark.

Sayers, Margery

From: Michael Kreft <mikekreft92@hotmail.com>
Sent: Monday, February 4, 2019 3:23 PM
To: CouncilMail
Subject: Support for CB3-2019

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

Howard County Council Members,

I'm writing to support CB3-2019, which will provide an additional level of control over site planning and design in Howard County's two historic districts, Lawyers Hill and Ellicott City Main Street. The protection of our historic districts is important to me, and requiring site plans to meet established guidelines for new development should be respected.

I've been a home owner in Howard County for over 25 years. I feel CB3-2019 will further protect our historic districts from unchecked development. The unique character of the Lawyers Hill and Ellicott City Main Street are worth protecting. I frequently travel through both areas, and would hate to see them permanently altered by development not in keeping with the historic charm of these two districts.

Michael Kreft
Ellicott City, District 1

Fisher, Karina

From: Alan Schneider <ajs333@aol.com>
Sent: Monday, February 4, 2019 4:43 PM
To: crigby@howardcountymd.com; Jung, Deb; Jones, Opel; Walsh, Elizabeth;
djungmann@aol.com
Subject: Vote for **CB3** and CB4

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

Historic areas need more protection. Proposed developments do not meet standards for protecting historic areas and adjacent wetlands and environmentally protected areas.

Wetlands need more protection. Wetlands were not protected when the mortuary on Route 108 was approved as a conditional use. Wetlands existed. Testimony by the environmental expert said "there are no wetlands". The approval of the site development plan was inconsistent with the approved conditional use. My appeal was within the 30 day period set by the DPZ. The hearing examiner accepted Sang Oh's argument that the appeal period began earlier, and dismissed my appeal. Opponent's experts were denied access to the site by "no trespassing signs" and i was threatened with a criminal trespass action against me.

Alan Schneider
12598 Clarksville Pike
Clarksville, Md.21029



HOWARD COUNTY COUNCIL RECEIVED

2019 JAN 32 PM 1:31

CMBRS MS TW

January 28, 2019

The Honorable Christiana Rigby, Chair
Howard County Council
3430 Courthouse Drive
Ellicott City, MD 21043

RE: Council Bill 3-2019

Dear Chairperson Rigby:

We, the undersigned business leaders and professionals of Howard County, respectfully request that the County Council table Council Bill 3-2019 pending the conclusion of an ongoing ethics investigation regarding Historic Preservation Commission ("HPC" or "Commission") Board Member Drew Roth. While this legislation may have been filed with good intentions, information made available subsequent to its introduction has raised significant questions about the propriety of giving the Commission more power over the approval of development projects.

On December 6, 2018, HPC-18-63 regarding a 17-home subdivision to be located at 5819 Lawyers Hill Road was presented to the Commission. At that time, the Petitioner notified the Board that Board Member Drew Roth owned property adjoining the proposed subdivision and asked that he recuse himself. Mr. Roth refused and the Office of Law declined to intervene. Over the course of the hearing, Mr. Roth expressed clear opposition to the subdivision and sought modifications outside of the scope of the HPC. Notably, in the absence of Council Bill 3, the HPC is limited to advisory comments to be considered by the Planning Board in any approval or denial of the subdivision. Council Bill 3 would authorize the Commission to defeat the subdivision entirely.

Under Maryland law, an adjoining or abutting property owner is "presumptively aggrieved" by the development of a neighboring parcel. Such property owners have equal standing before administrative bodies as the petitioner. Undoubtedly, if the situation were reversed and Mr. Roth were the petitioner as opposed to a presumptive protestant, this Council would be reticent



to give him more authority over the approval of projects on his land. The analysis is no different here.

We are sympathetic to the pressures put on the Council to support legislation that impedes residential growth. Existing constituencies routinely oppose any and all measures that will add new homes and, presumptively, lower property values. Nevertheless, the exclusionary policies that were adopted last year and the popular will that directs it has set Howard County on a dangerous path. Council Bill 3 represents a bridge too far. Regardless of intention, its effect on the processing of the Lawyer's Hill subdivision would be nothing short of blatant corruption.

That leads to the motivation behind this letter. None of the undersigned have an interest in this project. This is a matter of good government. This bill, and anyone who votes for it, is telling the business community that corruption is acceptable so long as it is targeted at the right party. We believe this legislation should be defeated entirely, but in the absence of that we would strongly urge the Council to table the bill pending the resolution of an ethics complaint that has been filed against Mr. Roth regarding his refusal to recuse himself from voting on this project.

Sincerely,

A handwritten signature in blue ink, appearing to be "Bob Weickgenannt".

Robert Weickgenannt
 Weick Properties LLC
 8835 Columbia 100 Pkwy
 Columbia, MD 21045

HOWARD COUNTY COUNCIL
RECEIVED

CARROLL REAL ESTATE CONSULTING, INC.

8318 Forrest Street – Suite 101

Ellicott City, MD 21043

PHONE: 443-220-6387

FAX: 800-878-6033

EMAIL: ggamber@earthlink.net

2019 JAN 29 AM 11:32
CMBRS TW MS

January 28, 2019

The Honorable Christiana Rigby, Chair
Howard County Council
3430 Courthouse Drive
Ellicott City, MD 21043

RE: Council Bill 3-2019

Dear Chairperson Rigby:

As a business professional doing business in Howard County, I respectfully request that the County Council table Council Bill 3-2019 pending the conclusion of an ongoing ethics investigation regarding Historic Preservation Commission (“HPC” or “Commission”) Board Member Drew Roth. While this legislation may have been filed with good intentions, information made available subsequent to its introduction has raised significant questions about the propriety of giving the Commission more power over the approval of development projects.

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We are sympathetic to the pressures put on the Council to support legislation that impedes residential growth. Existing constituencies routinely oppose any and all measures that will add new homes and, presumptively, lower property values. Nevertheless, the exclusionary policies that were adopted last year and the popular will that directs it has set Howard County on a dangerous path. Council Bill 3 represents a bridge too far. Regardless of intention, its effect on the processing of the Lawyer’s Hill subdivision would be nothing short of blatant corruption.

That leads to the motivation behind this letter. As a real estate consultant and Maryland Licensed Real Estate Sales Person, I have no financial interest in this particular project. This is a matter of good government and the appearance of impropriety, which impacts not just on the future of sound quality development in Howard County and the increase to the tax base; but, more importantly the process in itself.

This bill, and anyone who votes for it, is saying to our business community that impropriety, or the appearance of impropriety, is acceptable so long as it is targeted at the right party. I believe this legislation should be defeated entirely, but in the absence of an outright defeat and dismissal, I strongly urge the Council to table the bill pending the resolution of an ethics complaint that has been filed against Mr. Roth regarding his refusal to recuse himself from voting on this project.

Honorable Justice Antonin Scalia on the “Appearance of Impropriety” Ethical Standard- “If there’s anything vaguer than that I can’t imagine what it might be.”

Sincerely,



Gary R. Gamber
President

HOWARD COUNTY COUNCIL
RECEIVED

January 28, 2019

2019 JAN 30 PM 1:09
CMBRS MS TW

The Honorable Christiana Rigby, Chair
Howard County Council
3430 Courthouse Drive
Ellicott City, MD 21043

RE: Council Bill 3-2019

Dear Chairperson Rigby:

We, the undersigned business leaders and professionals of Howard County, respectfully request that the County Council table Council Bill 3-2019 pending the conclusion of an ongoing ethics investigation regarding Historic Preservation Commission ("HPC" or "Commission") Board Member Drew Roth. While this legislation may have been filed with good intentions, information made available subsequent to its introduction has raised significant questions about the propriety of giving the Commission more power over the approval of development projects.

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We are sympathetic to the pressures put on the Council to support legislation that impedes residential growth. Existing constituencies routinely oppose any and all measures that will add new homes and, presumptively, lower property values. Nevertheless, the exclusionary policies that were adopted last year and the popular will that directs it has set Howard County on a dangerous path. Council Bill 3 represents a bridge too far. Regardless of intention, its effect on the processing of the Lawyer's Hill subdivision would be nothing short of blatant corruption.

That leads to the motivation behind this letter. None of the undersigned have an interest in this project. This is a matter of good government. This bill, and anyone who votes for it, is telling the business community that corruption is acceptable so long as it is targeted at the right party. We believe this legislation should be defeated entirely, but in the absence of that we would strongly urge the Council to table the bill pending the resolution of an ethics complaint that has been filed against Mr. Roth regarding his refusal to recuse himself from voting on this project.

Sincerely,



Patraic Weymouth

January 28, 2019

HOWARD COUNTY COUNCIL
RECEIVED

2019 JAN 30 PM 1:10

The Honorable Christiana Rigby, Chair
Howard County Council
3430 Courthouse Drive
Ellicott City, MD 21043

RE: Council Bill 3-2019

Dear Chairperson Rigby:

I, a business leader and professional in Howard County, respectfully request that the County Council table Council Bill 3-2019 pending the conclusion of an ongoing ethics investigation regarding Historic Preservation Commission ("HPC" or "Commission") Board Member Drew Roth. While this legislation may have been filed with good intentions, information made available subsequent to its introduction has raised significant questions about the propriety of giving the Commission more power over the approval of development projects.

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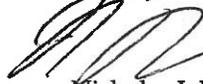
Under Maryland law, an adjoining or abutting property owner is "presumptively aggrieved" by the development of a neighboring parcel. Such property owners have equal standing before administrative bodies as the petitioner. Undoubtedly, if the situation were reversed and Mr. Roth were the petitioner as opposed to a presumptive protestant, this Council would be reticent to give him more authority over the approval of projects on his land. The analysis is no different here.

I am sympathetic to the pressures put on the Council to support legislation that impedes residential growth. Existing constituencies routinely oppose any and all

measures that will add new homes and, presumptively, lower property values. Nevertheless, the exclusionary policies that were adopted last year and the popular will that directs it has set Howard County on a dangerous path. Council Bill 3 represents a bridge too far. Regardless of intention, its effect on the processing of the Lawyer's Hill is a clear conflict of interest.

That leads to the motivation behind this letter. I have no interest in this project. This is a matter of good government. This bill, and anyone who votes for it, is telling the business community that personal objectives acted upon by someone in a position of authority is acceptable so long as they are targeted at the right party. I believe this legislation should be defeated entirely, but in the absence of that I would strongly urge the Council to table the bill pending the resolution of an ethics complaint that has been filed against Mr. Roth regarding his refusal to recuse himself from voting on this project.

Sincerely,



Nicholas Johnson

Owner, Su Casa Furniture



Biohabitats

The Stables Building
2081 Clipper Park Road
Baltimore, MD 21211

HOWARD COUNTY COUNCIL
RECEIVED

2019 JAN 22 PM 2:39
LW TW MS

January 17, 2019

The Honorable Liz Walsh, District 1
George Howard Building, 1st Floor
3430 Courthouse Drive
Ellicott City, MD 21043

RE: Council Bill No. 4-2019

Subject: Necessary disturbance for ecological restoration and water quality enhancement projects

Dear Councilwoman Walsh:

As an ecological planning and design firm, we applaud your efforts to tighten regulations regarding the protection of sensitive natural resources. Since 2013, we have been a consult for the County's Storm Water Management (SWM) Division, where we design and oversee the construction of numerous projects that seek to enhance water quality and natural environments, such as the Dorsey Hall Village Water Quality Retrofits, Bonnie Branch Bank Stabilization and Rockburn Branch Park Stream Restoration and Water Quality Retrofits in District 1. Unfortunately, these beneficial projects are subject to the same development regulations as subdivisions and other projects even though they allow the land to revert back to a natural and hopefully better condition. It is through the "Necessary Disturbance Exemption" that the Department of Planning and Zoning authorizes these activities with minimal administrative burden and within a timeframe that supports SWM Division's objectives and permit requirements. We are writing to request an amendment to CB4-2019 to allow ecological restoration and water quality enhancement projects to be permitted under Section 16.116. "Protection of wetlands, streams, and steep slopes" as a necessary disturbance or other alternative compliance. Furthermore, it may be worth considering exemptions for redevelopment projects that result in a net ecological uplift, like some of the redevelopment work in Downtown Columbia, or new developments meeting the County's criteria for Green Neighborhoods. With these amendments, we feel that Howard County can continue to lead in environmental protection and encourage projects to further enhance the natural environments throughout the County.

Sincerely,
Biohabitats, Inc.

Michael Trumbauer
Sr. Restoration Ecologist / Project Manager



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: Stephanie Tuite <Stephanie@fcc-eng.com>
Sent: Wednesday, January 30, 2019 12:01 PM
To: CouncilMail; Ball, Calvin
Subject: [WARNING: AMP - ATTACHMENT(S) MAY CONTAIN MALWARE]Testimony against CB3-2019
Attachments: Stephanie Tuite.vcf; Testimony against CB3 Tuite.pdf

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

Please see attached for your consideration.

Stephanie Tuite



January 30, 2019

By Email: Howard County Council (CouncilMail@howardcountymd.gov)
County Executive Calvin Ball (CalvinBall@howardcountymd.gov)
The Honorable Christiana Rigby, Chair

RE: Testimony against Council Bill 3-2019

Dear Chairperson Rigby, Council Members and County Executive Ball:

As a business leader, business owner, resident in Mr. Yungman's district, and professional of Howard County, I respectfully request that the County Council table Council Bill 3-2019 pending the conclusion of an ongoing ethics investigation regarding Historic Preservation Commission ("HPC" or "Commission") Board Member Drew Roth. I do believe that this legislation was filed with good intentions, but considering information made available subsequent to its introduction has raised significant questions about the propriety of giving the Commission, or any entity other than the Department of Planning and Zoning, more power over the approval of development projects.

On January 17, 2019, HPC-18-63 regarding a 17-home subdivision to be located at 5819 Lawyers Hill Road was presented to the Commission. At that time, the Petitioner notified the Board that Board Member Drew Roth owned property adjoining the proposed subdivision and asked that he recuse himself. Mr. Roth refused and the Office of Law declined to intervene. Over the course of the hearing, Mr. Roth expressed clear opposition to the subdivision and sought modifications outside of the scope of the HPC. Notably, in the absence of Council Bill 3, the HPC is limited to advisory comments to be considered by the Planning Board in any approval or denial of the subdivision. Council Bill 3 would authorize the Commission to defeat the subdivision entirely.

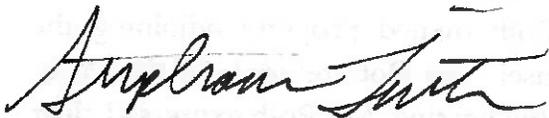
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Sincerely,



Stephanie Tuite

Sayers, Margery

From: Frank Manalansan II <frankm@fcc-eng.com>
Sent: Wednesday, January 30, 2019 10:17 AM
To: CouncilMail; Ball, Calvin B
Subject: Testimony Against CB3-2019
Attachments: SKMBT_C554e19013010150.pdf

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

Chairperson Rigby, Council Members, and County Executive Ball-

Please see attached for your consideration.

Regards,

Frank Manalansan II, L.S.

Fisher Collins and Carter Inc.

Centennial Square Office Park
10272 Baltimore National Pike
Ellicott City, Maryland 21042
(410) 461-2855 Ext. 1839

January 28, 2019

By Email: Howard County Council (CouncilMail@howardcountymd.gov)
County Executive Calvin Ball (CBBall@howardcountymd.gov)
The Honorable Christiana Rigby, Chair

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Sincerely,

Handwritten signature of Frank John Marulano II in blue ink.

Sayers, Margery

From: Earl Collins <collins@fcc-eng.com>
Sent: Wednesday, January 30, 2019 9:34 AM
To: CouncilMail
Subject: Council Bill 3-2019
Attachments: Earl Collins.vcf; Council Bill 3-2019.pdf

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

Please see attachment,

Thanks,



January 28, 2019

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County Executive Calvin Ball (CBBall@howardcountymd.gov)
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Sincerely,

A handwritten signature in black ink, appearing to read "Ed Callahan". The signature is written in a cursive style with a large initial "E".

Sayers, Margery

From: Terry Fisher <tfisher@fcc-eng.com>
Sent: Wednesday, January 30, 2019 9:24 AM
To: CouncilMail; Ball, Calvin B
Subject: FW: Testimony Against CB3-2019
Attachments: Council Bill 3-2019.pdf

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

Chairperson Rigby, Council Members, and County Executive Ball-
Thank you for your consideration.
Best regards-
Terry Fisher

January 28, 2019

By Email: Howard County Council (CouncilMail@howardcountymd.gov)
County Executive Calvin Ball (CBBall@howardcountymd.gov)
The Honorable Christiana Rigby, Chair

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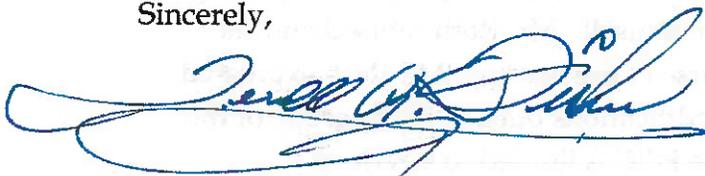
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Sincerely,

A handwritten signature in blue ink, appearing to read "James G. Dill", with a large, sweeping flourish underneath.

Sayers, Margery

From: Mike McCann <mike.mccann@fcc-eng.com>
Sent: Tuesday, January 29, 2019 11:29 AM
To: CouncilMail; Ball, Calvin B
Subject: Testimony Against CB3-2019
Attachments: SKMBT_C554e19012911160.pdf

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

Chairperson Rigby, Council Members, and County Executive Ball-
Thank you for your consideration.
Best regards-
Mike McCann

January 28, 2019

By Email: Howard County Council (CouncilMail@howardcountymd.gov)
County Executive Calvin Ball (CBBall@howardcountymd.gov)
The Honorable Christiana Rigby, Chair

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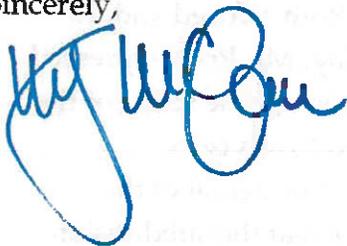
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Sincerely,

A handwritten signature in blue ink, appearing to read "John M. ...". The signature is stylized and written in a cursive-like font.

Sayers, Margery

From: Mark Robel <robel@fcc-eng.com>
Sent: Tuesday, January 29, 2019 10:24 AM
To: CouncilMail; Ball, Calvin B
Subject: Testimony Against Council Bill 3-2019
Attachments: SKM_C554e19012910130.pdf

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

January 28, 2019

By Email: Howard County Council (CouncilMail@howardcountymd.gov)
County Executive Calvin Ball (CBBall@howardcountymd.gov)
The Honorable Christiana Rigby, Chair

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Sincerely,

Mark L. Robel
(Property Line Surveyor #339)

Sayers, Margery

From: Paul Kriebel <pkriebel@fcc-eng.com>
Sent: Tuesday, January 29, 2019 10:24 AM
To: CouncilMail
Cc: Ball, Calvin B
Subject: COUNCIL BILL 3-2019 : TESTIMONY AGAINST
Attachments: SKMBT_C554e19012910550.pdf

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

TO : THE HOWARD COUNTY COUNCIL & THE HOWARD COUNTY EXECUTIVE : PLEASE SEE THE ATTACHMENT.....
.....THANKS.....PAUL W. KRIEBEL

January 28, 2019

By Email: Howard County Council (CouncilMail@howardcountymd.gov)
County Executive Calvin Ball (CBBall@howardcountymd.gov)
The Honorable Christiana Rigby, Chair

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Sincerely,

Paul W. Kaibel

Sayers, Margery

From: Lisa Markovitz <lmarkovitz@comcast.net>
Sent: Sunday, January 27, 2019 6:25 PM
To: CouncilMail
Subject: Submerged Gravel Wetlands info (CB3)

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

I was asked what I knew about the type of stormwater management feature Mr. Reuwer described, as a submerged gravel wetland system proposed for the Lawyer's Hill project. There is a lot of good information online describing these systems, where they work best, what type of issues to watch out for, especially regarding on-going maintenance, etc. Here are some links that give some good details. One issue to remember on this subject is that this system is about quality of water, and not amount running off, and requires flat, zero slope areas to be beneficial.

FYI
Lisa Markovitz

https://www.njstormwater.org/pdf/tech_man_6_2_constructed_stormwater_wetlands.pdf

<https://www.annapolis.gov/DocumentCenter/View/9598/Submerged-Gravel-Wetlands-Fact-Sheet-PDF?bidId=>

<https://www.unh.edu/unhsc/sites/unh.edu.unhsc/files/presentations/NJASLA%20subsurface%20gravel%20wetland.pdf>

CONSTRUCTED STORMWATER WETLANDS

Definition

Constructed stormwater wetlands are wetland systems designed to maximize the removal of pollutants from stormwater runoff through settling and both uptake and filtering by vegetation. Constructed stormwater wetlands temporarily store runoff in relatively shallow pools that support conditions suitable for the growth of wetland plants. There are two types of constructed wetlands for stormwater runoff treatment: standard wetlands and subsurface gravel wetlands. Standard constructed wetlands direct flow through an open vegetated marsh system. Subsurface gravel wetlands, also direct flow through a surface marsh which then discharges to a permanently ponded subsurface gravel bed. The TSS removal rate for constructed stormwater wetlands is 90.

Purpose

Constructed stormwater wetlands are used to remove a wide range of stormwater pollutants from land development sites as well as provide wildlife habitat and aesthetic features. Constructed stormwater wetlands can also be used to reduce peak runoff rates when designed as a multi-stage, multi-function facility.

Conditions Where Practice Applies

Standard constructed wetlands require sufficient drainage areas and dry weather base flows to function properly. The minimum drainage area to a constructed stormwater wetland is 10 to 25 acres, depending on the type of wetland. The depth to the SHWT must be considered as part of the water budget evaluation. See E below for additional information.

Subsurface gravel wetlands (SGW) do not have a minimum drainage area requirement. They are well suited for retrofit applications since draindown through the subsoil is not required to provide water quality treatment and the hydraulic head requirement is smaller than that of standard wetlands. In addition, gravel wetlands are not dependent on the depth to the seasonal high water table (SHWT.) SGW can be placed within the footprint of an existing stormwater BMP to enhance the water quality function of the BMP, and is particularly effective in nitrogen removal.

Constructed wetlands should not be located within natural wetland areas since they will typically not have the same full range of ecological functions. While providing some habitat and aesthetic values, constructed stormwater wetlands are designed primarily for pollutant removal.

Finally, a constructed stormwater wetland must have a maintenance plan and, if privately owned, should be protected by easement, deed restriction, ordinance, or other legal measures that prevent its neglect, adverse alteration, and removal.

Design Criteria

The basic design parameters for any type of constructed wetland are the storage volumes within its various zones. In general, the total volume within these zones must be equal to the design runoff volume. An exception to this requirement is the standard wetlands with extended detention. In addition, the character, diversity, and hardiness of the wetland vegetation must be sufficient to provide adequate pollutant removal. Selected of vegetation must be non-invasive and based on the anticipated water depth within the wetlands. (Additional information is provided in Chapter XX: Landscaping.)

A constructed wetland must be able to maintain its permanent pool level. If the soil at the surface of a wetland site is not sufficiently impermeable to prevent excessive seepage, construction of an impermeable liner or other soil modifications will be necessary. Details of these and other design parameters are presented below.

A. Standard Wetlands

Standard wetlands typically consist of three zones: pool, marsh, and semi-wet. Depending upon their relative size and the normal or dry weather depth of standing water, the pool zone may be further characterized as a pond, micropool, or forebay. Similarly, the marsh zone may be further characterized as either high or low marsh based again upon the normal standing water depth in each.

Depending on the presence and relative storage volume of the pool, marsh, and semi-wet zones, a standard wetland may be considered to be one of three types: pond wetland, marsh wetland, or extended detention wetland. As described in detail below, a pond wetland consists primarily of a relatively deep pool with a smaller marsh zone outside it. Conversely, a marsh wetland has a greater area of marsh than pool zone. Finally, an extended detention wetland consists of both pool and marsh zones within an extended detention basin.

Table 6.2-1 below presents pertinent design criteria for each type of standard constructed wetland. As shown in the table, each type (i.e., pond, marsh, and extended detention wetland) allocates different percentages of the total stormwater quality design storm runoff volume to its pool, marsh, and semi-wet zones. In a pond wetland, this volume is distributed 70 percent to 30 percent between the pool and marsh zones. Conversely, in a marsh wetland, the total runoff volume is distributed 30 percent to 70 percent between the pool and marsh zones. Both of these zone volumes are based on their normal standing water level.

However, in an extended detention wetland, only 50 percent of the stormwater quality design storm runoff volume is allocated to the pool and wetland zones, with 40 percent of this amount (or 20 percent of the total stormwater quality design storm runoff volume) provided in the pool zone and 60 percent (or

30 percent of the total runoff volume) provided in the marsh zone. The remaining 50 percent of the stormwater quality design storm runoff volume is provided in the wetland's semi-wet zone above the normal standing water level, where it is temporarily stored and slowly released similar to an extended detention basin. As noted in Table 6.2-1, the detention time in the semi-wet zone of an extended detention wetland must meet a minimum of 24-hour detention time, which is the time from when the maximum storage volume is achieved until only 10 percent of the maximum volume remains in an extended detention wetland. The minimum diameter of any outlet orifice in all wetland types is 2.5 inches.

The components of a typical standard stormwater wetland are illustrated in Figure 6.2-1. Pertinent design criteria for each component are presented in Table 6.2-1. Additional details of each type of constructed stormwater wetland and the components of each are described below.

1. Pool Zone

Pools have standing water depths of 2 to 6 feet and primarily support submerged and floating vegetation. Due to their depths, support for emergent vegetation is normally limited. As noted above, the pool zone consists of a pond, micropond, and/or forebay, depending on their relative sizes and depths. Descriptions of the pond and micropond are presented below. See C. Forebays for a discussion of the forebay zone.

a. Pond

Ponds have standing water depths of 4 to 6 feet and, depending on the type, can comprise the largest portion of a constructed stormwater wetland. Ponds provide for the majority of particulate settling in a constructed stormwater wetland.

b. Micropond

Microponds have a standing water depth of 4 to 6 feet, but are smaller in surface area than a standard pond. A micropond is normally located immediately upstream of the outlet from a constructed stormwater wetland. At that location, it both protects the outlet from clogging by debris and provides some degree of particulate settling. Since a micropond does not provide the same degree of settling as a standard pond, it is normally combined with a larger area of marsh than a standard pond.

Table 6.2-1: Design Criteria for Standard Constructed Wetlands

Wetland Design Feature	Type of Standard Constructed Wetland		
	Pond	Marsh	Extended Detention
Minimum Drainage Area (Acres)	25	25	10
Minimum Length to Width Ratio	1:1	1:1	1:1
Allocation of Stormwater Quality Design Storm Runoff Volume (Pool / Marsh / Semi-Wet*)	70 / 30 / 0	30 / 70 / 0	20 / 30 / 50*
Pool Volume (Forebay / Micropond / Pond)	10 / 0 / 60	10 / 20 / 0	10 / 10 / 0
Marsh Volume (Low / High)	20 / 10	45 / 25	20 / 10
Sediment Removal Frequency (Years)	10	2 to 5	2 to 5
Outlet Configuration	Reverse-Slope Pipe or Broad Crested Weir	Reverse-Slope Pipe or Broad Crested Weir	Reverse-Slope Pipe or Broad Crested Weir
* In an Extended Detention Wetland, 50 percent of the stormwater quality design storm runoff volume is temporarily stored in the semi-wet zone. Release of this volume must meet the 24 hour detention time requirement. (see text above).			

2. Marsh Zone

Marshes have shallower standing water depths than ponds, generally ranging from 6 to 18 inches. At such depths, they primarily support emergent wetland vegetation. As noted above, a marsh is classified as either a high or low marsh, depending on the exact depth of standing water.

a. Low Marsh

A low marsh has a standing water depth of 6 to 18 inches. It is suitable for the growth of several emergent wetland plant species.

b. High Marsh

A high marsh has a maximum standing water depth of 6 inches. Due to its shallower depth, it will have a higher standing water surface area to volume ratio than a low marsh. It will

normally support a greater density and diversity of emergent wetland species than a low marsh.

3. Semi-Wet Zone

The semi-wet zone in a constructed stormwater wetland is located above the pool and marsh zones and is inundated only during storm events. As a result, it can support both wetland and upland plants.

4. Types of Standard Constructed Wetlands

a. Pond Wetlands

Pond wetlands consist primarily of ponds with standing water depths ranging from 4 to 6 feet in normal or dry weather conditions. Pond wetlands utilize at least one pond component in conjunction with high and low marshes. The pond is typically the component that provides for the majority of particulate pollutant removal. This removal is augmented by a forebay, which also reduces the velocity of the runoff entering the wetland. The marsh zones provide additional treatment of the runoff, particularly for soluble pollutants.

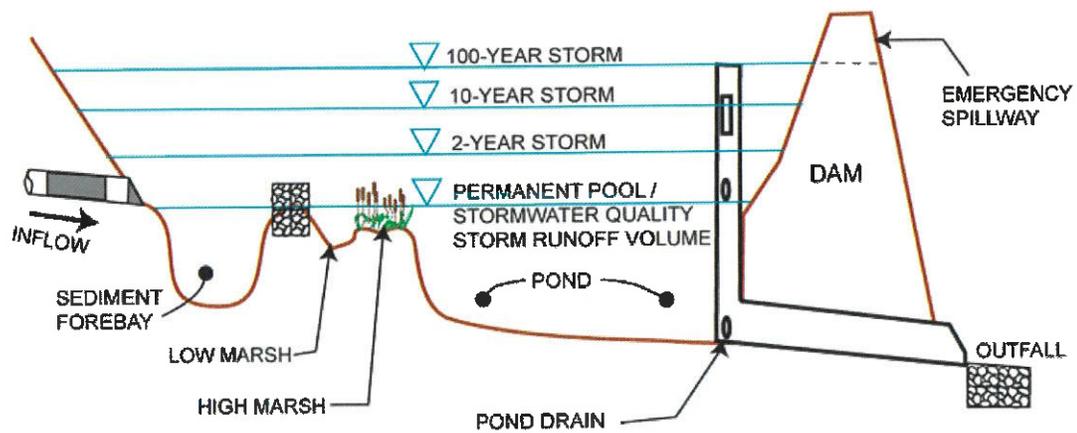
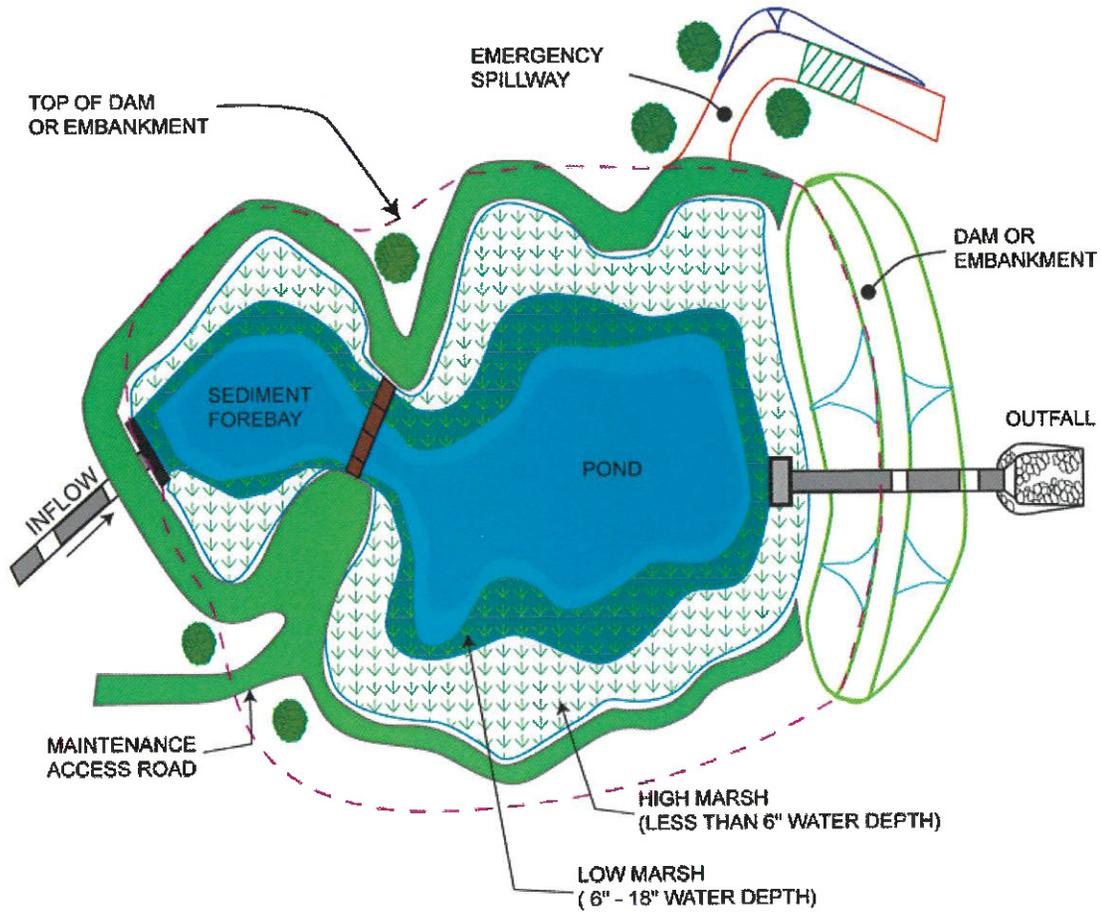
Pond wetlands require less site area than marsh wetlands and generally achieve a higher pollutant removal rate than the other types of constructed stormwater wetland. See Table 6.2-1 for the relative stormwater quality design storm runoff volumes to be provided in each wetland component.

b. Marsh Wetlands

Marsh wetlands consist primarily of marsh zones with standing water depths ranging up to 18 inches during normal or dry weather conditions. These zones are further configured as low and high marsh components as described above. The remainder of the stormwater quality design storm runoff volume storage is provided by a micropond. See Table 6.2-1 for the relative stormwater quality design storm runoff volumes to be provided in each wetland component.

Marsh wetlands should be designed with sinuous pathways to increase retention time and contact area. Marsh wetlands require greater site area than other types of constructed stormwater wetlands. In order to have the base and/or groundwater flow rate necessary to support emergent plants and minimize mosquito breeding, marsh wetlands may also require greater drainage areas than the other types. This is due to the relatively larger area of a marsh wetland as compared with either a pond or extended detention wetland. This larger area requires greater rates of normal inflow to generate the necessary flow velocities and volume changeover rates.

Figure 6.2-1: Components of a Standard Constructed Wetland



c. **Extended Detention Wetlands**

Unlike pond and marsh wetlands, an extended detention wetland temporarily stores a portion of the stormwater quality design storm runoff volume in the semi-wet zone above its normal standing water level. This temporary runoff storage, which must be slowly released in a manner similar to an extended detention basin, allows the use of relatively smaller pool and marsh zones. As a result, extended detention wetlands require less site area than pond or marsh wetlands. See Table 6.2-1 for the relative stormwater quality design storm runoff volumes to be provided in each wetland component. The detention time in the semi-wet zone of an extended detention wetland must meet a minimum of 24-hour detention time. The detention time is determined based on time of the maximum basin storage volume above the permanent pool to the time when a minimum of 10 percent of the maximum storage volume remains above the permanent pool. The minimum diameter of any outlet orifice in all wetland types is 2.5 inches.

Due to the use of the semi-wet zone, water levels in an extended detention wetland will also increase more during storm events than pond or marsh wetlands. Therefore, the area of wetland vegetation in an extended detention wetland can expand beyond the normal standing water limits occupied by the pool and marsh zones. Wetland plants that tolerate intermittent flooding and dry periods should be selected for these areas.

B. Subsurface Gravel Wetlands

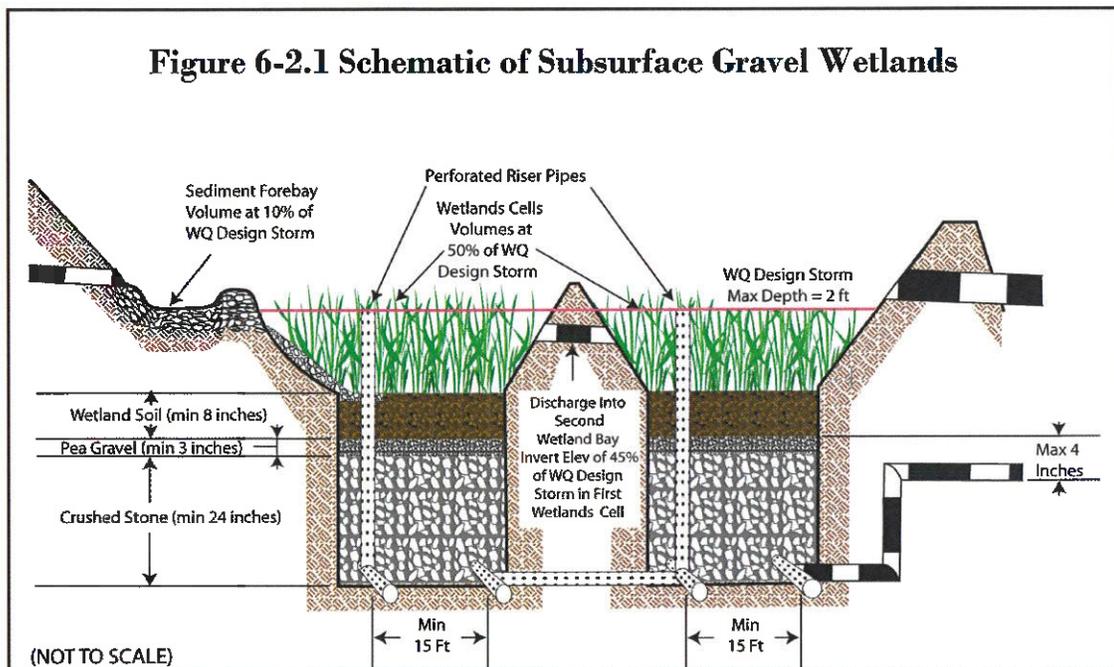
A gravel wetland is a combination of a standard constructed wetlands, described above, and a subsurface system that moves flow horizontally across saturated gravel. The components of a typical gravel wetland are shown in Figures 6.2-2 and Table 6.2-2 below. As shown in the table, the design of a gravel wetland system is based on the runoff volume from the water quality design storm: 10% in the forebay and 50% on the elevation above the wetlands soil in each wetland cell. (Note: The volume of the forebay is not deducted from the sizing of the wetlands cells.)

Gravel wetlands include a sediment forebay at the inflow area, for settling coarse particles and as a location more frequent maintenance. The discharge from the forebay enters the first of two wetland cells. A perforated riser conveys flow into the first subsurface gravel cell, which is maintained in a saturated condition to provide anaerobic transformations particularly necessary for the denitrification process. Underdrains capture the flow and then discharge it at an elevation that is a maximum of 4 inches below the bottom of the wetland soil.

At the elevation based on the volume of 45% of the water quality design storm, a cross-drain conveys flow from the first wetlands cell to a second wetlands cell. All rainfall events up to the water quality design storm are conveyed through perforated riser pipes into subsurface gravel bays. (As a result, some of the runoff from the WQ design storm and many smaller storm events will pass through a minimum of 30 feet of gravel during annual storm events and some of the runoff volume will only pass through a minimum of 15 feet of gravel.) At the down gradient end of the gravel cells, a perforated pipe conveys the runoff into a discharge pipe.

Note: Gravel wetlands rely on a fully saturated gravel layer. Caution must be taken that the outlet structure does not function as a siphon that will drain the gravel bed by ensuring that the outlet for the water quality design storm is vented or does not discharge in a submerged condition.

The drawdown time is controlled by a combination of the surface storage and the elevation difference (driving head) of the water surface elevation within the wetlands and the outlet pipe. The stormwater quality design storm runoff volume must take a minimum of 24 hours and a maximum of 36 hours to drain from the maximum elevation of the water quality design to the top of the wetlands soil, using the discharge from the gravel beds as the only outlet. In addition to the assessment of the drawdown, the hydraulic capacity of the perforated riser pipes and underdrains must exceed that of the discharge pipe.



1. Wetlands Areas

Water quality treatment in the wetland surface is similar to that discussed for the constructed wetlands with surface flow, discussed above. In a gravel wetland, a minimum soil depth of eight inches must be provided for the vegetation. The wetlands soils must have low hydraulic conductivity (0.005 to 0.05 in/hour) and can be mixed using a combination of compost, sand, silt, and clay, with the clay component not exceeding 15% by volume. The soil mix must provide sufficient growing media and meet the permeability rates described above since it is the flow into the gravel media must pass through the pipe and not through the wetlands soil.

The wetlands soils must be continuously inundated at a depth of four inches from ground surface in order to support wetland vegetation and to maintain anaerobic conditions in the gravel cells below. This is controlled by the primary outlet, which has an invert four inches above the bottom of the wetland soil. A three inch pea gravel layer is required between the wetland soil and the subsurface gravel cells. This layer is necessary to prevent the finer portion of the wetland soil from migrating down into the gravel cells. This size of the gravel must be evaluated to ensure that the wetland soil does not migrate to the gravel cell below. Pea gravel must be used instead of filter fabric because the fine components of the wetland soil may clog the filter fabric and restrict root growth.

Selection of vegetation must be based on the duration of inundation. Additional information is provided in Chapter XX: Landscaping.

Table 6.2-2 Design Criteria for Gravel Wetlands

Wetland Design Feature	Size
Minimum wetland soil depth	8 inches
Minimum pea gravel depth	3 inches
Minimum crushed stone depth	24 inches
Minimum distance flow length in gravel substrate cell	15 ft (for each cell)
Drain time of wetlands cells	30 to 48 hours
Forebay Volume	10% of WQV
Temporary Wetlands Volume (Per Cell)	50% of WQV
Height of outlet invert depth below bottom of wetland soil	4 inches

2. Submerged Gravel Cells

A number of different processes occur in the gravel cells beneath the wetland surface including microbially mediated transformation, particularly denitrification. The gravel cells must be a minimum of 24 inches deep filled with ¾-inch crushed stone. It is essential that the gravel cells remain submerged in order for denitrification to occur. In addition, sufficient time in the anaerobic environment is necessary and is provided by the minimum 15-foot distance between the inflow and outflow of the each gravel bed.

3. Other Components

The bottom of the gravel wetlands does not require a separation from the SHWT. However, if the bottom of the gravel bed or any components of the gravel wetlands is within 2 feet of the SHWT, the area must be enclosed with a liner or other impervious material to prevent the migration of the

stormwater into the adjacent groundwater table and to prevent the drawdown of the existing adjacent groundwater.

In addition, berms between the wetland cells must be constructed out of material that prevents seepage or piping through the material.

C. Forebay

Forebays are required in any type of constructed stormwater wetland and are located at points of concentrated inflow. They serve as pretreatment measures by removing coarser sediments, trash, and debris. Forebays can be earthen, constructed out of riprap, or made out of concrete.

The designer has the option to use a manufactured treatment device instead of a forebay provided the device is designed for the New Jersey Water Quality Design storm with a TSS removal rate of at least 50%. Information on manufactured treatment devices is presented in *Chapter 6.7 –Manufactured Treatment Devices*.

D. Drainage Area and Water Budget

Constructed Wetlands with Surface Flow: The minimum drainage area to a constructed stormwater wetland generally varies from 10 to 25 acres, depending on the type of constructed wetland. Smaller drainage areas may be permissible if detailed analysis indicates that sufficient base or groundwater inflow is available. The detailed analysis must include a water budget demonstrating the availability of water to sustain the stormwater wetland. The water budget must demonstrate that the water supply to the stormwater wetland is greater than the expected loss rate. Drying periods of longer than two months have been shown to adversely affect plant community richness, so the water balance should confirm that drying will not exceed two months (Schueler 1992). (See also A-4. Types of Constructed Stormwater Wetlands with Surface Flow above.)

Gravel Wetlands with Subsurface Flow: Gravel wetlands do not have a minimum drainage area requirement. While a specific water budget is not necessary for gravel wetlands, the gravel beds remain permanently ponded with water to the elevation of the invert of the primary outlet.

E. Outlet Structure

Surface flow constructed wetlands should be equipped with a bottom drain pipe, sized to drain the permanent pool within 40 hours so that sediments may be removed when necessary. Constructed wetlands should be equipped with drains to allow the draindown or backflush of the wetlands cell if necessary. Such drains must be controlled by a lockable valve that is readily accessible from the top of the outlet structure. Additional information regarding outlet structures can be found in N.J.A.C.7:8-6, Soil Erosion and Sediment Control Standards for New Jersey and the NJDEP Stormwater Management Facilities Maintenance Manual.

F. Overflows

All constructed stormwater wetlands must be able to convey overflows to downstream drainage systems in a safe and stable manner. Constructed stormwater wetlands classified as dams under the NJDEP Dam Safety Standards at N.J.A.C. 7:20 must also meet the overflow requirements of these Standards.

G. Tailwater

The design of all hydraulic outlets must consider any significant tailwater effects of downstream waterways or facilities. This includes instances where the lowest invert in the outlet or overflow structure is below the flood hazard area design flood elevation of a receiving stream.

H. On-Line and Off-Line Systems

Constructed stormwater wetlands may be constructed on-line or off-line. On-line systems receive upstream runoff from all storms, providing runoff treatment for the stormwater quality design storm and conveying the runoff from larger storms through an outlet or overflow. Multi-purpose on-line systems also store and attenuate these larger storms to provide runoff quantity control. In such systems, the invert of the lowest stormwater quantity control outlet is set at or above the normal permanent pool level. In off-line constructed stormwater wetlands, most or all of the runoff from storms larger than the stormwater quality design storm bypass the basin through an upstream diversion. This not only reduces the size of the required basin storage volume, but reduces the basin’s long-term pollutant loading and associated maintenance. In selecting an off-line design, the potential effects on wetland vegetation and ecology of diverting higher volume runoff events should be considered.

I. Safety Ledges

Safety ledges must be constructed on the slopes of all constructed stormwater wetlands with a permanent pool of water deeper than 2.5 feet. Two ledges must be constructed, each 4 to 6 feet in width. The first or upper ledge must be located between 1 and 1.5 feet above the normal standing water level. The second or lower ledge must be located approximately 2.5 feet below the normal standing water level.

Maintenance

Effective constructed stormwater wetland performance requires regular and effective maintenance. *Chapter X: Maintenance of Stormwater Management Measures* provides information and requirements for preparing a maintenance plan for stormwater management facilities, including constructed stormwater wetlands. Specific maintenance requirements for constructed stormwater wetlands are presented below. These requirements must be included in the wetland’s maintenance plan.

A. General Maintenance

All constructed stormwater wetland components expected to receive and/or trap debris and sediment must be inspected for clogging and excessive debris and sediment accumulation at least twice annually

and as needed. Such components may include forebays, bottoms, trash racks, outlet structures, and riprap or gabion aprons.

Because the forebay in gravel wetlands provides part for of the aerobic treatment for nitrogen removal, the forebay must be cleaned when it accumulates to either 10% of the forebay volume, to a depth of six inches, or if it remains wet 72 hours after the end of a storm event.

Disposal of debris, trash, sediment, and other waste material must be done at suitable disposal/recycling sites and in compliance with all applicable local, state, and federal waste regulations.

B. Vegetated Areas

Mowing or trimming of vegetation must be performed on a regular schedule based on specific site conditions. Grass should be mowed at least once a month during the growing season. Vegetated areas must be inspected at least annually for erosion and scour. Vegetated areas should also be inspected at least annually for unwanted growth, which should be removed with minimum disruption to the remaining vegetation.

When establishing or restoring vegetation, biweekly inspections of vegetation health should be performed during the first growing season or until the vegetation is established. Once established, inspections of vegetation health, density, and diversity should be performed at least twice annually during both the growing and non-growing seasons. The vegetative cover must be maintained at 85 percent. If vegetation has greater than 50 percent damage, the area must be reestablished in accordance with the original specifications and the inspection requirements presented above.

The types and distribution of the dominant plants must also be assessed during the semi-annual wetland inspections described above. This assessment should be based on the health and relative extent of both the original species remaining and all volunteer species that have subsequently grown in the wetland. Appropriate steps must be taken to achieve and maintain an acceptable balance of original and volunteer species in accordance with the intent of the wetland's original design.

All use of fertilizers, mechanical treatments, pesticides and other means to assure optimum vegetation health should not compromise the intended purpose of the constructed stormwater wetland. All vegetation deficiencies should be addressed without the use of fertilizers and pesticides whenever possible.

C. Structural Components

All structural components must be inspected for cracking, subsidence, spalling, erosion, and deterioration at least annually.

D. Other Maintenance Criteria

The maintenance plan must indicate the approximate time it would normally take to drain the maximum design storm runoff and return the various wetland pools to their normal standing water levels. This drain or drawdown time should then be used to evaluate the wetland's actual performance. If significant increases or decreases in the normal drain time are observed, the wetland's outlet structure, forebay, and groundwater and tailwater levels must be evaluated and appropriate measures taken to comply with the maximum drain time requirements and maintain the proper functioning of the wetland.

Note: The Considerations and Recommendations sections below are provided to assist the designer in enhancement of constructed stormwater wetlands. However, consistency with these recommendations and considerations is not required in order to receive the TSS nor the Nitrogen removal rate for this BMP.

Considerations

Constructed stormwater wetlands are limited by a number of site constraints, including soil types, depth to groundwater, contributing drainage area, and available land area at the site.

A. Construction

The following minimum setback requirements should apply to stormwater wetland installations:

- Distance from a septic system leach field = 50 feet.
- Distance from a septic system tank = 25 feet.
- Distance from a property line = 10 feet.
- Distance from a private well = 50 feet.

A seven-step process is recommended for the preparation of a surface constructed wetland bed prior to planting (Claytor and Schueler 1992).

1. Prepare final pondscaping and grading plans for the stormwater wetland. At this time order wetland plant stock from aquatic nurseries.
2. Once the stormwater wetland volume has been excavated, the wetland should be graded to create the major internal features (pool, safety ledge, marshes, etc.).
3. After the mulch or topsoil has been added, the stormwater wetland needs to be graded to its final elevations. All wetland features above the normal pool should be stabilized temporarily.
4. After grading to final elevations, the pond drain should be closed and the pool allowed to fill. Usually nothing should be done to the stormwater wetland for six to nine months or until the next planting season. A good design recommendation is to evaluate the wetland elevations during a standing period of approximately six months. During this time the stormwater wetland can experience storm flows and inundation, so that it can be determined where the pondscaping zones are located and whether the final grade and microtopography will persist overtime.
5. Before planting, the stormwater wetland depths should be measured to the nearest inch to confirm planting depth. The pondscape plan may be modified at this time to reflect altered depths or availability of plant stock.
6. Erosion controls should be strictly applied during the standing and planting periods. All vegetated areas above the normal pool elevation should be stabilized during the standing period, usually with hydroseeding.

7. The stormwater wetland should be de-watered at least three days before planting since a dry wetland is easier to plant than a wet one.

Topsoil and/or wetland mulch is added to the stormwater wetland excavation. Since deep subsoils often lack the nutrients and organic matter to support vigorous plant growth, the addition of mulch or topsoil is important. If it is available, wetland mulch is preferable to topsoil.

B. Site Constraints

Medium-fine texture soils (such as loams and silt loams) are best to establish vegetation, retain surface water, permit groundwater discharge, and capture pollutants. At sites where infiltration is too rapid to sustain permanent soil saturation, an impermeable liner may be required. Where the potential for groundwater contamination is high, such as runoff from sites with a high potential pollutant load, the use of liners is recommended. At sites where bedrock is close to the surface, high excavation costs may make constructed stormwater wetlands infeasible.

C. Design Approach

A pondscaping plan should be developed for each constructed stormwater wetland. This plan should include hydrological calculations (or water budget), a wetland design and configuration, elevations and grades, a site/soil analysis, and estimated depth zones. The plan should also contain the location, quantity, and propagation methods for the wetland plants. Site preparation requirements, maintenance requirements, and a maintenance schedule are also necessary components of the plan.

D. Effectiveness

A review of the existing performance data indicates that the removal efficiencies of surface constructed stormwater wetlands are higher than those of conventional pond systems, e.g. as wet ponds or dry extended detention ponds. Of the three designs described above, the pond/wetland system has shown the most reliable terms of overall performance.

Studies have also indicated that removal efficiencies of constructed stormwater wetlands decline if they are covered by ice or receive snow melt. Performance also declines during the non-growing season and during the fall when the vegetation dies back. Until vegetation is well established, pollutant removal efficiencies may be lower than expected.

E. Regulatory Issues

A constructed stormwater wetlands, once constructed, may be regulated by the Freshwater Wetlands Protection Act, and require additional permits for subsequent maintenance or amendment of the constructed stormwater wetland.

Recommendations

A. Vegetation

Establishment and maintenance of the wetland vegetation is an important consideration when planning a stormwater wetland. The following is a series of recommendations (Horner et al. 1994) for creating constructed stormwater wetlands.

In selecting plants, consider the prospects for success more than selection of native species. Since diversification will occur naturally, use a minimum of adaptable species. Give priority to perennial species that establish rapidly. Select species adaptable to the broadest ranges of depth, frequency and duration of inundation (hydroperiod). Give priority to species that have already been used successfully in constructed stormwater wetlands and that are commercially available. Match site conditions to the environmental requirements of plant selections. Avoid using only species that are foraged by the wildlife expected on site.

Establishment of woody species should follow herbaceous species. Add vegetation that will achieve other objectives, in addition to pollution control. Monoculture planting should be avoided due to increased risk of loss from pests and disease. When possible field collected plants should be used in lieu of nursery plants. Plants collected from the field have already adapted and are acclimated to the region. These plants generally require less care than greenhouse plants. If nursery plants are used they should be obtained locally, or from an area with similar climatic conditions as the eco-region of the constructed wetland. Alternating plant species with varying root depths have a greater opportunity of pollutant removal.

Stormwater wetland vegetation development can also be enhanced through the natural recruitment of species from nearby wetland sites. However, transplanting wetland vegetation is still the most reliable method of propagating stormwater wetland vegetation, and it provides cover quickly. Plants are commercially available through wetland plant nurseries.

The plant community will develop best when the soils are enriched with plant roots, rhizomes, and seed banks. Use of wetlands mulch enhances the diversity of the plant community and speeds establishment. Wetlands mulch is hydric soil that contains vegetative plant material. The upper 6 inches of donor soil should be obtained at the end of the growing season, and kept moist until installation. Drawbacks to using constructed stormwater wetlands mulch are its unpredictable content.

During the initial planting precautions should be undertaken to prevent and prohibit animals from grazing until plant communities are well established. Such precautions could be deer fencing, muskrat trapping, planting after seasonal bird migrations, or attracting birds of prey and bats to control nutria populations.

B. Wetlands Area

The constructed wetlands should have a minimum surface area in relation to the contributing watershed area. The reliability of pollutant removal tends to increase as the stormwater wetland to watershed ratio increases, although this relationship is not always consistent. Above ground berms or high marsh wedges should be placed at approximately 50 foot intervals, at right angles to the direction of the flow to increase the dry weather flow path within the stormwater wetland.

C. Outlet Configuration

A hooded outlet with an invert or crest elevation at least 1 foot below the normal pool surface should be considered to prevent the discharge of floating oils and grease and to reduce the temperature of the discharge. However, the bottom elevation of the hood should be above the anticipated maximum sediment depth in the pond.

References

- Horner, R.R., J.J. Skupien, E.H. Livingston and H.E. Shaver. August 1994. Fundamentals of Urban Runoff Management: Technical and Institutional Issues. In cooperation with U.S. Environmental Protection Agency. Terrene Institute, Washington, D.C.
- Livingston E.H., H.E. Shaver, J.J. Skupien and R.R. Horner. August 1997. Operation, Maintenance, & Management of Stormwater Management Systems. In cooperation with U.S. Environmental Protection Agency. Watershed Management Institute. Crawfordville, FL.
- New Jersey Department of Agriculture. November 1999. Standards for Soil Erosion and Sediment Control in New Jersey. State Soil Conservation Committee. Trenton, NJ.
- New Jersey Department of Environmental Protection and Department of Agriculture. December 1994. Stormwater and Nonpoint Source Pollution Control Best Management Practices.
- Ocean County Planning and Engineering Departments and Killam Associates. June 1989. Stormwater Management Facilities Maintenance Manual. New Jersey Department of Environmental Protection. Trenton, NJ.
- Schueler, T.R. July 1987. Controlling Urban Runoff: A Practical Manual for Planning and Designing Urban BMPs. Metropolitan Washington Council of Governments. Washington, D.C.
- Schueler, T.R., Anacostia Restoration Team. October 1992. Design of Stormwater Wetland Systems – Guidelines for Creating Diverse and Effective Stormwater Wetland Systems in the Mid-Atlantic Region. Metropolitan Washington Council of Governments. Washington, D.C.
- Schueler, T.R., P.A. Kumble and M. Heraty. March 1992. A Current Assessment of Urban Best Management Practices. Metropolitan Washington Council of Governments. Washington, D.C.
- Schueler, T.R. and R.A. Claytor. 2000. Maryland Stormwater Design Manual. Maryland Department of the Environment. Baltimore, MD.
- The University of New Hampshire Stormwater Center. March 2010. Investigation of Nutrient Removal Mechanisms of a Constructed Gravel Wetland Used for Stormwater Control in a Northern Climate. http://www.unh.edu/erg/cstev/pubs_specs_info/2009_unhsc_report.pdf, accessed on February 4, 2011.
- The University of New Hampshire Stormwater Center. June 2009. Subsurface Gravel Wetland Design Specifications. http://www.unh.edu/erg/cstev/pubs_specs_info/unhsc_gravel_wetland_specs_6_09.pdf, accessed on February 4, 2011.

Subsurface Gravel Wetlands for the Treatment of Stormwater

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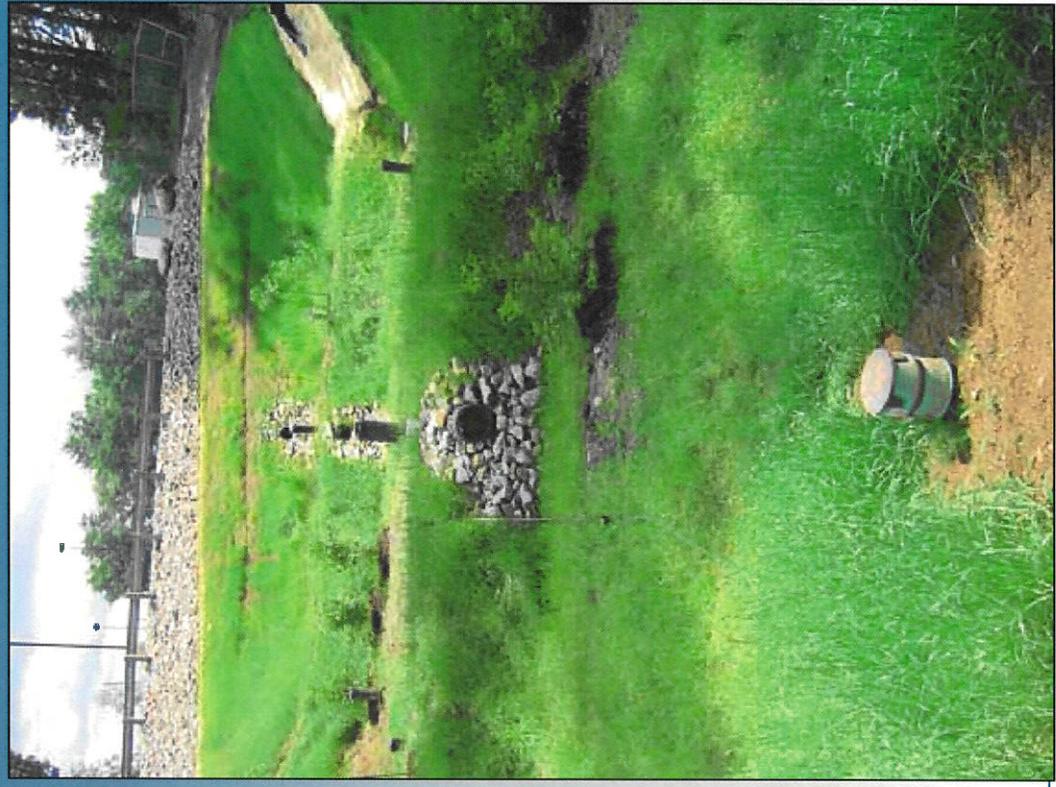
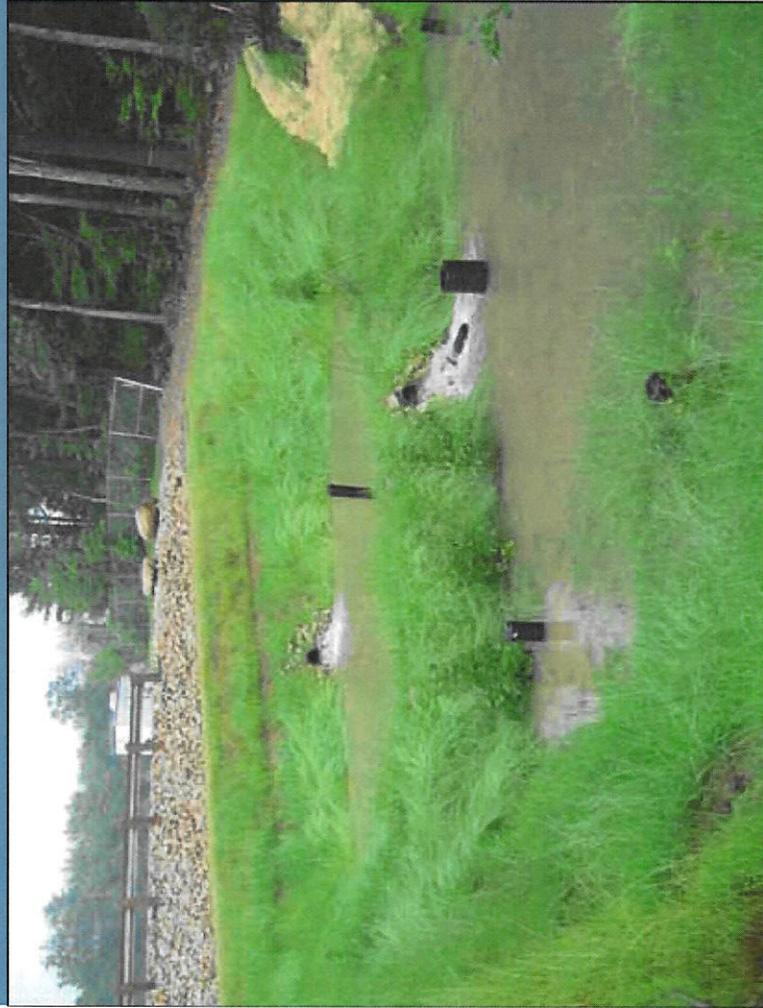
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- Research and development of stormwater treatment systems
- To provide resources to stormwater communities currently involved in design and implementation of Phase II requirements

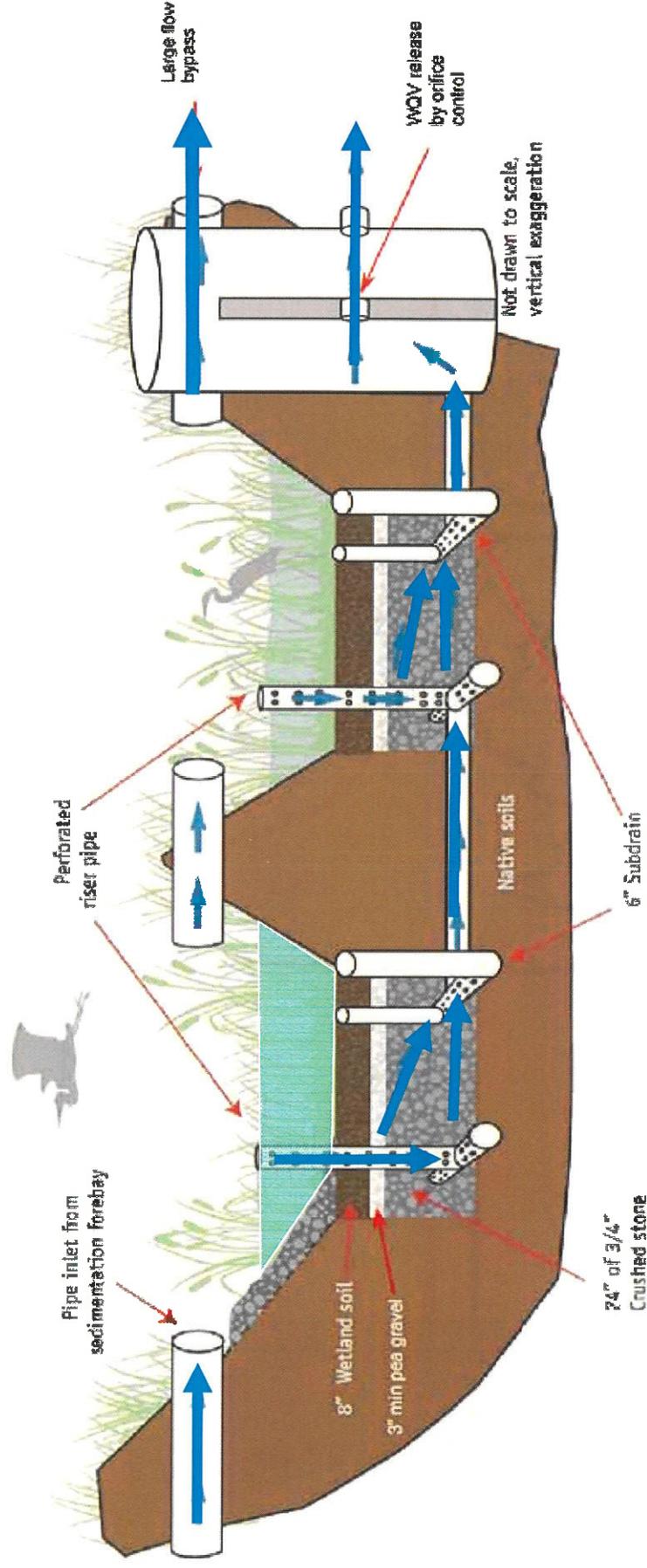


- Brief introduction to subsurface gravel wetlands and their hydraulic performance.
- Water quality performance, especially nutrient nitrogen
- Design aspects
- Plants
- Costs and comparisons
- Case studies

Gravel Wetland



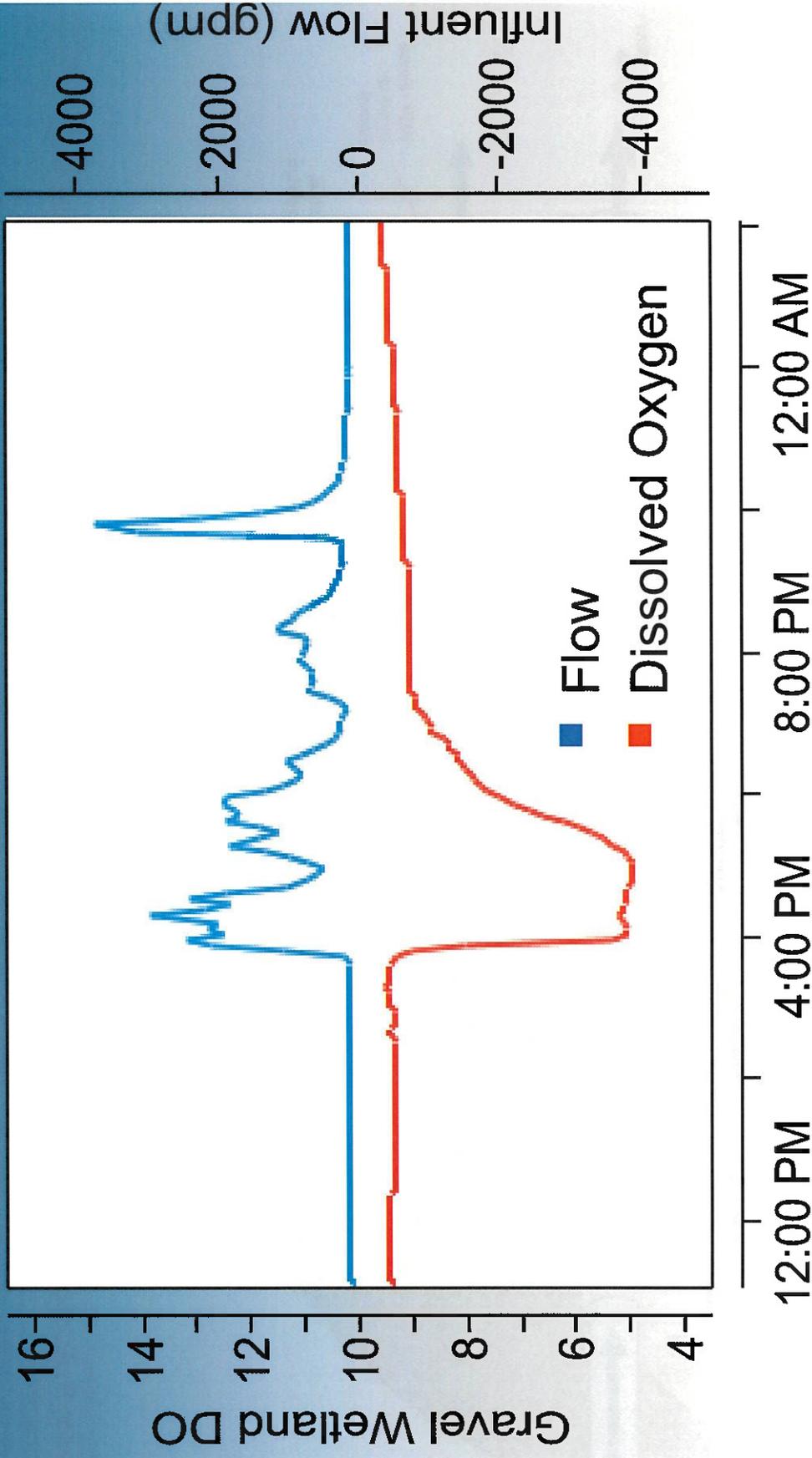
Subsurface Gravel Wetland



Design Sources:

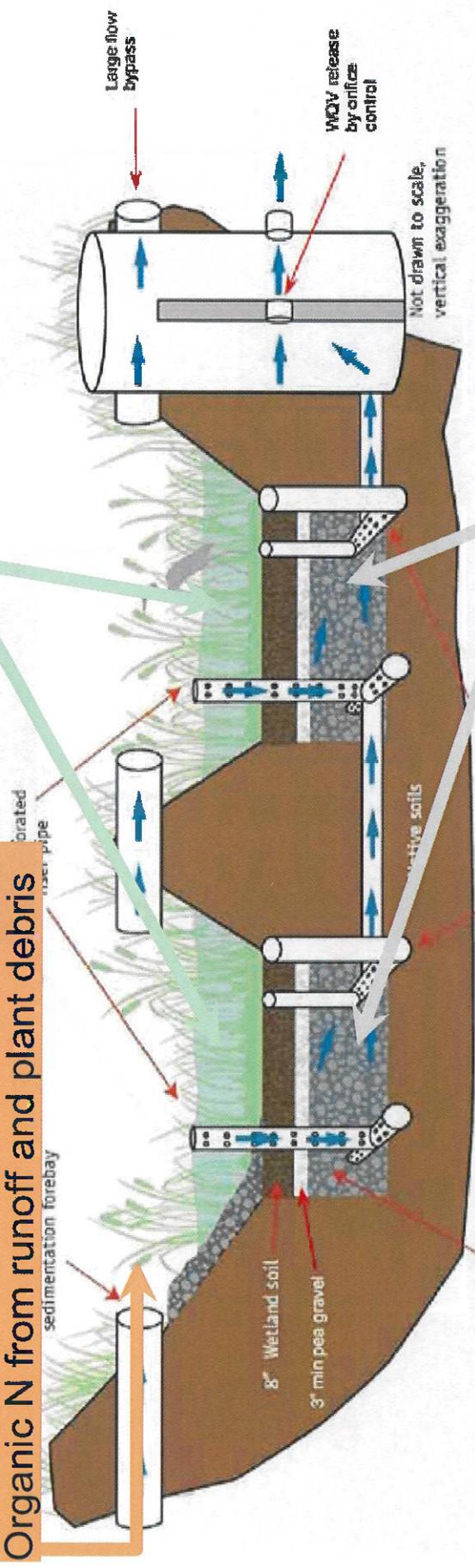
Claytor, R. A., and Schueler, T. R. (1996). Design of Stormwater Filtering Systems, Center for Watershed Protection, Silver Spring, MD.
 Georgia Stormwater Management Manual, Volume 2: Technical Handbook, August 2001, prepared by AMEC Earth and Environmental, Center for Watershed Protection, Debo and Associates, Jordan Jones and Goulding, Atlanta Regional Commission.

Dissolved Oxygen in Gravel Wetland Effluent

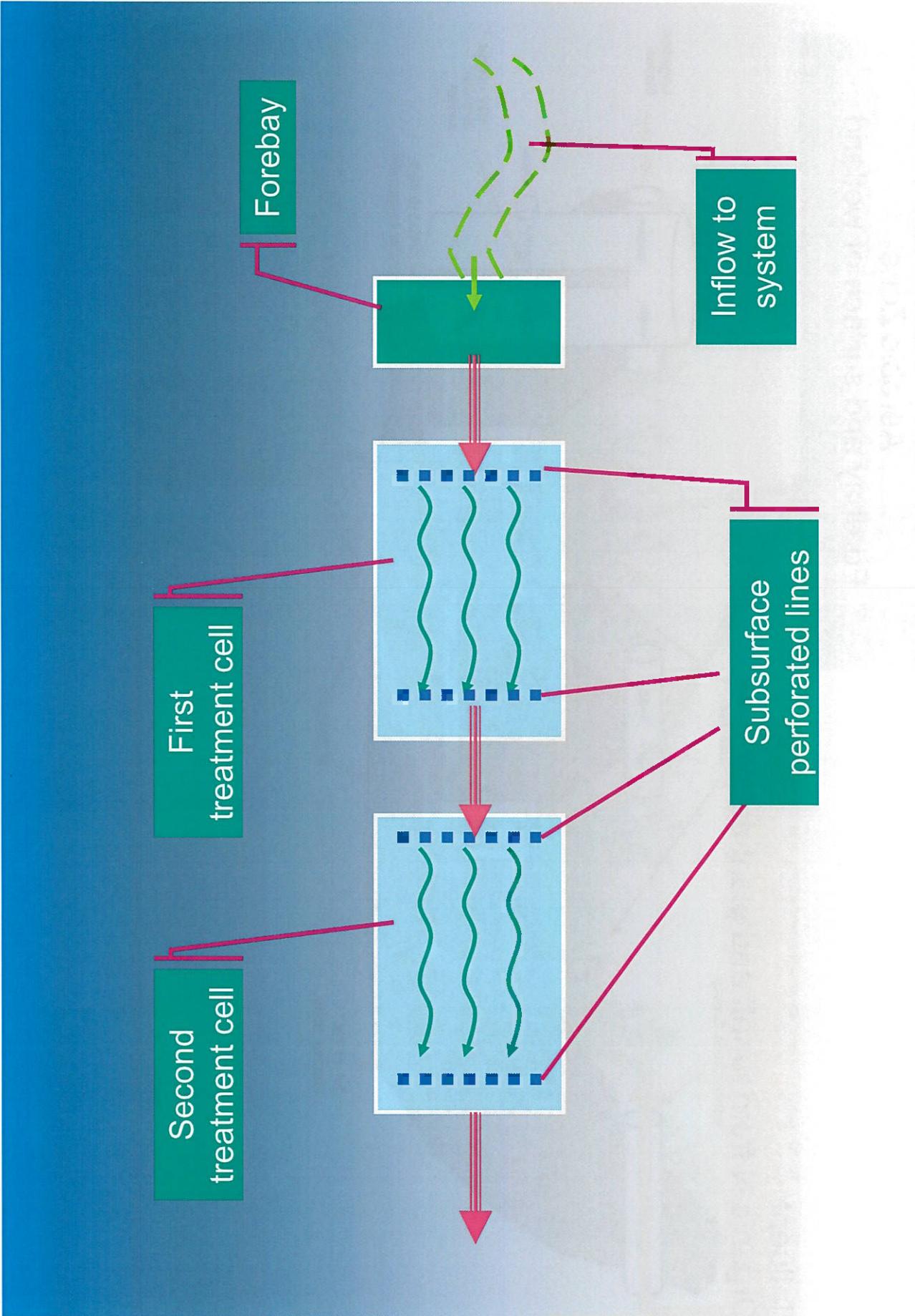


Influent
Organic N from runoff and plant debris

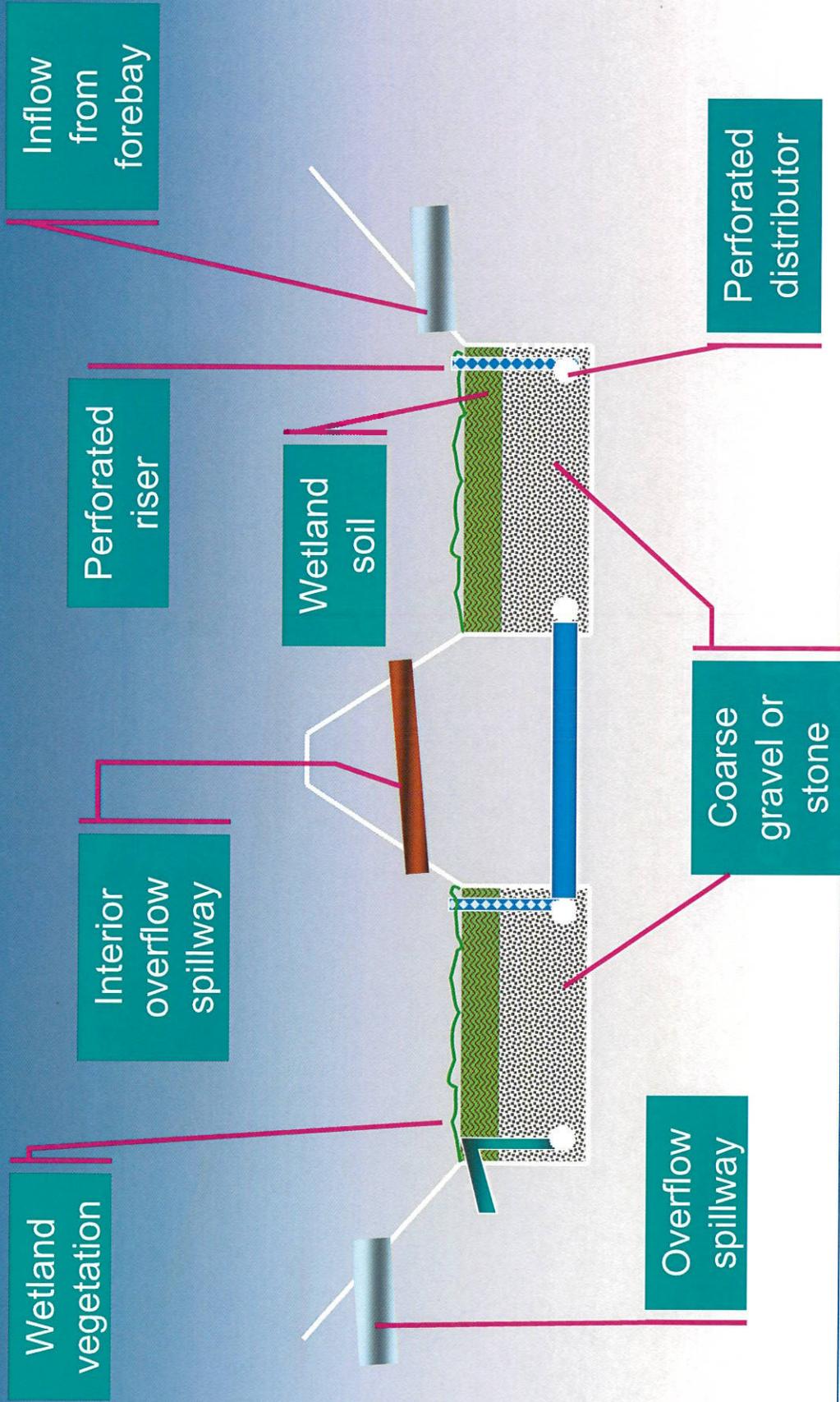
Nitrification
 $\text{NH}_4 \rightarrow \text{NO}_2 \rightarrow \text{NO}_3$
Aerobic Zone
Forebay and surface of wetland



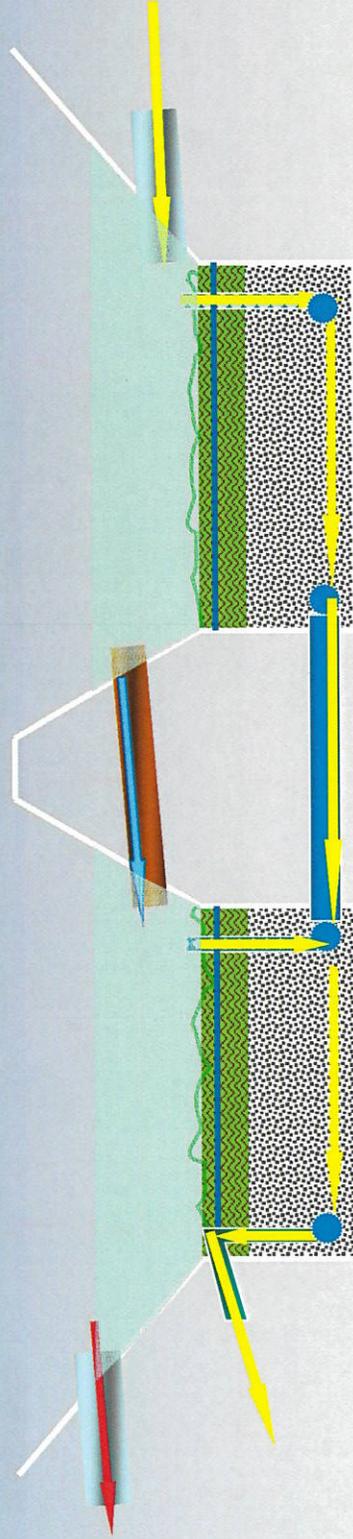
Denitrification
 $\rightarrow \text{N}_2$ (gas)
Anaerobic Zone
Subsurface gravel



The UNH SC Subsurface Gravel Wetland Design



Flow Through the Subsurface Gravel Wetland Design

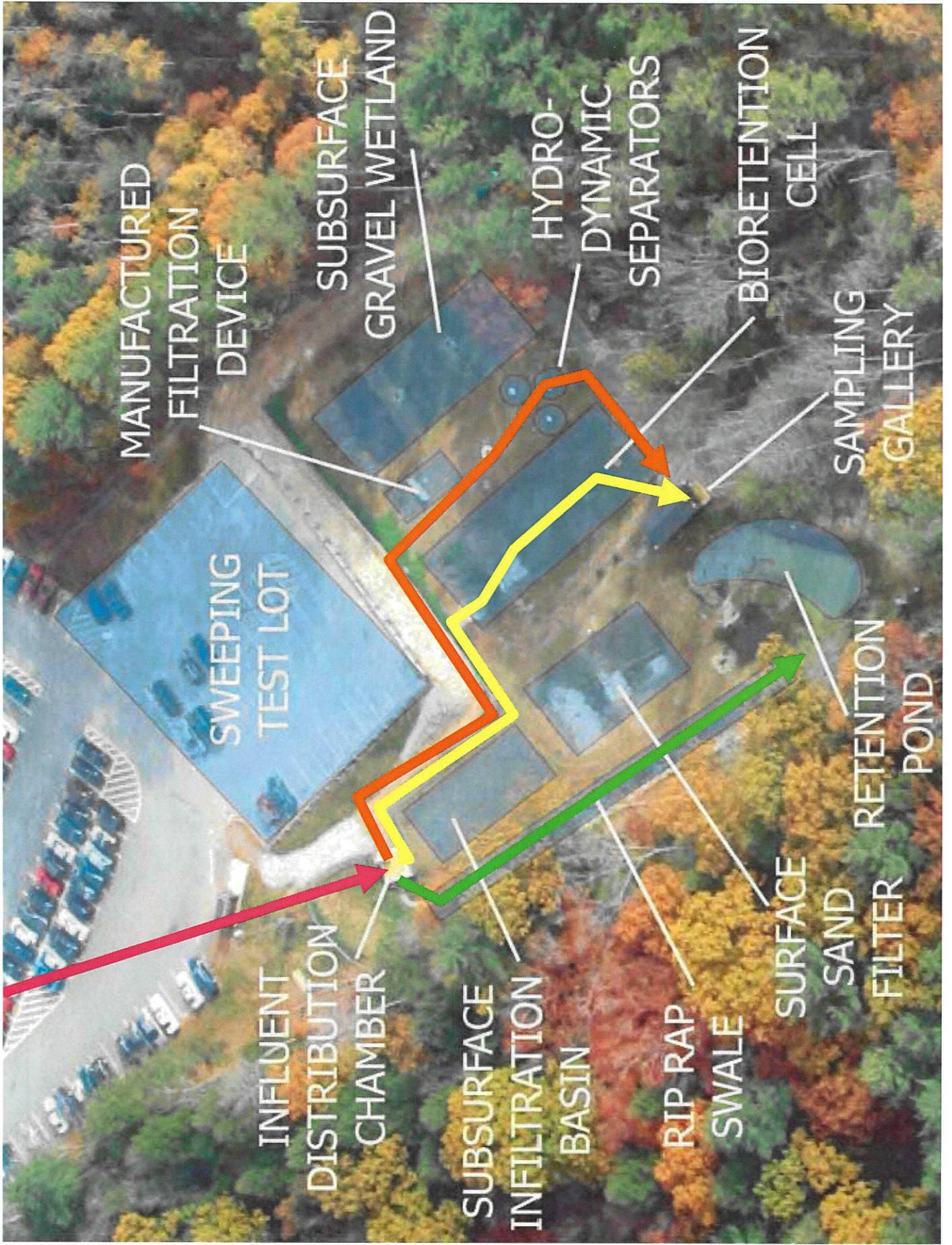


BMP Performance Monitoring

Research Field Facility at UNH

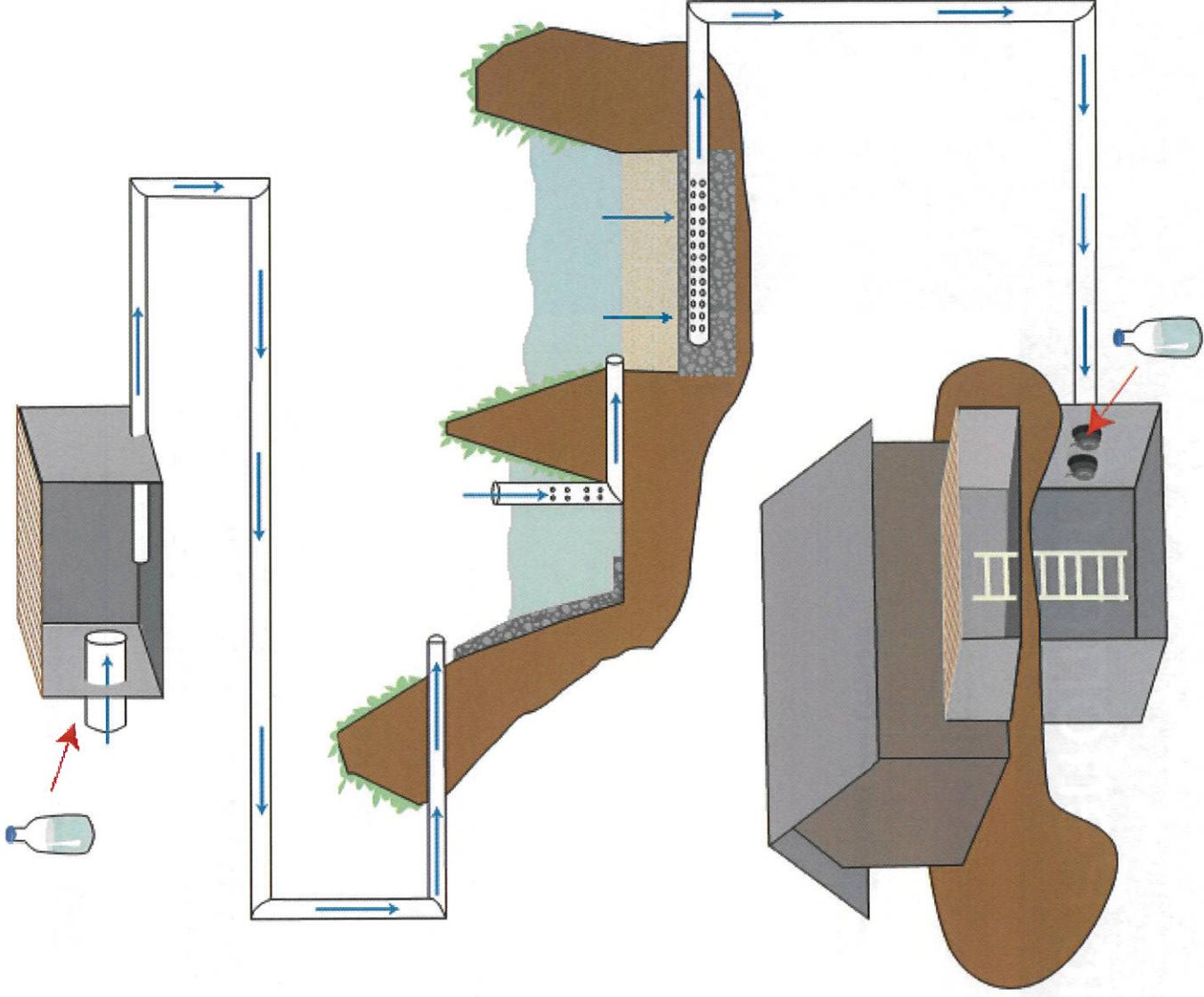
Tc ~ 19 minutes



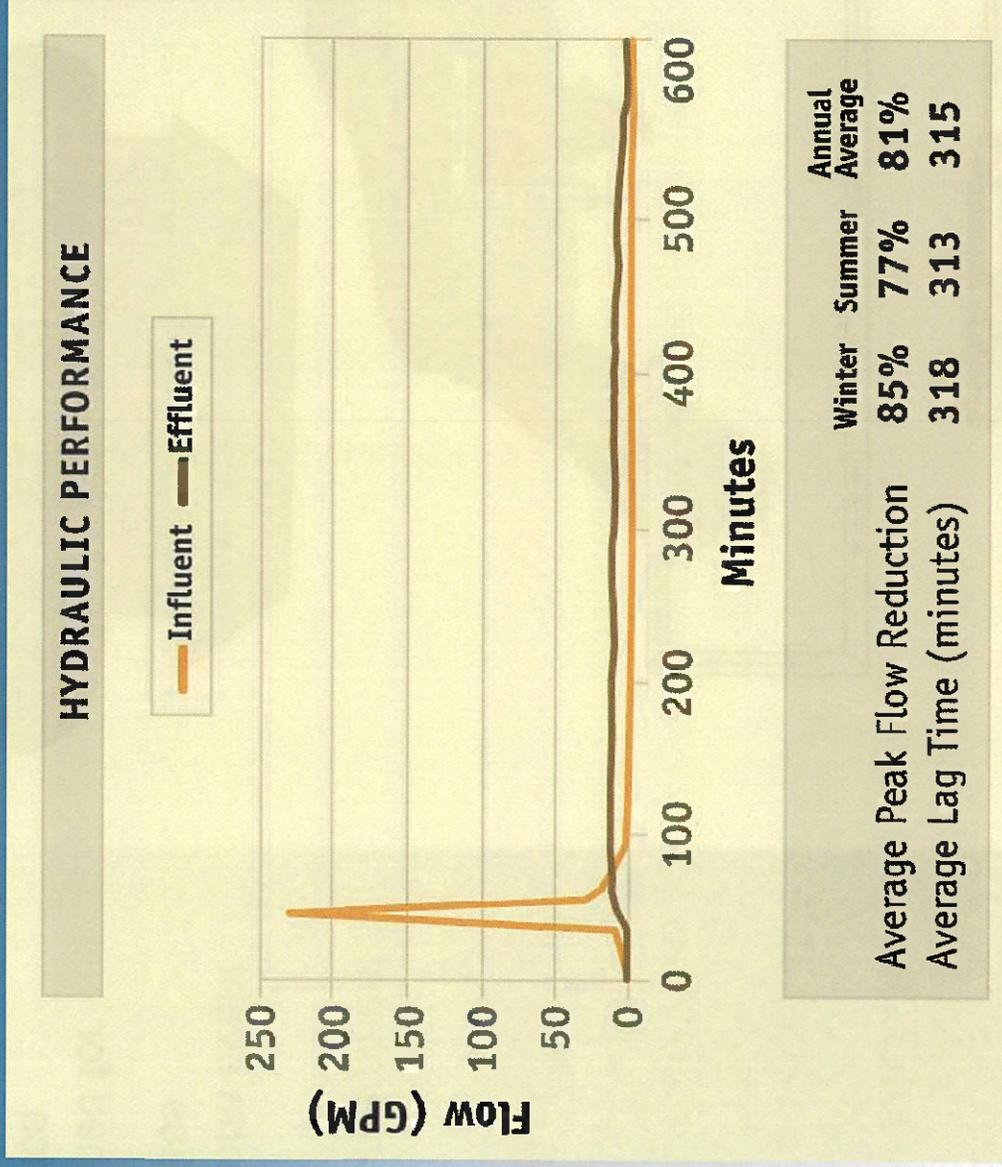


Parallel Performance Evaluation

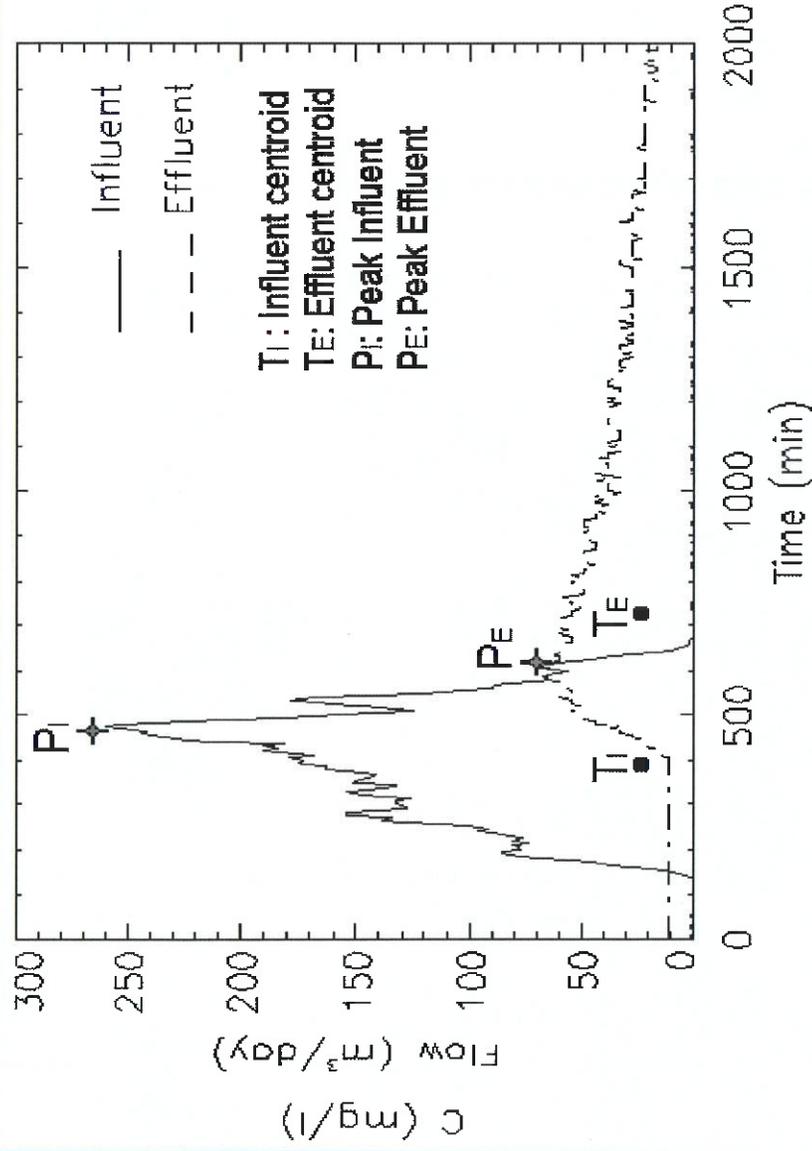
- Each system uniformly sized to treat 1" runoff for 1 acre of impervious area
- $WQV=3300$ cf
- $Q_{wqv}=1$ cfs
- Uniform contaminant loading
- Uniform storm event characteristics
- Systems lined for mass balance
- Long term record of hydrology and contaminants



Subsurface Gravel Wetland Hydraulic Performance



Hydraulic Efficiency



$$k_p = \frac{P_E}{P_I} \leq 1$$

$$k_L = \frac{T_E}{T_I} \geq 1$$

Hydraulic Performance

Lag Time (k_L)

Peak Reduction (k_P)

5

2

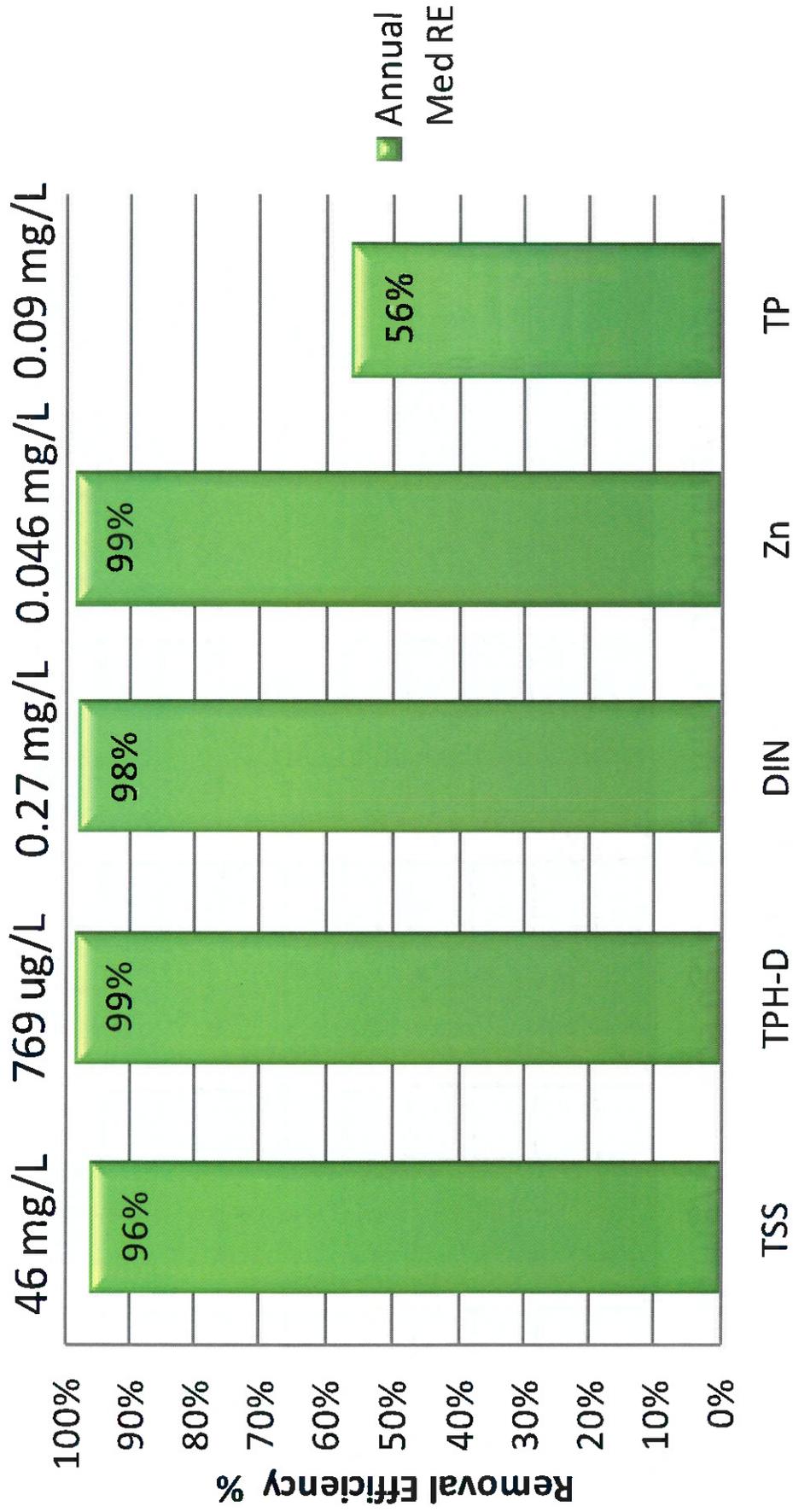
1

0.5

0.1



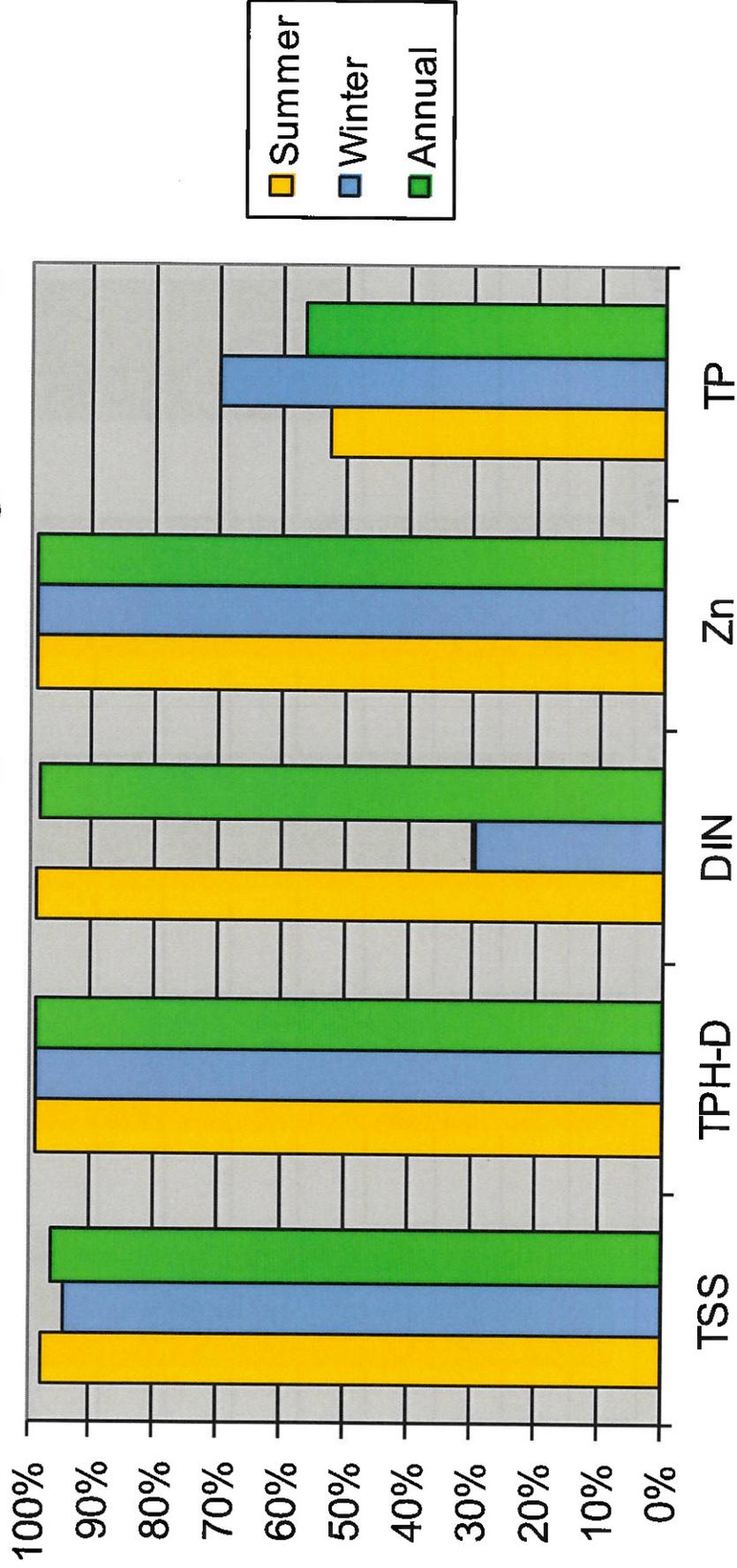
Gravel Wetland Performance



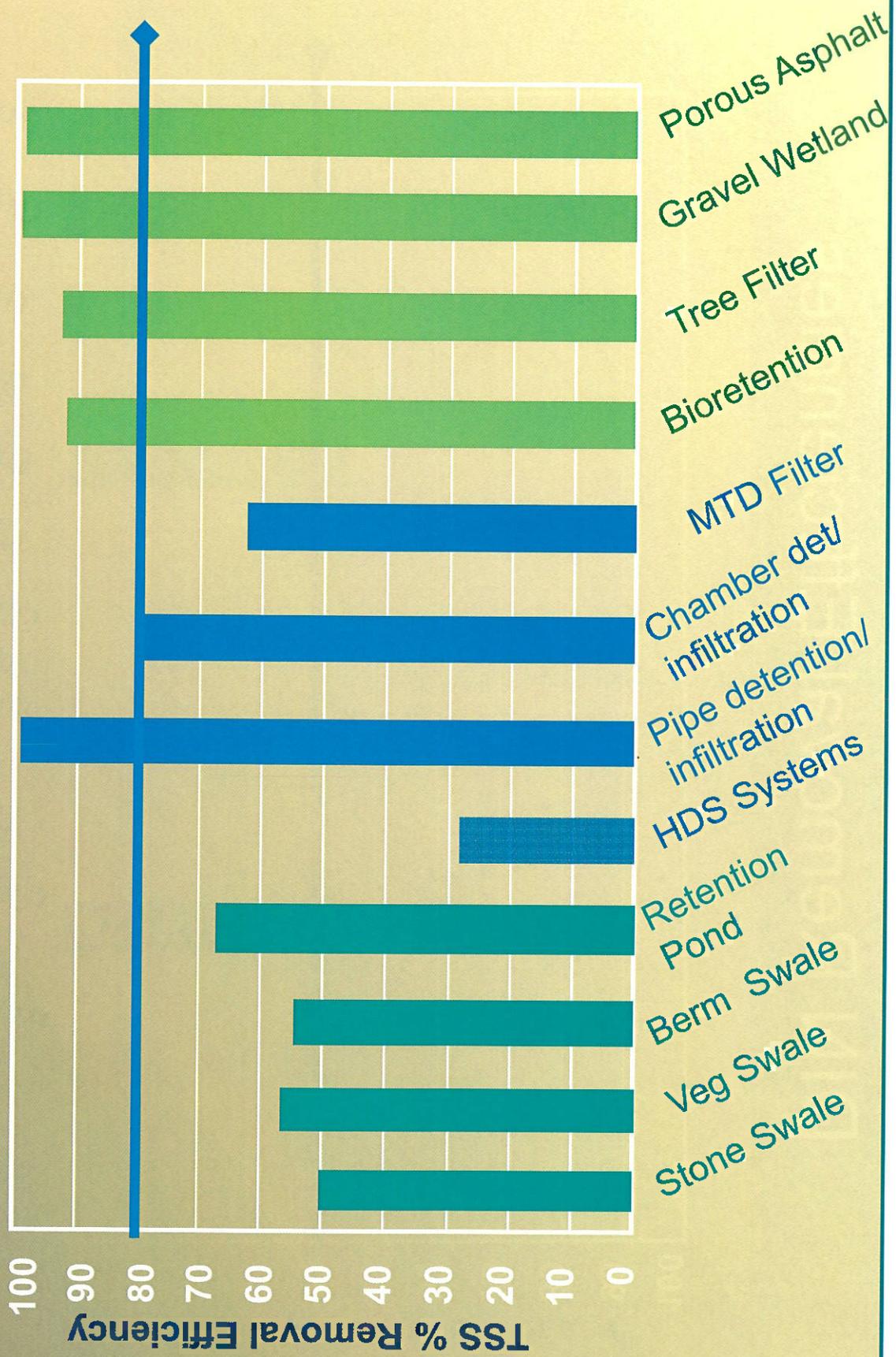
Seasonal Performance

Gravel Wetland Performance

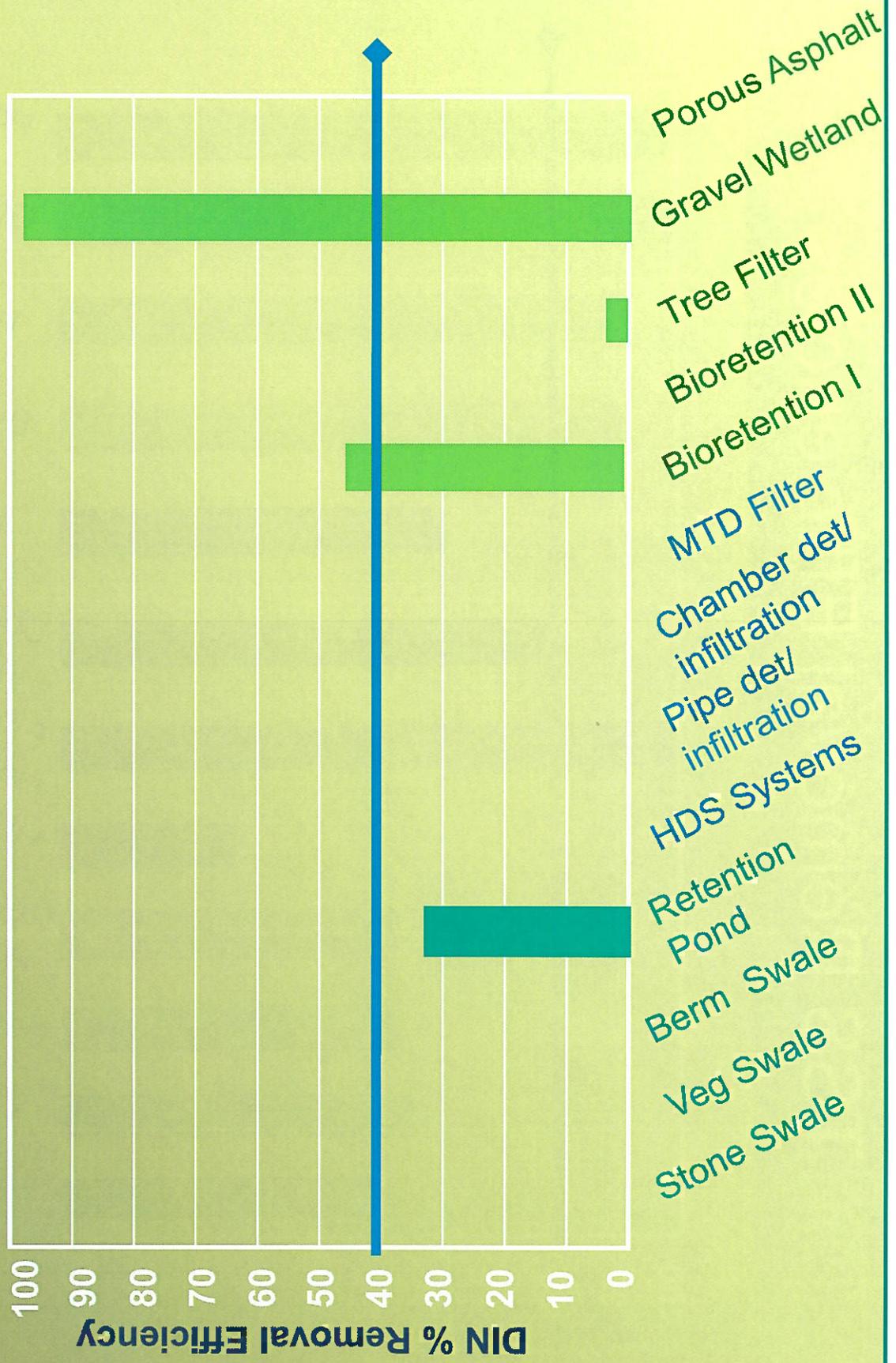
46 mg/L 769 µg/L 0.27 mg/L 0.046 mg/L 0.09 mg/L



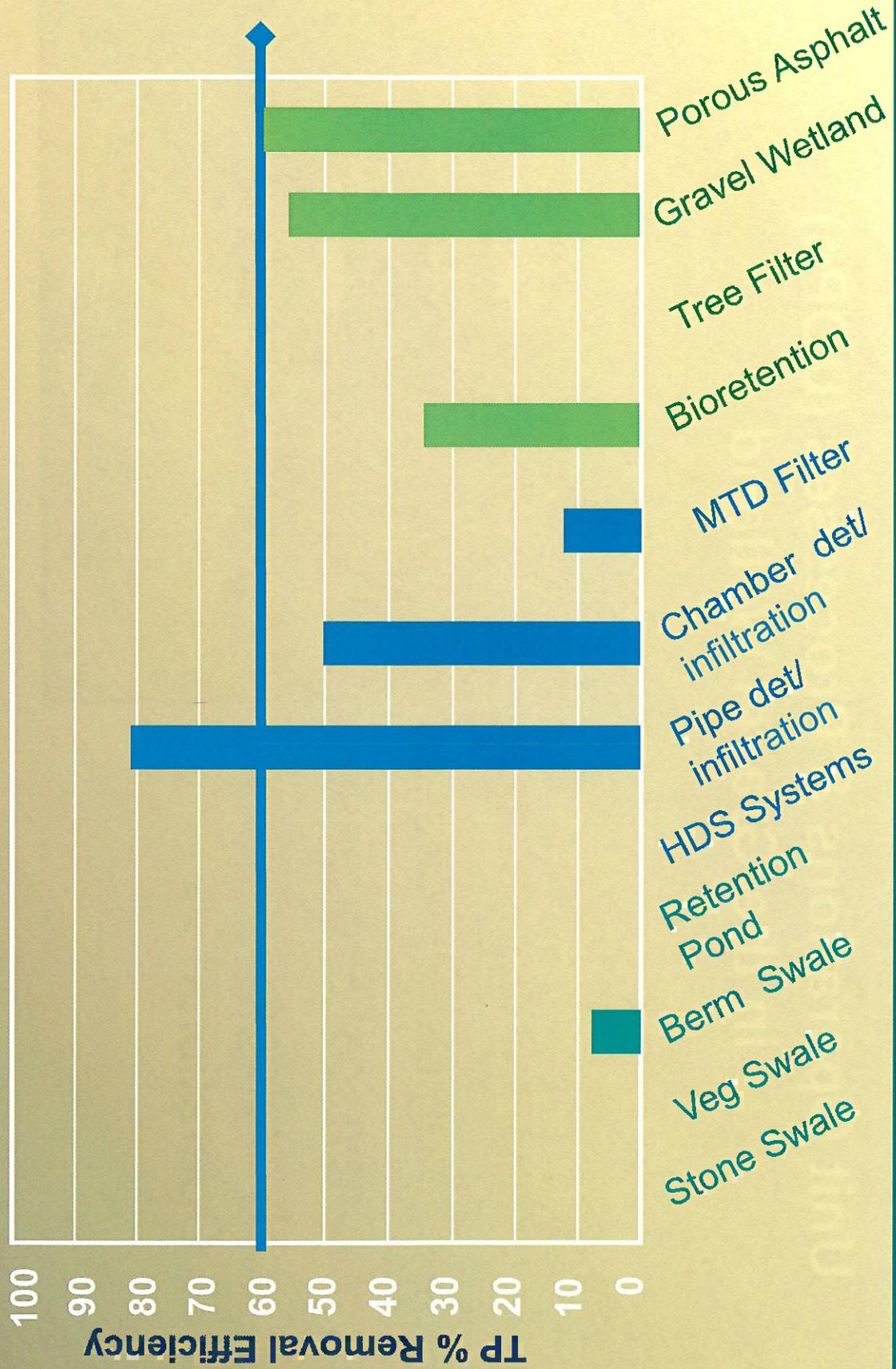
TSS Removal Efficiencies



DIN Removal Efficiencies

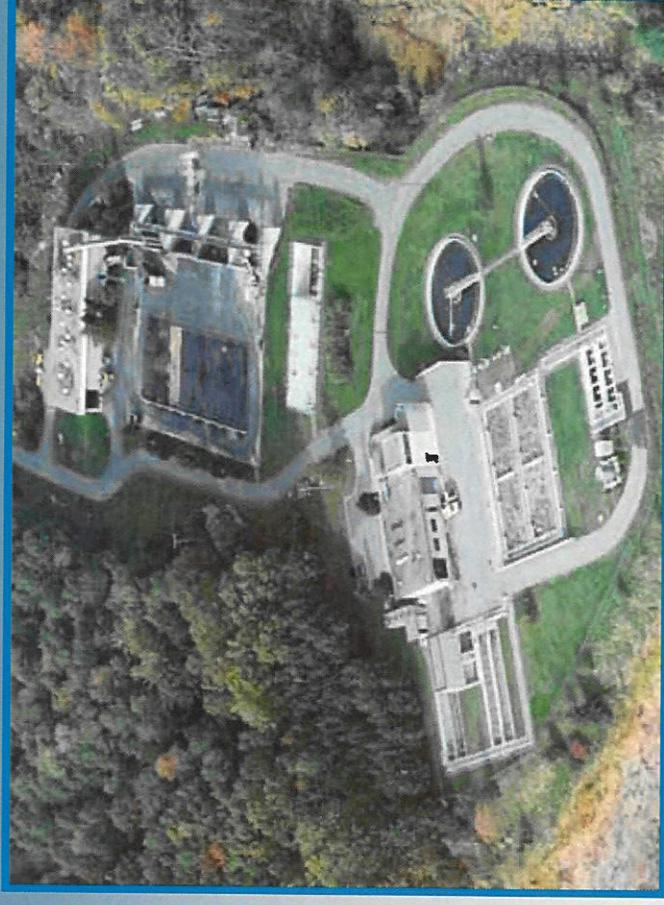


TP Removal Efficiencies



Unit Operations & Processes (UOPs) in the Gravel Wetland

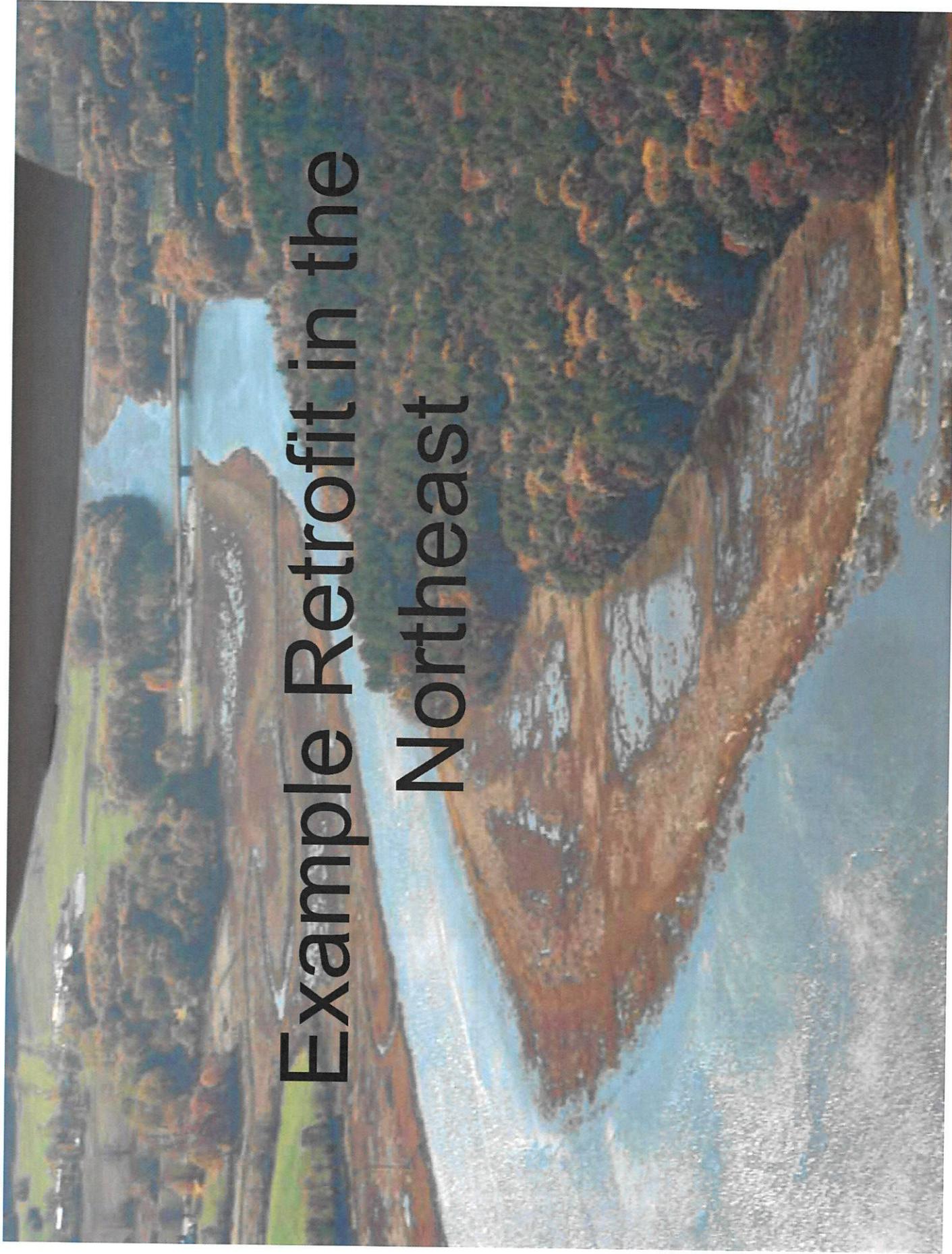
- Physical Operations
- Biological Processes
- Chemical Processes
- Hydrologic
Operations



Gravel Wetland Report Card

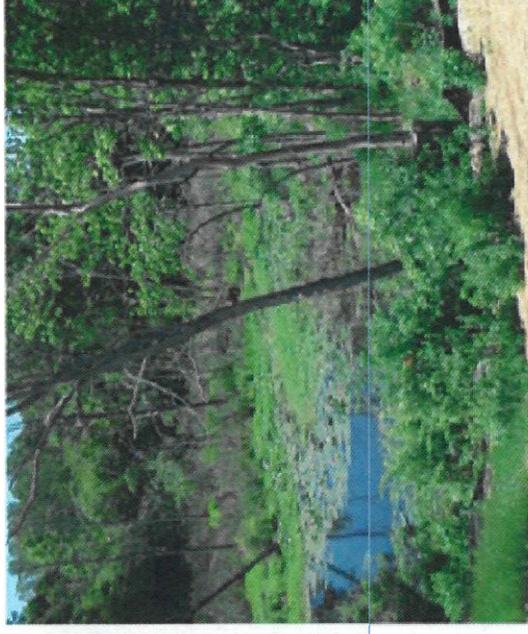
category	uop	target	"grade"
hydrologic	flow alteration	divert flow	✓
	volume reduction		
physical	sedimentation	sediment	✓
	enhanced sedimentation	sediment	
biological	filtration	sediment	✓
	microbial	nitrogen	✓+
	vegetative	nitrogen phosphorus	✓+
chemical	sorption	phosphorus	✓

Example Retrofit in the Northeast

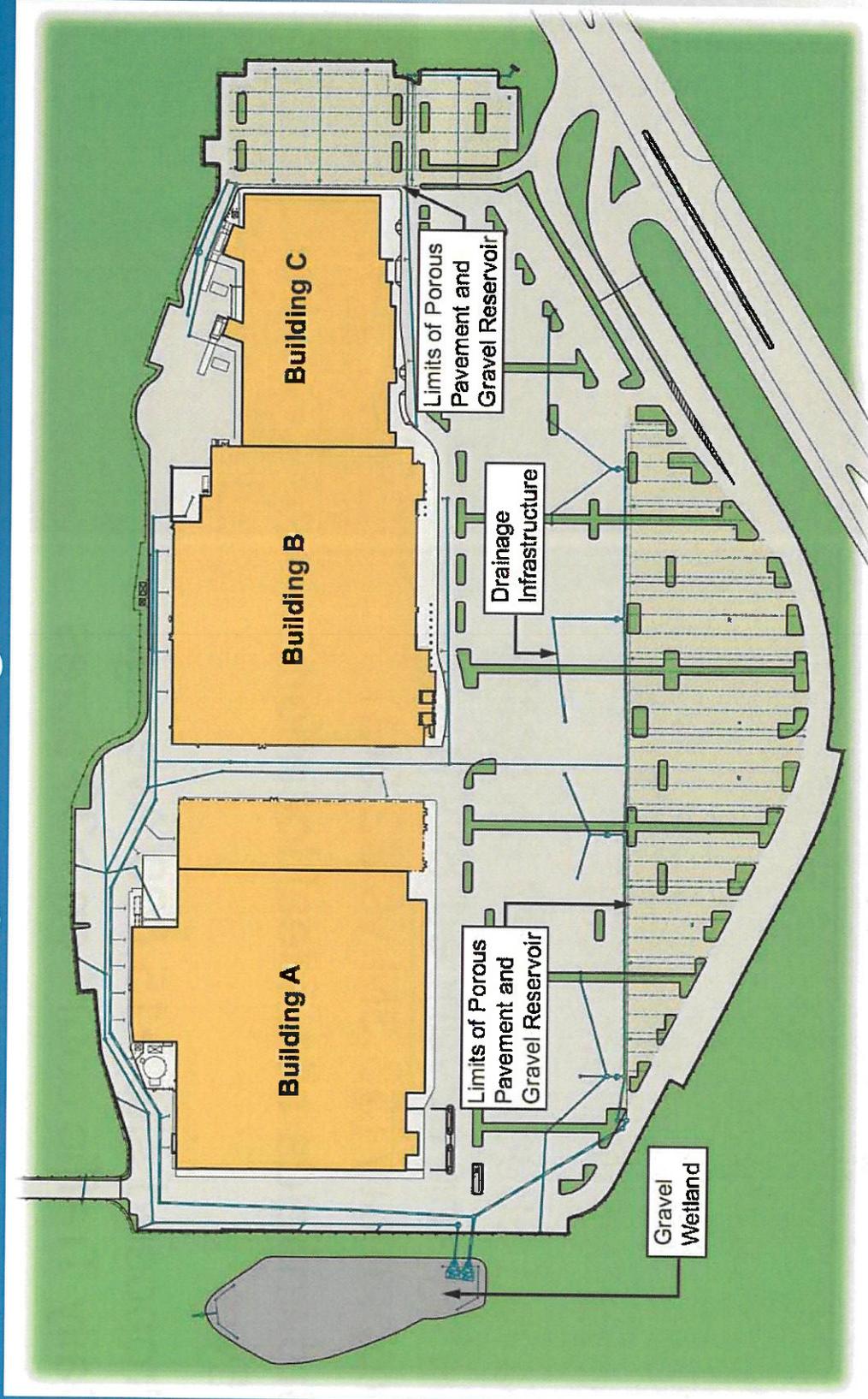


Greenland Meadows Commercial

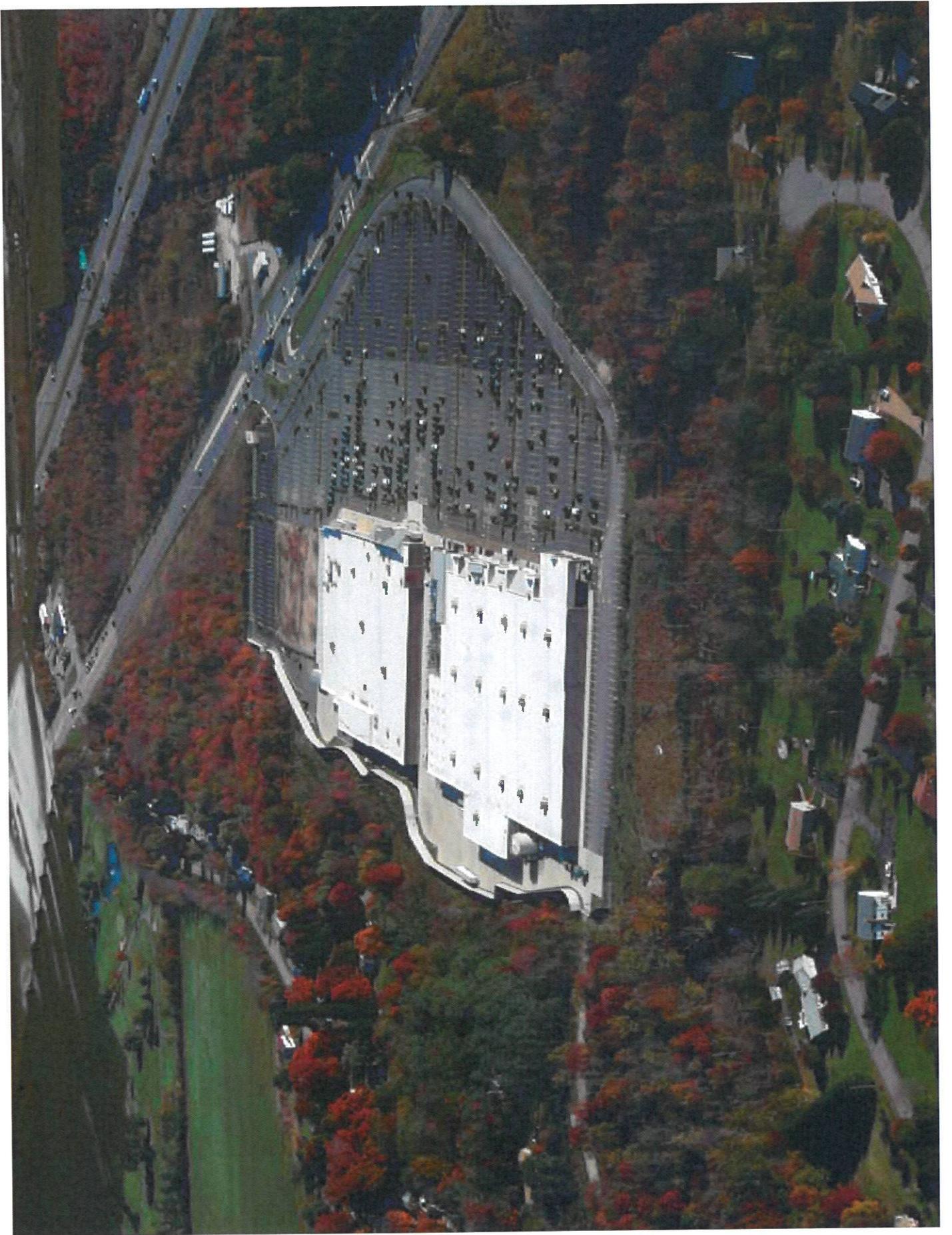
- “Gold-Star” Commercial Development
- Cost of doing business near Impaired Waters/303D
- Saved \$800k in SWM on costly piping and advanced SWM proprietary (\$3.3M vs \$2.5M)
- Brownfields site, ideal location, 15yrs
- Proposed site >15,000 Average Daily Traffic count on >30 acres

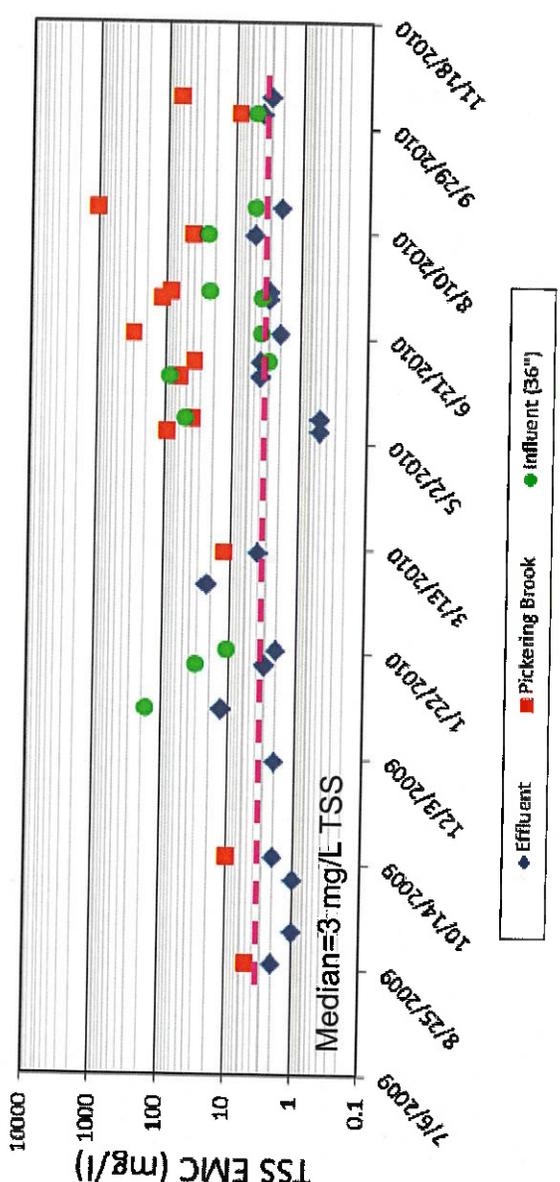
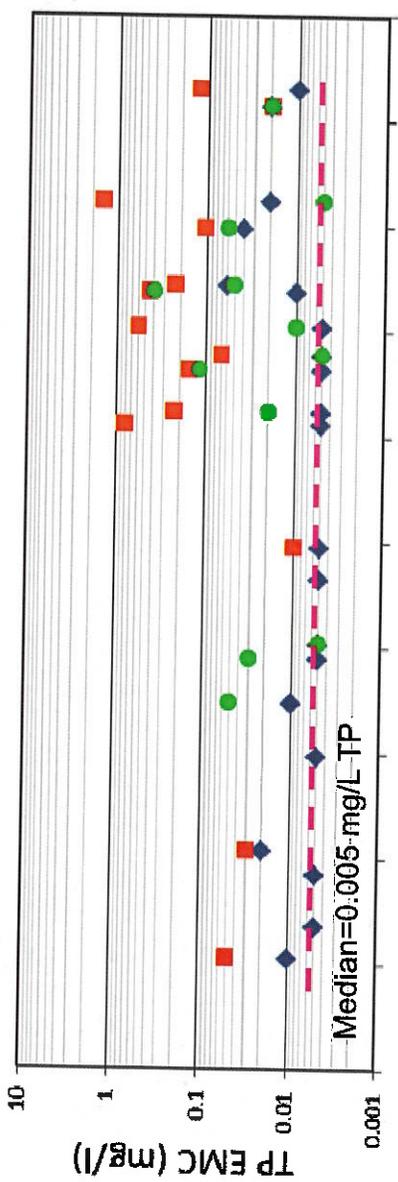
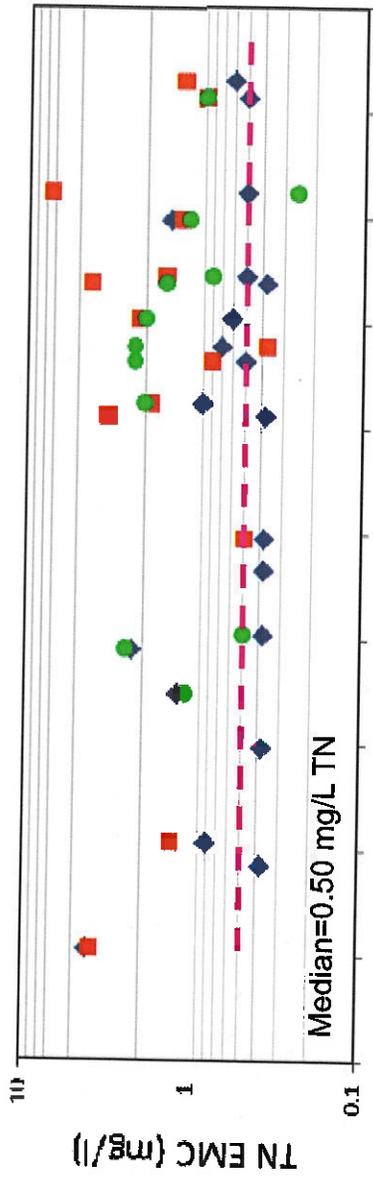
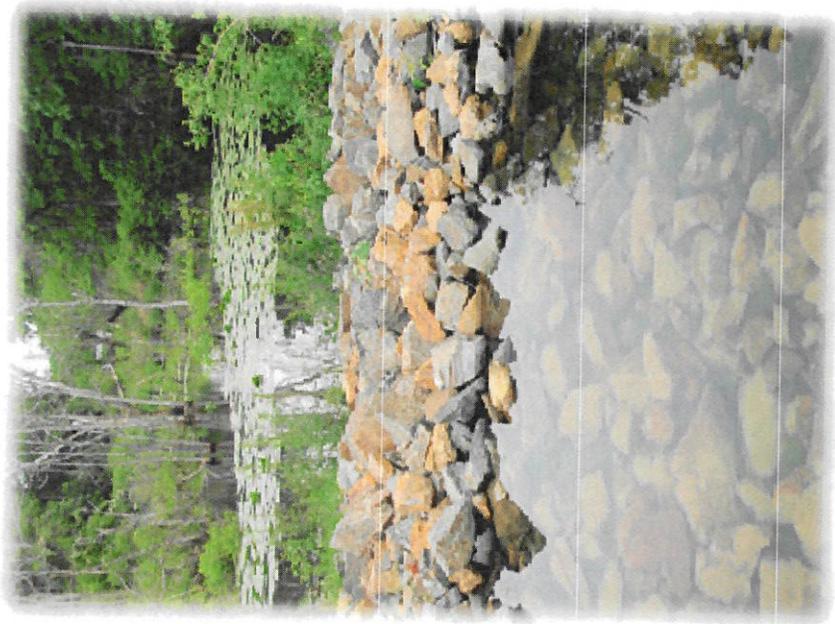


Site Design using LID and MTD



28 ac site, initially >95% impervious, now <10%EIC, with all drainage through filtration, expected to have minimal WQ impact except thermal and chloride





Nutrient cycling

Phosphorous is typically in 3 forms:

- **Soluble Reactive Phosphorous.** SRP usually consists largely of the inorganic orthophosphate (PO_4) form of phosphorous. Measurements of orthophosphate are commonly used to quantify SP.
- **Soluble Unreactive or Soluble Organic Phosphorous.** SUP are organic forms of phosphorous and chains of inorganic phosphorous molecules termed polyphosphates.
- **Particulate Phosphorous.** PP contains all material, inorganic and organic, particulate and colloidal, that is captured on a 0.45-micron membrane filter.

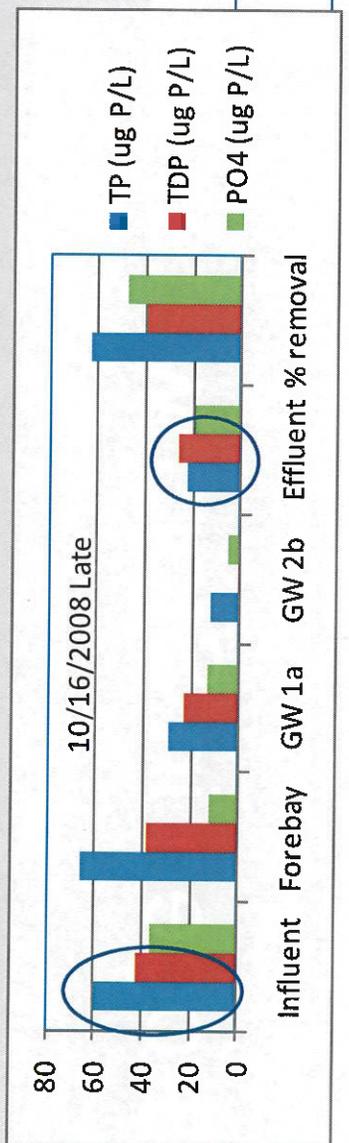
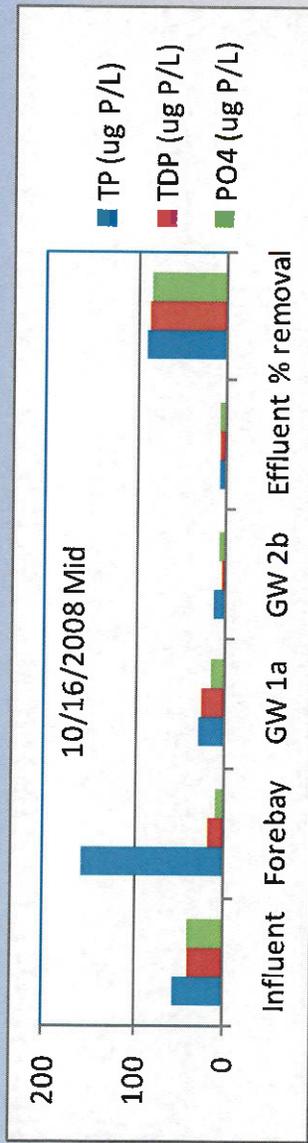
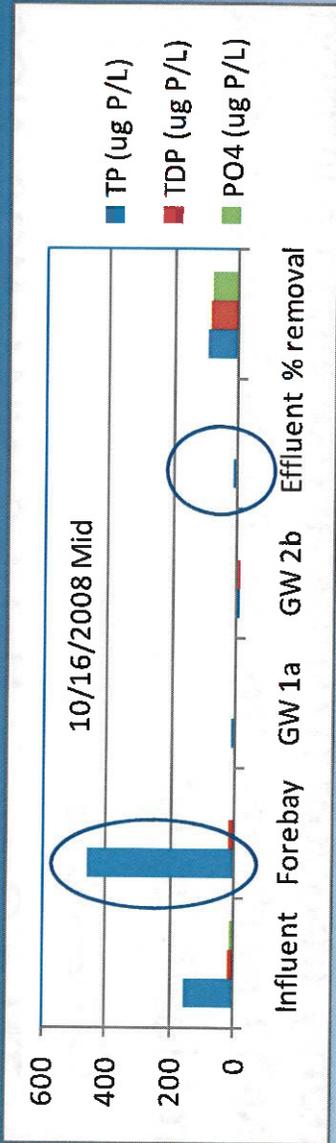
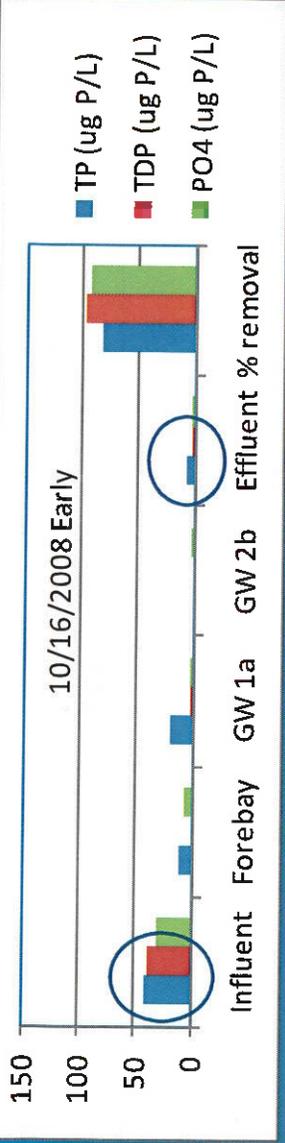
$\text{SRP} + \text{SUP} = \text{soluble phosphorous (SP)}$

$\text{SP} + \text{PP} = \text{total phosphorous (TP)}$

$\text{PO}_4 + \text{SUP} + \text{PP} = \text{TP}$

PHOSPHORUS

Concentration ug/L

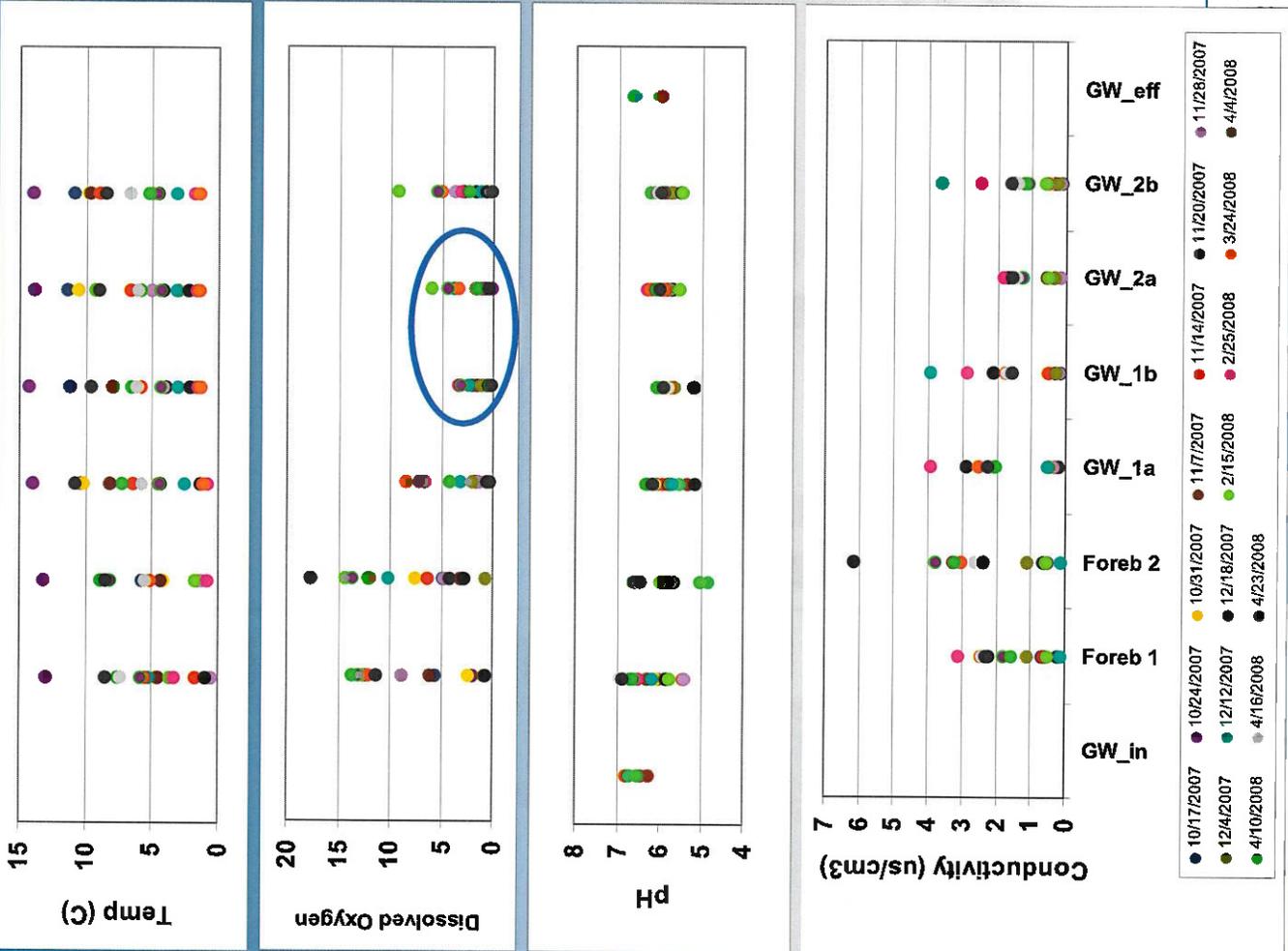
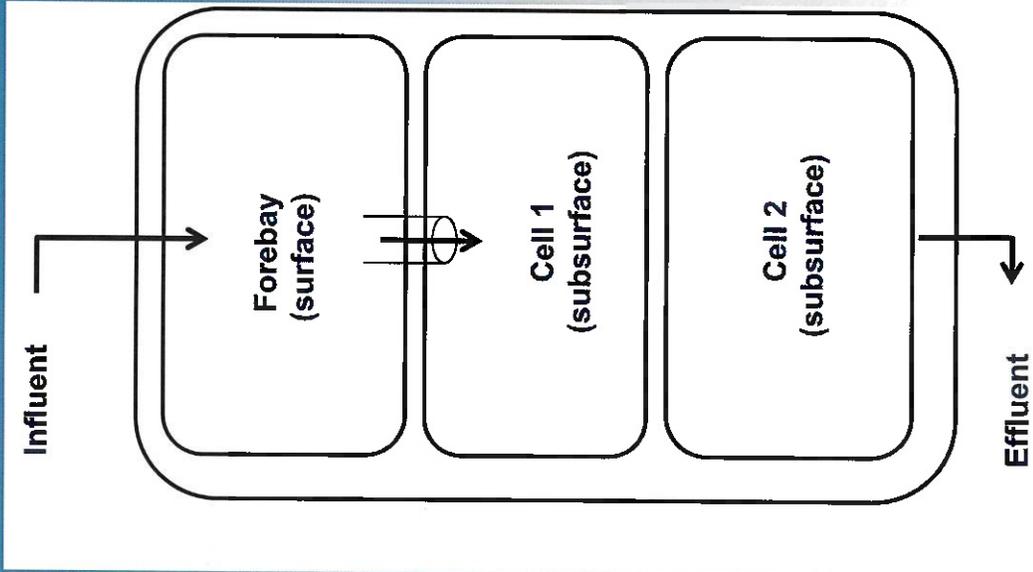


Nitrogen in Stormwater Water

- Systems must be vegetated, sedimentation plays a minor role
- Biologically-mediated conversion processes, whether aerobic or anaerobic. Microbial decomposition of organic matter produces reduced NH_3 which is treated commonly through biological oxidation (nitrified) to NO_2/NO_3 and then treated by biological reduction anaerobically to N_2

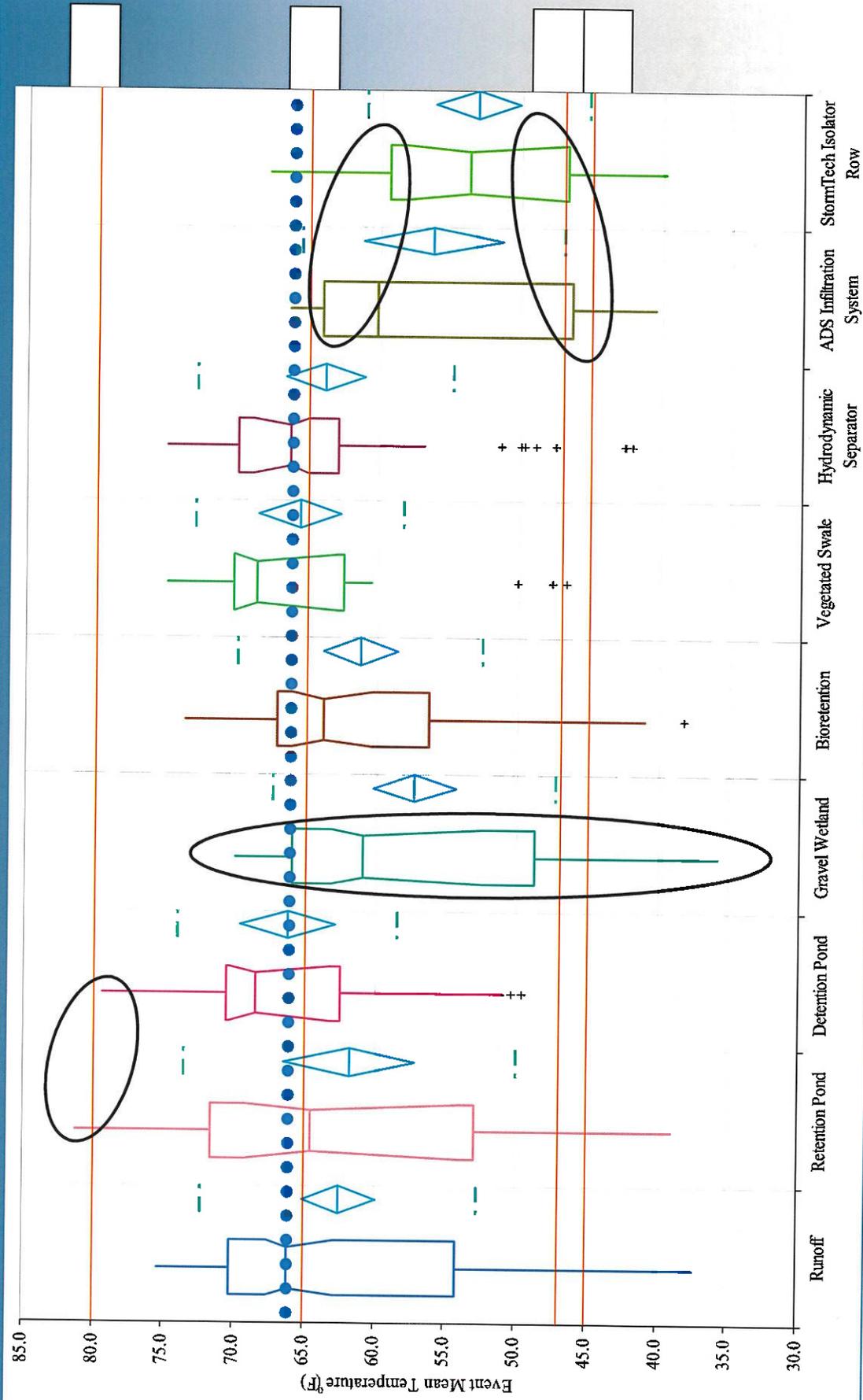
Organic N= TKN

TN = Organic N+ NH_3 + NH_4 + NO_2 + NO_3

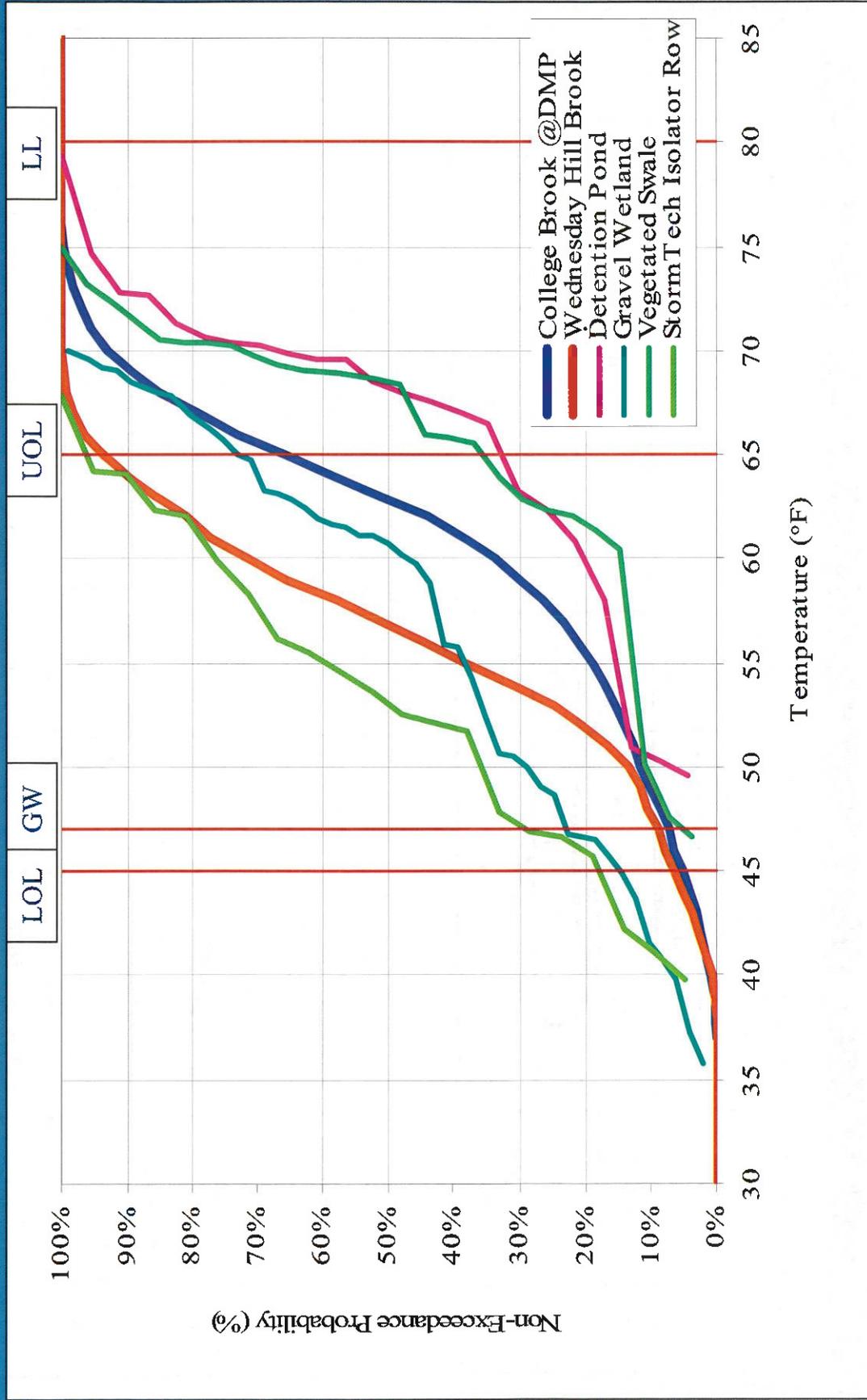


Thermal Performance

Summer Quartile Assessment



Summer Natural Streams



Results

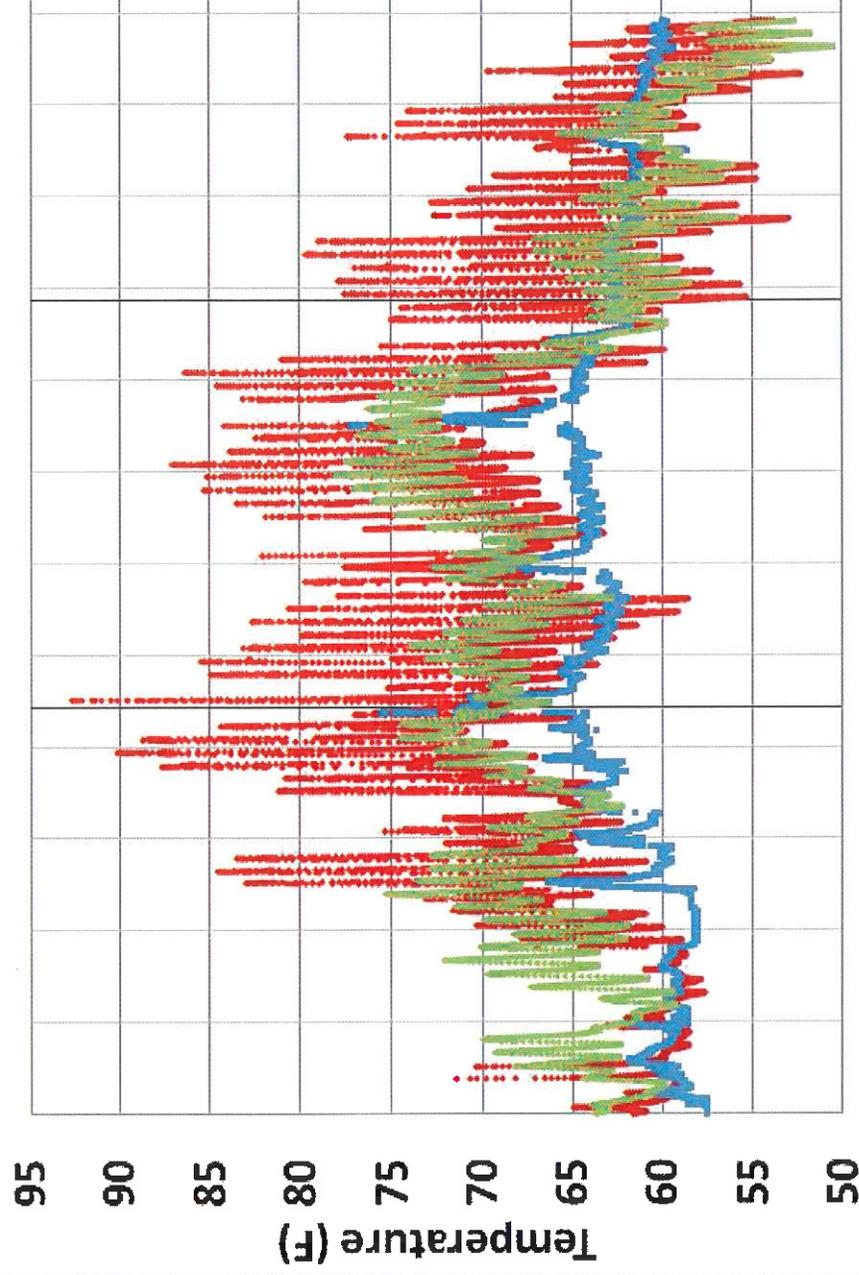
Annual Assessments		Runoff	Retention Pond	Detention Pond	Gravel Wetland	Bioretention	Vegetated Swale	HDS	ADS	STIR
EMT (°F)	Median	52.4	48.1	52.8	47.3	51.8	57.3	56.6	49.2	47.6
	Mean	53.5	50.9	52.3	48.7	51.9	54.8	54.1	51.5	49.0
	Standard Deviation	12.7	14.6	15.1	12.0	13.1	12.6	13.6	9.7	9.2
	Maximum	75.4	81.3	79.4	70.0	73.7	75.0	75.0	66.4	67.8
% Non-Exceedance UOL (65°F)		72.5%	79.0%	71.5%	87.0%	78.0%	72.5%	65.0%	95.0%	98.5%

Summer Assessments		Runoff	Retention Pond	Detention Pond	Gravel Wetland	Bioretention	Vegetated Swale	HDS	ADS	STIR
EMT (°F)	Median	66.2	64.6	68.6	60.9	63.9	68.6	66.3	60.3	53.7
	Mean	62.5	61.8	66.3	57.3	61.2	65.6	63.8	56.3	53.2
	Standard Deviation	9.8	11.8	7.8	10.1	8.7	7.3	9.1	9.3	7.9
Mean July Temperatures (°F)		67.1	77.9	72.2	66.0	67.7	70.3	69.0	63.4	58.5
% Non-Exceedance UOL (65°F)		42.0%	56.0%	37.0%	73.0%	58.5%	35.0%	34.0%	91.0%	96.0%

Time Series Characteristics

Subsurface Gravel Wetland (blue) Retention Pond (red)

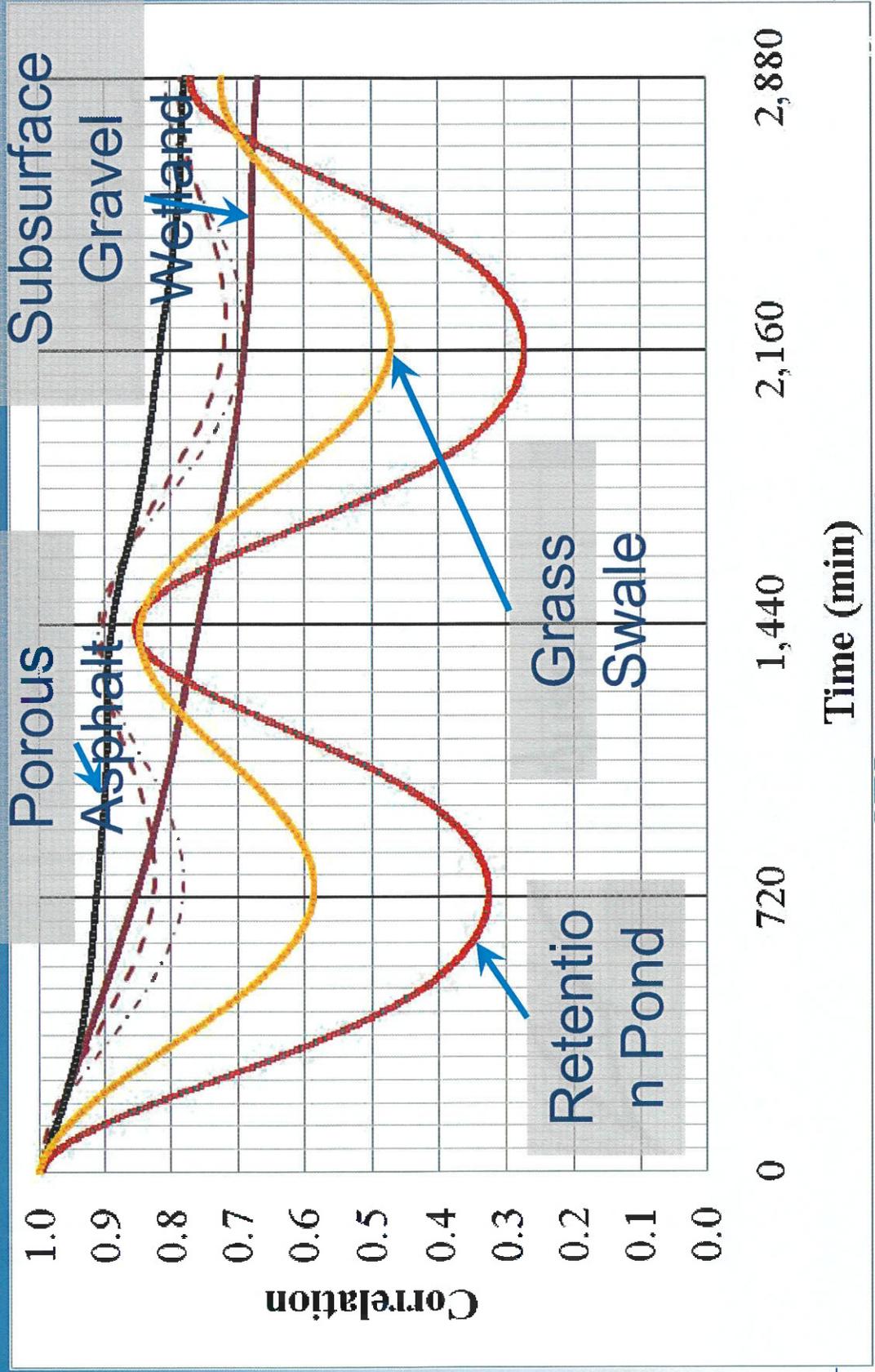
Caldwell Brook (green)



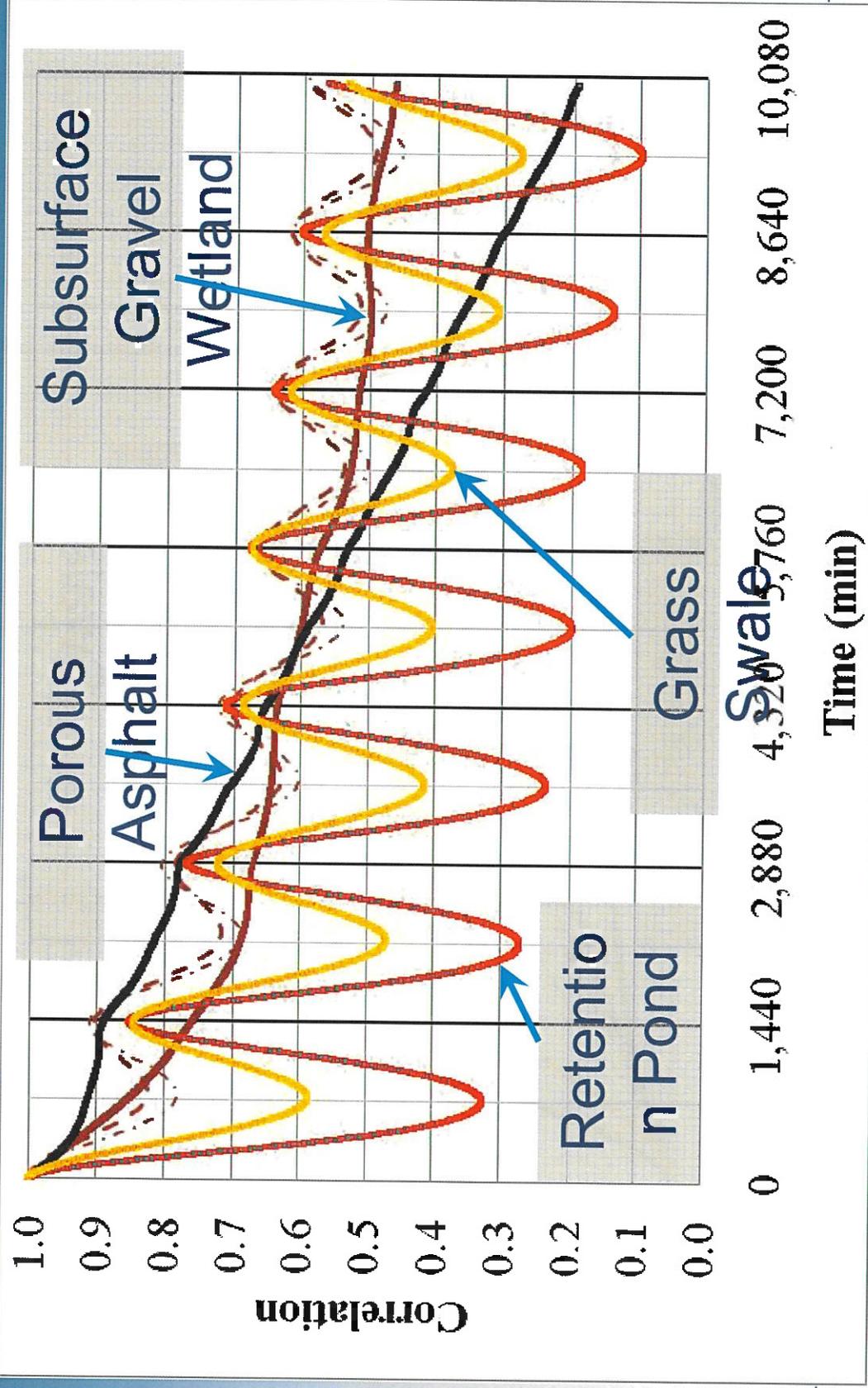
So When Stormwater Flows Into These Systems.....Is it Memory Compatible?



2009 Summer Temperatures – 2 days



2009 Summer Temperatures – 7 days



System Design and Sizing

RHODE ISLAND STORMWATER DESIGN AND INSTALLATION STANDARDS MANUAL
DECEMBER 2010



State of Rhode Island
 Department of Environmental Management
 400 Water Street
 Providence, RI 02903

State of Connecticut
 Department of Environmental Protection
 78 Water Street
 Hartford, CT 06103



Urban Subwatershed Rehabilitation Manual Series

1 An Integrated Framework to Restore Small Urban Watersheds
 Version 2.0

February 2005



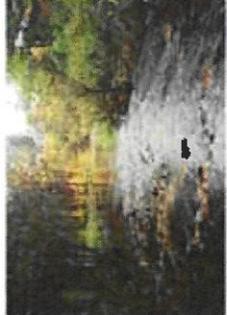
CENTERS FOR WATERSHED PROTECTION
Manual 1

NEW HAMPSHIRE STORMWATER MANUAL

VOLUME 2
 POST-CONSTRUCTION BEST MANAGEMENT PRACTICES
 SELECTION & DESIGN
 DECEMBER 2008




The Vermont Stormwater Management Handbook
 Technical Support Document
 Public Review Draft



November 17, 2004

Author: VTA
 Vermont Agency of Natural Resources
 100 North Main Street
 Montpelier, VT 05602

Project Lead:
 Tom J. Kelly, Director of Stormwater
 Management

UNHSC
Subsurface Gravel Welland
 Design Specifications



January 2009

UNHSC is the University of New Hampshire Stormwater Center. It is a partnership between the University of New Hampshire and the State of New Hampshire.

New Jersey Stormwater Best Management Practices Manual




New Jersey Department of Environmental Protection
 Division of Watershed Management

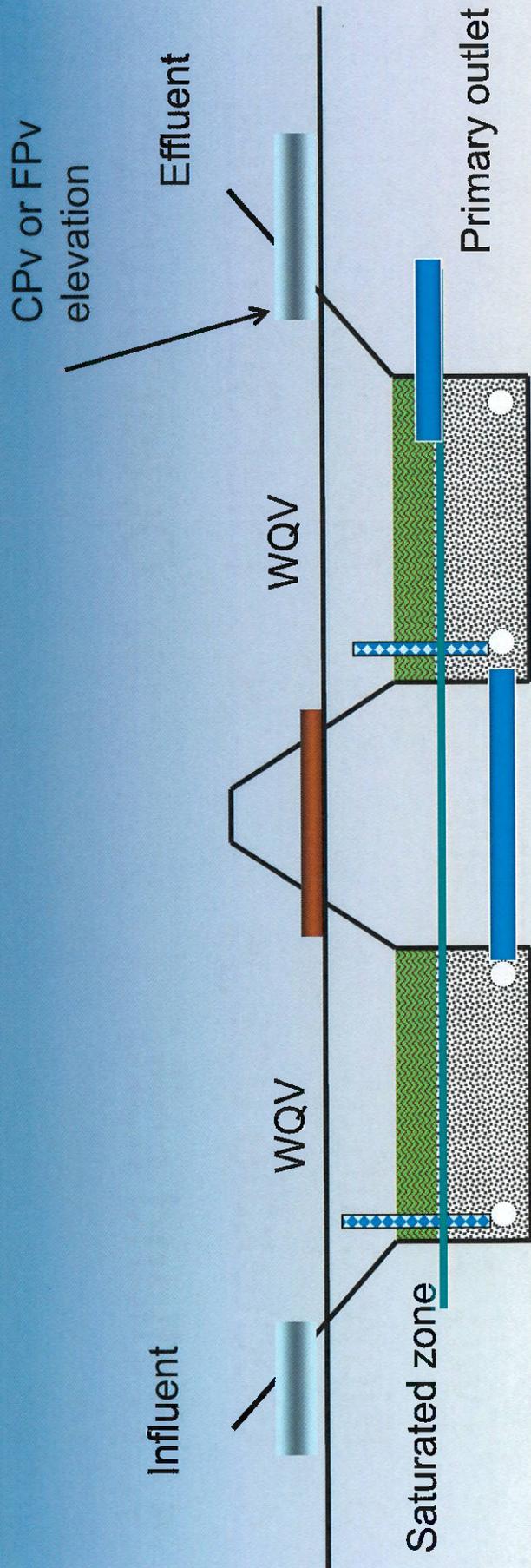
Design Criteria

- Water Quality Volume (WQv)
- Channel Protection Volume (Q2)
- Extreme Storm Volume (Q10)

WQV

- WQV is a static sizing criteria meaning it is the calculated volume resulting from the WQ storm depth (1 inch in 24 hrs) across the drainage area (1 acre parking lot = 3,300 cf)
- In this case the system needs to provide storage and treatment for the WQV as if it were delivered instantaneously.

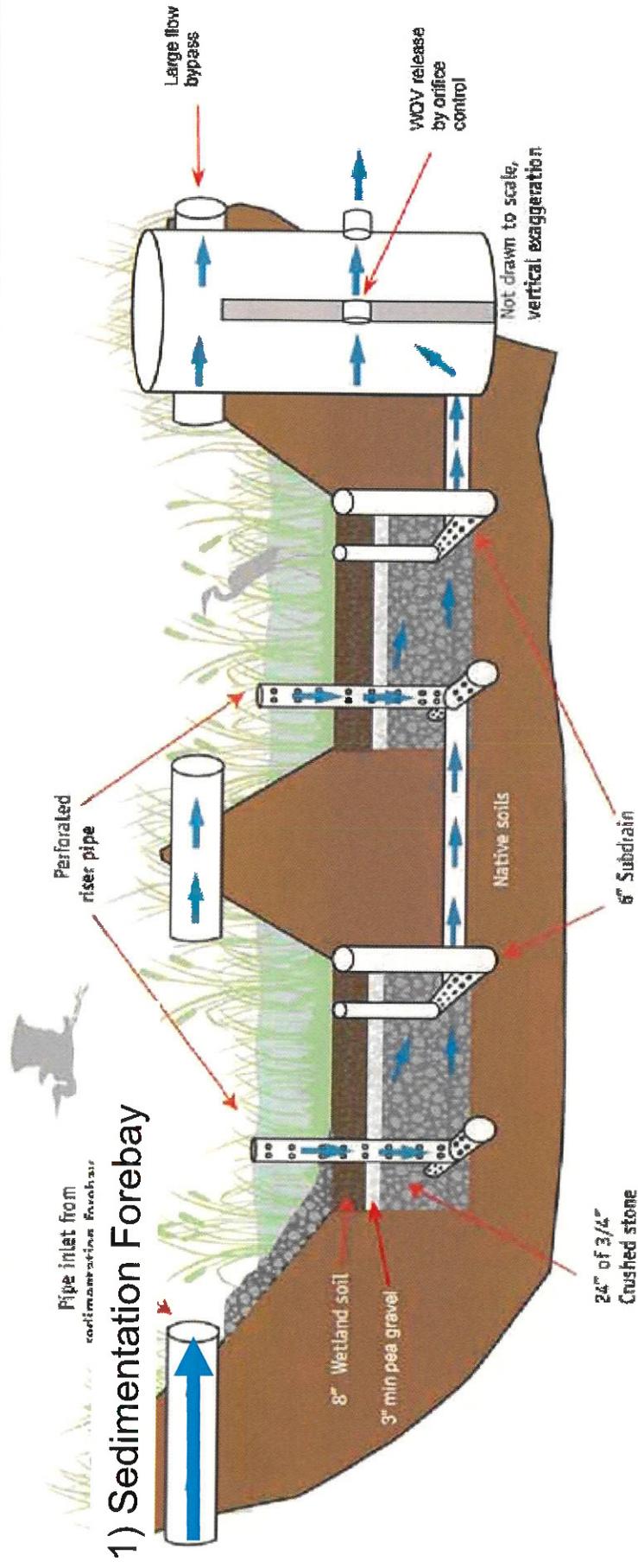
Generic Cross-Section



Critical Design Elements

1. Pretreatment
2. Two Treatment Cells.
3. Flow path
4. Geotextile usage
5. Wetland soils
6. Subgrade soils
7. Liners
8. Materials
9. Inlet Structures
10. Outlet Structure

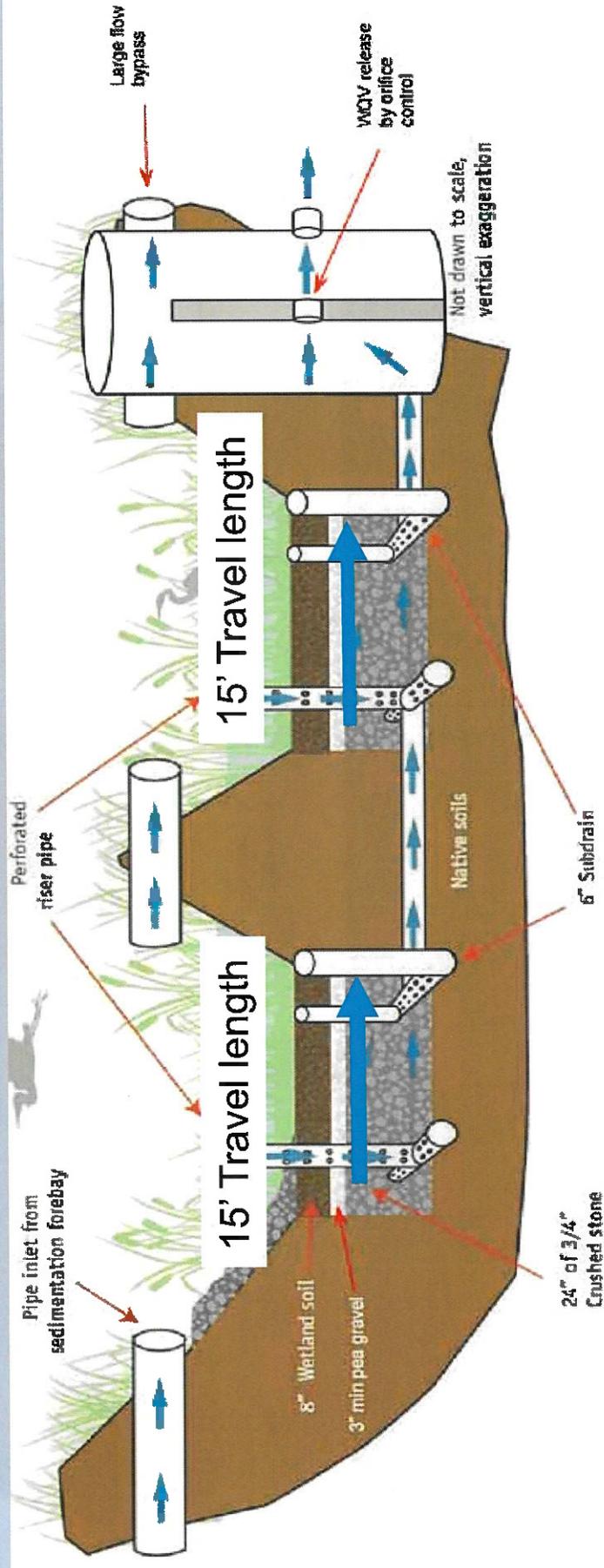
Subsurface Gravel Wetland



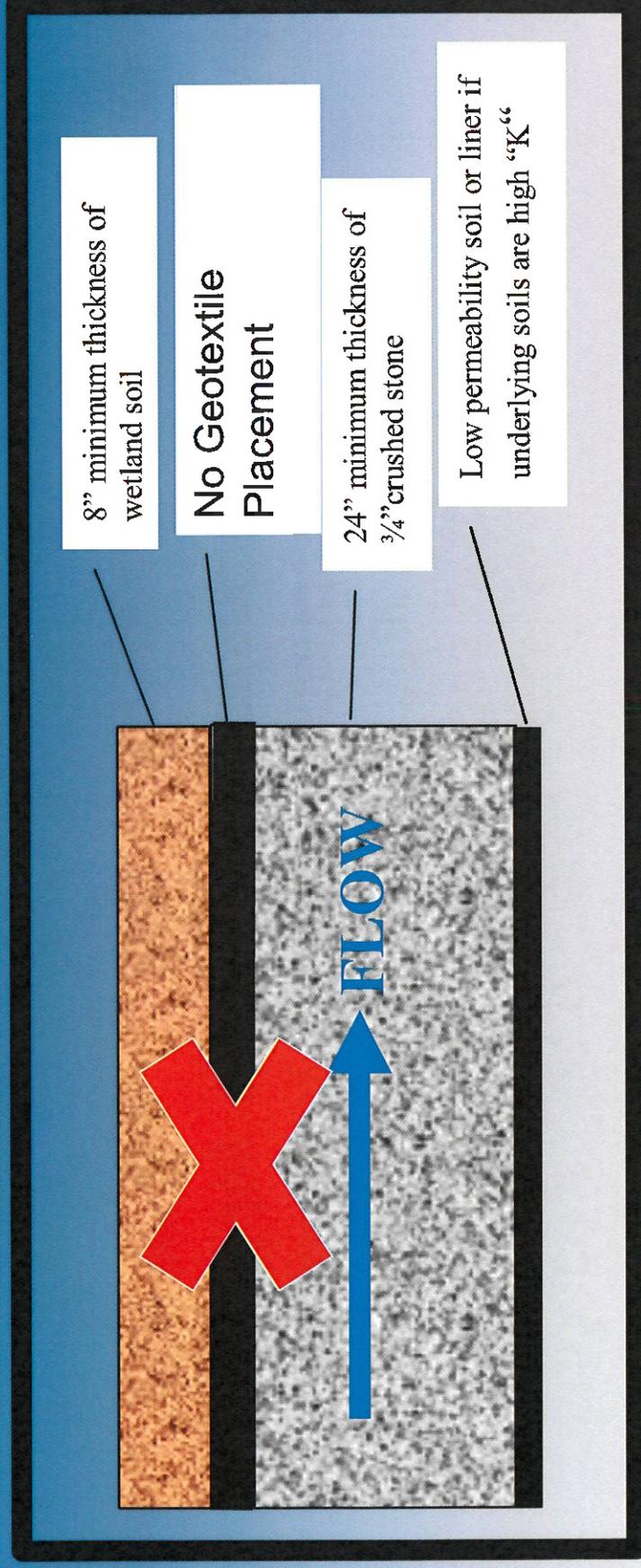
1) Sedimentation Forebay

Flow Path

- Minimum flow path length through the gravel should be 15 ft per cell, 30 ft total
- Flow path is horizontal and distinct from most biofiltration



Geotextiles



- No Geotextile between soil and crushed stone, in replace use intermediate setting bed
- Do not use geotextiles between the horizontal layers of this system as they will clog due to fines and may restrict root growth.

Wetland Soil

- 8 in. (20 cm) minimum thickness of a wetland soil as the top layer.
- This layer is leveled (constructed with a surface slope of zero).
- The surface infiltration rates of the gravel wetland soil should be similar to a low hydraulic conductivity wetland soil (0.1-0.01 ft/day = 3.5×10^{-5} cm/sec to 3.5×10^{-6} cm/sec)).

Wetland Soil

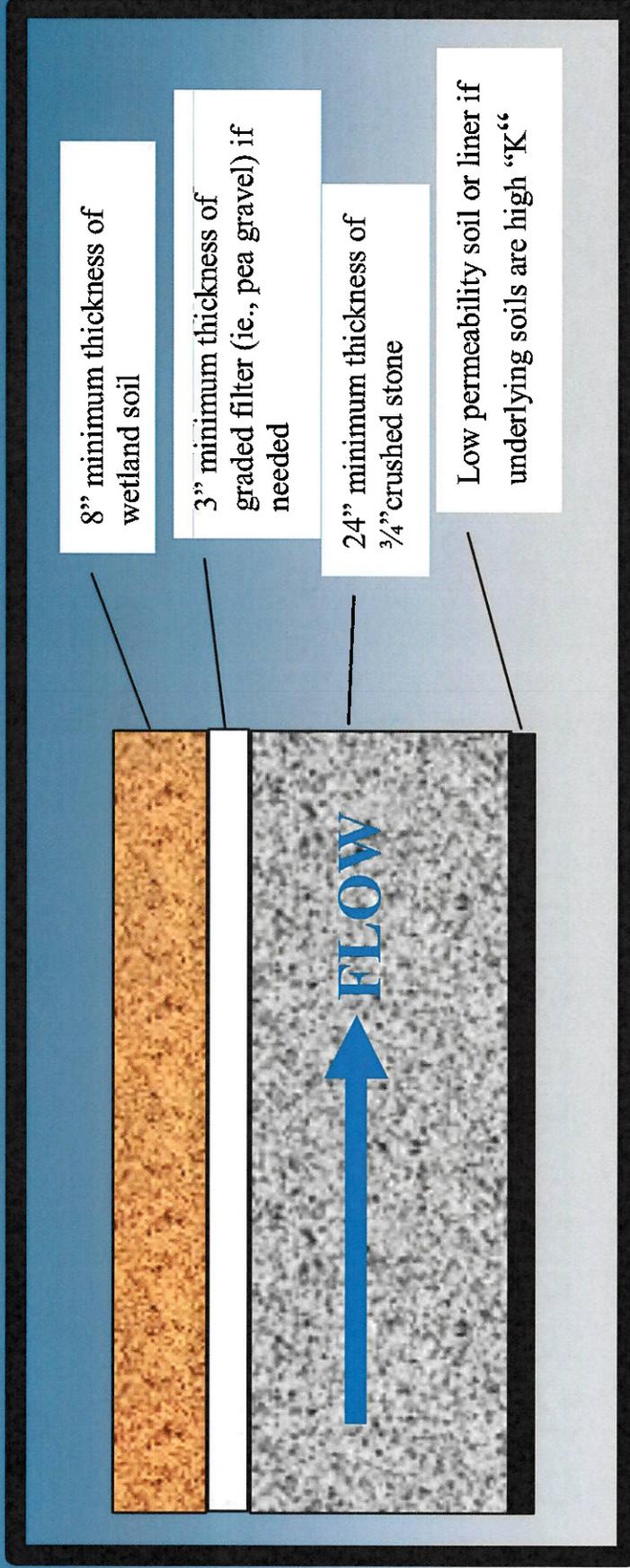
- This soil can be manufactured using existing topsoil, and compost, or sand, and some fine soils to blend to a high % organic matter content soil (>15% organic matter).
- Avoid using clay contents in excess of 15% because of potential migration of fines into subsurface gravel layer.

$$D_{15, \text{COARSE SUBLAYER}} \leq 5 X D_{85, \text{SETTING BED}}$$

$$D_{50, \text{COARSE SUBLAYER}} \leq 25 X D_{50, \text{SETTING BED}}$$

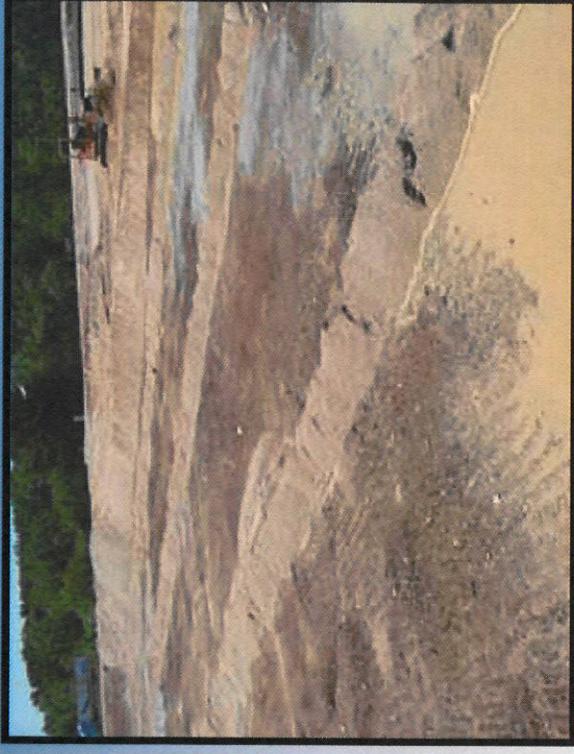


Subgrade Soils



Subgrade Soils

- Underlying soils should have low permeability to maintain driving head and risk of groundwater contamination
- Hydraulic conductivity \leq 0.03 ft/day
- If low permeability soils are present, use a compacted soil or HDPE liner.



Liners

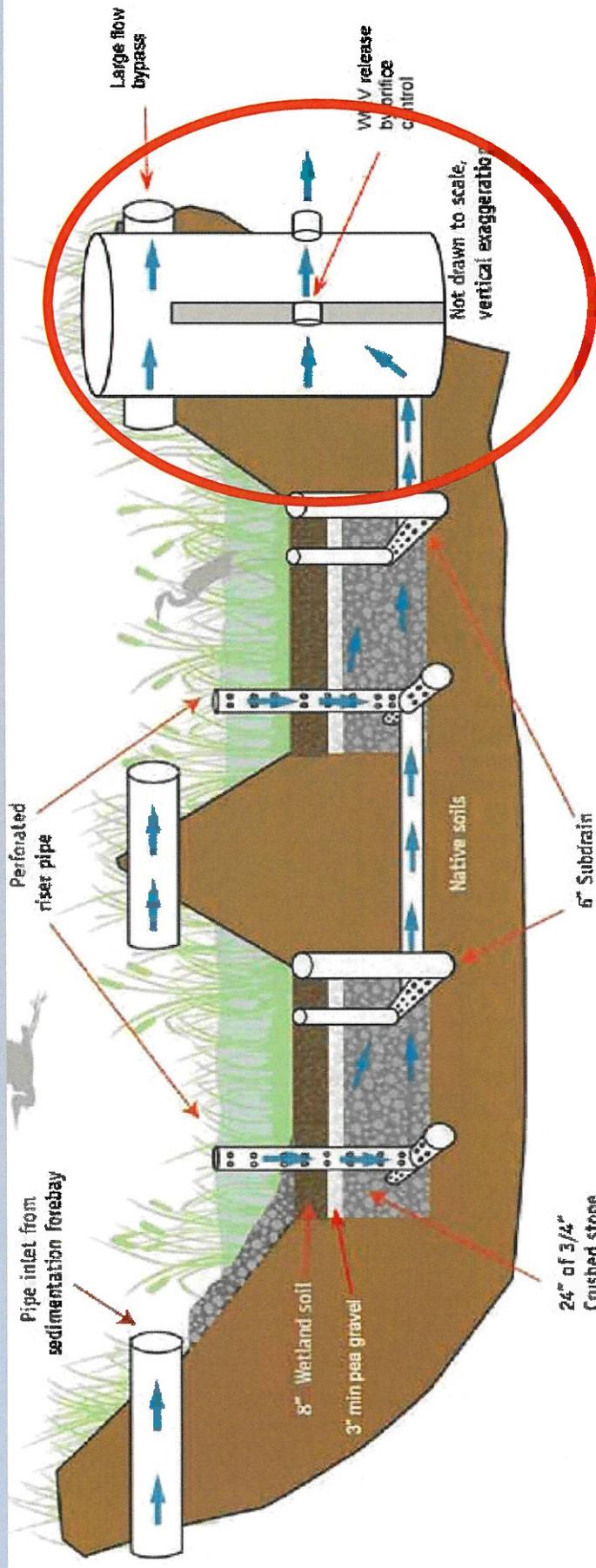
- Federal guidelines regulate groundwater protection standards.
- Liners can be used for sites where the infiltration is a concern (eg. high water table, bedrock karst sites and hot spots where hazardous materials may be handled).
- The use of Liners will preserve water quality through detention and filtration and will limit any infiltration.
- Liners can be made from HSG 'D' soils, HDPE, or clay

Reservoir Course

- 3 in. (8 cm) minimum thickness of an intermediate setting bed layer of a graded aggregate filter overtop the reservoir course
- Prevent the wetland soil from moving down into the gravel sub-layer through soil piping
- Material compatibility between layers needs to be evaluated.
- Reservoir course is constructed of ~0.75” angular stone (similar to ASTM#57)

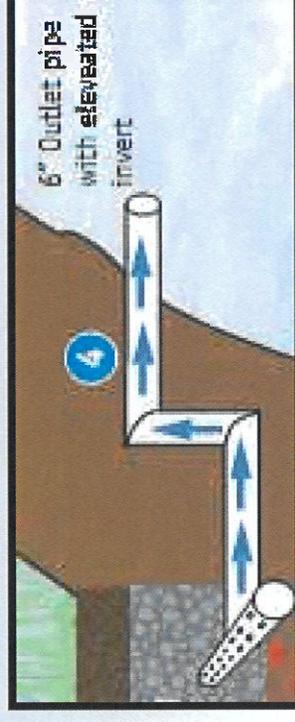
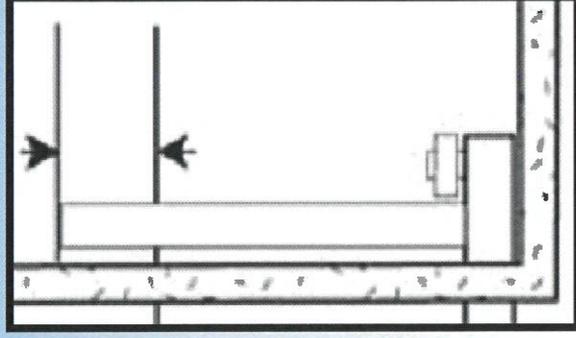
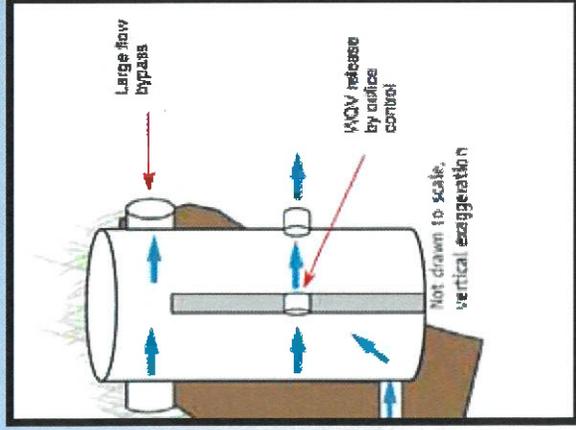
Outlet Structure

- Many options
- All will have WQV release and highflow bypass
- May include drainplug for maintenance



Outlet Structure

- Outlet Structure Options vary
 - Precast structure with weir wall
 - T-fitting with valve
 - Upturned elbow



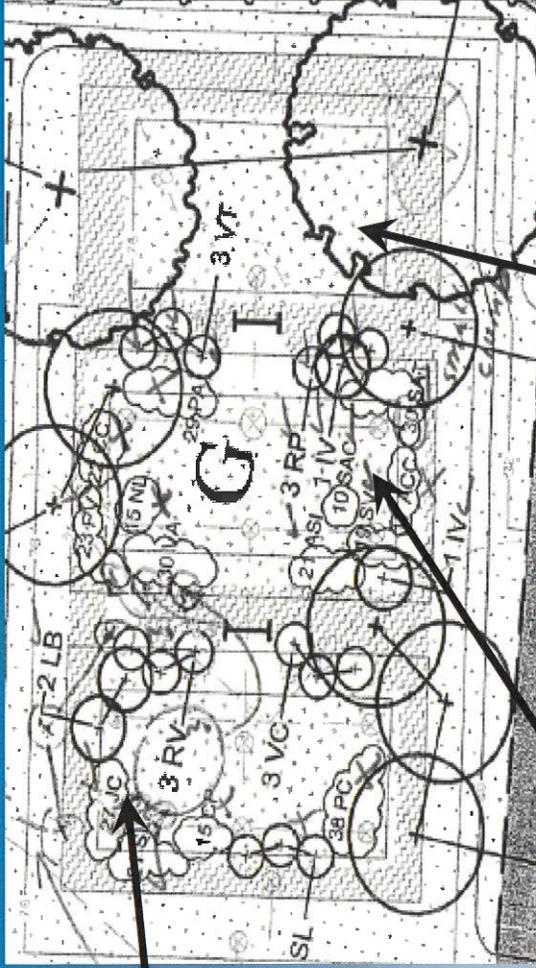
Wetland Vegetation

- Used New England Wetmix (wetland seed mix) from New England Wetland Plants Application Rate: 1 LB/2500 SQ. FT. (18 LBS/ACRE as a wet meadow seeding)
- <http://www.newp.com>
- Price: \$125.00/LB**
- Gravel wetland – mixed wetland grasses, reeds, herbaceous plants and shrubs growing vigorously. 100% cover, except for open water in forebay. Very few upland plants. Healthy, diverse wetland system.

Gravel Wetland



Sagittaria, Cattail,
Juncus, grasses, areas
with standing water



Bullrush
(scirpus),
aster, grasses,
no standing
water



Rush (juncus), cattail, grasses,
open water

UNH SC – General Wetland Condition

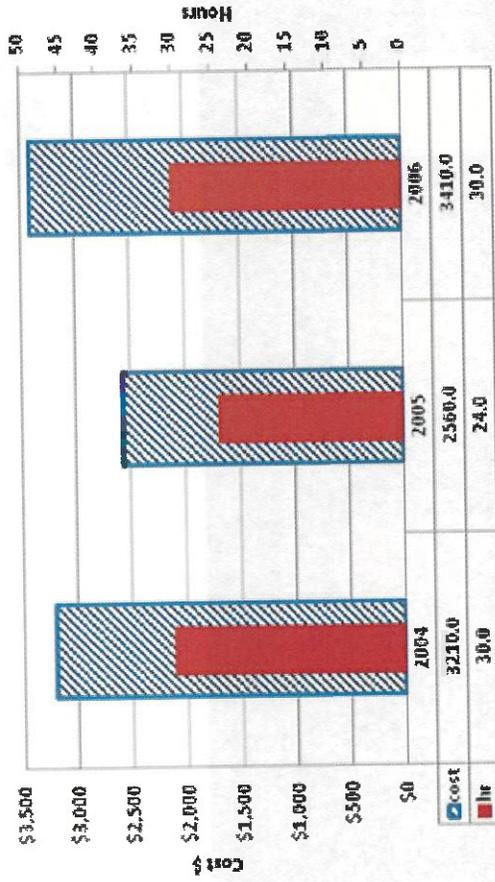
- 53% of the planted species are still present (in areas that have not been re-constructed).
- Trees and shrubs had a high survival.
- Emergent obligate wetland species (e.g water lily, pickerelweed) survival was very low.
- All areas with standing water populated by Typha (cattail).
- No Phragmites, some Purple Loosestrife removed.
- Predominantly emergent marsh/wet meadow species.
- Some vertebrate wildlife species present; frogs and heron.

Inspection and Maintenance

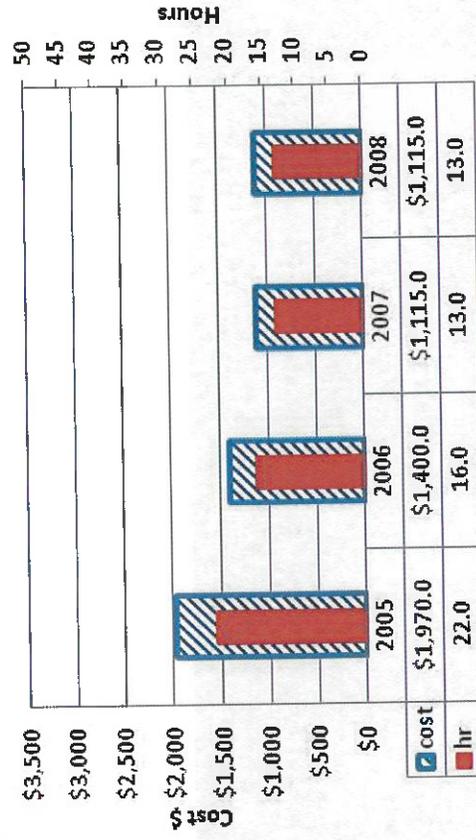


<p>REACTIVE</p> <p>Episodic maintenance Cheap in short term Expensive in long term Most property damage</p>	<p>PERIODIC</p> <p>Can be expensive and wasteful Need statistics Simple administration</p>
<p>PREDICTIVE</p> <p>Scientific basis Cost-effective Not applicable everywhere Administration more difficult</p>	<p>PROACTIVE</p> <p>Can be cost-effective Expensive if overused Can have institutional implications</p>

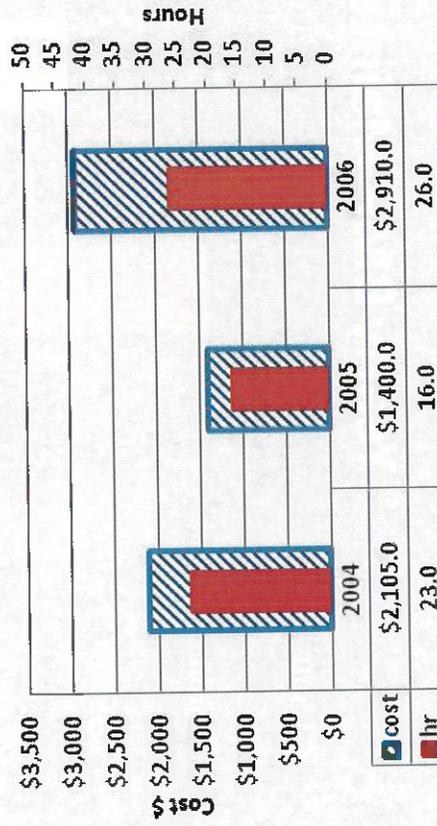
Retention Pond



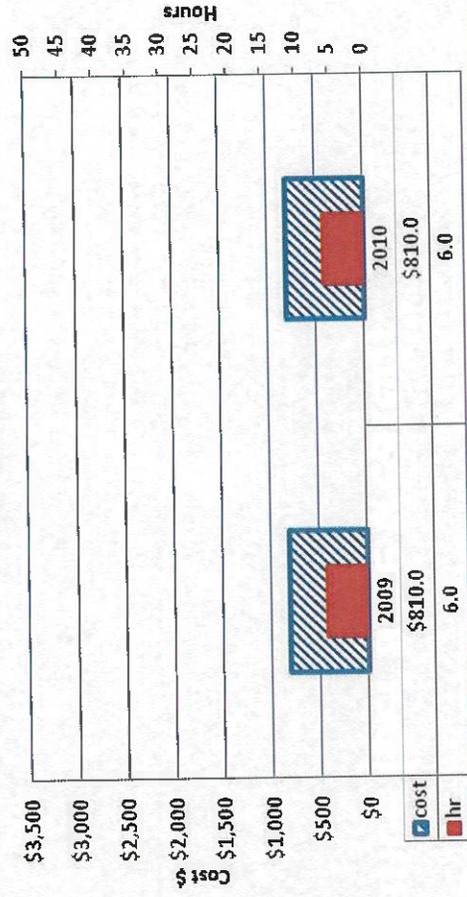
Bioretention



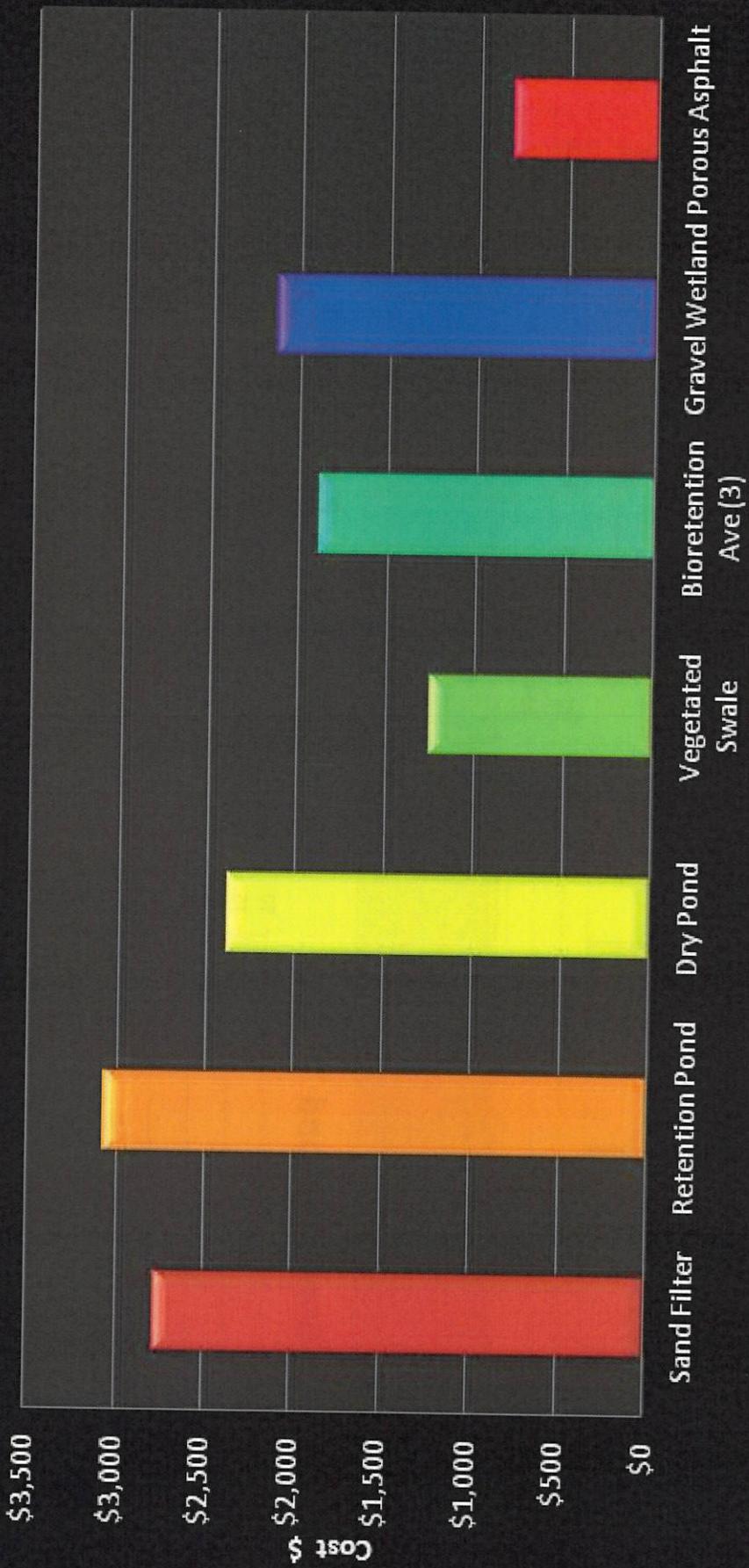
Gravel Wetland



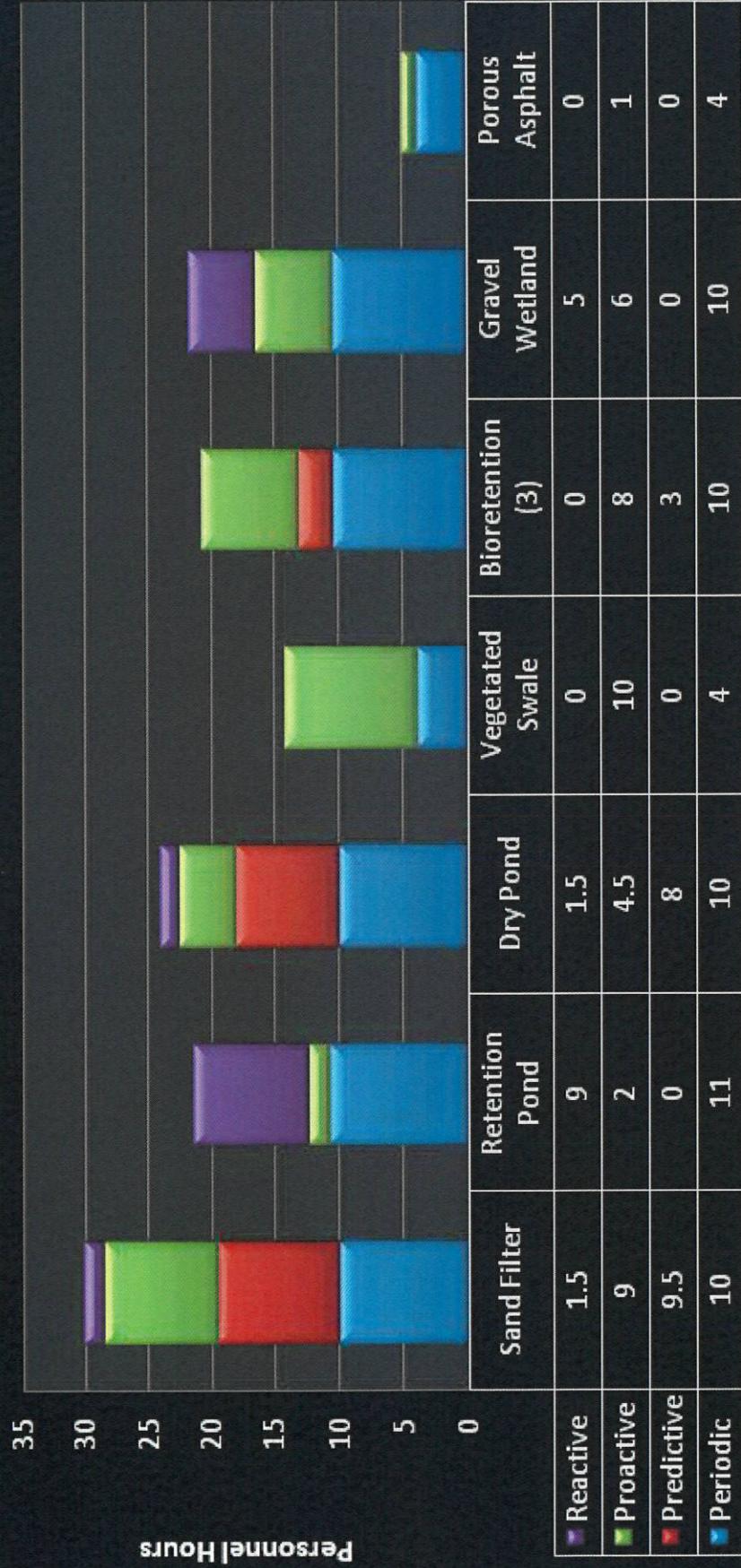
Porous Asphalt



Yearly BMP Maintenance (per acre treated)



BMP Maintenance/acre/yr by Category



4 - yr Forebay Maintenance - June 2008



Current 3-yr Maintenance Plan



Maintenance

- The forebay to the gravel wetland, and probably all stormwater systems may become a source of contamination as the system ages—maintenance is essential
- Improved forebay designs would include a deeper pool of water in excess of a meter, or a deep sump catch basin or proprietary treatment device for removal of solids.

Maintenance

- Sediments and plant debris stored in the forebay may be re-suspended and released in subsequent storms. Routine maintenance is an important component in maintaining performance—2-3 year interval.

Materials and Installation Cost

Technology	Cost: \$/Acre IC
Vegetated Swale	\$ 11,200.00
Retention Pond	\$ 13,700.00
Gravel Wetland	\$ 22,300.00
Bioretention	15,000 - 25,000
HDPE Chamber	\$ 34,000.00

Greenland Case Study

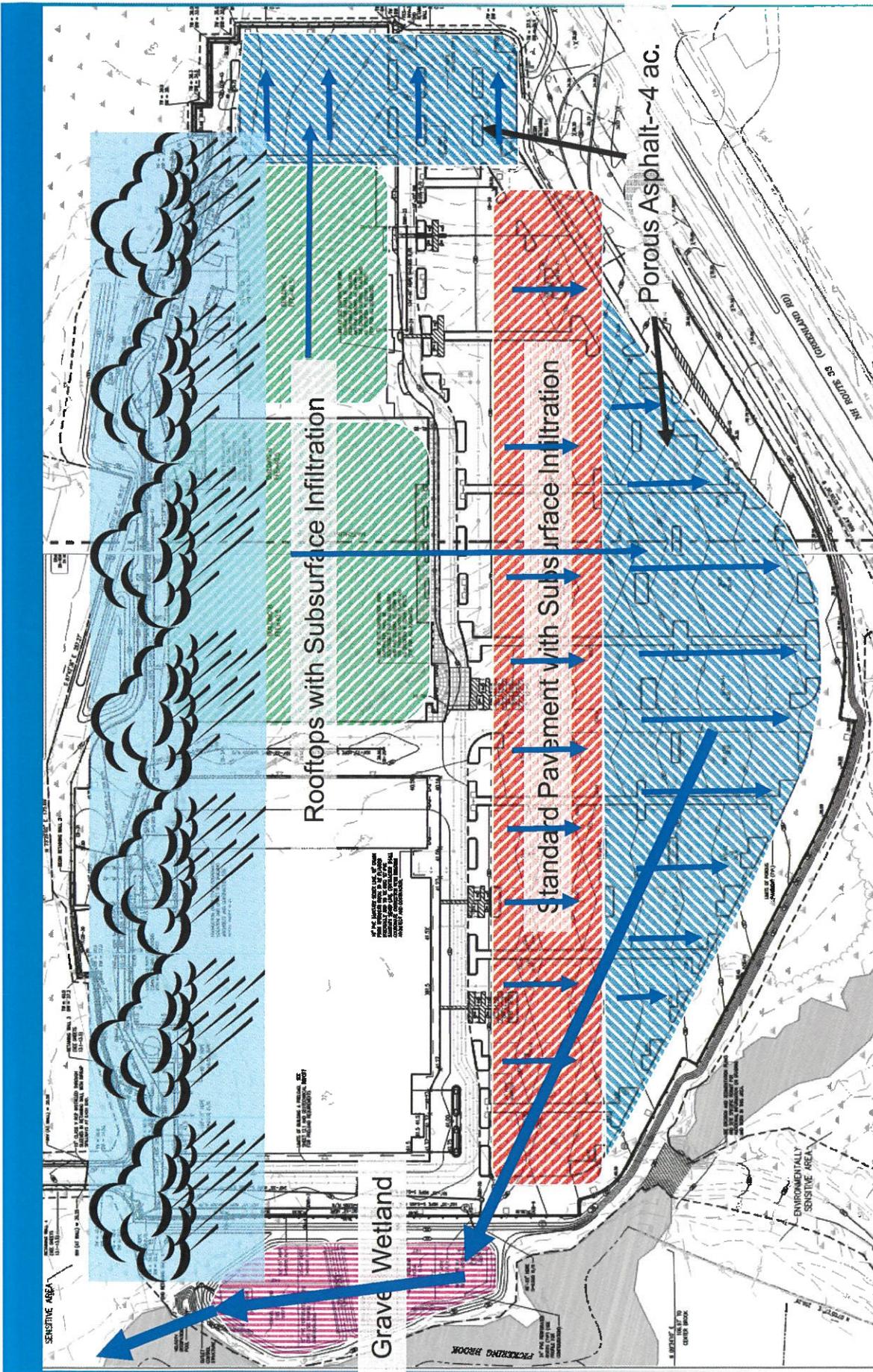
CASE STUDY: Greenland Meadows

**Packard Development, Conservation Law Foundation,
UNHSC (2005- Present)**

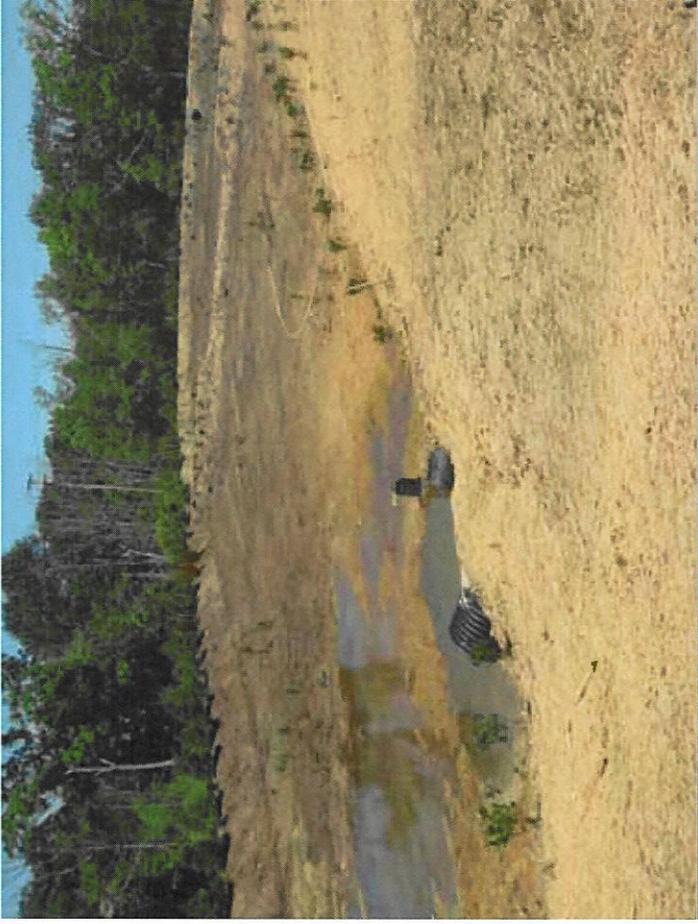
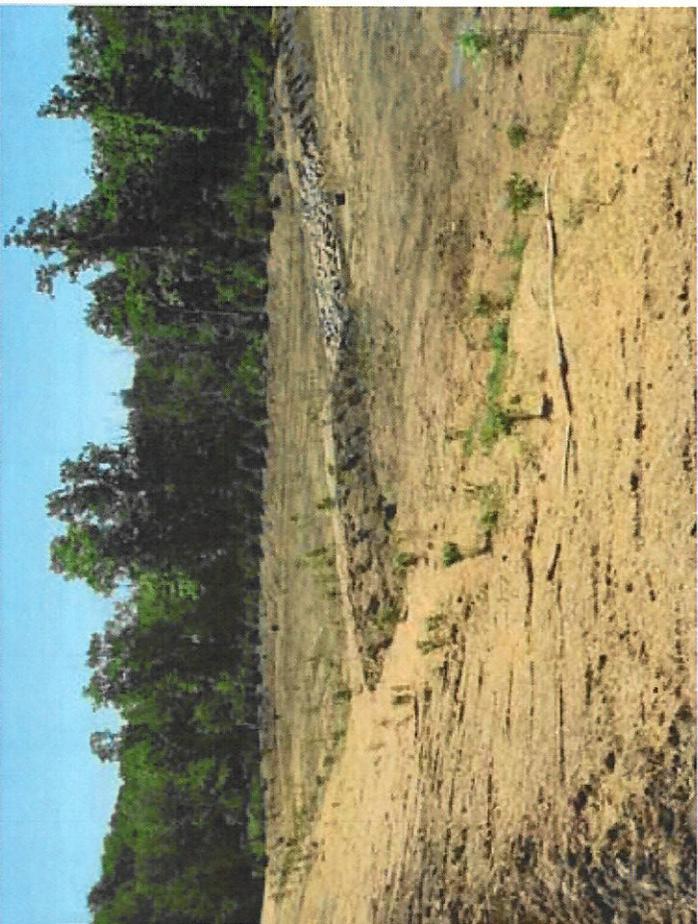
- Protection of impaired waters—Pickering Brook
- >15,000 Average Daily Traffic count

Involves the use:

- daily street vacuuming
- a porous asphalt parking lot
- subsurface infiltration of rooftop runoff
- a gravel wetland
- Combined as a treatment train



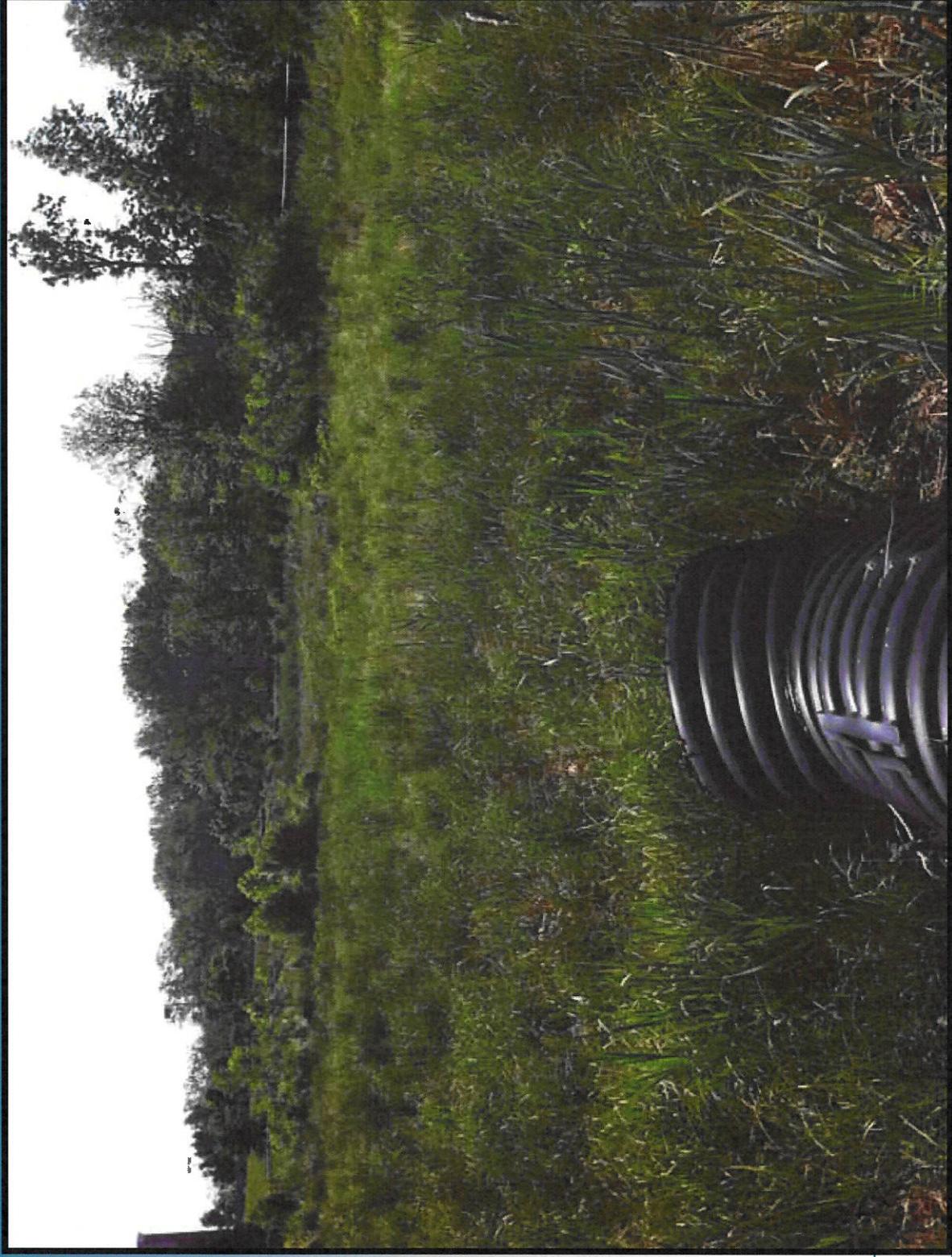
Entire site is treated by filtration, either porous pavement, subsurface infiltration, or gravel wetland, or combination of methods



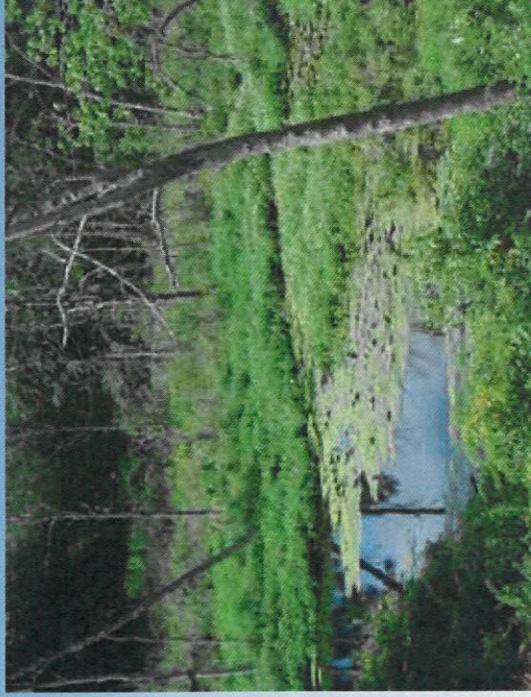
3 mos later



3 years later

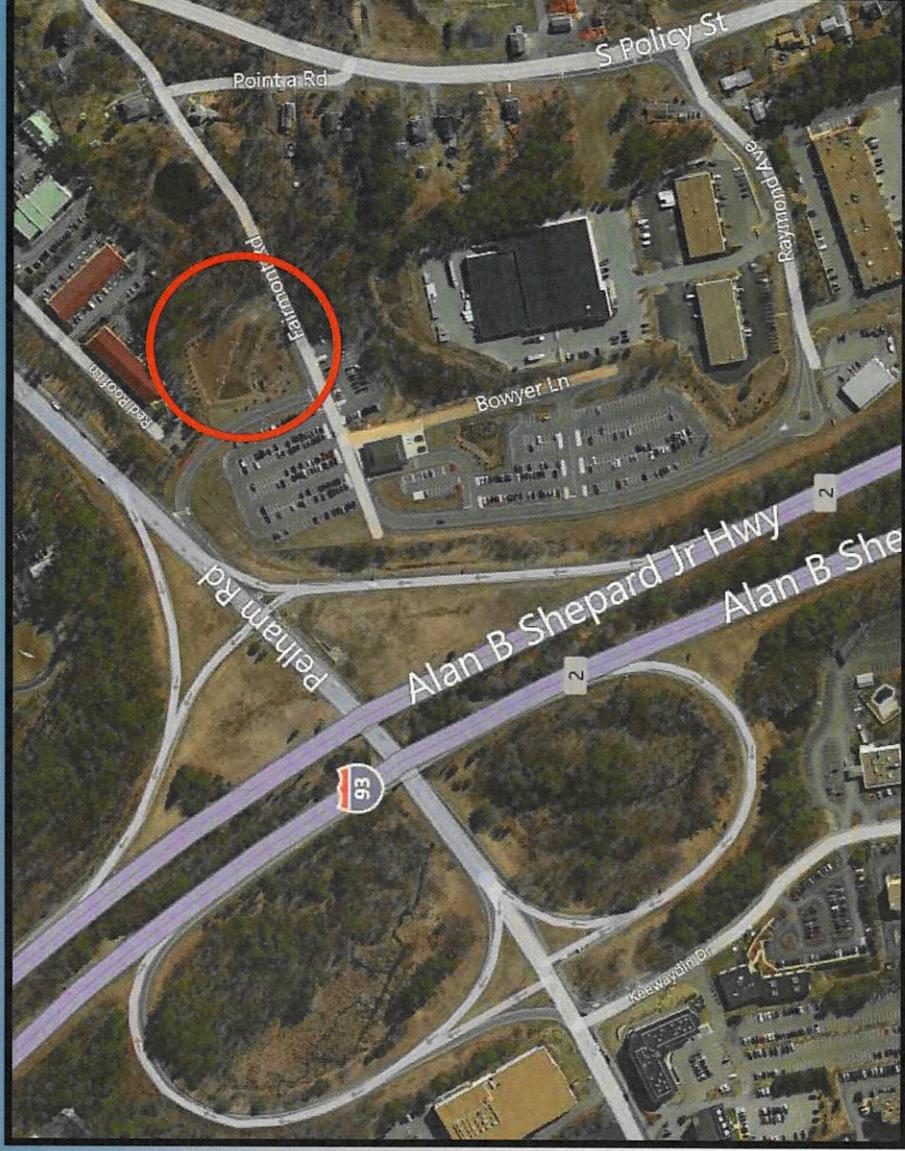


Discharge to Impaired Water

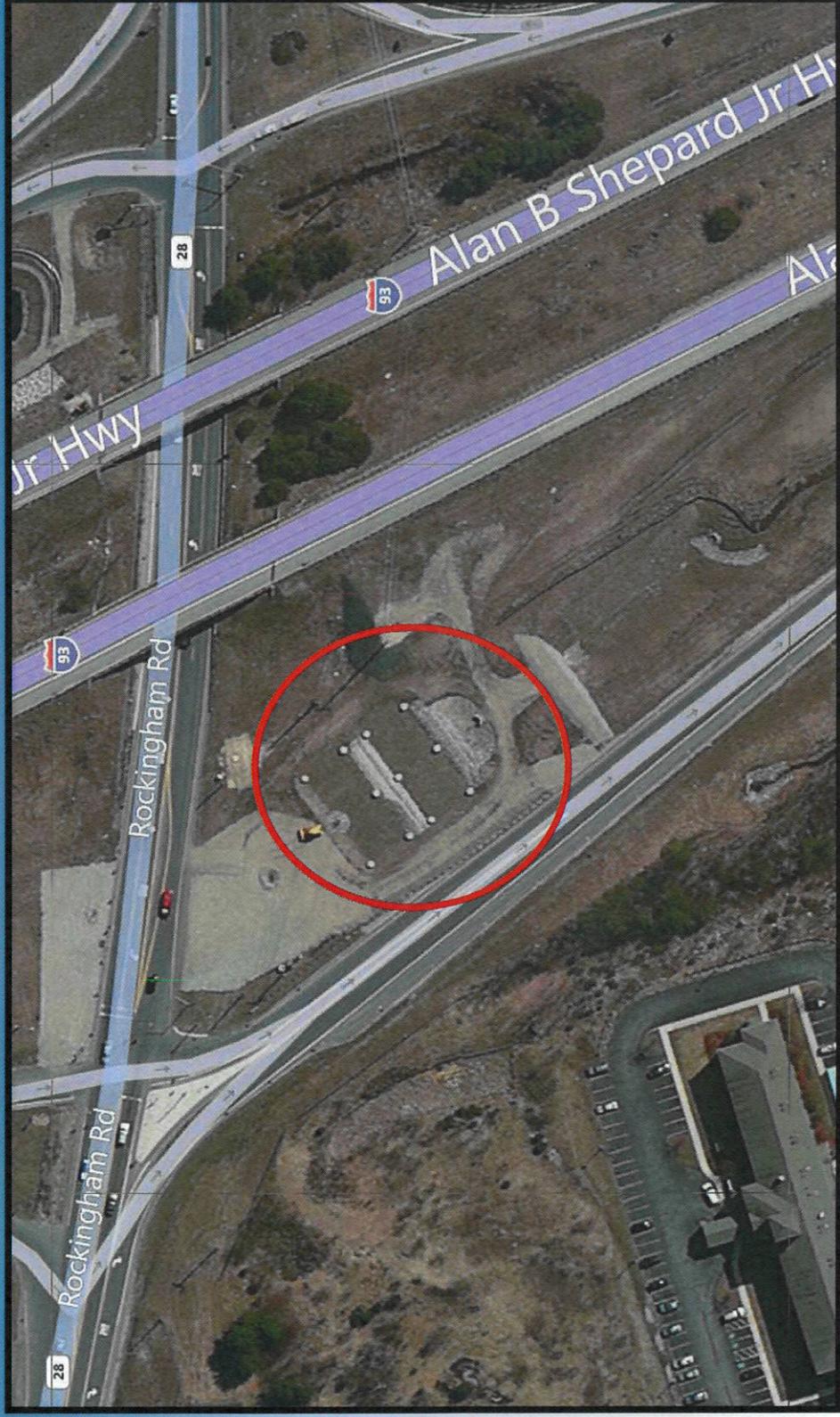


TMDL Impaired Watershed

- NHDOT Exit 2
Park and Ride
- GW use for
401 WQ
Certification
- Used widely
by NHDOT on
I-93 and Rt 16
Expansion

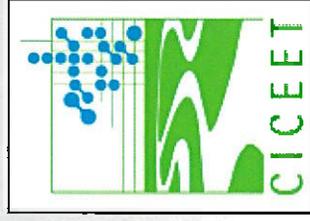


NHDOT Install Exit 5



Funding

Funding is provided by the Cooperative Institute for Coastal and Estuarine Environmental Technology (CICEET) whose mission is to support the scientific development of innovative technologies for understanding and reversing the impacts of coastal and estuarine contamination and degradation.



Sayers, Margery

From: Brenda Schweiger <bkschweiger7@msn.com>
Sent: Wednesday, January 23, 2019 11:57 AM
To: CouncilMail
Subject: 17 Homes Lawyers Hill Overlook
Attachments: IMG_2409.JPG; ATT00001.txt; IMG_2410.JPG; ATT00002.txt; IMG_2411.JPG; ATT00003.txt; IMG_2412.JPG; ATT00004.txt

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

Hello- I live in The Gables at Lawyers Hill and wanted to send you some photos of the issues we already face in our community do to rain water.

Our storm ponds have been over flowing.

The rain runoff on our roads is really bad and when we have cold weather these steams on our roads, freeze up and are very dangerous.

At the bottom of Lawyers Hill, the road is always closed during rain storms due to rising water.

The community that Don Reuter wants to develop will surely add to the issues in our communities. Taking out trees and building 17 homes on 8 acres is not a smart idea.

There are active Springs all around this area of the proposed new builds and also on our property at The Gables at Lawyers Hill.

We are hoping that CB3 2019 passes and possibly helps prevent this new community build of 17 homes.

Sincerely,
Brenda Schweiger









Sayers, Margery

From: Michael Kreft <mikekreft92@hotmail.com>
Sent: Monday, February 4, 2019 3:23 PM
To: CouncilMail
Subject: Support for CB3-2019

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

Howard County Council Members,

I'm writing to support CB3-2019, which will provide an additional level of control over site planning and design in Howard County's two historic districts, Lawyers Hill and Ellicott City Main Street. The protection of our historic districts is important to me, and requiring site plans to meet established guidelines for new development should be respected.

I've been a home owner in Howard County for over 25 years. I feel CB3-2019 will further protect our historic districts from unchecked development. The unique character of the Lawyers Hill and Ellicott City Main Street are worth protecting. I frequently travel through both areas, and would hate to see them permanently altered by development not in keeping with the historic charm of these two districts.

Michael Kreft
Ellicott City, District 1

Sayers, Margery

From: Cathy Hudson <cmhudson@comcast.net>
Sent: Monday, February 4, 2019 2:40 PM
To: CouncilMail
Subject: CB 3

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

Dear Council Chair Rigby and Members of the Council,

Re CB-3

I have never written on the morning of a vote, but there is so much misinformation floating around that I feel compelled to write a follow up.

1. Statement by Mr Reuwer to his business acquaintances, in a sample letter that he asks them to send to you, "Council Bill 3 would authorize the Commission to defeat the subdivision entirely."

- This bill doesn't give the Commission that total power over a subdivision by any stretch of the imagination -but it might save a few majestic trees or help to preserve a scenic road.

2. The ethics complaint on Mr Roth. This is a purely diversionary tactic. The historic guidelines mandate that there be a citizen representative from each historic district. Mr Roth is the Lawyers Hill representative. If he has prior knowledge of the property it is because he lives in the district and we all have prior knowledge of each others' properties-and going back generations. If he is forced to recuse himself then our district will have no representative on a case that will be setting precedent in our historic district. He is doing exactly what he is supposed to be doing-representing our district. Furthermore, he purchased a property that had an easement on it that extinguished his development rights. If it still had development rights, then I would say that he might stand to gain from what happens and should consider recusal. However, this development won't affect his property value as it currently stands.

3. "Regardless of intention, its effect on the processing of the Lawyer's Hill subdivision would be nothing short of blatant corruption." (from Mr. Reuwers's letter to his business acquaintances)

I see CB-3 as beginning to swing the pendulum back to the center away from just this kind of intense developer pressure. The developer says that CB3 would be blatant corruption. What do you call the fact that the leadership of DPZ allowed the scheduling of the hearing for advisory comments before the HPC despite the fact that the applicant didn't submit to the HPC all the documents that were called for in the HPC's rules of procedure. (I might add that DPZ had the needed documents-they just didn't let the HPC see them). However citizens were forced to wait 4 hours before they were sent home because the case would not be gotten to. This Thursday will be the 3rd evening citizens will need to attend an HPC meeting just because the applicant wasn't made to produce all the necessary documents before the first hearing was scheduled.

4. There has been nothing but support from the current property owners in the historic districts for this bill. The only opposition has been from the owner of this one property.

5. I have had discussions over the past year with the Director of DPZ and his assistant on how the historic districts could be better protected and have gotten nowhere. From their responses at your worksession you could also see that it isn't even a gleam in their workplan. The historic districts need help if we are to have them in the future.

6. "Rich, white" people who live in this neighborhood. (from Mr Rutter's testimony) Those days are long gone. Lawyers Hill is one of the best mixed use neighborhoods around and has some of the more affordable homes. No property that has turned over in the past few years has come close in cost to the cost of the new proposed homes-and the new development won't even be providing affordable housing on site. We welcome quiriness in this neighborhood and we are better for it. The local Elkridge Assembly Rooms that is in the center of our historic district was built to rebuild community after the civil war and we take that mission of welcoming diversity into our midst very seriously today.

7. Please don't table the bill. Give both the developer and the neighborhood certainty with what the next steps should be; limbo isn't fair to anyone. Besides, tabling it gives the developer the win. His threats and diversionary tactics would only get rewarded.

8. Bottom line-a vote yes might save a few more trees and shrubs and might minimize the extent of grading. Vote no (or table the bill) and 3/4ths of the property gets clear cut and the hills graded-and both historic districts are no further protected then they were yesterday.

Thank you if you read this far. And I know we all want what is best for Howard Co.

Cathy Hudson
443.474.4002

HOWARD COUNTY COUNCIL
RECEIVED

2019 FEB -4 AM 10:30
AMRC MS TW

Cindi k. Ryland
President
Retropolitan Ltd
8197 Main Street
Ellicott City, MD 21043

January 30, 2019

The Honorable Christiana Rigby, Chair
Howard County Council
3430 Courthouse Drive
Ellicott City, MD 21043

RE: Council Bill 3-2019

Dear Chairperson Rigby:

I, the undersigned business leader and professional of Howard County, respectfully request that the County Council table Council Bill 3-2019 pending the conclusion of an ongoing ethics investigation regarding Historic Preservation Commission ("HPC" or "Commission") Board Member Drew Roth. While this legislation may have been filed with good intentions, information made available subsequent to its introduction has raised significant questions about the propriety of giving the Commission more power over the approval of development projects.

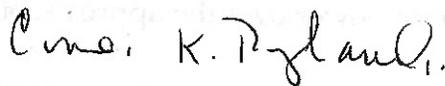
On December 6, 2018, HPC-18-63 regarding a 17-home subdivision to be located at 5819 Lawyers Hill Road was presented to the Commission. At that time, the Petitioner notified the Board that Board Member Drew Roth owned property adjoining the proposed subdivision and asked that he recuse himself. Mr. Roth refused and the Office of Law declined to intervene. Over the course of the hearing, Mr. Roth expressed clear opposition to the subdivision and sought modifications outside of the scope of the HPC. Notably, in the absence of Council Bill 3, the HPC is limited to advisory comments to be considered by the Planning Board in any approval or denial of the subdivision. Council Bill 3 would authorize the Commission to defeat the subdivision entirely.

Under Maryland law, an adjoining or abutting property owner is "presumptively aggrieved" by the development of a neighboring parcel. Such property owners have equal standing before administrative bodies as the petitioner. Undoubtedly, if the situation were reversed and Mr. Roth were the petitioner as opposed to a presumptive protestant, this Council would be reticent to give him more authority over the approval of projects on his land. The analysis is no different here.

I am sympathetic to the pressures put on the Council to support legislation that impedes residential growth. Existing constituencies routinely oppose any and all measures that will add new homes and, presumptively, lower property values. Nevertheless, the exclusionary policies that were adopted last year and the popular will that directs it has set Howard County on a dangerous path. Council Bill 3 represents a bridge too far. Regardless of intention, its effect on the processing of the Lawyer's Hill subdivision would be nothing short of blatant corruption.

That leads to the motivation behind this letter. I do not have an interest in this project. This is a matter of good government. This bill, and anyone who votes for it, is telling the business community that corruption is acceptable so long as it is targeted at the right party. I believe this legislation should be defeated entirely, but in the absence of that I would strongly urge the Council to table the bill pending the resolution of an ethics complaint that has been filed against Mr. Roth regarding his refusal to recuse himself from voting on this project.

Sincerely,



Cindi K. Ryland

President, Retropolitan Ltd



HOWARD COUNTY COUNCIL
RECEIVED

REAL ESTATE 2019 FEB -4 AM 10:33
MANAGEMENT *AMERS MS TV*

January 29, 2019

The Honorable Christiana Rigby, Chair
Howard County Council
3430 Courthouse Drive
Ellicott City, MD 21043

RE: Council Bill 3-2019

Dear Chairperson Rigby:

We, the undersigned business leaders and professionals of Howard County, respectfully request that the County Council table Council Bill 3-2019 pending the conclusion of an ongoing ethics investigation regarding Historic Preservation Commission ("HPC" or "Commission") Board Member Drew Roth. While this legislation may have been filed with good intentions, information made available subsequent to its introduction has raised significant questions about the propriety of giving the Commission more power over the approval of development projects.

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That leads to the motivation behind this letter. None of the undersigned have an interest in this project. This is a matter of good government. This bill, and anyone who votes for it, is telling the business community that corruption is acceptable so long as it is targeted at the right party. We believe this legislation should be defeated entirely, but in the absence of that we would strongly urge the Council to table the bill pending the resolution of an ethics complaint that has been filed against Mr. Roth regarding his refusal to recuse himself from voting on this project.

Sincerely,

John Mato

Tiffany Sheka

[Signature]

Edmund Miller

[Signature]

[Signature]

Samuel Wang

Elizabeth Robson

[Signature]

HOWARD COUNTY COUNCIL
RECEIVED

January 31, 2019
2019 FEB -4 AM 10:47
All MS TW

The Honorable Christiana Rigby, Chair
Howard County Council
3430 Courthouse Drive
Ellicott City, MD 21043

RE: Council Bill 3-2019

Dear Chairperson Rigby:

We, the undersigned business leaders and professionals of Howard County, respectfully request that the County Council table Council Bill 3-2019 pending the conclusion of an ongoing ethics investigation regarding Historic Preservation Commission ("HPC" or "Commission") Board Member Drew Roth. While this legislation may have been filed with good intentions, information made available subsequent to its introduction has raised significant questions about the propriety of giving the Commission more power over the approval of development projects.

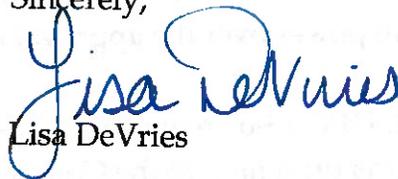
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Sincerely,


Lisa DeVries

Sayers, Margery

From: Mary Nichols <marynichols18@gmail.com>
Sent: Tuesday, January 22, 2019 4:49 PM
To: CouncilMail
Subject: Testimony in support of CB-3

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

As a lifelong resident of Lawyers Hill Road and Vice President of the Elkridge Assembly Rooms, I strongly support CB-3.

The design guidelines for the Lawyers Hill Historic District (the only residential historic district in Howard County) were thoughtfully crafted to ensure that the architectural and landscape elements of this truly unique and historic community would be protected and valued as they have been since the 1800's. I grew up in one of the beautiful old summer homes which are treasured to this day.

It is essential that the members of the Historic Preservation Commission have the authority to ensure that all new construction in the historic district follows the guidelines as established. I find it very disturbing that no Certificate of Approval from the HPC is required for tree clearing, stormwater management, landscaping or new roads or shared use driveways. Why does the Planning Board, with no expertise in historic preservation, currently have the authority to approve these subdivision plans? Should consideration be given to removing the HPC from the Office of Planning and Zoning and creating an independent commission?

What we have on Lawyers Hill cannot be replicated anywhere in the County or in Maryland. Many residents chose to live in this beautiful and serene community because of the marvelous history of the old summer homes, the large and beautifully treed yards and the abundance of wildlife.

Please pass CB-3. Our beautiful historic districts are irreplaceable and the history of Lawyers Hill, the Thomas Viaduct and the Elkridge Assembly Rooms must be valued and preserved for future generations.

Thank you for your consideration.

Mary Atwell Nichols
6521 Lawyers Hill Road
Elkridge, Maryland 21075
marynichols18@gmail.com

Sayers, Margery

From: gloria.larkin@outlook.com
Sent: Tuesday, January 22, 2019 5:25 PM
To: CouncilMail
Cc: Sue; Lisa Badart; cmhudson@comcast.net
Subject: in support of CB3 and CB4

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

Hello, I am a 40+ year homeowner in Lawyers Hill, in a historic home, in Howard County. I fully support CB3 and CB4 and hoped that you will too as we must protect the historic district's legacy in the buildings as well as the landscapes.

Thank you
Gloria Larkin
6044 Old Lawyers Hill Rd
Elkridge MD 21075
410-796-4483

Sayers, Margery

From: Cindy Quick <cindyquick1@verizon.net>
Sent: Tuesday, January 22, 2019 6:54 PM
To: CouncilMail
Subject: I support Bill **CB-3 2019.**

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

Sent from AOL Mobile Mail
Get the new AOL app: mail.mobile.aol.com

Sayers, Margery

From: Wendy Ng <wendywn@verizon.net>
Sent: Tuesday, January 22, 2019 6:20 PM
To: CouncilMail
Subject: CB-3 and CB-4

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

Hi, I am sending in my support for the bills, CB-3 and CB-4 to be considered at the Howard County Council meeting tonight at 7 p.m., January 22, 2019.

Both bills will ensure better protection of Howard County land from rampant development that would ultimately adversely affect the quality of life in Howard County.

CB-3 would protect the historic landmark areas by allowing a more unified approach to historic landmarks and historic districts. New developments and existing old structures in the Ellicott City and Elkridge Historic Districts will be given the same approval processes by the Historic Preservation Committee, thereby ensuring the viability of historic registered landmark areas and districts.

CB-4 would protect wetland area from overzealous development that would harm land values and homeowners as well as the neighborhood and general environment. For example, land on Lawyers Hill Road that is considered wetland is now being built upon. Homeowners are finding out that their yards are flooded. Larger context should also be considered - such as drainage issues that have plagued Old Ellicott City.

I urge the council to adopt both CB-3 and CB-4.

Thank you.

Wendy

Wendy Ng
wendywn@verizon.net
6086 Old Lawyers Hill Road, Elkridge, MD 21075
410-796-1578

Sayers, Margery

From: Carl Gutschick <cgutschick@glwpa.com>
Sent: Tuesday, January 22, 2019 4:47 PM
To: CouncilMail; Wimberly, Theo
Cc: Angelica Bailey
Subject: Council Bills 3 & 4
Attachments: 20190122154515314.pdf

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

I will not be able to attend this evening's hearings, but please make the attached testimony available to each of the Council members. Please note that the attachment has one letter for each of the Bills.

Carl K. Gutschick, P.E., Principal



3909 National Dr., Suite 250 | Burtonsville, MD 20866
PH: 301-421-4024 | PH (Baltimore): 410-880-1820
PH (Northern VA): 301-989-2524 | FAX: 301-421-4186

Check out our new website: WWW.GLWPA.COM

The information transmitted is intended only for the addressee shown above.

Any design information (calculations, drawings, etc.) included in this transmission is intended for the sole purpose agreed upon with Gutschick, Little & Weber, P.A. (GLW). If this information is to be used for any other purpose or transmitted to any other persons, prior consent must be received from GLW.



January 21, 2019

Howard County Council
3430 Courthouse Drive
Ellicott City, MD 21044

Re: **Council Bill 3-2019**

Ladies & Gentlemen:

I regret not being able to give this testimony in person, but I have the following concern with the proposed legislation.

I believe the Bill would place too much authority in one body's determination, over the destiny of a project. In an historic district, the Preservation Board's views should carry considerable weight, but not to the exclusion of other agencies. Meeting the voluminous regulations has always been challenging, but in the end, it is a balance of all the requirements.

Perhaps going to a model used for the Design Advisory Panel would be something to explore. The DAP's motions carry considerable weight, but there is a process to allow further discussion and compromise.

Sincerely,



Carl Gutschick, PE
Principal



January 21, 2019

Howard County Council
3430 Courthouse Drive
Ellicott City, MD 21044

Re: Council Bill 4-2019

Ladies & Gentlemen:

I regret not being able to give this testimony in person, but I have the following concern with the proposed legislation.

I believe the Bill would eliminate a regulatory tool that has been used sparingly and properly for many years. There are plenty of times that an environmental impact for a development project has risen to the level requiring an Alternative Compliance Petition. The Department of Planning & Zoning has not been reluctant to require this type of evaluation when appropriate. However, there are times where an impact is so clearly necessary and warranted that it can be handled in a simpler manner. Using the “necessary disturbance” provisions of the Subdivision Regulations does not give the impact any less scrutiny; it is simply an easier way to process the request, as long as the conditions of using “necessary disturbance” are met as specified in the Subdivision Regulations.

An analogy may prove useful. The IRS has various forms for individuals to file taxes. Complicated returns must use the full 1040 to file. However, if the right conditions are met, a taxpayer can use the 1040-A or 1040-EZ. Given the right conditions for use of the easier form doesn't allow the taxpayer to pay less tax; it is just a simpler form to get to the same answer.

Please do not remove the “necessary disturbance” provisions. They serve a purpose, and I believe the process is used judiciously by DPZ.

Sincerely,



Carl Gutschick, PE
Principal

Sayers, Margery

From: Brenda Schweiger <bkschweiger7@msn.com>
Sent: Tuesday, January 22, 2019 2:58 PM
To: CouncilMail
Subject: Bill CB-3 2019

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

Hello- I'm writing to to give my support for Bill CB-3 2019 that will be submitted tonight.

Best,
Brenda Schweiger

Sent from my iPhone

Sayers, Margery

From: Angela Katenkamp <akatenkamp@gmail.com>
Sent: Tuesday, January 22, 2019 3:32 PM
To: CouncilMail
Subject: CB3

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

Dear Council Members,

I am writing to you in support of CB-3. In its description of the Lawyers Hill Historic District, the Maryland Historical Trust states, "While the buildings vary in style, they are closely related in setting, scale, and materials. Lawyers Hill is also significant for its landscape architecture and community planning. Houses were built to fit the contours of the hillside and blend with the natural landscape. Most of the buildings are set back at least 100 yards from the narrow and winding roads, evoking the spirit of the pre-auto era. The natural and man-made landscape has been allowed to mature, shrouding the houses in foliage and creating thick canopies over the roads." (<https://mht.maryland.gov/nr/NRDetail.aspx?NRID=1114&FROM=NRMapHO.aspx>). Buildings are just one aspect that give the Lawyers Hill Historic District its character. Also important are the rolling hills and mature foliage. Without this important legislation the addition of a new subdivision that does not have to comply with all the important features that give a historic district its character and charm can permanently change an area that many have worked hard to preserve and deserves preservation. Elkridge is Howard county's oldest established settlements, and the Lawyers Hill Historic District which sits above the Thomas Viaduct is one of the last vestiges of our historic past. We must do all that we can to preserve this piece of our past. I urge you to vote in favor of CB3 to help protect Lawyers Hill and other historic districts.

Sincerely,

Angela Shiplet

Sayers, Margery

From: Meg Boyd <boydfamily11@gmail.com>
Sent: Tuesday, January 22, 2019 10:40 AM
To: CouncilMail
Subject: Support CB 3-2019 and CB 4-2019

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

Councilmembers,

We are writing in strong support of both CB 3-2019 and CB 4-2019, which provide important protections for our community.

Thank you,

Meg and John Boyd

6589 Belmont Woods Rd, Elkridge, MD 21075

Sayers, Margery

From: Van Wensil <farmvan@gmail.com>
Sent: Tuesday, January 22, 2019 1:19 PM
To: CouncilMail
Subject: CB3 2019

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

Dear council members, I welcome you to your new office and know that you have the best interest of our County at heart. As six generations of my family have lived or now live in ElkrIDGE, I have seen the change that has happened to our communities. The massive destruction of OEC is heart breaking, as when my grandmother would ask if I wanted to go to town, she meant downtown Ellicott City. We did our banking and some shopping at Mr. Paul's market, she stopped in to see friends that were shop keepers. We have lost so much of our historic properties and environment to over development and our County is worse for it. I lived on Old Lawyers Hill for many years and was instrumental in getting it established as an historic district. To see this very unique area stripped naked of trees and replaced with 17 homes is most definitely not in keeping with the treasure that is Lawyers Hill. Riding through this historic district you are instantly aware of the heavily wooded environment with each house completely different from the other. Many have large wooded step backs, 18 houses have setbacks of 125+' and 11 have over 200+' setbacks and several with setbacks of 362'-513'. Please consider and pass bill 3, as this would help protect our historic treasures by making developers develop in ways that are compatible with the areas that they are in. Thank you for being our voices, Van Wensil.

Sayers, Margery

From: Lisa May <lisavm78@vt.edu>
Sent: Tuesday, January 22, 2019 10:18 AM
To: CouncilMail
Subject: Comments on CB 3 and CB 4 from HCAR
Attachments: HCAR Comments on CB 3 and 4 1.19.pdf

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

Good morning,

On behalf of the Howard County Association of REALTORS, please find attached our comments on CB 3 and CB 4, which will be heard before the Council this evening.

If you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

Lisa May
HCAR Government Affairs Director



Main 410-715-1437
Fax 410-715-1489
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January 22, 2019

The Honorable Christiana Mercer Rigby, Chair
Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

Dear Chairperson Rigby,

On behalf of the Howard County Association of REALTORS® (HCAR), an organization representing over 2,000 real estate professionals and affiliates in the County, we are writing to offer comments on Council Bills 3 and 4, which will be heard before the Council on January 22.

HCAR believes that our community deserves both predictability and consistency in the development process. However, for orderly and effective development to occur, those businesses which provide housing within our County also deserve a sense of predictability and consistency. The passage of CB 3 and CB 4 as currently written have the potential to disrupt this balance, to the detriment of the housing industry and our area homebuyers.

CB 3 expands the role of the Historic Preservation Commission beyond its current function by adding yet another layer of approval to the already lengthy subdivision plan process. Meanwhile, CB 4 removes necessary disturbance provisions which are already limited in scope and are at times imperative to the successful use of the property. The delays, additional procedures or even project denials which would result from these bills would add costs to newly constructed housing and decrease available housing supply, resulting in less affordable options for our area workforce.

It is our hope that the Council will consider other means to provide a transparent, predictable development process for our residents and our development industry alike. Thank you in advance for your consideration of our comments.

Sincerely,

Dan Lampieri, President
Howard County Association of REALTORS®

Sayers, Margery

From: Angelica Bailey <abailey@marylandbuilders.org>
Sent: Tuesday, January 22, 2019 9:15 AM
To: CouncilMail; Angelica Bailey
Cc: Rigby, Christiana; Facchine, Felix; Walsh, Elizabeth; Dvorak, Nicole; Jung, Deb; Williams, China; Jones, Opel; Harris, Michael; Yungmann, David; Knight, Karen; Ball, Calvin B; Sidh, Sameer; Sager, Jennifer; Feldmark, Jessica; Irvin, Jim; Lazdins, Valdis; Lori Graf
Subject: Written Testimony for CB3 and CB4
Attachments: MBIA Opposition Letter to CB3 – Historic Preservation Commission.pdf; MBIA Opposition Letter to CB4 – Necessary Disturbance.pdf

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

Good Morning,

Please find MBIA's written testimony for bills CB3-2019 and CB4-2019 attached. We look forward to working with you on these important issues this evening.

Best,
Angelica Bailey

Angelica Bailey, Esq.
Vice President of Government Affairs
abailey@marylandbuilders.org
Maryland Building Industry Association
11825 W. Market Place
Fulton, MD 20759
Cell: 202-815-4445
Dir: 301-776-6205
Ph: 301-776-MBIA



Advocate | Educate | Network | Build

January 22, 2019

Re: OPPOSITION TO CB3 – Removing certain exceptions for a certificate of approval for new development in a historic district

Dear Chairwoman Mercer Rigby and Members of the Howard County Council:

The Howard County Chapter of the Maryland Building Industry Association (MBIA) writes in opposition to Council Bill 3 removing certain exceptions for a certificate of approval for new development in a historic district, essentially giving the Historic Preservation Commission the authority to stop any project in a historic district. The MBIA asserts that this would significantly and unnecessarily expand the Historic Preservation Commission's authority while creating inefficiency in the approval process.

Under the current law, a certificate of approval from the Historic Preservation Commission (HPC) is required before construction of any structure, construction of parking areas, or installation of exterior signs can begin in any historic district. If the HPC issues the certificate, the Department of Inspections, Licenses and Permits (DILP) can issue a permit for the work to begin. However, a certificate is not needed for ancillary construction like public streets and sidewalks, use-in-common driveways, storm drains and drainage swales, stormwater management facilities, utility lines, tree clearing or removal, or forest conservation plantings in a historic district. CB3 proposes to remove this exemption, requiring the HPC to issue a certificate of approval for basic work that does not substantively alter the integrity of a historic structure.

The alteration or removal of historic buildings is important, and the HPC should have a voice during such review. However, the exemption at issue does not relate to the buildings themselves; this exemption speaks to minor and necessary changes in historic districts like stormwater management facilities and the construction of public sidewalks. The HPC was designed to make recommendations, not conclusive decisions; granting it the authority to stop the approval process at the very end and send a developer back to the beginning for a non-substantive alteration is tremendous authority for a citizens' advisory board. Such a result is costly, unreasonable and disproportionate.

Furthermore, requiring HPC to provide a certificate for small alterations is redundant and does not further the HPC's purpose of protecting historic structures in Howard County. The Department of Planning and Zoning (DPZ) already considers the historic impact of a request during the approval process and provides opportunities for both experts and the public to provide feedback. The HPC participates in these steps, and assists in reviewing development plans several times throughout the approval process. The HPC therefore has ample opportunities to make recommendations at earlier stages. A third bite at the apple, which comes at the end of the approval process, is redundant and slows the process by adding more steps and more potentially-appealable decisions.

The MBIA urges you to vote against the removal of the exemption to the Historic Preservation Commission's certificate requirements.

Thank you for your attention to this vital issue and your continued support of the local home building industry. If you have any questions about these comments and would like to discuss MBIA's position further, please do not hesitate to contact me at abailey@marylandbuilders.org or (202) 815-4445.

Best regards,



Angelica Bailey, Esq., Vice President of Government Affairs

Cc: Councilman David Yungmann
Councilman Opel Jones
Councilmember Elizabeth Walsh
Councilmember Deb Jung
County Executive Calvin Ball
Sameer Sidh, Chief of Staff to the County Executive
Valdis Lazdins, Director of Planning
James Irvin, Director of Public Works

Sayers, Margery

From: Lisa Badart <lbadart@gmail.com>
Sent: Monday, January 21, 2019 10:40 PM
To: CouncilMail
Subject: CB3-2019 / CB4-10`9

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

Howard County Council Members,

My husband and I totally support both **CB3** and Cb4-2019 and hope that you will also.

Thank you,
Lisa & Nicholas Badart
6001 Old Lawyers Hill Road
Elkrdige, MD 21075

Sayers, Margery

From: Angelica Bailey <abailey@marylandbuilders.org>
Sent: Sunday, January 20, 2019 12:26 PM
To: CouncilMail
Subject: Tuesday Hearing Testimony Signup
Attachments: CB4-2018 MBIA Testify.pdf; CB3-2018 MBIA Testify.pdf

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

Good Afternoon,

I will be testifying against CB3-2019 and CB4-2019 at Tuesday's hearing.

Thank you,
Angelica Bailey

Angelica Bailey, Esq.
Vice President of Government Affairs
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Sayers, Margery

From: Angelica Bailey <abailey@marylandbuilders.org>
Sent: Tuesday, January 22, 2019 4:48 PM
To: CouncilMail
Subject: RE: Tuesday Hearing Testimony Signup

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

Good Evening,

Please note that MBIA will testify against CB4, but not CB3. We have submitted written testimony for both.

Thank you,
Angelica Bailey

From: Angelica Bailey
Sent: Sunday, January 20, 2019 12:26 PM
To: 'councilmail@howardcountymd.gov'
Subject: Tuesday Hearing Testimony Signup

Good Afternoon,

I will be testifying against CB3-2019 and CB4-2019 at Tuesday's hearing.

Thank you,
Angelica Bailey

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 MARYLAND
BUILDING
INDUSTRY
ASSOCIATION
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Good evening. I am grateful for the opportunity to express my concerns over Council Bill #3. I am Donald R Reuwer, Jr., the President of Land Design and Development Inc. Our offices are in Old Ellicott City at 8318 Forrest Street.

Land Design was formed in the mid 1980's with the mission of assisting landowners who wanted to stay involved in the creation of vibrant communities on land that they owned. We discovered a niche market where we could provide expertise for landowners who were not content to just sell their land and have no say in how the land was treated. We found that many landowners loved Howard County and loved their land. They wanted to take part in molding the community that their land would produce.

In 2017, we began to working with Mr. Pollard and his sister Joyce Oakley to explore the potential of creating something special on their land on Lawyers Hill Road.

We commissioned a survey that showed the property consisted of 8.76 acres. Environmentalist where hired to identify wetland and significant trees. Surveyors also did topographic surveys.

When these activities were completed, we knew that we had 8.76 net acres to work with. The property is zoned RED (Residential Environmental Development), which permits two units per net acre as a matter of right. RED allows for Single Family Detached, Zero Lot Line homes, and Single Family Attached homes. We realized the property was entitled to seventeen units as a matter of right. Conditional uses in the RED zone also include Active Adult Housing, at a density of four units per net acre.

We examined each of the potential uses and developed concept plans for each use. The Pollards' land is within the Lawyers Hill Historic District, so advisory comments from the Historic Preservation Commission are a requirement. In April of 2018, we presented the various concept plans to The HPC. Copies of their comments are included in this package.

We believed that SFA units were not found in the LHHD, and therefore decided to go with SFD units in a layout like we presented to the HPC in April of 2018.

We now have a well-developed plan that is in the Howard County subdivision review process as SP-19-002. We have created a web site where we post information on plans and processing. The link to the site is <https://lawyershillloverlook.com>.

Throughout this process, it has been clear that Ed Pollard and Joyce Oakley are committed to creating a community of seventeen homes that will raise the bar for residential development in the Lawyers Hill area. They appreciate that this will be a place where people put down roots and raise their families. They are willing to go over and above the norm when it comes to neighborhood design, house style, and landscaping. Their stated goal is for their community to be concealed from their existing neighbors and from anyone driving on Lawyers Hill Road.

Some of Mr. Pollard's neighbors are not content to let him develop his land as is his right under the current zoning. They wish to deny him the rights Howard County promised him he would retain when the LHHD was created.

In this package you will find a letter from the Department of Planning and Zoning to Mr. Pollard's mother in 1993 when the Lawyers Hill Historic District was being created. Mr. Rutter, who was the Director of Planning and Zoning at the time the LHHD was created, will speak to the process later.

For now, I just want to emphasize what DPZ, the Howard Zoning Board, and the County Executive promised those who voluntarily became part of the Lawyers Hill Historic District:

“The land uses allowed by the underlying Zoning will not be affected should these properties be placed within a local district.”

“Properties within the local district will be subject to review by the County's Historic District Commission (HDC) for changes to exterior appearance.”

CB#3 is an overt attempt to subvert the Zoning Regulations and to subject all land development in the LHHD to HPC review. That goes far beyond the intent of the drafters of the enabling legislation, and extremely far beyond its scope. We hope that you, the members of the current County Council, will honor the promises made by the 1994 Council to the LHHD landowners and reject CB#3.

Irreparable damage will be done to the County's reputation and the trust which must exist between the County and its citizens will be eroded, if that promise is broken.

If the Council wishes to approve the bill, it should be amended so as to allow those who do not want to be included within the LHHD under the harsh new provisions to leave the district.

SECTION 107.0: - R-ED (Residential: Environmental Development) District

A. Purpose

The R-ED District is established to accommodate residential development at a density of two dwelling units per net acre in areas with a high proportion of sensitive environmental and/or historic resources. Protection of environmental and historic resources is to be achieved by minimizing the amount of site disturbance and directing development to the most appropriate areas of a site, away from sensitive resources. To accomplish this, the regulations allow site planning flexibility and require that development proposals be evaluated in terms of their effectiveness in minimizing alteration of existing topography, vegetation and the landscape setting for historic structures.

B. Uses Permitted as a Matter of Right

1. One single-family detached dwelling unit per lot.
2. One zero lot line dwelling unit per lot.
3. Single-family attached dwelling units.
4. Farming provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
5. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
6. Private recreational facilities, such as parks, athletic fields, swimming pools, basketball courts and tennis courts, reserved for use by residents of a community and their guests. Such facilities shall be located within condominium developments or within communities with recorded covenants and liens which govern and provide financial support for operation of the facilities.
7. Convents and monasteries used for residential purposes.
8. Government structures, facilities and uses, including public schools and colleges.
9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
10. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
11. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a Conditional Use.
12. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
13. Volunteer fire departments.

C. Accessory Uses

The following are permitted accessory uses in the R-ED District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District. Accessory Structures are subject to the requirements of Section 128.0.A.
2. Accessory apartments, subject to the requirements of Section 128.0.A., provided that:
 - a. The area of the lot is at least 12,000 square feet;
 - b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
 - c. The accessory apartment shall have no more than two bedrooms.
3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.
4. The housing by a resident family of:
 - a. Not more than four non-transient roomers or boarders; or
 - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
 - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
5. Home occupations, subject to the requirements of Section 128.0.C.
6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
7. Parking:
 - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
 - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
 - a. One recreational vehicle with a length of 30 feet or less; and
 - b. One boat with a length of 20 feet or less.
9. Farm stand, subject to the requirements of Section 128.0.I.
10. Snowball stands, subject to the requirements of Section 128.0.D.
11. Home-based contractors on lots larger than two acres, subject to the requirements of Section 128.0.C.2.
12. Small Wind Energy System, building mounted, on single-family detached dwellings and non-residential structures only, subject to the requirements of Section 128.0.L.
13. Residential Chicken Keeping, subject to the requirements of Section 128.0.D.
14. Accessory Solar Collectors.

15. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
16. Community Supported Agriculture, subject to the requirements of Section 128.0.I.
17. Accessory storage buildings and shipping container, as accessory storage structures, subject to the requirements in Section 128.0.D.

(Bill No. 53-2017(ZRA-169), § 1, 11-13-2017)

D. Bulk Regulations

(Also see Section 128.0.A, Supplementary Bulk Regulations, and 128.0.G., Alternative Regulations for Traditional Residential Neighborhoods.)

1. The following maximum limitations shall apply:
 - a. Height
 - (1) Principal structure 34 feet
 However, the maximum height for single-family attached
 Dwellings with gable, hip or gambrel roofs shall be 40 feet
 - (2) Accessory structure 15 feet
 - b. Lot coverage for structures within single-family attached projects developed with one dwelling unit per lot 60%
 - c. Density 2 dwelling units per net acre
 - d. Maximum units per structure—single-family attached 8 units per structure
2. Minimum lot size requirements
 - a. Single-family detached dwellings 6,000 sq. ft.
 - b. Except zero lot line dwellings 4,000 sq. ft.
 - c. Single-family semi-detached dwellings 4,000 sq. ft.
3. Minimum lot width at building restriction line
 - a. Single-family detached dwellings 50 feet
 - b. Except zero lot line dwellings 40 feet
 - c. Single-family semi-detached dwellings 40 feet
4. Minimum setback requirements
 - a. From external public street right-of-way—all structures and uses 75 feet
 - b. From internal public street right-of-way—all structures and uses
 - (1) Front or side 20 feet
 - (2) Rear
 - (a) Accessory structures on single-family detached lots 10 feet
 - (b) Other 20 feet
 - (3) Uses (other than structures), excluding uses in single-family detached development projects and parking for single-family attached dwellings 20 feet

- c. From project boundaries—
 - (1) Structures and uses in single-family attached development projects 50 feet
except adjoining single-family detached developments 75 feet
 - (2) Structures in single-family detached developments 30 feet
 - (3) Other structures and uses 50 feet
- d. From lot lines—structures and uses in all development projects except single-family attached:
 - (1) Principal structures
 - (a) Front 20 feet
 - (b) Side 7.5 feet
Except zero lot line dwellings 0 feet
A minimum of 15 feet must be provided between structures
 - (c) Rear 25 feet
 - (2) Detached accessory garages or sheds
 - (a) Front 20 feet
 - (b) Side 0 feet
 - (c) Rear 0 feet
 - (3) Other accessory structures
 - (a) Front 20 feet
 - (b) Side 7.5 feet
 - (c) Rear 5 feet
 - (4) Uses (other than structures) in all development projects except single-family detached or attached 20 feet
- 5. Minimum distances between single-family attached buildings, or between single-family attached buildings and single-family detached dwellings:
 - a. Face to face 30 feet
 - b. Face to side/Rear to side 30 feet
 - c. Side to side 15 feet
 - d. Rear to rear 60 feet
 - e. Rear to face 100 feet

E. Moderate Income Housing Units

At least 10% of the dwellings in each R-ED development shall be Moderate Income Housing Units. Multi-plex units that are comparable in size to surround dwellings are permitted on a single-family detached lot.

F. Approval of the Preliminary Equivalent Sketch Plan by the Planning Board

- 1. For developments in the R-ED District requiring a Sketch Plan, a preliminary equivalent sketch plan must be approved by the Planning Board.

2. The Planning Board, before acting upon the preliminary equivalent sketch plan, shall receive comments from the Department of Planning and Zoning and the Subdivision Review Committee and shall hold a public hearing.
3. A preliminary equivalent sketch plan submitted for review shall include all of the information required by the Subdivision and Land Development Regulations of the Howard County Code as well as the following information:
 - a. The existing environmental and historic resources of the site, including: streams, wetlands and their buffers; extent and quality of existing vegetation, especially tree cover, steep slopes; historic structures and their landscape setting; and the scenic qualities of the site.
 - b. The location of proposed improvements in relation to the resources cited above.
 - c. The location and amount of sensitive areas which will be disturbed by structures, paved surfaces, and infrastructure, if any, and plans for minimizing such disturbances.
 - d. The location and amount of grading and clearing.
 - e. Plans for minimizing site disturbance and preserving the existing topography, vegetation and landscape character.
 - f. Documentation indicating how the proposed development will comply with the requirements of the Howard County Forest Conservation Program.
 - g. The proposed construction practices and post-construction site maintenance strategies to minimize development impacts on forest and other resources.
 - h. Proposed open space, easements, and other forms of permanent protection for sensitive areas, forest conservation areas, or other on-site resources such as historic structures and settings.
4. The Planning Board may approve, approve with modifications and/or conditions attached, or disapprove the preliminary equivalent sketch plan, stating the reasons for its action. The Planning Board's decision shall be based upon the criteria given in Subsection F.6 below.
5. The Planning Board may, at the time of approval of the preliminary equivalent sketch plan, require the subsequent approval by the Board of a Site Development Plan for all or a portion of the development.
6. The following criteria shall be used in evaluating preliminary equivalent sketch plans:
 - a. The proposed lay-out of lots and open space effectively protects environmental and historic resources.
 - b. Buildings, parking areas, roads, storm water management facilities and other site features are located to take advantage of existing topography and to limit the extent of clearing and grading.
 - c. Setbacks, landscaped buffers, or other methods are proposed to buffer the development from existing neighborhoods or roads, especially from designated scenic roads or historic districts.

G. Approval of the Site Development Plan by the Planning Board

1. Planning Board approval of a Site Development Plan is required if:
 - a. A sketch plan is not required for the development; or
 - b. The Board has reserved for itself the authority to approve the Site Development Plan; or
 - c. The Site Development Plan is for the development of buildings on an open space lot; or

- d. The proposed development differs from the approved preliminary equivalent sketch plan in one of the following ways:
 - (1) The limits of clearing and grading are such that the development will impact a significantly larger area of the site than indicated on the sketch plan.
 - (2) The development will have a greater adverse impact on environmentally sensitive areas than indicated on the sketch plan.
2. The Planning Board may approve, approve with modifications and/or conditions attached, or disapprove the Site Development Plan, stating the reasons for its action. The Planning Board's decision shall be based upon the criteria listed in Section 107.0.F.6 above.
3. Minor additions and modifications to Site Development Plans approved by the Planning Board and meeting the criteria below shall not require Planning Board approval. Also, minor new projects which have been granted a waiver of the Site Development Plan requirement by the Director of Planning and Zoning do not require Planning Board approval. However, all changes of use which require exterior site alterations require Planning Board approval.

Minor projects not requiring Planning Board approval:

- a. Minor additions to structures, with a floor area no larger than 10% of the existing floor area of the structure, not to exceed 1,000 square feet.
- b. Minor new accessory structures if the location does not interfere with existing site layout (e.g. circulation, parking, loading, storm water management facilities, open space, landscaping or buffering.)
- c. Clearing or grading that does not exceed 2,000 square feet in area.
- d. House-type revisions to approved Site Development Plans for single-family detached developments and for no more than 25% of the total number of dwelling units on the Site Development Plans for single-family attached or apartment developments.
- e. Similar minor modifications as determined by the Department of Planning and Zoning.

H. Density Exchange for Neighborhood Preservation Parcels

1. Sending Parcel for the Neighborhood Preservation Density Exchange Option:

A parcel qualifying with the criteria for residential infill development as defined in Section 16.108(b) of the Subdivision and Land Development Regulations or parcels principally used for a Swimming Pool, Community, as defined in the Zoning Regulations may be sending parcels for the Neighborhood Preservation Density Exchange Option in accordance with the requirements of Section 128.0.K of the Zoning Regulations.

2. Receiving Parcel for the Neighborhood Preservation Density Exchange Option:

A parcel may be developed as a receiving parcel under the Neighborhood Preservation Density Exchange Option at a bonus of up to 10% more dwelling units than would be achievable based on net density in the R-ED District, in accordance with the requirements of Section 128.0. of the Zoning Regulations.

I. Other Provisions

1. Development Under R-20 Regulations

- a. Land in the R-ED District may be developed pursuant to the R-20 District regulations in their entirety, if the property to be developed is either:
 - (1) A lot or group of contiguous lots with a combined total lot area of less than 100,000 square feet; or

- (2) A lot of any size which has not been subdivided since October 18, 1993 and which is improved or proposed to be improved by a single-family detached dwelling.
 - b. Land developed pursuant to this Section is not subject to the R-ED District regulations, including the requirement for Planning Board review.
- 2. A zero lot line dwelling unit, detached garage or shed may be located on the property line provided that no part of the building shall protrude onto the adjoining lot, and provided that at the time of recordation of the Final Subdivision Plan, easements shall be recorded to permit access to the adjoining lot for purposes of maintenance to the side of any zero lot line dwelling, garage or shed which faces a side yard of less than seven and one-half feet. Further, a maintenance agreement shall be included in the deed where appropriate.
- 3. Conservation Easements
 - a. Conservation easements used to protect environmentally sensitive land in the R-ED District shall be approved by the Department of Planning and Zoning and shall be recorded at the time of recordation of the final plat. Easements shall run with the land, shall be in full force and effect in perpetuity, and shall describe and identify the following:
 - (1) Location, size, and existing improvements on the parcel covered by the easement.
 - (2) A prohibition on future use or development of the parcel for uses incompatible with the conservation easement.
 - (3) A prohibition on future subdivision of the parcel.
 - (4) Provisions for maintenance of the parcel.
 - (5) Responsibility for enforcement of the easement agreement.
 - (6) Provisions for succession in the event that one of the parties to an easement agreement ceases to exist.
 - b. At least one of the following entities shall be parties to the easement in addition to the property owner:
 - (1) Howard County government;
 - (2) Maryland Environmental Trust or Maryland Historical Trust;
 - (3) A land conservation organization approved by the County Council.

J. Conditional Uses

Conditional Uses in the R-ED District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

K. Regulations for ALPP Purchased Easements

- 1. Uses on ALPP purchased easements shall be in accordance with Section 106.1.b through section 106.1.D, provided, however, for the allowable accessory uses listed in Section 106.1.C.1, only those uses which are eligible as potential farm uses in the R-ED District, as specified in section 128.0.I, are permitted, and for the allowable Conditional Uses listed in Section 106.1.d.1.A, only those uses which are eligible as Conditional Uses in the R-ED District, as specified in section 131.0.N, are permitted.
- 2. Bulk Requirements for ALPP Purchased Easements

On Howard County ALPP Purchased Easement properties, lots may be created pursuant to the applicable Howard County laws and regulations governing the easement, subject to the following requirements.

- a. The following requirements shall apply instead of the requirements of Section 107.0.D.2:

Lot size:

Maximum 1 acre

Minimum 40,000 square feet

- b. For properties not served by public water and sewer the one acre maximum lot size required by this section may be increased up to a maximum of 1.2 acres provided that:

(2) The Department of Planning and Zoning determines that:

(a) The increase in lot size is necessary to accommodate the Health Department approved locations for the sewage disposal easement and well; and

(b) The proposed lot is a regularly shaped lot in accordance with Section 16.120 (b) of the Howard County Code.

(3) The increase in lot size shall be approved:

(a) By the Department of Planning and Zoning as an Administrative Adjustment pursuant to Section 100.0.F of the Zoning Regulations; or

(b) By the Hearing Authority as a variance pursuant to Section 130.0.B of the Zoning Regulations.

3. Sections 107.0.E through 107.0.I are not applicable.

(Bill. No. 54-2014(ZRA-152), § 1, 4-6-2015)



HOWARD COUNTY HISTORIC PRESERVATION COMMISSION
ELlicOTT CITY HISTORIC DISTRICT ■ LAWYERS HILL HISTORIC DISTRICT
3430 Court House Drive ■ Ellicott City, Maryland 21043

Administered by the Department of Planning and Zoning

www.howardcountymd.gov
410-313-2350
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May 3, 2018

Donald Reuwer Jr.
8318 Forrest Street Suite 200
Ellicott City, MD 21043

RE: HPC-18-22; 6219 Lawyers Hill Road, Elkridge

Dear Mr. Reuwer:

I am writing to confirm that your application for Advisory Comments for 6219 Lawyers Hill Road, Elkridge, was heard at the April 5, 2018 Historic Preservation Commission meeting. The Commission had the following general comments:

- 1) Garages should not be a prominent feature on the new construction.
- 2) Grading should be minimal.
- 3) Trees that have a DBH of 12 inches or greater need to be identified on the plan. The plan should distinguish between the trees to be removed and remaining.
- 4) The development should be compatible with the existing historic neighborhood in lot size, architectural styles and materials.
- 5) A dense vegetated buffer should be provided around the site and important viewsheds should be protected.

Please see the enclosed minutes for more information regarding the Commission's comments on your application. Please contact Samantha Holmes at 410-313-4428 or sholmes@howardcountymd.gov if you have any questions.

Sincerely,

Beth Burgess
Executive Secretary
Historic Preservation Commission

HPC-18-22 – 6219 Lawyers Hill Road, Elkridge

Advisory Comments for subdivision and site development plan.

Applicant: Donald Reuwer Jr.

Background & Scope of Work: This property is located in the Lawyers Hill Historic District but does not contain a principal structure. There is an abandoned wood shingle sided outbuilding and other debris on the site. The application explains that Land Design and Development has been hired to lead the development of the property and that they would like to get feedback from the Commission before they look too closely at one scenario versus another. The property consists of 7.524 acres and zoned R-ED and the application explains that both detached and attached housing is allowed within that zoning district. This section of Lawyers Hill Road is designated a Scenic Road.



Figure 6 - Aerial view of property

Staff Comments: The Lawyers Hill Historic District is a local historic district and a National Register Historic District. The National Register District spans I-95 and is significant for its contributions in architecture as well as community planning and development. The National Register nomination states, "The Lawyers Hill Historic District is significant for its diverse collection of Victorian-era architecture and for its role as a 19th century summer community and early commuter suburb for prominent Baltimoreans...The Hill's unique character is based on its concentration of 19th century domestic dwellings located in the center of the community along Lawyers Hill and Old Lawyers Hill roads. The structures represent a range of 19th century architectural styles. While the buildings vary in style, they are closely related in setting, scale and materials. Lawyers Hill is also significant for its landscape architecture and community planning. Houses were built to fit the contours of the hillside and blend with the natural landscape. Most of the buildings are set back at least one hundred yards from the narrow and winding roads, evoking the spirit of the pre-auto era. The natural and man-made landscape

has been allowed to mature, shrouding the houses in foliage and creating thick canopies over the roads.”

The nomination form also explains that “houses were often architect-designed and usually included room for servant’s quarters, but in general the scale remained in keeping with the rural landscape...Construction is predominately wood, both post and beam and balloon frame, with wood siding, usually clapboard, shingles or board and batten. Roof materials included wood shingles, metal or slate...The architecture in the Lawyers Hill Historic District encompasses a broad array of styles ranging from 1738 Georgian Colonial to 1941 Georgian Revival. The collection of Victorian domestic architecture (circa 1841 to 1880) clustered around the Lawyers Hill Road and Old Lawyers Hill Road area is unparalleled in the county. While the houses are similar in terms of mass, proportion and materials, no two are exactly like. As a result, the Lawyers Hill landscape reads like a chronology of American architectural history, which each house reflecting the style of the time and expressing the individuality of its building. There are variations of the American Gothic Revival Form, Italianate, Queen Anne and Shingle-style structures. There is also a range of Colonial Revival houses, from Craftsman era rustic cottages to more formal Georgian, and mass-produced Dutch Colonial models from the early 20th century.” Some notable houses in Lawyers Hill include The Lawn, which built by Judge George Washington Dobbin in 1835 and located on Old Lawyers Hill Road. The Lawn is individually listed on a National Register of Historic Places, contains a Maryland Historical Trust easement and is considered a textbook example of the American Gothic Revival style. Maycroft, located on Old Lawyers Hill Road, is listed on the Historic Sites Inventory as HO-447 and dates to 1881. Maycroft is noted as being the finest example of Queen Anne in the County.

Aside from architecture, the landscaping in Lawyers Hill is also important. The nomination form explains, “historically, there has been a great emphasis on landscaping in Lawyers Hill...A wide diversity of forest trees continue to flourish on the hill, among them ash, beech, chestnut, sugar maple, oak, hickory, cedar, blue spruce, pine, lindens, dogwoods and hollies. Numerous ornamental trees and shrubs also survive on Lawyers Hill, some over one hundred years old, including boxwoods, paulownia, wisteria, rhododendron and roses. Mature fruit trees planted in the yards of many houses include apples, pears, peaches and cherry.

The landscape is a carefully guarded legacy.” This legacy has been further guarded through voluntary land easements that many property owners have added over the years. The easements in Lawyers Hill include Rockburn Land Trust easements, Conservation easements, Maryland Environmental Trust

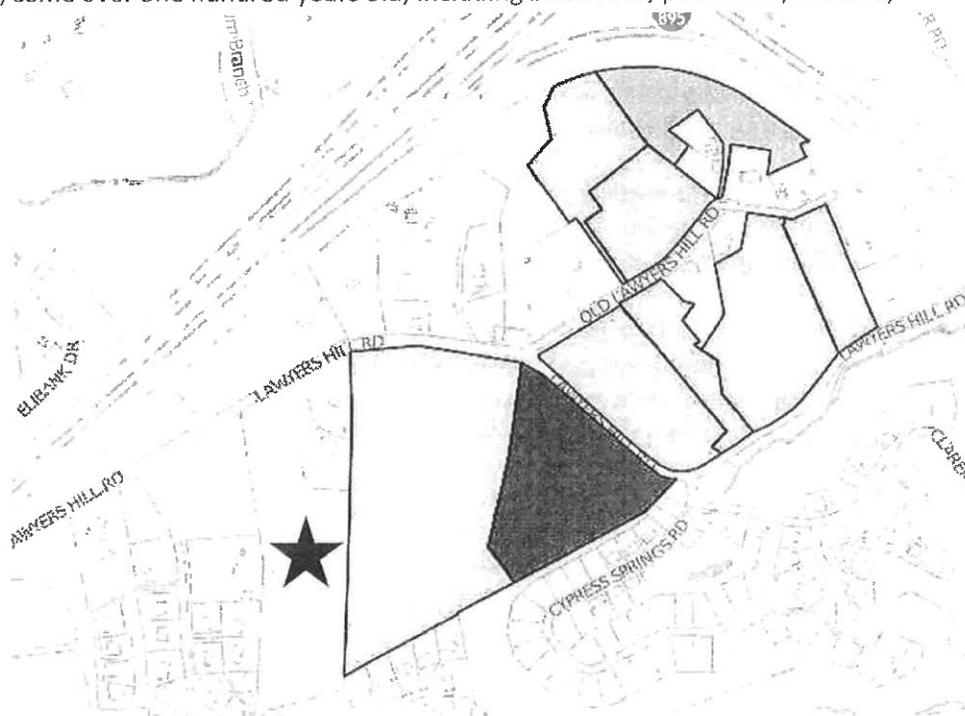


Figure 7 - Location of preserved land in Lawyers Hill

easements and Maryland Historical Trust easements (easements shown in green and blue below, subject property shown with a red star).



Figure 8 - Former historic house on property

While the subject property today only contains an outbuilding, there was a historic structure on the property known as The Rohleder House, HO-443. Aerial photography shows the house in 1993, but it appears to be rubble by 1998. The house was a two and a half story brown shingled structure, built in the Queen Anne style.

Staff Recommendation: Staff recommends any site plan that is developed takes into account the architectural and historical significance of Lawyers Hill and respects and complements these characteristics described above.

Testimony: Ms. Holmes noted a correction on the agenda that 6219 Lawyers Hill Road is located in Elkridge, not Ellicott City. Mr. Taylor clarified that although the agenda stated this matter was for a Certificate of Approval for exterior alterations, it is actually for should be Advisory Comments.

Mr. Shad swore in Donald Reuwer Jr. Mr. Shad asked if there were any additions or corrections to the Staff comments or application. Mr. Reuwer explained that the R-ED zoning allowed cluster development that can be attached or detached housing. He said the parcel is 8.6 acres based on a recent field run survey. Mr. Roth said the tax record showed the parcel as 7.54 acres. Mr. Reuwer said the field run survey should be accurate and that it is typical for the tax records to differ.

Mr. Reuwer showed the Commission the base plan using the information from the field run survey that included topography and identification of wetlands. Mr. Reuwer said specimen trees over 30 inches at diameter breast height (DBH) were marked and surveyed. Mr. Reuwer said the green tagged trees are in good condition while brown tagged trees are in poor to fair condition. Mr. Reuwer said the property fronts on Lawyers Hill Road and the site contains a lot of debris. Mr. Reuwer referred to the historic Gables house next to the parcel that is part of the neighboring subdivision of Summer Home Terrace.

Mr. Reuwer said there is an easement and connection to the sewer and water line and the County will require a loop water line. There is also water available from Lawyers Hill Road.

Mr. Roth said that a Certificate of Approval is required per the Guidelines for the removal of trees over 12 inches DBH. Mr. Roth recommended to revise the tree survey plans to identify such trees. Mr. Reuwer agreed.

Mr. Reich asked about the blue area on the map. Mr. Reuwer said the blue area shows the wetland and wetland buffer.

Mr. Reich asked about the difference in topography between GIS and the map. Mr. Reuwer said the map is a field run survey that is more accurate.

Mr. Reuwer began his presentation to show the Commission three different designs. The first scenario he showed was for active adult townhouse design options with 32 homes that would not impact schools and would be more environmentally sensitive. Mr. Reuwer said the townhouse design shown would not be in tradition with Lawyers Hill because there are no attached homes in the area.

The second design Mr. Reuwer showed was for a typical R-ED subdivision consisting of a 6,000 square foot minimum lot size and 50% open space requirement. Mr. Reuwer said he met with DPZ and modified the design options by re-arranging the plan to create a large open space area. Mr. Reuwer said there would be 16 total lots. He explained that the closest new house to the neighboring historic Gables house would be 300 feet. The houses would be setback about 400 feet from Lawyers Hill Road. Mr. Reuwer said the homes would average about 3,000 square feet and the selling price will be from the high \$700's to \$1 million. Mr. Reuwer said the proposed homes will not be visible from Lawyers Hill Road.

Mr. Taylor clarified that the plan depicted only 15 lots. Mr. Reuwer acknowledged the correct number of lots should be 15.

Mr. Roth asked if there is a 30-foot building restriction line around the development. Mr. Reuwer said yes.

Mr. Reich asked if the parcel to the right of the proposed development is in preservation. Mr. Roth, who is the owner of the land, said the land is under conservation with a Maryland Environmental Trust Easement. Mr. Roth said the conservation plan requires 9 of the 16 acres to be in forest conservation. Mr. Roth said the back part of the lot is protected forest under the forest conservation plan.

Mr. Reich asked about the other neighboring houses. Mr. Roth said the house at 6199 Lawyers Hill Road dates to the 1960s. Mr. Reuwer asked if Mr. Roth's house is historic. Mr. Roth said yes, his house at 6117 Lawyers Hill Road is a contributing structure and was built in 1930, with two barns that date to the 1840s. Mr. Roth said the Gables house at 6235 Lawyers Hill Road (on the west side of the property) and the house at 6195 Lawyers Hill Road (on the east side neighboring 6199) are contributing structures to the Lawyers Hill Historic District.

Mr. Reuwer presented the third design option. He explained that when fronting a scenic road in a historic district, a traditional residential neighborhood is permitted in Section 128 of the zoning regulations. Mr. Reuwer reviewed the regulation with the Commission. Mr. Reuwer said an example of this type of design would be Maple Lawn or Terra Maria. Mr. Reuwer said the 8 acres is not wide enough to create a grid street pattern. He explained that the traditional design allows for zero lot line dwellings

and a 4,000 square foot **minimum lot size** instead of a 6,000 square foot **minimum lot size**. He explained the difference in lot size **results in a larger buffer of 35 feet** instead of 30 feet around the new development. Mr. Reuwer said some elevation designs include detached garages on the rear or underneath the house.

Mr. Reuwer provided photos of the Terra Maria design and Maple Lawn houses to the Commission. Mr. Reuwer said such design allows the house to have the porch near the sidewalk and garages at the rear of the house, in addition to a turnaround at the end of the street for firetrucks. Mr. Reich asked if the topography rises up and then back down after the first four houses in the proposed development. Mr. Reuwer pointed to the map to show where the topography changes and which lots would rise up then down. Mr. Reuwer said none of the lots are final and there will be a lot of tweaking to be done, but he would like feedback from the Commission.

Ms. Tennor said the footprints of the proposed traditional design looks smaller than the R-ED cluster version, but the unit numbers increase from 15 to 18 lots. Mr. Reuwer said yes, but the proposed units are not as valuable as the R-ED version.

Mr. Roth asked if the lot was going to be regraded. Mr. Reuwer said he intends to do minimal grading. Mr. Reich asked if 90 percent of the property will be cleared. Mr. Reuwer said 50 percent stays and will be open space. Mr. Reuwer explained that the cost to clear an acre is about \$5,000 per acre, and he prefers not to clear trees unless required.

Mr. Roth asked if there are issues with sewer access for houses located on the north side of the property. Mr. Reuwer said no. Mr. Roth asked if the knoll in the center of the property will be removed. Mr. Reuwer said no.

Mr. Reich asked if there is any insight into the density. Mr. Reuwer said the proposed density is within the allowed density and importing density of 10% is also permitted.

Mr. Taylor asked if the road in the development will be public. Mr. Reuwer said yes, and the plan is to install more than the required landscaping for the buffer.

Mr. Reich asked if the development will be buffered from the historic district. Mr. Reuwer said yes. Mr. Reich asked about the development's entrance and how it will work with the neighboring community. Mr. Reuwer said since there is a scenic road, a four feet high stone entrance monument is an option. Mr. Reich asked if there will be a feature to buffer the view of the rest of the neighborhood. Mr. Reuwer said he will save the woods in the front of the property. He explained that the first house is located about 400 feet from the front of the property, back through the woods. Mr. Reuwer said he has only identified trees over 30 inches DBH, but he will go back and identify trees over 12 inches DBH.

Ms. Tennor commented the desire is not to have front loading garages be a dominant feature. She said but the proposed layouts are different from other properties in the historic district in its density, which is not ideal.

Mr. Reich asked about the Commission's authority of density within the historic context. Mr. Taylor said this parcel has R-ED zoning and a historic district overlay. Mr. Taylor recommended the Commission review Chapters 8 and 9 of the Lawyers Hill Design Guidelines to make an informed decision. Mr. Taylor said although the ultimate approval of a subdivision plan is by DPZ, the Commission can indicate the proposed development has high density since this case is for Advisory Comments. Mr. Roth said there may be ways to discuss density within the historic context of the District.

existing?
not so

Mr. Taylor referred to the Guidelines for new construction which explain that new construction should be setback substantially from public roads and compatible with existing architecture in the District. Mr. Reich said the Commission can approve or disapprove the final design of the proposed development. Mr. Taylor clarified that DPZ is the approval authority for the design of subdivisions, but the Commission has to approve the architecture of each structure. Mr. Reich said he wants to understand how much authority the Commission has. Mr. Taylor said the Commission's decision will need to be supported by evidence that is consistent with the intent and purpose of the Lawyers Hill Historic District Guidelines.

Mr. Reuwer said new homes can represent the style of their own period and do not need to replicate. Mr. Taylor said the development should be compatible and reflective of the existing neighborhood.

Mr. Shad asked if anyone in the audience wished to present testimony.

Mr. Shad swore in David Errera. Mr. Errera said he would not recommend building a development that looks like a suburban subdivision. The development should reflect the surrounding scenic area, not cookie cutter homes, even if they sell for \$800k. Mr. Errera said zero lot lines are not ideal and the proposed density is too high. Mr. Errera said single family homes should be further apart to reflect the other structures on Lawyers Hill Road. Mr. Errera said the installation of sidewalks and street lamps are typical in a modern development but are not found in Lawyers Hill. Mr. Errera said the style of the homes should be varied and they should avoid building overly large mansions to stay in character with other homes in the District. Mr. Errera hopes the proposed plan would look more like Lawyers Hill and less like Claremont Overlook.

Mr. Shad swore in Howard Johnson. Mr. Johnson said he lives south of the proposed development. Mr. Johnson said the topography of Claremont Overlook changed completely because the hill was blasted away. The development of the Gables/Summer Home Terrace was watched carefully and reflects the District's characteristics. He explained there are larger homes and larger lots in the area and that should be reflected in the proposed development by reducing the density in half and increasing setbacks and buffers.

Mr. Shad swore in Michelle Klein. Ms. Klein said the Guidelines stipulate setbacks to protect viewshed of homes in the area. Ms. Klein said the entire back wall of her home is floor to ceiling windows where the view would be impacted, and a buffer is needed. Ms. Klein said the eastern property line on the plan is covered in evergreens and not specimen trees but should not be cut down. Ms. Klein said there is lots of wildlife in the area. She explained that the District was split by the construction of Interstate 95, and other residential developments, reducing the habitat for wildlife. Ms. Klein said although the density is allowed, the proposed density is not ideal. The District's characteristics should be preserved. Ms. Klein said an entrance feature would look out of character and would not be compatible with the historic nature. The Guidelines is to honor the intention of the District, especially since there are not many others like it. Ms. Klein said the Guidelines reference topography and grading and recommend creating driveways that are wide enough for a one lane road. She said the proposed two lane road may require serious grading that impacts the environment. Ms. Klein is worried about the impact of connecting to sewer, water, electric and fiber optic. Ms. Klein recommend the access to the development be constructed off of Summer Home Terrace. She said townhomes are not in keeping with the District and that new construction should be built in the styles documented in Chapter 3 of the Guidelines. Ms. Klein asked if there will be sidewalk. Mr. Reuwer said yes, a sidewalk is required on one side of the street. Ms. Klein asked if the sale closed on the property. Mr. Reuwer said he did not know.

Mr. Shad swore in Angela Shiplet. Ms. Shiplet echoed comments of previous speakers about the density. Ms. Shiplet said she lives on a half-acre lot and she believes there should be more space between lots. She explained that she does not live in the district, but they try to conform and have tree lined pathways. Ms. Shiplet said townhome and neo traditional designs are not characteristic of the community. Ms. Shiplet asked if the new development will have an HOA. Mr. Reuwer said yes.

Mr. Shad swore in Finn Ramsland. Mr. Ramsland said he has two testimonies to present, one for himself and another for Mr. Josh Robinson who lives in the historic Gables house. Ms. Burgess said Mr. Robinson emailed his testimony in advance and Ms. Burgess already forwarded the testimony to the Applicant. Mr. Ramsland said he moved into the historic community about a year ago with his family. The houses are farther apart and kids can walk up and down the street. He explained there are currently about 30 houses in the historic district. He said the proposed development would be an increase of 50% of density on 10% of the land. He said if townhomes are built then the density increase would be 106%. Mr. Ramsland hopes Mr. Reuwer will find a way to preserve the uniqueness of the community.

Mr. Ramsland read Mr. Robinson's testimony. Mr. Robinson is concerned the historic Gables house will be cut off from the rest of the Historic District by the new development. Mr. Robinson would like to see the woodlands and landscaping preserved by creating an entrance on Summer Home Terrace. Mr. Robinson said many people walk on Lawyers Hill Road and the new development will cause an increase in traffic that would create safety issues for pedestrians. Mr. Robinson suggested a land conservation easement to preserve land around the historic Gables house and Mr. Robinson also quoted the Guidelines that recommended against blocking views of historic homes.

Mr. Shad swore in Cathy Hudson. Ms. Hudson said the Lawyers Hill community is a tight knit community with a great history that Mr. Reuwer will become a part of. Ms. Hudson said many owners gave up development rights by putting property under easements in order to preserve the land. Ms. Hudson recommended Mr. Reuwer build two houses and put the land into an easement. Mr. Roth said the parcel can be a sending density site. Mr. Reuwer said the parcel can only send three lots. Ms. Hudson asked if Mr. Reuwer is the property owner. Mr. Reuwer said he was unsure who the owner is.

Mr. Shad swore in Kristy Mumma. Ms. Mumma said she echoed similar concerns about lot lines and high density. Ms. Mumma said the development should be single family homes with more design variety to include diverse building styles from different time periods with unique characteristics like large windows, fireplaces, porches that would echo the characteristics of existing homes. Ms. Mumma was concerned about lot layouts that does not seem to reflect the contours of the land. Ms. Mumma said the plan should fit with the contours of the natural landscape. Ms. Mumma was also worried about removal of large specimen trees and hopes the plan can include more trees to be saved. Ms. Mumma said there are many small streams on the lower portion of the land and significant elevation changes and that could alter the landscape at the entrance on Summer Home Terrace. Ms. Mumma reiterated the importance to save trees and provide dense buffers to make sure that houses are not seen from adjoining properties.

Ms. Burgess asked for clarification about the concern or consideration of having the entrance through Summer Home Terrace which seems to be designated open space. Ms. Burgess said she is not making a recommendation but simply asking for clarification based on the comments heard this evening. Mr. Reuwer said that parcel is owned by the Summer Home Terrace HOA and the HOA would have to agree on access in that area.

Mr. Roth said he thinks that the map is correct (looking at a part of the stream on the HOA parcel in reaction to Ms. Mumma's testimony) that there are more streams than shown. Mr. Reuwer said flags are marking the wetlands right now.

Mr. Roth said he lives next door to the property and is familiar with its history. Mr. Roth researched the land records and said before lawyers came to Lawyers Hill – Mary Dorsey of Rockburn estate sold five acres to her cousin, Jason Petticord around 1840. The area is the most southern side of the parcel being reviewed. There are remains of a home and hearth there would be an interesting archeological site.

Mr. Roth said the Commission needs to make sure the proposed development is compatible with the historic character of the District. He explained that Chapter 3 of the Guidelines states that no two homes are alike in Lawyers Hill and the land should have minimal clearing and grading to preserve the natural landscape. Mr. Roth said Chapter 4 states that archeological resources should be protected and preserved, which is why he referenced the historic Petticord home. Mr. Roth said the Guidelines state that spatial relations should not be destroyed. He said the proposed development should be compatible with size, scale, proportion, and massing to protect the integrity of the property and its environment. Mr. Roth said he does not believe any of the proposals meet the criteria.

Mr. Roth said that excessive grading, such as that at Claremont or Cypress Springs, could compromise the historic context of the landscape and finds the proposals are inconsistent with Chapter 10 of the Guidelines.

Mr. Roth said Chapter 8 of the Guidelines outlines new construction requirements. Mr. Roth said the Commission should protect the environment and its sensitive resources; minimize site disturbance; and not disturb contours of the site. Mr. Roth said although the plans seems to buffer wetlands, the overall development plan threatens the contours of the land.

Mr. Reuwer said there are no steep slopes on the plan. Mr. Roth said if hillsides are removed, trees root systems could be exposed causing them to die.

Mr. Roth said homes should be screened from each other to match existing character and not just screened from the road. Mr. Roth recommends single family homes to be built that do not obstruct other homeowners' views.

Mr. Roth said the historic driveway should be maintained and new driveways should be one lane per the Guidelines. Mr. Roth said the access road is not consistent with maintenance of historic driveway. Mr. Roth said a modern subdivision should not be built in a historic district. Mr. Roth suggested perhaps only building two to three houses along the ridge line and recommended one lane driveways.

Ms. Tennor said she agreed with Mr. Roth. Ms. Tennor said if the justification for the development is based on the houses not being visible, then the plan is not ideal.

Mr. Reich said he agreed with Mr. Roth. Mr. Reich said there is a need to provide a dense buffer all the way around the site, like the viewshed preserved around the Gables house. Mr. Reich said the plan should show how grading will really be with the twenty-foot rise and drop over the hill because the plan seems like most of the parcel would be regraded and leveled out. Mr. Reich asked for a revised plan showing more trees to be saved.

Mr. Roth said the development should not be hidden, but rather be compatible with the existing District. Mr. Roth believes that 16 units would not be compatible with the community.

Mr. Reuwer said that he would like Mr. Roth to recuse himself from the Commission on this case. Mr. Reuwer cited the Commission's rules and that he believes Mr. Roth has a conflict of interest. Mr. Roth did not think he had a conflict of interest.

Mr. Shad said he echoed the Commission's comments. Mr. Shad said although zoning allows a certain amount of density, the proposed density is not wise. Mr. Shad encourage Mr. Reuwer to look at reducing the density with fewer homes that would be in keeping with the area.

HPC-18-23 – 3598 Fels Lane, Ellicott City

Advisory Comments for Site Development Plan.

Applicant: Matthew Pham

Background & Scope of Work: This property is located in the Ellicott City Historic District and does not contain any structures. The Applicant seeks Advisory Comments on the site development plan for the construction of a new single family house. The property is 0.518 acres and is zoned R-VH (Residential: Village Housing). In December 2014 the Commission approved the construction of a new single family house. However, that house was never constructed and the approval has since expired. The location of the current plan is slightly different and was chosen to minimize disturbance to the steep slopes and stream buffer. The previous plan approved would have required significant retaining walls.

Staff requested additional information on the site plan and the Applicant provided the following: The footprint of the house will be 44 feet wide by 34 feet deep and will be under 1500 square feet. A side porch will be 10 feet wide, which brings the total width of the house to 54 feet. The Applicant has provided a sketch of the front elevation of the house (there are two elevations on the sketch, the Applicant prefers the one on the bottom), which was included in the application packet. The house will have a covered front porch and side deck with a second story balcony. The back of the house will have a covered deck.

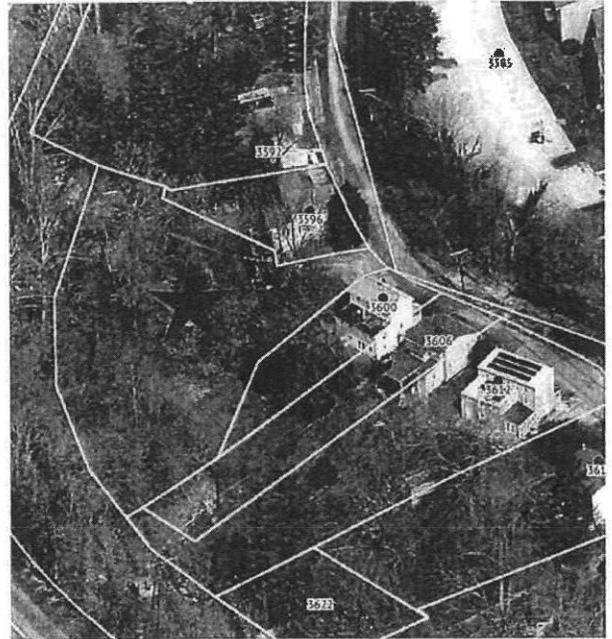


Figure 9 - Aerial view of property



DEPARTMENT OF PLANNING & ZONING

Joseph W. Rutter, Jr., Director

October 14, 1993

Mr. and Mrs. Eulas M. Pollard
6061 Lawyers Hill Road
Elkridge, MD 21227

Dear Mr. and Mrs. Pollard:

RE: Proposed Historic District for the Lawyer's Hill
Community

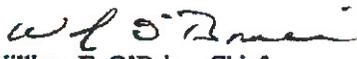
As you may be aware, the Department of Planning and Zoning has received requests from numerous property owners in Lawyer's Hill requesting that a local historic district be established. This letter is being sent to inform you of the Department's intention to file a petition to the Zoning Board to create a local historic district for the Lawyer's Hill Community in accordance with Section 16.602 of the Howard County Code. The enclosed map indicates those properties proposed to be in the local district. The land uses allowed by the underlying zoning will not be affected should these properties be placed within a local district.

Properties within the local district will be subject to review by the County's Historic District Commission (H.D.C.) for changes to exterior appearance. The Historic District Commission meets monthly to review applications for such exterior changes. Copies of the existing H.D.C. powers and rules of procedures as well as the Secretary of Interior's Standards for Rehabilitation are available by calling the Department of Planning and Zoning at (410) 313-2393. Please also be advised that this Department is proposing several amendments to the County Code concerning the H.D.C. Copies of the proposed legislation will be available after October 20th.

You will have opportunities to comment on this proposal at the November 4th meeting of the Historic District Commission (7:30 p.m.) and at subsequent meetings of the Planning Board on November 10th (9:30 a.m.) and the Zoning Board.

Please do not hesitate to contact me at (410) 313-2393 if you have any questions about this proposed local historic district.

Sincerely,


William F. O'Brien, Chief
Division of Comprehensive Planning
and Zoning Administration

WFO:bsw

I believe this was for my mother's property 6061
which had absolutely no historical value at all.
was not included in historical area.



DEPARTMENT OF PLANNING & ZONING

Joseph W. Rutter, Jr., Director

January 5, 1995

Ms. Bertha S. Rohleder
6061 Lawyers Hill Road
Elkridge, MD 21228

RE: Draft Design Guidelines for the Lawyers Hill
Historic District

Dear Ms. Rohleder:

You are probably aware that your residence is included in the local Lawyers Hill Historic District, established in April, 1994, by the Howard County Zoning Board. Exterior alterations to structures or properties in the Historic District now require prior approval by the Howard County Historic District Commission.

The Department of Planning and Zoning has prepared draft Design Guidelines for the Lawyers Hill Historic District. The Design Guidelines describe the historic architecture and landscape features of the Historic District and suggest guidelines for rehabilitation and new construction to preserve these historic qualities. These guidelines will assist the Historic District Commission in reviewing applications and will help residents plan projects and prepare applications for the Commission. The draft Design Guidelines also describe certain minor alterations that are considered "routine maintenance" and do not require review or approval by the Historic District Commission. Members of the Elk Ridge Assembly Rooms assisted the Department of Planning and Zoning by reviewing and commenting on early drafts of the Design Guidelines.

Before the Design Guidelines are used by the Historic District Commission, the Commission must hold a public hearing and formally adopt the Guidelines. All Historic District residents and property owners and any other interested persons may make comments at the public hearing. Before adopting the Guidelines, the Commission may amend the Department of Planning and Zoning draft based on comments made at the public hearing or its own opinions. The Commission's hearing is scheduled for March 2, 1995 at 7:00 p.m.

On January 19, 1995, at 7:00 p.m., Department of Planning and Zoning staff will meet with Historic District residents at the home of Richard and Janice Menear, at 6036 Old Lawyers Hill Road. We plan to present the draft Lawyers Hill Design Guidelines, explain the public hearing process, and answer questions. Copies of the draft Design Guidelines will be available at the meeting.

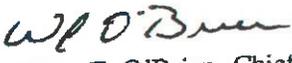
My grandmother's house burned to the ground in 1992. She had died Apr. 1986, House had been vacant since around 1984 when we (my wife and I) took her into our house and eventually into a nursing home. To get any gov. assistance we would have to make her a ward of the state and turn property over to govt.

January 5, 1995

Following this meeting, the required newspaper advertisement for the Historic District Commission's public hearing will be published at the end of January so that the hearing can occur on March 2. The Department of Planning and Zoning will accept and consider comments on the draft guidelines that are received in this office prior to January 27, 1995. Residents and property owners should also plan to attend the public hearing in March and submit their verbal or written comments to the Historic District Commission.

I hope you will attend the January 19 meeting. If you have any questions about the meeting or other issues affecting the Lawyers Hill Historic District, or if you cannot attend the January 19 meeting but would like a copy of the draft Design Guidelines, please call Jenifer Huff of this Division at 313-2393.

Sincerely,


William F. O'Brien, Chief
Division of Comprehensive Planning
and Zoning Administration

WFO/JLH:jlh

**LAWYERS
HILL OVERLOOK**

1	RED ZONING REGULATIONS
2	PROPOSED DISTRICT MAP / ADOPTED DISTRICT MAP
3	DPZ LETTER TO PROPERTY OWNERS 10/14/18
4	DPZ LETTER TO MR. AND MRS. EVLAS POLLARD
5	DPZ LETTER TO THOMAS E. LLOYD ESQ. 11/2/93
6	TECHNICAL STAFF REPORT - DPZ ZB CASE 948M 11/5/1993
7	ZB CASE 948M DECISION AND ORDER
8	TABLE OF CONTENTS - ELLIOTT CITY DESIGN GUIDELINES
9	LAWYERS HILL HISTORIC DISTRICT DESIGN GUIDELINES
10	HDC RULES OF PROCEDURE



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SECTION 107.0: - R-ED (Residential: Environmental Development) District

A. Purpose

The R-ED District is established to accommodate residential development at a density of two dwelling units per net acre in areas with a high proportion of sensitive environmental and/or historic resources. Protection of environmental and historic resources is to be achieved by minimizing the amount of site disturbance and directing development to the most appropriate areas of a site, away from sensitive resources. To accomplish this, the regulations allow site planning flexibility and require that development proposals be evaluated in terms of their effectiveness in minimizing alteration of existing topography, vegetation and the landscape setting for historic structures.

B. Uses Permitted as a Matter of Right

1. One single-family detached dwelling unit per lot.
2. One zero lot line dwelling unit per lot.
3. Single-family attached dwelling units.
4. Farming provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
5. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
6. Private recreational facilities, such as parks, athletic fields, swimming pools, basketball courts and tennis courts, reserved for use by residents of a community and their guests. Such facilities shall be located within condominium developments or within communities with recorded covenants and liens which govern and provide financial support for operation of the facilities.
7. Convents and monasteries used for residential purposes.
8. Government structures, facilities and uses, including public schools and colleges.
- 9.

Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.

10. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
11. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a Conditional Use.
12. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
13. Volunteer fire departments.

C. Accessory Uses

The following are permitted accessory uses in the R-ED District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District. Accessory Structures are subject to the requirements of Section 128.0.A.
2. Accessory apartments, subject to the requirements of Section 128.0.A., provided that:
 - a. The area of the lot is at least 12,000 square feet;
 - b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
 - c. The accessory apartment shall have no more than two bedrooms.
- 3.

Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.

4. The housing by a resident family of:
 - a. Not more than four non-transient roomers or boarders; or
 - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
 - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
5. Home occupations, subject to the requirements of Section 128.0.C.
6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
7. Parking:
 - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
 - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
 - a. One recreational vehicle with a length of 30 feet or less; and
 - b. One boat with a length of 20 feet or less.
9. Farm stand, subject to the requirements of Section 128.0.I.
10. Snowball stands, subject to the requirements of Section 128.0.D.

11. Home-based contractors on lots larger than two acres, subject to the requirements of Section 128.0.C.2.
12. Small Wind Energy System, building mounted, on single-family detached dwellings and non-residential structures only, subject to the requirements of Section 128.0.L.
13. Residential Chicken Keeping, subject to the requirements of Section 128.0.D.
14. Accessory Solar Collectors.
15. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
16. Community Supported Agriculture, subject to the requirements of Section 128.0.I.
17. Accessory storage buildings and shipping container, as accessory storage structures, subject to the requirements in Section 128.0.D.

(Bill No. 53-2017(ZRA-169), § 1, 11-13-2017)

D. Bulk Regulations

(Also see Section 128.0.A, Supplementary Bulk Regulations, and 128.0.G., Alternative Regulations for Traditional Residential Neighborhoods.)

1. The following maximum limitations shall apply:

a. Height

(1) Principal structure 34 feet

However, the maximum height for single-family attached

Dwellings with gable, hip or gambrel roofs shall be 40 feet

(2) Accessory structure 15 feet

b. Lot coverage for structures within single-family attached projects developed with one dwelling unit per lot 60%

c. Density 2 dwelling units per net acre

d. Maximum units per structure—single-family attached 8 units per structure

2. Minimum lot size requirements

- a. Single-family detached dwellings 6,000 sq. ft.
- b. Except zero lot line dwellings 4,000 sq. ft.
- c. Single-family semi-detached dwellings 4,000 sq. ft.

3. Minimum lot width at building restriction line

- a. Single-family detached dwellings 50 feet
- b. Except zero lot line dwellings 40 feet
- c. Single-family semi-detached dwellings 40 feet

4. Minimum setback requirements

- a. From external public street right-of-way—all structures and uses 75 feet
- b. From internal public street right-of-way—all structures and uses
 - (1) Front or side 20 feet
 - (2) Rear
 - (a) Accessory structures on single-family detached lots 10 feet
 - (b) Other 20 feet
 - (3) Uses (other than structures), excluding uses in single-family detached development projects and parking for single-family attached dwellings 20 feet
- c. From project boundaries—
 - (1) Structures and uses in single-family attached development projects 50 feet
except adjoining single-family detached developments\75 feet
 - (2) Structures in single-family detached developments 30 feet
 - (3) Other structures and uses 50 feet
- d. From lot lines—structures and uses in all development projects except single-family attached:
 - (1) Principal structures
 - (a) Front 20 feet

(b) Side 7.5 feet

Except zero lot line dwellings\0 feet

A minimum of 15 feet must be provided between structures

(c) Rear 25 feet

(2) Detached accessory garages or sheds

(a) Front 20 feet

(b) Side 0 feet

(c) Rear 0 feet

(3) Other accessory structures

(a) Front 20 feet

(b) Side 7.5 feet

(c) Rear 5 feet

(4) Uses (other than structures) in all development projects except single-family detached or attached 20 feet

5. Minimum distances between single-family attached buildings, or between single-family attached buildings and single-family detached dwellings:

a. Face to face 30 feet

b. Face to side/Rear to side 30 feet

c. Side to side 15 feet

d. Rear to rear 60 feet

e. Rear to face 100 feet

E. Moderate Income Housing Units

At least 10% of the dwellings in each R-ED development shall be Moderate Income Housing Units. Multi-plex units that are comparable in size to surround dwellings are permitted on a single-family detached lot.

F. Approval of the Preliminary Equivalent Sketch Plan by the Planning Board

1.

For developments in the R-ED District requiring a Sketch Plan, a preliminary equivalent sketch plan must be approved by the Planning Board.

2. The Planning Board, before acting upon the preliminary equivalent sketch plan, shall receive comments from the Department of Planning and Zoning and the Subdivision Review Committee and shall hold a public hearing.
3. A preliminary equivalent sketch plan submitted for review shall include all of the information required by the Subdivision and Land Development Regulations of the Howard County Code as well as the following information:
 - a. The existing environmental and historic resources of the site, including: streams, wetlands and their buffers; extent and quality of existing vegetation, especially tree cover, steep slopes; historic structures and their landscape setting; and the scenic qualities of the site.
 - b. The location of proposed improvements in relation to the resources cited above.
 - c. The location and amount of sensitive areas which will be disturbed by structures, paved surfaces, and infrastructure, if any, and plans for minimizing such disturbances.
 - d. The location and amount of grading and clearing.
 - e. Plans for minimizing site disturbance and preserving the existing topography, vegetation and landscape character.
 - f. Documentation indicating how the proposed development will comply with the requirements of the Howard County Forest Conservation Program.
 - g. The proposed construction practices and post-construction site maintenance strategies to minimize development impacts on forest and other resources.
 - h. Proposed open space, easements, and other forms of permanent protection for sensitive areas, forest conservation areas, or other on-site resources such as historic structures and settings.

4. The Planning Board may approve, approve with modifications and/or conditions attached, or disapprove the preliminary equivalent sketch plan, stating the reasons for its action. The Planning Board's decision shall be based upon the criteria given in Subsection F.6 below.
5. The Planning Board may, at the time of approval of the preliminary equivalent sketch plan, require the subsequent approval by the Board of a Site Development Plan for all or a portion of the development.
6. The following criteria shall be used in evaluating preliminary equivalent sketch plans:
 - a. The proposed lay-out of lots and open space effectively protects environmental and historic resources.
 - b. Buildings, parking areas, roads, storm water management facilities and other site features are located to take advantage of existing topography and to limit the extent of clearing and grading.
 - c. Setbacks, landscaped buffers, or other methods are proposed to buffer the development from existing neighborhoods or roads, especially from designated scenic roads or historic districts.

G. Approval of the Site Development Plan by the Planning Board

1. Planning Board approval of a Site Development Plan is required if:
 - a. A sketch plan is not required for the development; or
 - b. The Board has reserved for itself the authority to approve the Site Development Plan; or
 - c. The Site Development Plan is for the development of buildings on an open space lot; or
 - d. The proposed development differs from the approved preliminary equivalent sketch plan in one of the following ways:
 - (1) The limits of clearing and grading are such that the development will impact a significantly larger area of the site than indicated on the sketch plan.
 - (2) The development will have a greater adverse impact on environmentally sensitive areas than indicated on the sketch plan.

The Planning Board may approve, approve with modifications and/or conditions attached, or disapprove the Site Development Plan, stating the reasons for its action. The Planning Board's decision shall be based upon the criteria listed in Section 107.0.F.6 above.

3. Minor additions and modifications to Site Development Plans approved by the Planning Board and meeting the criteria below shall not require Planning Board approval. Also, minor new projects which have been granted a waiver of the Site Development Plan requirement by the Director of Planning and Zoning do not require Planning Board approval. However, all changes of use which require exterior site alterations require Planning Board approval.

Minor projects not requiring Planning Board approval:

- a. Minor additions to structures, with a floor area no larger than 10% of the existing floor area of the structure, not to exceed 1,000 square feet.
- b. Minor new accessory structures if the location does not interfere with existing site layout (e.g. circulation, parking, loading, storm water management facilities, open space, landscaping or buffering.)
- c. Clearing or grading that does not exceed 2,000 square feet in area.
- d. House-type revisions to approved Site Development Plans for single-family detached developments and for no more than 25% of the total number of dwelling units on the Site Development Plans for single-family attached or apartment developments.
- e. Similar minor modifications as determined by the Department of Planning and Zoning.

H. Density Exchange for Neighborhood Preservation Parcels

1. Sending Parcel for the Neighborhood Preservation Density Exchange Option:

A parcel qualifying with the criteria for residential infill development as defined in Section 16.108(b) of the Subdivision and Land Development Regulations or parcels principally used for a Swimming Pool, Community, as defined in the Zoning Regulations may be sending

parcels for the Neighborhood Preservation Density Exchange Option in accordance with the requirements of Section 128.0.K of the Zoning Regulations.

2. Receiving Parcel for the Neighborhood Preservation Density Exchange Option:

A parcel may be developed as a receiving parcel under the Neighborhood Preservation Density Exchange Option at a bonus of up to 10% more dwelling units than would be achievable based on net density in the R-ED District , in accordance with the requirements of Section 128.0. of the Zoning Regulations.

I. Other Provisions

1. Development Under R-20 Regulations

a. Land in the R-ED District may be developed pursuant to the R-20 District regulations in their entirety, if the property to be developed is either:

- (1) A lot or group of contiguous lots with a combined total lot area of less than 100,000 square feet; or
- (2) A lot of any size which has not been subdivided since October 18, 1993 and which is improved or proposed to be improved by a single-family detached dwelling.

b. Land developed pursuant to this Section is not subject to the R-ED District regulations, including the requirement for Planning Board review.

2. A zero lot line dwelling unit, detached garage or shed may be located on the property line provided that no part of the building shall protrude onto the adjoining lot, and provided that at the time of recordation of the Final Subdivision Plan, easements shall be recorded to permit access to the adjoining lot for purposes of maintenance to the side of any zero lot line dwelling, garage or shed which faces a side yard of less than seven and one-half feet. Further, a maintenance agreement shall be included in the deed where appropriate.

3. Conservation Easements

a. Conservation easements used to protect environmentally sensitive land in the R-ED District shall be approved by the Department of Planning and Zoning and shall be recorded at the time of recordation of the final plat. Easements shall run with the land, shall be in full force and effect in perpetuity, and shall describe and identify the following:

- (1) Location, size, and existing improvements on the parcel covered by the easement.
- (2) A prohibition on future use or development of the parcel for uses incompatible with the conservation easement.
- (3) A prohibition on future subdivision of the parcel.
- (4) Provisions for maintenance of the parcel.
- (5) Responsibility for enforcement of the easement agreement.
- (6) Provisions for succession in the event that one of the parties to an easement agreement ceases to exist.

b. At least one of the following entities shall be parties to the easement in addition to the property owner:

- (1) Howard County government;
- (2) Maryland Environmental Trust or Maryland Historical Trust;
- (3) A land conservation organization approved by the County Council.

J. Conditional Uses

Conditional Uses in the R-ED District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

K. Regulations for ALPP Purchased Easements

1. Uses on ALPP purchased easements shall be in accordance with Section 106.1.b through section 106.1.D, provided, however, for the allowable accessory uses listed in Section 106.1.C.1, only those uses which are eligible as potential farm uses in the R-ED District, as specified in section

128.0.I, are permitted, and for the allowable Conditional Uses listed in Section 106.1.d.1.A, only those uses which are eligible as Conditional Uses in the R-ED District, as specified in section 131.0.N, are permitted.

2. Bulk Requirements for ALPP Purchased Easements

On Howard County ALPP Purchased Easement properties, lots may be created pursuant to the applicable Howard County laws and regulations governing the easement, subject to the following requirements.

- a. The following requirements shall apply instead of the requirements of Section 107.0.D.2:

Lot size:

Maximum\1 acre

Minimum 40,000 square feet

- b. For properties not served by public water and sewer the one acre maximum lot size required by this section may be increased up to a maximum of 1.2 acres provided that:

(1) The location of the proposed lot has been approved by the Howard County Agricultural Land Preservation Board; and

(2) The Department of Planning and Zoning determines that:

- (a) The increase in lot size is necessary to accommodate the Health Department approved locations for the sewage disposal easement and well; and

(b) The proposed lot is a regularly shaped lot in accordance with Section 16.120 (b) of the Howard County Code.

(3) The increase in lot size shall be approved:

(a)

By the Department of Planning and Zoning as an
Administrative Adjustment pursuant to Section 100.0.F
of the Zoning Regulations; or

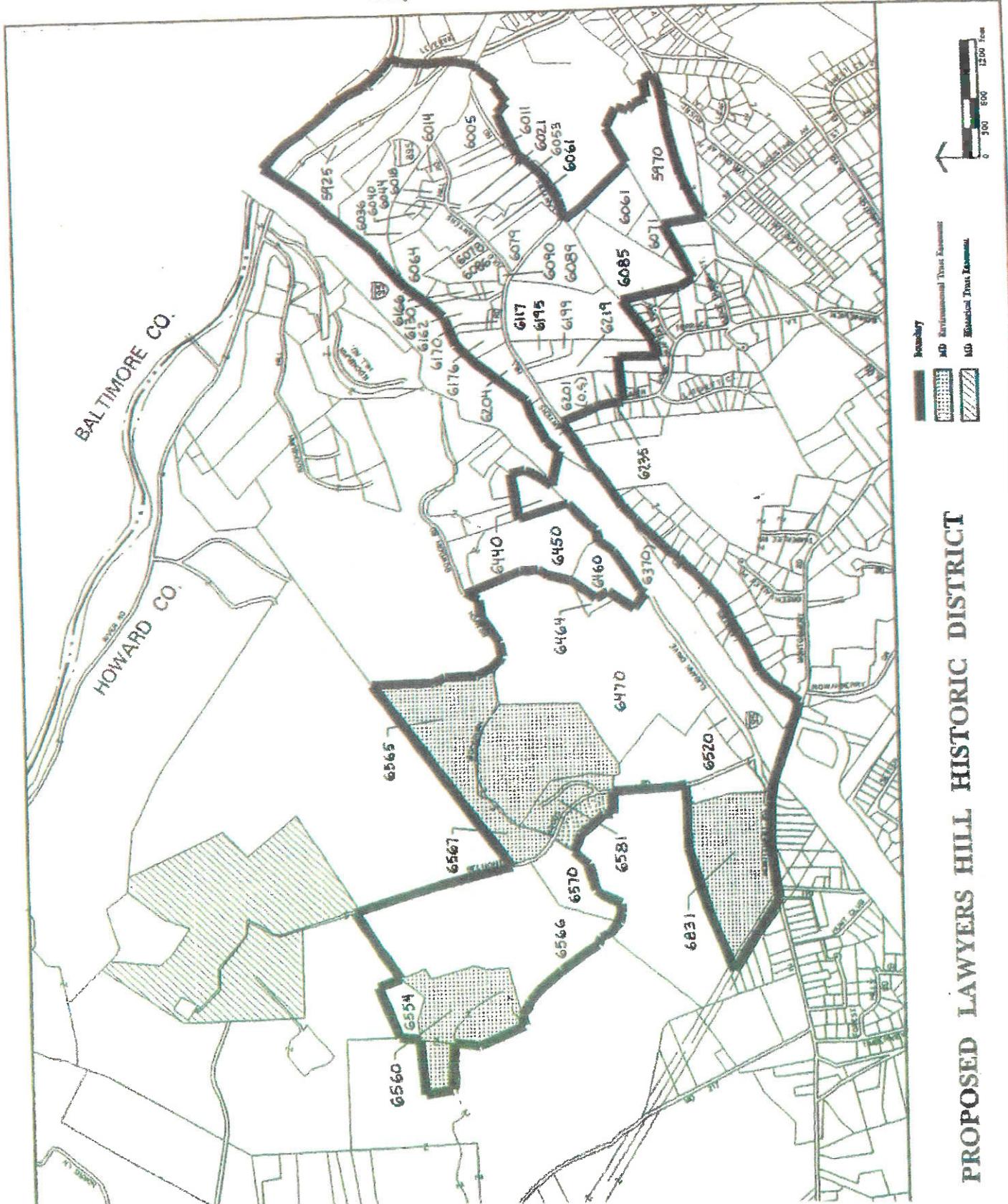
(b) By the Hearing Authority as a variance pursuant to
Section 130.0.B of the Zoning Regulations.

3. Sections 107.0.E through 107.0.I are not applicable.

(Bill. No. 54-2014(ZRA-152), § 1, 4-6-2015)

Attachment 5

Proposed Boundaries
Lawyers Hill Historic District

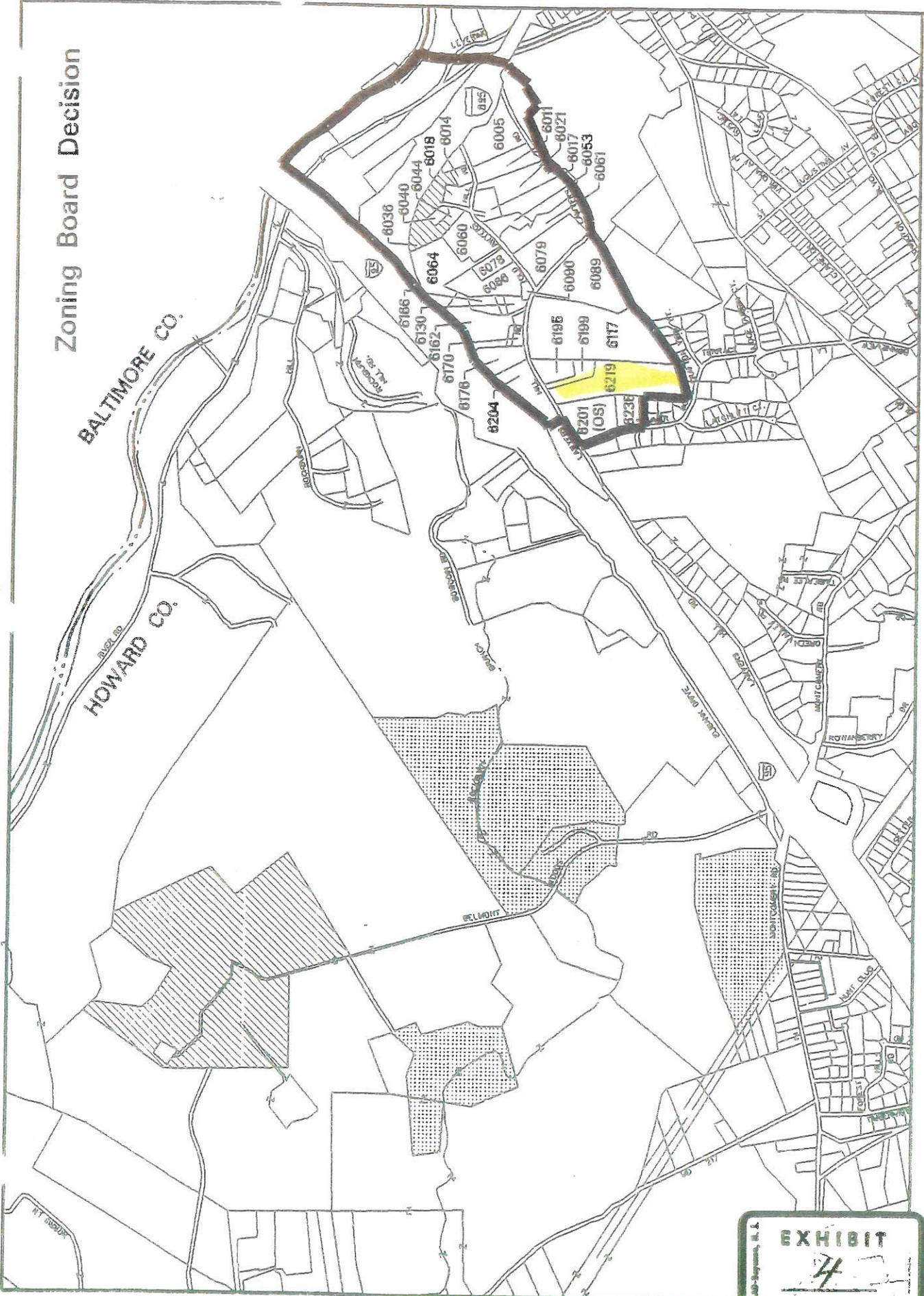


PROPOSED LAWYERS HILL HISTORIC DISTRICT

Zoning Board Decision

BALTIMORE CO.

HOWARD CO.



- Boundary
- MD Environmental Trust Easement
- MD Historical Trust Easement



LAWYERS HILL HISTORIC DISTRICT

EXHIBIT
4

Howard County

Internal Memorandum

Subject: Proposed Historic District
for the Lawyer's Hill Community

To: Howard County Council

Shane Pendergrass, Chairwoman
Paul Farragut, Vice Chair
Darrel Drown
Vernon Gray
Charles C. Feaga

From: Joseph W. Rutter, Jr., Director
Department of Planning and Zoning 

Date: October 15, 1993

Attached is the form letter, proposed historic district map and mailing list of the property owners who were sent notification of this Department's intention to file a petition to the Zoning Board to create a local historic district for the Lawyer's Hill Community.

Please let me know if you have any questions.

JWR:vv

cc: Charles I. Ecker, County Executive
Rebecca Laws, Esquire
Jean O. Hannon, Chairperson, Historic District Commission
Cheryl McAfee
Herbert Johl
Mary Ann Gardes
Samuel Merson
Joseph F. Tieperman, Jr.
Doris S. Thompson



DEPARTMENT OF PLANNING & ZONING

Joseph W. Rutter, Jr., Director

October 14, 1993

Name--
address--

Dear salutation--:

RE: Proposed Historic District for the Lawyer's Hill
Community

As you may be aware, the Department of Planning and Zoning has received requests from numerous property owners in Lawyer's Hill requesting that a local historic district be established. This letter is being sent to inform you of the Department's intention to file a petition to the Zoning Board to create a local historic district for the Lawyer's Hill Community in accordance with Section 16.602 of the Howard County Code. The enclosed map indicates those properties proposed to be in the local district. The land uses allowed by the underlying zoning will not be affected should these properties be placed within a local district.

Properties within the local district will be subject to review by the County's Historic District Commission (H.D.C.) for changes to exterior appearance. The Historic District Commission meets monthly to review applications for such exterior changes. Copies of the existing H.D.C. powers and rules of procedures as well as the Secretary of Interior's Standards for Rehabilitation are available by calling the Department of Planning and Zoning at (410) 313-2393. Please also be advised that this Department is proposing several amendments to the County Code concerning the H.D.C. Copies of the proposed legislation will be available after October 20th.

You will have opportunities to comment on this proposal at the November 4th meeting of the Historic District Commission (7:30 p.m.) and at subsequent meetings of the Planning Board on November 10th (9:30 a.m.) and the Zoning Board.

Please do not hesitate to contact me at (410) 313-2393 if you have any questions about this proposed local historic district.

Sincerely,

William F. O'Brien, Chief
Division of Comprehensive Planning
and Zoning Administration

WFO:bsw

Lawyers Hill Mailing List

Mr. and Mrs. Dale Fahnestock
6440 Elibank Road
Baltimore, MD 21227

Vestry of Grace Church
c/o Rev. Robert A. Gourlay
5805 Main Street
Elkridge, MD 21227

Mr. and Mrs. Walter J. Miller
6117 Lawyers Hill Road
Elkridge, MD 21227

Ms. Marie B. Caruso
6071 Lawyers Hill Road
Elkridge, MD 21227

Ms. Rebecca Davis
6176 Lawyers Hill Road
Elkridge, MD 21227

Lawyers Hill Ltd. Partnership
5570 Sterrett Place, #201
Columbia, MD 21044

Trustees Methodist Episcopal Church
c/o C.J. Cosgrove
1906 Elkridge Heights
Elkridge, MD 21227

State of MD Commission
301 W. Preston Street
Baltimore, MD 21201

Edmund T. Bridge and
Marguerite Rankin
6170 Lawyers Hill Road
Elkridge, MD 21227

Roy and Fay M. Millar
6520 Elibank Road
Elkridge, MD 21227

Ms. Bertha S. Rohleder
6061 Lawyers Hill Road
Elkridge, MD 21228

Mr. and Mrs. Luther O. Young
6089 Lawyers Hill Road
Elkridge, MD 21227

Michael J. Brand and
Ellen M. Beausoleil
6204 Lawyers Hill Road
Elkridge, MD 21227

Timothy R. and Susan A. Coleman
6162 Lawyers Hill Road
Elkridge, MD 21227

Mr. Kenneth R. McBee
1739 Elm Avenue
Relay, MD 21227

Holy Trinity Russian Ind. Orthodox
Church
1723 Fairmont Street
Baltimore, MD 21231

Mr. and Mrs. Henry L. Sandlass
6014 Old Lawyers Hill
Elkridge, MD 21227

Paul and Pamela D'Aiuto
6130 Lawyers Hill Road
Elkridge, MD 21227

*Dual
4/1/1986*

. and Mrs. Benny J. Eldridge
Box 538, Route 1, Berridge Drive
Shepherdstown, WV 25443

Elkridge Assembly Rooms
6018 Old Lawyers Hill Road
Elkridge, MD 21227

Mr. and Mrs. Eulas M. Pollard
6061 Lawyers Hill Road
Elkridge, MD 21227

*inherited
land of
mother*

Mr. and Mrs. George Wilson
6085 Lawyers Hill Road
Elkridge, MD 21227

Ms. Bonnie B. Carter
c/o Bonnie B. Ballinger
6079 Old Lawyers Hill Road
Elkridge, MD 21227

Mr. and Mrs. Leonard Bahr
6061 Old Lawyers Hill Road
Elkridge, MD 21227

Mr. and Mrs. Robert Suhr
6021 Old Lawyers Hill Road
Elkridge, MD 21227

Mr. and Mrs Raymond Schneider
6011 Old Lawyers Hill Road
Elkridge, MD 21227

Mr. and Mrs. Lee Badart
6005 Old Lawyers Hill Road
Elkridge, MD 21227

Ms. Helen P. Voris
6086 Old Lawyers Hill Road
Elkridge, MD 21227

Mr. and Mrs. William K. Dillon
6053 Old Lawyers Hill Road
Elkridge, MD 21227

Linda L. Lutz and
Gary A. Ticknor
6060 Old Lawyers Hill Road
Elkridge, MD 21227

Lawrence L. Strow and
Lynn Van Wensil
6064 Old Lawyers Hill Road
Elkridge, MD 21227

Mr. and Mrs. Thomas and Cathy
Hudson
6018 Old Lawyers Hill Road
Elkridge, MD 21227

Kathryn M. Davis
6017 Old Lawyers Hill Road
Elkridge, MD 21227

William N. Coggins
6078 Old Lawyers Hill Road
Elkridge, MD 21227

Gloria Farcosky
6044 Old Lawyers Hill Road
Elkridge, MD 21227

Mr. and Mrs. William Servary
6831 Montgomery Road
Baltimore, MD 21227

John C. and Jean M. Malkmus
6554 Belmont Woods Road
Elkridge, MD 21227

Kevin A. Gaynor and Cathy Cook
6565 Belmont Woods Road
Elkridge, MD 21227

Mr. and Mrs. Craig Nessly
6570 Belmont Woods Drive
Elkridge, MD 21227

Dale and Barbara Schumacher
6581 Belmont Woods Drive
Elkridge, MD 21227

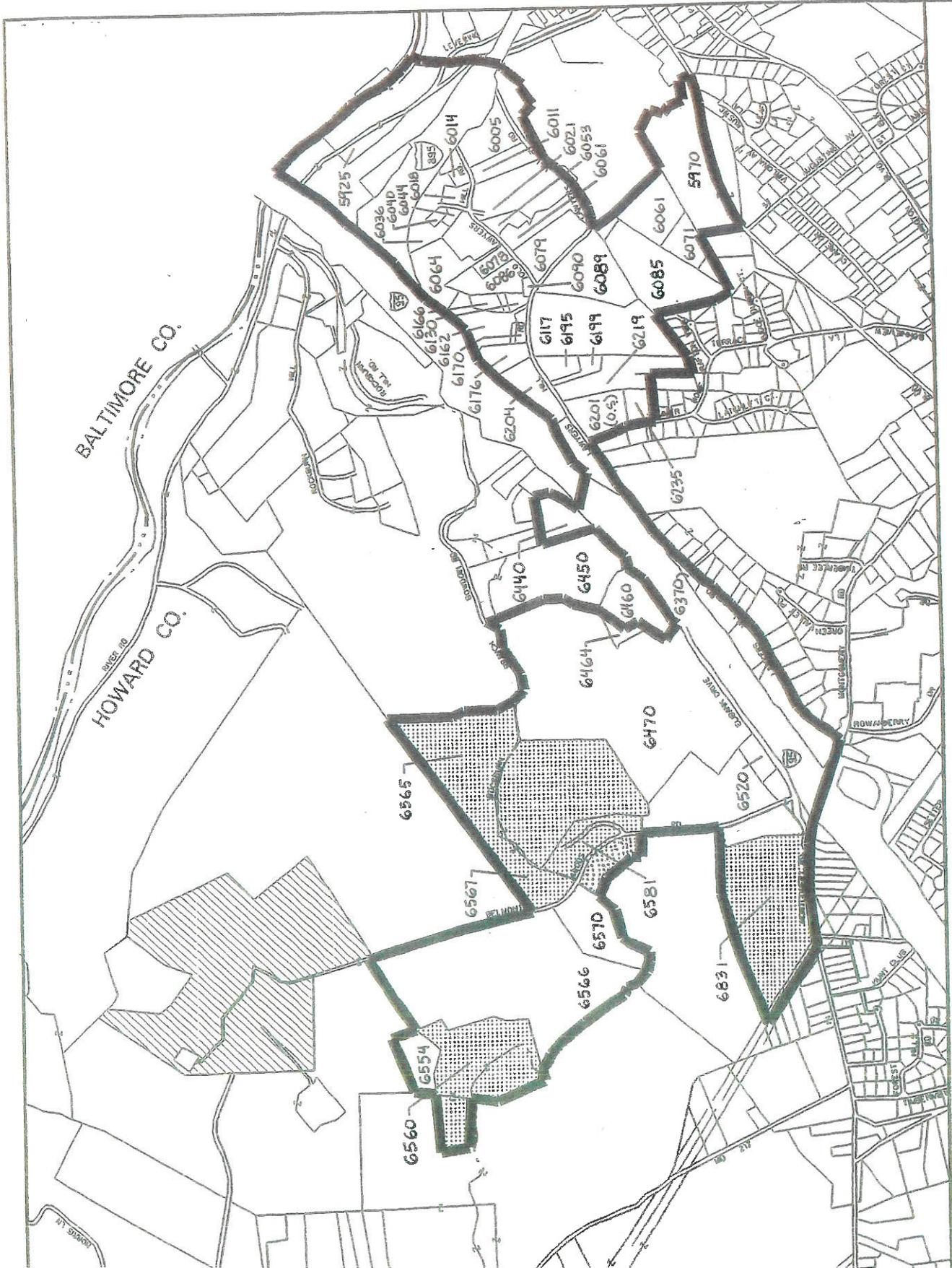
Burnet and Lydia H. Chalmers
6560 Belmont Woods Drive
Elkridge, MD 21227

Mr. and Mrs. Charles E. Irby
5970 Washington Boulevard
Elkridge, MD 21227

Paul and Ann Harvriko
6042 Tree Swallow Court
Columbia, MD 21044

Ms. Lucille Ballard
6464 Elibank Drive
Elkridge, MD 21227

Proposed Boundaries
Lawyers Hill Historic District



- Boundary
- MD Environmental Trust Easement
- MD Historical Trust Easement

PROPOSED LAWYERS HILL HISTORIC DISTRICT



DEPARTMENT OF PLANNING & ZONING

Joseph W. Rutter, Jr., Director

October 14, 1993

Mr. and Mrs. Eulas M. Pollard
6061 Lawyers Hill Road
Elkridge, MD 21227

Dear Mr. and Mrs. Pollard:

RE: Proposed Historic District for the Lawyer's Hill
Community

As you may be aware, the Department of Planning and Zoning has received requests from numerous property owners in Lawyer's Hill requesting that a local historic district be established. This letter is being sent to inform you of the Department's intention to file a petition to the Zoning Board to create a local historic district for the Lawyer's Hill Community in accordance with Section 16.602 of the Howard County Code. The enclosed map indicates those properties proposed to be in the local district. The land uses allowed by the underlying zoning will not be affected should these properties be placed within a local district.

Properties within the local district will be subject to review by the County's Historic District Commission (H.D.C.) for changes to exterior appearance. The Historic District Commission meets monthly to review applications for such exterior changes. Copies of the existing H.D.C. powers and rules of procedures as well as the Secretary of Interior's Standards for Rehabilitation are available by calling the Department of Planning and Zoning at (410) 313-2393. Please also be advised that this Department is proposing several amendments to the County Code concerning the H.D.C. Copies of the proposed legislation will be available after October 20th.

You will have opportunities to comment on this proposal at the November 4th meeting of the Historic District Commission (7:30 p.m.) and at subsequent meetings of the Planning Board on November 10th (9:30 a.m.) and the Zoning Board.

Please do not hesitate to contact me at (410) 313-2393 if you have any questions about this proposed local historic district.

Sincerely,


William F. O'Brien, Chief
Division of Comprehensive Planning
and Zoning Administration

WFO:bsw



DEPARTMENT OF PLANNING & ZONING

Joseph W. Rutter, Jr., Director

November 2, 1993

Mr. Thomas E. Lloyd
Lloyd, Kane & Wieder, P.A.
3716 Court Place
Ellicott City MD 21043-4589

RE: Proposed Lawyers Hill
Historic District

Dear Mr. Lloyd:

I am responding to your letter dated October 28, 1993 requesting the deletion of property owned by Mrs. Charles E. Irby at 5970 Baltimore-Washington Boulevard from the proposed Lawyers Hill Historic District. As stated in our letter to Mrs. Irby, the Department's zoning petition was filed at the behest of a number of property owners who have requested the establishment of a local historic district.

In filing this petition it is certainly not our desire to include properties in which owners are not supportive of being included in a local district. Accordingly, please be advised that an amendment to our petition shall be filed excluding this property from the proposed district.

Should you have additional questions concerning this matter, please do not hesitate to contact me.

Sincerely,

William F. O'Brien, Chief
Division of Comprehensive Planning
and Zoning Administration

WFO:vv

cc: Joseph W. Rutter, Jr., Director - Department of Planning & Zoning



DEPARTMENT OF PLANNING & ZONING

Joseph W. Rutter, Jr., Director

November 5, 1993

TECHNICAL STAFF REPORT - DEPARTMENT OF PLANNING AND ZONING

ZB Case 948M

Hearing Schedule: Petition Submitted: October 27, 1993
 Revised Petition Submitted: November 4, 1993
 Planning Board Meeting: November 10, 1993
 Zoning Board Hearing: To be scheduled

Petitioner: Department of Planning and Zoning

Location: First Election District
 Tax Maps 31, 32, 37 and 38
 Properties on Montgomery Road, Belmont Woods Road, Elibank Drive, Lawyers Hill Road, Old Lawyers Hill Road, and River Road.
 See Attachment #4 in petition for list of properties in proposed Historic District

Current Zoning: R-ED

Proposed Zoning: R-ED with the Historic District overlay

I INTRODUCTION

This petition proposes the creation of a Historic District which would include 54 properties in the Lawyers Hill area. An important part of the impetus for the petition has come from the local community. In August 1991, the Elk Ridge Assembly Rooms sent a letter and petition to the Department of Planning and Zoning signed by the owners of 21 properties on Lawyers Hill Road and Old Lawyers Hill Road, requesting that a local Historic District be created. The Department of Planning and Zoning at that time began to work on a historic resource inventory for Lawyers Hill, and upon its completion submitted a nomination to place Lawyers Hill on the National Register of Historic Places. The boundaries of the proposed National Register district were drawn to encompass much of the historic Lawyers Hill community. The local zoning district proposed in this petition is smaller than the National Register nomination in order to exclude State parkland (except where it must be included to maintain a continuous District) and the properties of several property owners who expressed a desire to not be within the local historic zoning district. In addition, the Belmont historic site is excluded because it is covered by a Maryland Historical Trust easement which governs exterior site alterations.

During the past month, staff of the Department of Planning and Zoning have spoken to property owners within the proposed District and sent letters regarding this petition to all property owners. After filing this petition on October 27, three property owners contacted this Department and requested

TECHNICAL STAFF REPORT - DEPARTMENT OF PLANNING AND ZONING ZB Case No. 948M

INTRODUCTION (continued)

that their properties be excluded. Only one of the three owns a dwelling which is included on the Historic Resource List for Lawyers Hill (see petition). In response, an amended petition has been filed excluding the three properties as well as two other parcels which are no longer contiguous with the proposed District and are not historically or architecturally significant.

The Historic District is an overlay zone which does not change the underlying zoning of properties within its boundaries. Currently, Ellicott City is the only area of the County where Historic District zoning has been applied. Within a Historic District, any new construction or exterior alterations must be approved by the Historic District Commission. The purpose of the Commission's review is the preservation of historic resources.

Historic Districts must be established through an amendment to the Zoning Map. However, the regulations governing Historic Districts are found primarily in the Howard County Code, Title 16, Subtitle 6. Amendments to this section of the Code are currently pending in County Council Bill 81. The amendments generally are intended to improve the clarity and effectiveness of the regulations. One proposed amendment which is specifically relevant to Lawyers Hill would require that the commission include at least one resident or property owner from each Historic District in the County. A representative from a new District would have to be appointed within three years of the creation of the District.

II. BACKGROUND INFORMATION

A. Site Description

1. Existing uses:

The predominant land use within the proposed Historic District is detached, single-family dwellings. Other uses in the area include State parkland, a cemetery and a community meeting hall.

The area of the proposed District northwest of I-95 includes 14 properties ranging in size from one acre to 62 acres. This area includes:

- Four properties, ranging in size from 16 to 30 acres, which have been placed by the property owners under Maryland Environmental Trust easements. Each of the properties is improved by a detached dwelling; one property is improved by two dwellings. One of the dwellings, Rockburn, is included in the Historic Resource List found in the Statement of Architectural and Historical Significance for Lawyers Hill (see petition).
- Six additional parcels improved by single-family detached dwellings, two of which are included in the Historic Resource List.

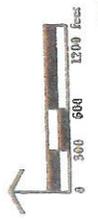
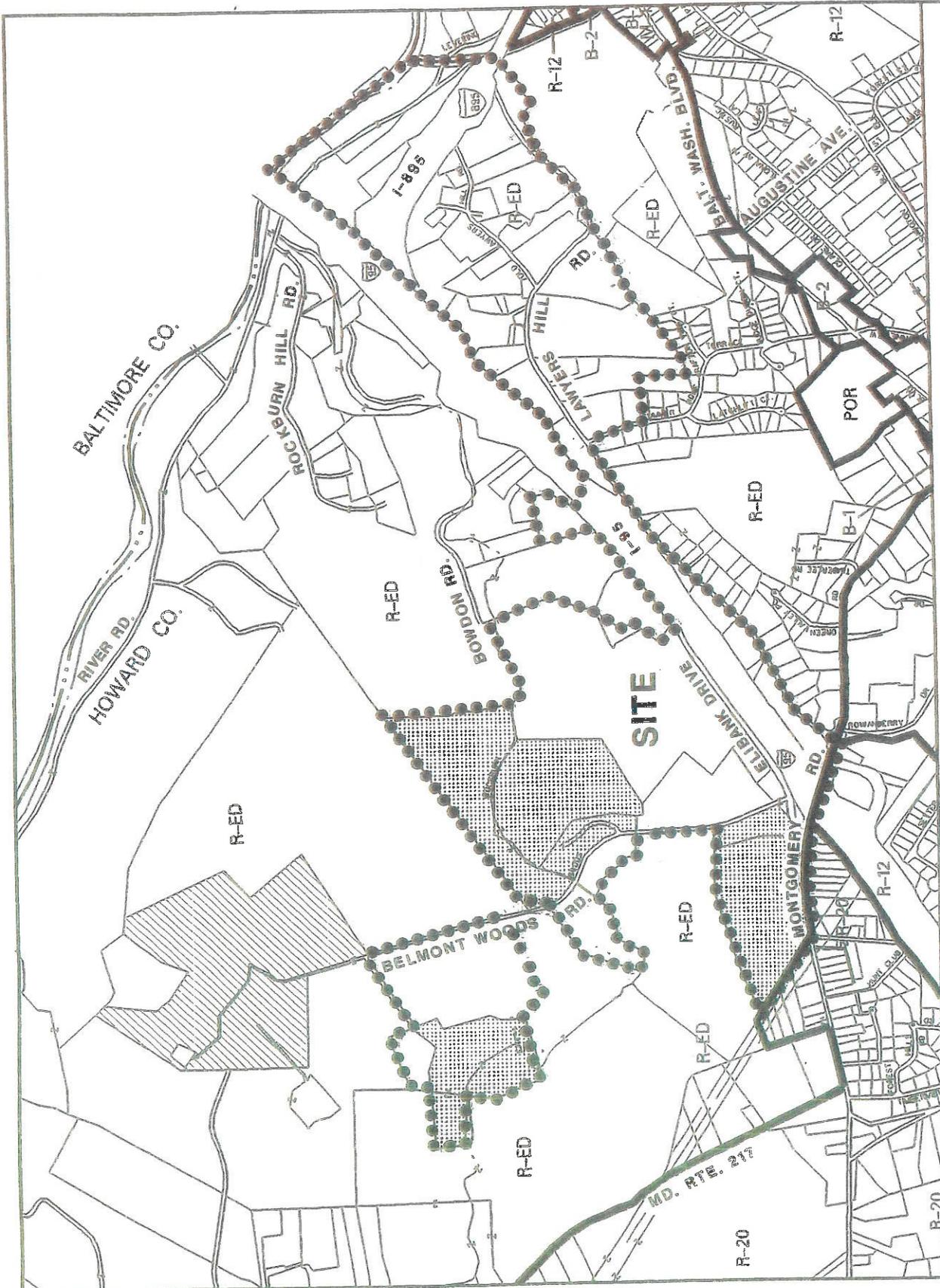
TECHNICAL STAFF REPORT - DEPARTMENT OF PLANNING AND ZONING ZB Case No. 948M

BACKGROUND INFORMATION (continued)

- A 62 acre parcel which is the site of the Holy Trinity Russian Independent Orthodox cemetery. In addition to the cemetery, this parcel is improved by a picnic shelter, a two-story dwelling, and several outbuildings.
- Three unimproved wooded properties which are part of the Patapsco State Park holdings of the Maryland Department of Natural Resources.

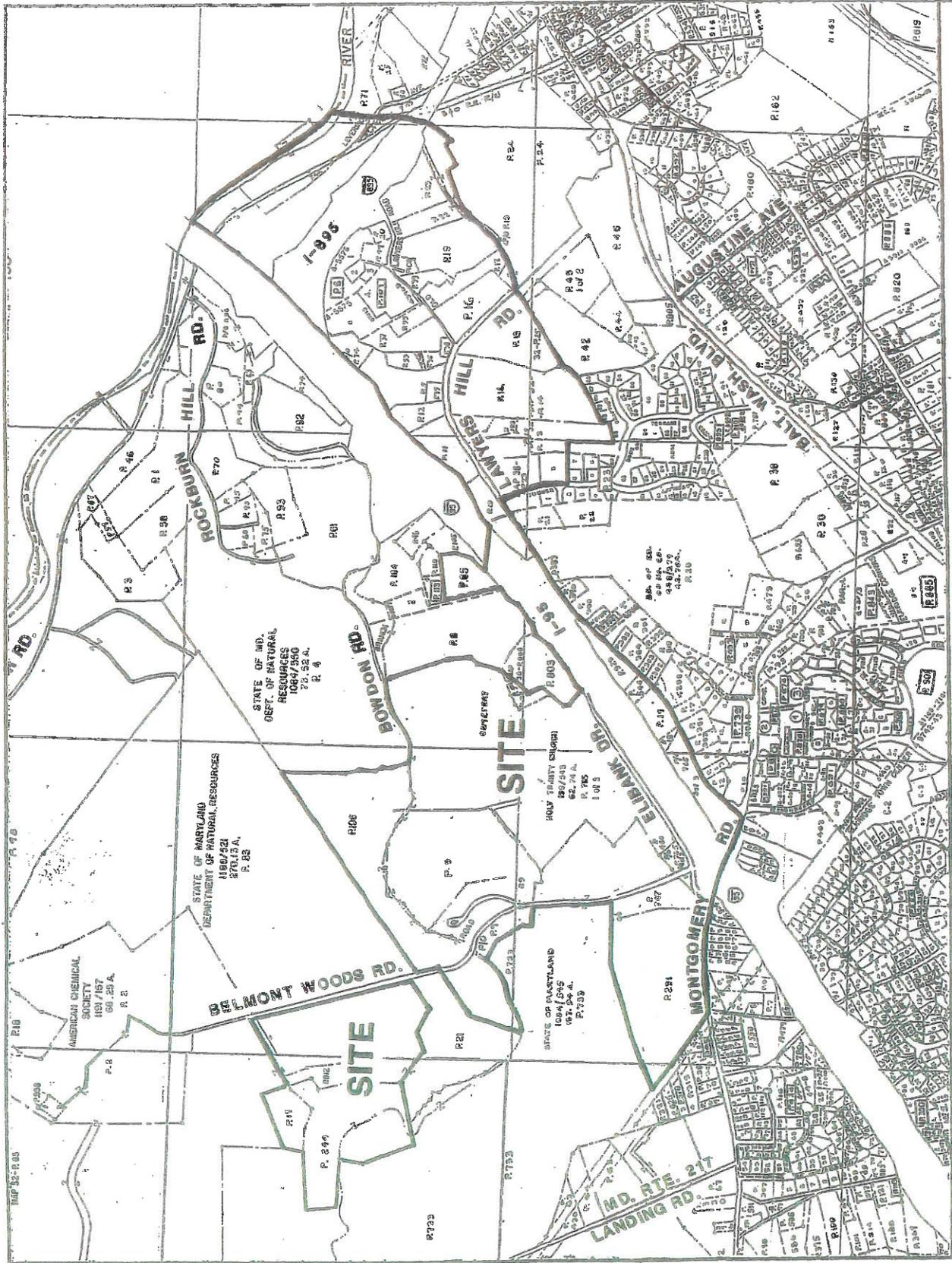
Southeast of I-95, the district includes 40 parcels ranging in size from one-tenth of an acre to 16 acres. This area includes the following:

- Twenty properties improved by detached dwellings which are described in List of Historic Resources. One of these dwellings, 5925 River Road, is owned by the Maryland Department of Natural Resources. The remainder are privately owned.
- Ten dwellings which do not contribute to the historic nature of the area.
- The Elkridge Assembly Rooms, a historic community hall located at the intersection of Lawyers Hill Road and Old Lawyers Hill Road.
- An open space lot of The Gables at Lawyers Hill subdivision, located at the intersection of Lawyers Hill Road and Summer Home Terrace. The open space lot was placed at this location to preserve the setting of The Gables, a historic dwelling located on the adjacent Lot 9 which is also within the proposed Historic District. The driveway to the dwelling crosses the open space lot.
- Seven unimproved lots, ranging in size from .12 to approximately 4 acres. Two are owned by the State Highway Administration. A building permit has been issued for a new dwelling on one lot located at the intersection of Montgomery Road and Lawyers Hill Road.
- Unimproved woodland along the Patapsco River, owned by the Maryland Department of Natural Resources.
- The Thomas Viaduct, the world's oldest curved multiple arch railroad bridge, located close to the eastern edge of the District, at the intersection of Lawyers Hill Road and River Road. The Thomas Viaduct is a National Historic Landmark and was built between 1832 and 1835.



-  MD Environmental Trust Easement
-  MD Historical Trust Easement

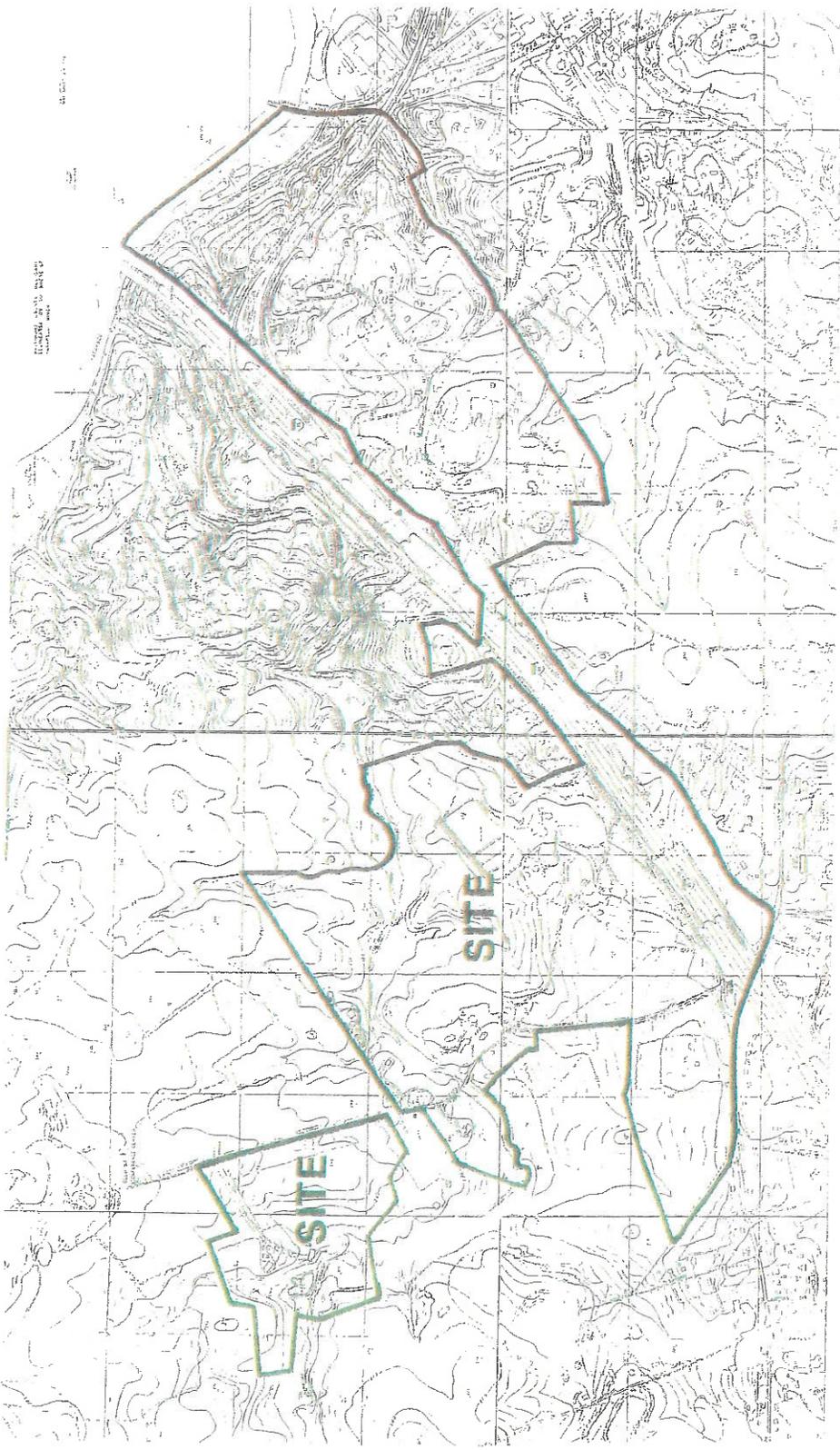
ZOING MAP



Summary
 MD Environmental Trust Escrow
 MD Mineral Trust Escrow

0 300 600 900 1200 Feet

VICINITY MAP



15
14
13
12
11
10
9
8
7
6
5
4
3
2
1

TOPOGRAPHY MAP

- MO Environmental Trust easement
- MO Historical Trust easement



TECHNICAL STAFF REPORT - DEPARTMENT OF PLANNING AND ZONING ZB Case No. 948M

2. Topography and Natural Features

The proposed Historic District is characterized by rolling, steep topography. The Rockburn Branch of the Patapsco River passes through the area northwest of I-95. The Patapsco River forms the eastern boundary of part of the proposed District, at the boundary of Howard and Baltimore Counties.

Many of the lawns within the proposed District have large, mature trees and features of historic landscaping, some of which are described in the Historic Resource List. Much of the unimproved land within the District is heavily wooded.

3. Zoning

The entire area within the proposed Historic District is zoned R-ED. It was rezoned from R-20 to R-ED on October 18, 1993, as part of the Comprehensive Zoning Plan.

B. Vicinal Properties

The proposed Historic District is surrounded by residential land uses and State parkland.

Northwest of I-95, the proposed District is bounded by large tracts of State parkland and several residential properties to the north and northwest. Also to the north is Belmont, a historic property currently operated as a retreat center by the American Chemical Society. The properties along Elibank Drive which are not included in the proposed District are improved by single-family detached dwellings. Other land uses include a horse farm on Parcel 8 and a State Highway Administration maintenance facility on Parcel 105.

Southeast of I-95, the proposed District is surrounded by single-family detached residential properties. One new subdivision, The Gables at Lawyers Hill, abuts the proposed District. This subdivision was recorded in 1991, and houses are currently under construction.

All abutting properties are zoned R-ED. South of Montgomery Road are residential communities with R-20, R-12 and R-A-15 zoning. Commercial properties in the POR, B-1, B-2 and M-1 Districts are located to the south, along U. S. Route 1.

C. Roads

Both I-95 and I-895 pass through the proposed Historic District. Access is not provided to either highway from roads in the Historic District. Montgomery Road passes over I-95 connecting the northwestern and southeastern areas of the District. Lawyers Hill Road passes under I-895 to connect with River Road and Levering Avenue to the east.

BACKGROUND INFORMATION (continued)

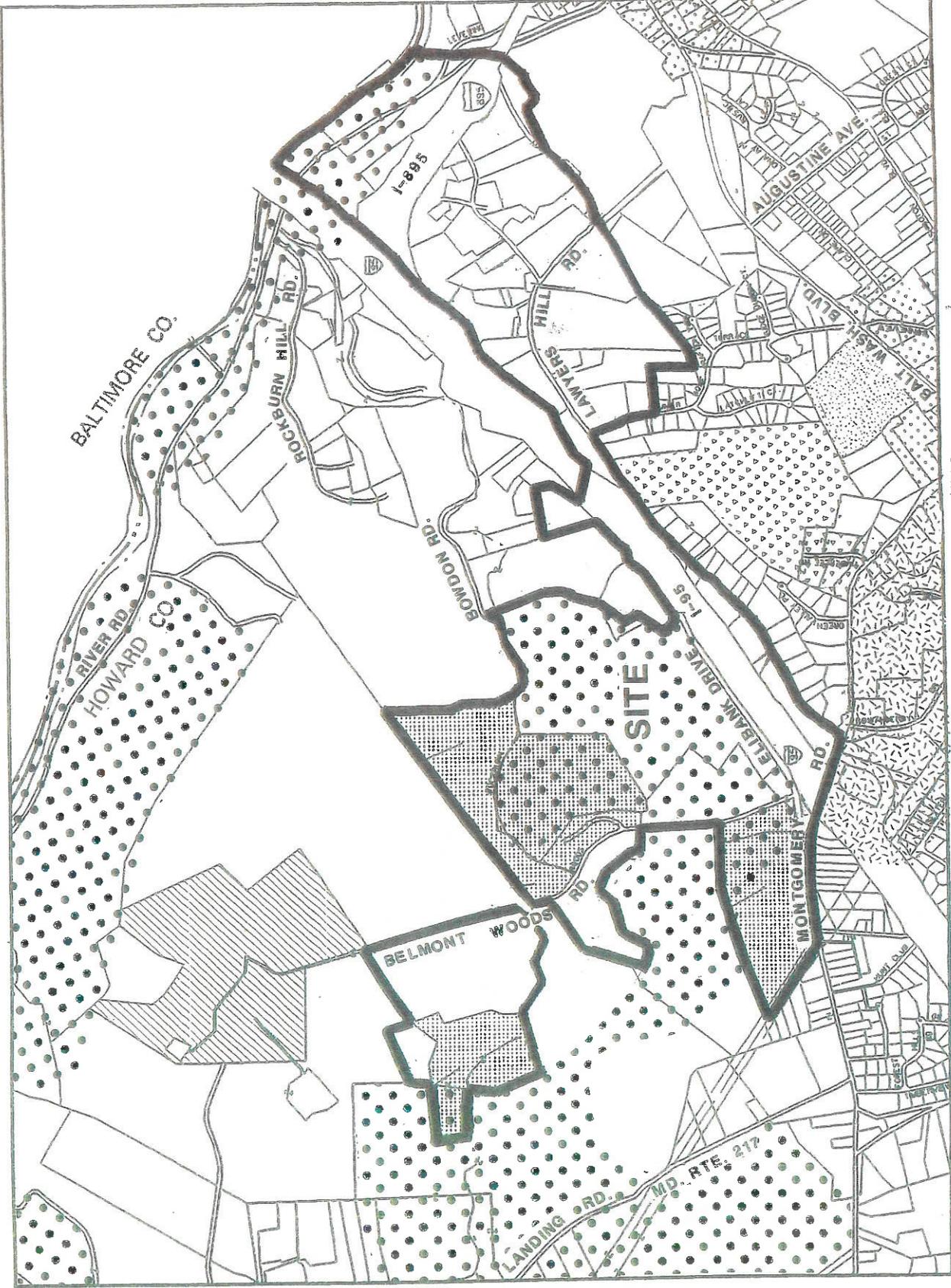
The following roads provide access to properties within the proposed District:

- Belmont Woods Road is a private road with no posted speed limit and a pavement width of 16 feet.
- Elibank Road has a pavement width of 20 feet within an existing right-of-way of 50 feet. The posted speed limit is 30 miles per hour. Elibank Road is a dead end road extending from Montgomery Road to a terminus just past the eastern boundary of the proposed Historic District.
- Montgomery Road in the vicinity of the proposed Historic District has two to four travel lanes and paved shoulders within a right-of-way of varying width. The posted speed limit is 35 miles per hour.
- Lawyers Hill Road is a two-lane road with 22 feet of paving and no shoulders within an existing 30-foot right-of-way. The posted speed limit is 30 miles per hour. Lawyers Hill Road extends from Montgomery Road to River Road.
- Old Lawyers Hill Road has 14 feet of paving and no shoulders within an existing 30-foot right-of-way. The posted speed limit is 25 miles per hour. It is a dead end road with access only via Lawyers Hill Road.
- River Road is a two-lane road with 20 feet of paving and no shoulders within an existing 30-foot right-of-way. The posted speed limit is 30 miles per hour. River Road extends from Lawyers Hill Road under I-95 to Rockburn Hill Road. Beyond Rockburn Hill Road, River Road is blocked by a gate.

D. Water and Sewer Service

Northwest of I-95, the proposed Historic District is within the Comprehensive Service Area of the Howard County Water and Sewerage Master Plan, except for one parcel fronting on Montgomery Road, which is in the 0 to 5 year service area.

Southeast of I-95, most properties within the proposed District are within either the 0 to 5 year service area or the 6 to 10 year service area. A few scattered lots are in the existing service area for water.



- INSTITUTIONAL
- EMPLOYMENT COMMERCIAL
- ENVIRONMENTAL PROTECTION
- MD. ENVIRONMENTAL EASEMENT

- MD. HISTORIC TRUST EASEMENT
- HIGH DENSITY RESIDENTIAL
- LOW DENSITY RESIDENTIAL
- MIXED USE

GENERAL PLAN MAP



TECHNICAL STAFF REPORT - DEPARTMENT OF PLANNING AND ZONING ZB Case No. 948M

E. General Plan

Northwest of I-95, the Land Use 2010 Map of the Howard County General Plan designates land in the proposed Historic District as a mixture of Low Density Residential and Environmental Protection. The land bordering Rockburn Branch also has a Preservation Area overlay designation (indicating sensitive environmental conditions).

Southeast of I-95, land within the proposed Historic District is designated as Low Density Residential. Much of the land also has the Preservation Area overlay designation. The land between I-895 and the Patapsco River is designated Environmental Protection.

F. Agency Comments

See attached comments from the following agencies:

1. Department of Public Works

The following agencies have no objections to the petition:

1. Department of Inspections, Licenses and Permits
2. Bureau of Environmental Health

III. EVALUATION AND CONCLUSIONS

A. Relation of Petition to the General Plan

The proposed Historic District is in harmony with the General Plan. The General Plan "Policies and Actions" for historic preservation include the following (Page 219):

Howard County to establish a framework for a County-wide historic preservation program, will:

7.66 Historic Districts

Cooperate with local communities to establish historic districts or easements.

7.69 Coordination with Other Programs

Merge historic preservation goals and programs into other community enhancement programs dealing with redevelopment, environmental and open space planning, recreation, commercial centers, landscape protection, and scenic roads.

TECHNICAL STAFF REPORT - DEPARTMENT OF PLANNING AND ZONING ZB Case No. 948M

III. EVALUATION AND CONCLUSIONS (continued)

Creation of the Lawyers Hill Historic District is clearly in harmony with statement 7.66. In addition, the proposed Historic District will more effectively protect the historic resources in Lawyers Hill because of the recent rezoning of the area from R-20 to R-ED. The proposed District includes several parcels with potential for future subdivision. The Historic District overlay does not affect the subdivision of land within the District, and the Historic District Commission does not review subdivision plans. However, the R-ED District regulations require that subdivisions be designed to protect, preserve and limit the disturbance of environmental and landscape resources, and that new developments provide setbacks or landscaping to buffer Historic Districts. The R-ED zoning and recent amendments to the Subdivision and Land Development Regulations will work in coordination with the Historic District zoning to preserve Lawyers Hill's historic, scenic and environmental resources.

B. Relation of Petition to the Criteria for Establishing Historic Districts

The proposed Historic District conforms to the criteria set forth in Section 114.B of the Zoning Regulations for establishment of Historic Districts. The documentation submitted with the petition provides evidence that the subject area is of historical and architectural significance. The scenic and historic resources of Lawyers Hill are unique within the County. The oversight of properties by the Historic District Commission will serve to safeguard the County's heritage by protecting the historic character of this area. This will serve to stabilize and improve property values within the Historic District, protect the unique beauty of the area, strengthen the local economy, and promote preservation efforts by owners of property within the District.

IV. RECOMMENDATION

For the above reasons, the Department of Planning and Zoning recommends that the zoning maps be amended to create the proposed Lawyers Hill Historic District.



Joseph W. Rutter, Jr., Director


Howard County
Internal Memorandum

Subject:

Zoning Board Case No: ZB-948 M
Applicant: Department of Planning and Zoning
Petition: To amend the Zoning Map by creating a local
historic district for Lawyers Hill

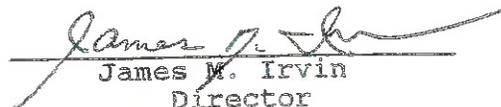
DATE: November 1, 1993
TO: Division of Zoning Administration and Enforcement
Department of Planning and Zoning
FROM: James M. Irvin, Director
Department of Public Works

The Department of Public Works has reviewed the above referenced petition and has no objection.

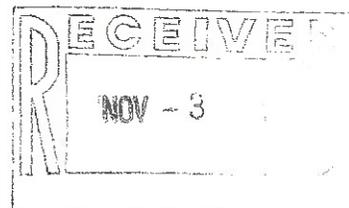
Based on an examination of the petition, we offer the following comments:

Any future development within this district must comply with the latest Howard County regulations.

If you have any questions concerning this matter, contact Mr. Charles Dammers, Chief of the Land Development Division, at 312-2420.


James M. Irvin
Director

JMI/CD/TA/dab
cc: William E. Riley, DPW
Charles Dammers, DPW
File (2 DPW)
Reading File
File



behalf of the Petitioner. Dale Schumacher testified on behalf of the Planning Board. Miss Jennifer Hedgion and Herbert Johl, Chairman of Historic District Commission, testified in support of the petition. Kevin Gaynor, testified in opposition to the proposal if the proposed Historic District did not include the Park property. One exhibit, a map of the area showing the proposed Historic District outlined in yellow, was admitted at the hearing.

Following the hearing, the Department of Planning and Zoning re-evaluated its position and submitted an amendment to the proposal. That amendment deleted all of the proposed properties north of Interstate 95 accessed by Elibank Road. It is that proposal which the Board considered in rendering this Decision and Order.

FINDINGS OF FACT

1. The properties involved in the amended proposal are located south of I-95 and west of the Patapsco River along Lawyers Hill Road and Old Lawyers Hill Road. The underlying zoning district is R-ED. The list of affected properties is attached as Exhibit 1.

2. Pursuant to Section 114.B 1 through 5 of the Howard County Zoning Regulations, the Board must find the following elements necessary to establish an Historic District. The District will:

a. safeguard the heritage of the County by preserving elements of its cultural, social, economic, political and

architectural history;

- b. stabilize and improve values;
- c. foster civic beauty;
- d. strengthen the local economy;
- e. promote the use and preservation of the area.

In making these determinations, the Zoning Board adopts the Technical Staff Report of the Department of Planning and Zoning, as its own findings, including attachments 1 and 2 to the Technical Staff Report as Exhibits 2 and 3.

CONCLUSIONS OF LAW

1. The adoption of the petition to establish an Historic District Commission in the Lawyers Hill Road area as proposed satisfies the criteria for establishment contained in Section 114 of the 1993 Howard County Zoning Regulations. The adoption of the Historic District as described in the amended proposal will not change the existing zoning classification of R-ED.

2. Adoption of the petition preserves and promotes the public health, safety, and welfare of Howard County and is in accordance with the Howard County Comprehensive Zoning Plan and General Plan.

ORDER

For these reasons, it is this 25th day of April, 1994 by the Zoning Board of Howard County;

ORDERED that the petition to establish an Historic District Commission as specified in the map attached hereto as Exhibit 4, including the deletion of the properties north of I-95 and

serviced by Elibank Road, be and the same hereby is GRANTED;

AND IT IS FURTHER ORDERED that the Zoning Maps of Howard County be amended to reflect this Decision.

ATTEST:



Robin Regner
Administrative Assistant

ZONING BOARD OF HOWARD COUNTY

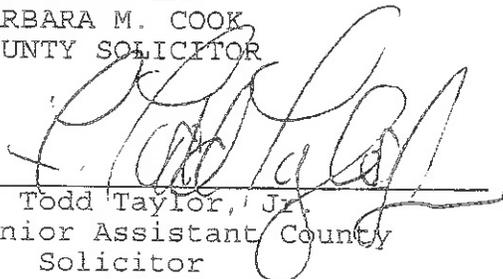


Paul R. Farragut, Chairperson



Shane Pendergrass
Vice Chairperson

PREPARED BY HOWARD COUNTY
OFFICE OF LAW
BARBARA M. COOK
COUNTY SOLICITOR



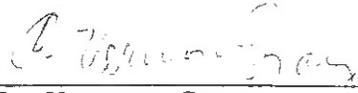
F. Todd Taylor, Jr.
Senior Assistant County
Solicitor



Darrel Drown



Charles C. Feaga



C. Vernon Gray

List A

Properties Included in Lawyers Hill Historic District

<u>Tax Map/Block/Parcel</u>	<u>Address</u>
32/20/11	6204 Lawyers Hill Road
32/21/12	6176 Lawyers Hill Road
32/21/35	6170 Lawyers Hill Road
32/21/5	6162 Lawyers Hill Road
32/21/53	6166 Lawyers Hill Road
32/21/56	Lawyers Hill Road
32/21/36	6130 Lawyers Hill Road
32/21/38	6090 Lawyers Hill Road
32/21/part of 74	Lawyers Hill Road
38/2/23, Lot 60	6201 Lawyers Hill Road
38/2/23, Lot 9	6235 Lawyers Hill Road
32/20/13	6219 Lawyers Hill Road
32/21/102	6199 Lawyers Hill Road
32/21/34	6195 Lawyers Hill Road
32/21/14	6117 Lawyers Hill Road
32/21/15	6089 Lawyers Hill Road
32/21/37	6086 Old Lawyers Hill Road
32/21/55	6078 Old Lawyers Hill Road
32/21/107, Lot 6	6064 Old Lawyers Hill Road
32/21/107, Lot 4	6060 Old Lawyers Hill Road



List A (continued)

Properties Included in Lawyers Hill Historic District

<u>Tax Map/Block/Parcel</u>	<u>Address</u>
32/21/6, Lot 3	6044 Old Lawyers Hill Road
32/21/6, Lot 2	6040 Old Lawyers Hill Road
32/21/6, Lot 1	6036 Old Lawyers Hill Road
32/21/99	6018 Old Lawyers Hill Road
32/20/20	6014 Old Lawyers Hill Road
32/21/16	6079 Old Lawyers Hill Road
32/21/17	6061 Old Lawyers Hill Road
32/21/39	6053 Old Lawyers Hill Road
32/21/108	6017 Old Lawyers Hill Road
32/21/19	6021 Old Lawyers Hill Road
32/21/22	6011 Old Lawyers Hill Road
32/21/23	6005 Old Lawyers Hill Road
32/21/44	5925 River Road
32/21/part of 71	River Road
	I-895 Access Ramp

Attachment 1
Introduction

This petition proposes the creation of a local Historic District for the Lawyers Hill neighborhood, in response to the General Plan policies regarding historic preservation and the interest expressed by area residents, who have requested assistance from the Department of Planning and Zoning in establishing a Lawyers Hill Historic District at both the local and national levels. In cooperation with local residents, the Department of Planning and Zoning conducted an inventory of the historic resources in the area and submitted an application to the Maryland Historical Trust nominating Lawyers Hill to be placed on the National Register of Historic Places. The nomination received a positive recommendation from the Maryland Historical Trust in August, 1993, and is expected to be approved by the U. S. Department of the Interior. As the second phase of this project, the Department of Planning and Zoning in this petition proposes that Lawyers Hill be designated on the zoning maps as a local Historic District.

The Historic District is an overlay district which may be applied by the Zoning Board to historic areas or neighborhoods within the County. Within a Historic District, approval by the Historic District Commission is required for any repairs, construction, or alterations which affect the exterior appearance of structures or sites. The standards for review and other requirements for Historic Districts are established in Title 16, Subtitle 6 of the Howard County Code, and supplemented by Rules of Procedure and Design Guidelines adopted by the Historic District Commission. The sole purpose of the Historic District Commission review is to ensure that proposed alterations are not detrimental to the historic character of the district or sites within the district. All exterior construction within a Historic District is subject to review; however, the Howard County Code states that the Historic District Commission is to be lenient when reviewing alterations to structures of little historic value or applications for new development.

The Historic District overlay does not affect the underlying zoning of properties within its boundaries. All of the properties in the proposed Lawyers Hill Historic District are zoned R-ED (Residential:Environmental Development). If the Historic District is approved, the R-ED zoning regulations will continue to apply, including the permitted uses, bulk regulations, special exception uses, and other requirements applicable to the R-ED District.

The criteria for establishment of a Historic District are set forth in Section 114.B of the Howard County Zoning Regulations. This application meets the criteria in the following ways:

1. Serve to safeguard the heritage of the County by preserving elements of its cultural, social, economic, political and architectural history.

The Lawyers Hill properties being proposed for designation as a Howard County Historic District are eligible for listing on the National Register of Historic Places and meet the Secretary of the Interior's criteria for architectural and historical significance.



Attachment 2

Statement of Architectural and Historical Significance

The attached statement was prepared by the Department of Planning and Zoning during late 1991 and early 1992 as part of the nomination to place Lawyers Hill on the National Register of Historic Places. A map showing the proposed National Register boundaries for Lawyers Hill is also attached.

All except five of the properties included on the Historic Resource List (Chapter II of the attached statement) are included in the proposed Howard County Historic District. Belmont (6555 Belmont Woods Road) is excluded from the local district because it is already subject to strict controls on exterior alterations under the terms of a Maryland Historical Trust easement. The Cottage (6460 Elibank Drive), Claremont (6051 Lawyers Hill Road), the Old Grace Church Rectory (5970 Washington Boulevard), and the gardener's cottage at Tutbury (6450 Elibank Drive) have been excluded at the property owners' request. Four other properties in the proposed National District, not cited in the Historic Resource List, also are not included in the proposed local district. In addition, the proposed local Historic District boundaries have been drawn to more closely follow property lines and exclude areas of State parkland which are included within the boundaries of the National Register district.



American landscape theorist Andrew Jackson Downing, embraced nature by virtually "planting" their houses in the hillsides. A biography of lawyer Thomas Donaldson who came to the hill 1843 and built the Edgewood estate, described it as "the home of his affections, which he adorned with shade trees flowers and fruit." A wide diversity of forest trees continue to flourish on the hill, among them ash, beech, chestnut, sugar maple, oak, hickory, cedar, blue spruce, pine, lindens, dogwoods and hollies. Numerous ornamental trees and shrubs also survive on Lawyers Hill, some over one hundred years old, including boxwoods, paulownia, wisteria, rhododendron and roses. Mature fruit trees planted in the yards of many houses include apples, pears, peaches and cherry. The landscape is a carefully guarded legacy. Nearly all the residents maintain flower gardens and some have created wildlife habitats. The historic flower garden at Hursley is under restoration, and one family planted a grove of more than two dozen holly trees during the mid-20th century.

While the historic district is surrounded by rigid physical boundaries created by the highways and the river, the definition of internal boundaries between properties is nearly nonexistent. Scattered throughout the hill are the remains of 19th-century split rail fences and fence posts left from the small-scale farming conducted by residents who kept a few chickens, and a single cow or horse. The open, rolling landscape is generally without artificial boundaries, creating the overall impression that there are no property lines, rather simply a series of different environments flowing unobstructed from one to another.

Roads have linked Rockburn and Belmont plantations with the port and River Road since the 18th century. The major road through the district, now known as Old Lawyers Hill Road, developed after the Thomas Viaduct ushered in rail service to the area in 1835 and residents needed a way to get from the station at Relay to their homes on the Hill. On an 1882 deed plat, the current Old Lawyers Hill Road is labeled "Road to Dobbin house." The earliest reference to the road as "Old Lawyers Hill Road," was found in a 1923 deed. This older road snaked down the hill crossing the B&O Railroad tracks south of the viaduct until it was cut off by I-895 in the 1970s. Smaller driveways to the earliest cottages built near the east side of the Hill were known as "Road to Donaldsons," and "Gill Road."

Lawyers Hill Road, the main thoroughfare through the district today, was built in 1915 to replace Old Lawyers Hill Road as the route from the hill to Elkridge. More circuitous, but safer, Lawyers Hill Road runs around the hill and meets River Road under the Thomas Viaduct's southernmost arch.

II. HISTORIC RESOURCE LIST

COLONIAL ERA (1730-1800)

Belmont (6555 Belmont Woods Road): A 1 1/2 story gable-roofed brick structure built in 1738, it is considered one of the county's best examples of Georgian architecture. Situated atop a gently rolling hill, the house overlooks acres of pastures and former tobacco fields divided by tree lines and split rail fencing. There have been two major changes to the original structure: two flanking two-story additions with hyphens, dating from 1800, which complete a traditional five-part plan; and two 1927 additions, an east wing service area and a ballroom on the north side. A winding mile-long driveway leads to the estate culminating in a grand allée of mature oak trees. At 63 acres it is only a fraction of its original size, Belmont is surrounded by 600 acres of state-owned park land which helps preserve the plantation character of the property. A number of important original outbuildings survive on the property including a gabled-roof log building and a hipped-roof fieldstone smokehouse, both located east of the service wing, and a gabled-roof fieldstone bank barn, believed to date from the early-to-mid 1700s, located southeast of the house. A frame pump house, circa 1800, is located north of the main house, as is a gabled-roof frame horse barn (recently remodeled as a conference center), and two gambrel-roof tenant houses from the early 20th century. There is also a noncontributing tennis court, swimming pool and small meeting hall on the site.

Hockley (5925 River Road): One of the most unusual and least documented structures in the county, it is architecturally distinct among Howard County historic buildings. A 1 1/2-story Dutch colonial style gambrel-roof structure with small-paned fixed sash and casement windows, Hockley is the only 18th century Dutch Colonial structure in the county, and probably dates from 1750. Its most striking feature is its construction, which features a fieldstone first story and a brick second story laid in an English bond. Built as a residence, it was part of the Dorsey Belmont estate and was probably used as a tenant house for the Hockley grist mill, which operated in the mid-to-late 18th century across River Road on the banks of the Patapsco River. Outbuildings including two frame kitchens, a smokehouse, a milk house and three smaller wood frame houses listed in 1798 tax assessment records are no longer standing. Flanking the original section is a 1920s-era 1 1/2-story hipped roof addition and a 1950s-era two-story gabled roof enclosed porch with shingle siding. There is also a noncontributing frame garage.

Rockburn (6581 Belmont Woods Drive): It is believed that this 2 1/2-story gabled-roof brick house was originally a much smaller

also added to the 1845 wing at this time creating a tower effect.

While there were once a number of outbuildings, including barns and ice house, smoke house and tenant houses only three dependencies remain. Two 1850s-era gabled-roof cottages were moved during the I-95 construction and are now located south of The Lawn: The Rose House, a 1 1/2 story, L-shaped frame structure with scalloped barge boards and the Lilac Cottage, a 2-story frame cottage. Both are clad in asbestos siding. Also moved during the highway construction was a late 19th-century 1 1/2 story gabled-roof frame stable with a central louvered ventilator now located west of the main house. There are four noncontributing mid-20th century structures on the property: a concrete and metal greenhouse, a rectangular frame building used as a youth hostel dormitory, a frame garage and a frame chicken house. Only a small fraction of The Lawn's lawn survives, but elements of the early landscaping still exist, among them rhododendron bushes dating from the early 1870s. Three of the most important early Gothic houses, Fairy Knowe (1850), Edgewood (c.1843) and Wyndhurst (c.1850) are no longer standing. But various parts of the landscaping on these properties remains. Without a complete historic landscape analysis it is difficult to determine the exact dates of the plantings. But based on discussions with a landscape historian it is evident that a multi-layered Gothic and Victorian landscape exists on the Hill.

Fairy Knowe (6005 Old Lawyers Hill Road): Many features, representing generations of landscaping design, are visible here including a fully matured boxwood alley, pear trees, and varieties of pine trees and ornamental shrubs lining winding pathways. Based on photographic research it is evident that the property contains archeological sites which merit further investigation. Plans and photographs of the property show the locations of a number of different outbuildings and gardens including an ice house, a greenhouse (the ruins of which still stand in the southeastern corner of the property), a wood shed and windmill. Archeological research could provide valuable information about the domestic culture of the mid-19th century period. The remains of what might have been the first hydraulic ram water pump system in this country also probably still exist under the ground. The only pre-1900 building that is extant is a large 1 1/2-story gabled-roof bank barn on a brick foundation, which appears to have been built on the site of an earlier barn with a stone foundation. The building has a number of Shingle-style features including its asymmetrical massing and a shingled gable story, and an engaged two story tower. The barn's first story was covered with asbestos siding during the 1930s when it was converted to a residence. A cobblestone carriageway, flanked by a four-foot high curved brick wall, leads to the stable underneath where horse stalls with their cast iron

characteristics. Oriented to the east, Claremont is more formal than most of the other houses on the hill, and its setting takes advantage of the broad valley views. The building consists of symmetrical paired gables flanking a small central dormer window. There is a large central corbelled chimney on the ridge of each gable. The gables are broad with overhanging eaves supported by ornate brackets. A prominent first-story porch is supported by paired columns and wraps around the south and east side of the house. There is a pair of rounded cornice arches on the south side. With the exception of asbestos siding and aluminum window awnings, the structure is unaltered. A one-story brick pyramid-roofed summer kitchen is located west of the main house. A pumphouse still stands at the southeast corner of the front lawn. Two tenant houses, one located on the hillside east of the house, and the other west of the kitchen house were demolished in the 1960s, as was a frame barn on the south side of the driveway near the noncontributing garage.

THE VICTORIAN ERA (1860-1880)

The Gables (6235 Lawyers Hill Road): An 1850-era building consisting of a 2-story gabled-roof main block with an ell. In the 1890s a gabled-roof wing was added to the south side of the building with a wide open porch running the length of the west side and a projecting central bay window supported by oversized brackets was added to the second floor above the entrance. There are four brick chimneys, including a pair of large exterior chimneys on the east wall, and a slate roof. The outbuildings associated with the house are very unusual. Robert Stead, who owned the property during the late 19th century was a noted Washington D.C. architect and probably designed the 1890s addition as well as two outbuildings. These include a 1-story brick L-shaped Tudor-style childrens' playhouse with diamond shaped panes and a shingled roof, and a rustic Adirondack-style octagonal wood gazebo constructed with unfinished cedar branches forming the roof truss system, brackets, seats and a table. There is also a noncontributing frame garage built about 1960 on the brick foundation of a demolished barn.

Hursley (6162 Lawyers Hill Road): Like The Gables, Hursley is a classic frame Gothic Cottage with a steeply pitched roof and tri-gabled ell form. The 1850s main block is 2 1/2 stories with an eaves front orientation and gables decorated with bargeboard. There is a large corbelled central chimney. Adjoining the west wall is a gabled-roof 1 1/2-story Queen Anne addition from 1897 with gabled-roof dormer windows and a large corbelled brick central chimney. Extending north from the wing are two flat-roofed additions. A porch supported by square paired columns wraps around

hipped roof porch runs along its west and south sides. The only decoration is a small gable screen and a louvered arched gable vent on the south side. Also on the property is a contributing 1-story gabled-roof frame building from about 1910, which was used as an art studio, and a noncontributing mid-20th century 1-story frame chicken house.

QUEEN ANNE/COLONIAL REVIVAL ERA (1880-1916)

Maycroft (6060 Old Lawyers Hill Road): Arguably the finest Queen Anne structure in the county, Maycroft is a quintessential example of the style. Built in 1881, this 2 1/2-story wood frame structure features a broad gable roof and an asymmetrical form. In the pediment of the gable are courses of fishscale shingles and a stylized Palladian window with a sunburst decoration surmounting a tripartite window. On the facade's second story, two oriel windows flank a carved wood square-in-a-square design. A 2-story gabled-roof wing extends from the east side of the building. A large rectangular corbelled chimney is located on the gable ridge on the north side of the building. There is a single gabled-roof dormer on the east side and two gable-roofed dormer windows are located on the west side; the northern window was rebuilt after a 1985 fire. A wide hipped-roof porch lines the south, east and west sides of the building. The carriage house and two servant quarters were lost during the 1960s. The remaining tenant house built in 1900, was converted to a residence (6064 Old Lawyers Hill Road). A 1-story frame "honeymoon" cottage from about 1900 was moved 100 yards north of its site to a location near the tenant house and is now used as a pottery studio.

Hursley Gatehouse (6130 Lawyers Hill Road): This rambling three-part Shingle-style house has a 2-story main block with a long wing connected to the northeast corner which includes a 2-story pyramidal-roofed section and a 2-story low-pitched gable-roofed section. There is a slender brick chimney located in center of the wing.

Edgewood Cottage (6061 Old Lawyers Hill Road): Built as part of the Edgewood estate complex, the Edgewood Cottage, along with The Little Hill House, served as housing for grown children of the Donaldson family. The gabled-roof central section was probably built in 1850 and enlarged with an L-shaped addition in the 1880s. Its most distinguishing feature is its Tudor style casement windows with diamond panes. It has clapboard siding and a simple shed roofed porch on the east side. The house has been abandoned since 1966 when the owners built a frame contemporary house nearby and is in poor condition.

house is typical of the American four square form popular in the early 1900s. An enclosed sleeping porch adjoins the east side of the first floor and a projecting shed roof runs along the front facade with a central gable over the entrance.

MODERN ERA (1916-1941)

Sears House (5195 Lawyers Hill Road): A 2-story Dutch Colonial style structure, it features a gambrel roof and a shed-roofed dormer window running length of facade. Flared eaves hold an arched entrance portico supported by round columns and on the west side of first story is an enclosed sleeping porch. Probably a Sears catalogue house, it nearly matches a model advertised in the 1927 Sears catalogue of Honor-Built Homes, and the construction date of the house was that same year. A contributing wood-frame detached garage of the same era is located to the southeast of the house.

6017 Old Lawyers Hill Road: This house, built in 1937, is a later example of the simplified Colonial Revival style evident in the Brognard Okie-designed houses on the Hill. It is a 1 1/2-story steeply-pitched shed-roofed structure with a central brick chimney and central shed-roofed dormer. It has a connecting garage wing to the east which follows the form of the main block. Designed by local architect Addison Worthington in 1937, the house replaced the 1843 Edgewood estate razed that year. This small house reflects the response to the change in the economic status of residents after the Depression and the deteriorating condition of Lawyers Hill houses during the mid-part of this century. At least three houses were razed and two abandoned between 1935 and 1970 as families were no longer able to maintain their large aging houses.

6074 Old Lawyers Hill Road: A 1 1/2-story gabled-roof clapboard house, it is arranged in a shortened L-shape with a slender exterior brick chimney on the northeast corner. The house is typical of the 20th century replacement structures on Lawyers Hill in that it was built on the footprint of an earlier house. In this case, Glenholme, an 1840s-era house, was razed in 1938 and replaced with this modest Colonial Revival style cottage. A grand circular driveway probably connected to the original house leads to the smaller 1938 house. Many of the interior features of Glenholme were used in the creation of the new house including wood paneling and floors. Siding from an older tenant house that was razed in 1980s was used to fashion wainscoting in a 1-story rear addition. There is a noncontributing frame barn located southeast of the house.

Bonniewood (6117 Lawyers Hill Road): The most formal of the

Areas of Significance: Architecture
 Community Planning and Development
 Landscape Architecture
 Social History
Applicable criteria: A and C
Significance: Local and State

III. MARYLAND COMPREHENSIVE HISTORIC PRESERVATION PLAN DATA

Geographic Organization: Piedmont
Chronological/Developmental Period(s):
 Rural Agrarian Intensification A.D. 1680-1815
 Agricultural Industrial Transition A.D. 1815-1870
 Industrial/Urban Dominance A.D. 1870-1930
 Modern Period A.D. 1930-Present
Prehistoric/Historic Period Theme(s):
 Agriculture Architecture
 Landscape Architecture
 Community Planning
Resource Type: Category: District
Historic Environment: Rural
Historic Function(s) or Use(s):
 Agriculture/Subsistence:
 Agricultural fields
 Animal facilities
 Agricultural outbuildings
 Domestic:
 Single family dwellings
 Secondary structures
 Transportation:
 Railroad-related
 Landscape:
 Forest
 River
 Natural features
Current Function(s):
 Domestic:
 Single family dwellings
 Secondary structures
 Landscape:
 Forest
 River
 Natural features

Moore's Morning Choice, a 1,395 acre parcel granted to Caleb Dorsey in 1695 and Hockley, the first land grant in what is now Howard County, from 1670. The Dorseys were early iron magnates who made their fortune exploiting the natural resources of the valley. The family empire began with small forge on the Rockburn Branch. Within the next century it had evolved into the vast Avalon Ironworks which straddled the river above Elkridge. The Dorsey plantation was connected to the success of Elk Ridge and played a key role in the economy of the region. In addition to the network of iron furnaces and forges along the river were smaller saw and flour mills along Rockburn Branch which helped stimulate the area's economy. During the mid-19th century, the Dorsey's began experiencing economic troubles, probably related to the decline of the port and the iron trade. Family members began to sell off pieces of property to city dwellers seeking a healthy country environment free from the disease and humidity of urban summers. At the same time members of the Ellicott family, who ran mills along the Patapsco between Elkridge and Ellicott City sold Hockley to George Washington Dobbin, the first lawyer to build a house on Lawyers Hill.

In contrast to the Colonial plantation culture the new Lawyers Hill residents established compact country estates centered around a "romantic cottage" and a few dependencies, (usually a small barn and a tenant house) and vegetable and flower gardens. Although lots at 10 to 20 acres were large by today's standards, the area quickly became densely populated for its time. But patterns of settlement more closely resembled those that would develop forty years later in summer communities such as Catonsville and Sudbrook in Baltimore County, with houses facing the road and built in loosely-knit rows. Unlike the later planned suburbs, Lawyers Hill developed organically as each family grew and lots were divided to accommodate the next generation.

Lawyers Hill settlement as a summer community was made possible by the opening of the Thomas Viaduct in 1835. A major engineering feat, the Viaduct is the oldest multiple-arched curved railroad bridge in the world. Baltimoreans, who previously would have had to make the trek to Elkridge by carriage over the poorly-maintained Washington Turnpike, could now reach their destination in 15 minutes aboard the B&O Railroad. Early residents maintained houses in fashionable Baltimore neighborhoods such as Bolton Hill and Mt. Vernon for weekday and winter use. Some families even had third homes on the rivers near Annapolis. While it initially began as a summer retreat, Lawyers Hill evolved quickly into a commuter suburb as residents started taking the train to work on a regular basis. By 1873 there was regular passenger service to Baltimore. Although not formally created as a railroad suburb it became one, predating

located on most of the properties on the Hill.

In addition to helping introduce 19th-century technology, Lawyers Hill residents were also inventors. John H.B. Latrobe designed the Latrobe stove in 1856, which represented a radical departure from the traditional Franklin stove. Unlike its predecessor, the Latrobe stove fit flush into the fireplace and incorporated a device that fed coal automatically for 8 to 12 hours. The stove revolutionized household heating in this country by making it more economical and efficient. George Washington Dobbin was an amateur photographer and astronomer long before the average person owned a camera or telescope. At The Lawn he set up a dark room and observatory built specifically for his needs with the latest technological features. His observatory's ingenious design featured a removable skylight which still exists in the roof of the third floor of the Lawn.

The houses on Lawyers Hill reflect the status and individuality of their owners, where a rich diversity of architecture represents generations of development. Since it was common for families to subdivide their land for their children, or simply build homes for them on their land, the architectural legacy that remains shows trends in styles as they matured and changed from one generation to the next. The houses could be generally characterized as rural interpretations of high style architecture, often built before the styles gained mass popularity, suggesting that architects were involved in their design. There are five known architects who designed buildings on hill:

R. Snowden Andrews (1830-1903), a Baltimore architect who designed Claremont in 1854 in a Gothic-Italianate style. Andrews began his career with the famed Baltimore firm Niernsee and Nelson and later joined Eben Faxon in the firm of Andrews and Faxon. In addition to the Eastern Female High School, the Church of the Redeemer and Franklin Street Presbyterian Church rectory, Andrews also designed the Governor's mansion in Annapolis and the south wing of the Treasury Building in Washington.

Brogard Okie, a partner in the Philadelphia-based firm of Duhring, Okie and Ziegler, built Lift-a-Latch and the Little Hill House in an Arts and Crafts-inspired Colonial Revival style. Okie's firm designed planned communities around Philadelphia in the early 1900s based on Medieval English models.

Robert Stead, a summer resident of the Hill owner the Gables between about 1890 and 1940, was a Washington

and from Confederate troops. Under the command of General Benjamin Butler, Union artillery regiments were a permanent, and often unwelcomed presence on the Hill for the entire length of the War. Several installations were established on the Hill including a two-gun battery near the B&O right-of-way, and Cooks Battery, also a two-gun battery, located further up the Lawyers Hill on the Claremont property. The remains of the earthworks from the battery existed until the construction of the I-895 spur in the early 1970s. Just below the Hill on what is now Levering Avenue was a Union army facility called Camp Essex.

The War created a deep rift among families on the Hill: some supported the south and others were staunch northerners. The Dobbins were very active in the Confederate effort, assisting southerners trying to escape to the north and arranging for medical supplies to be transported to the south. Even after the war Dobbin was helping former members of the Confederate army by assisting exiled leaders return to this country.

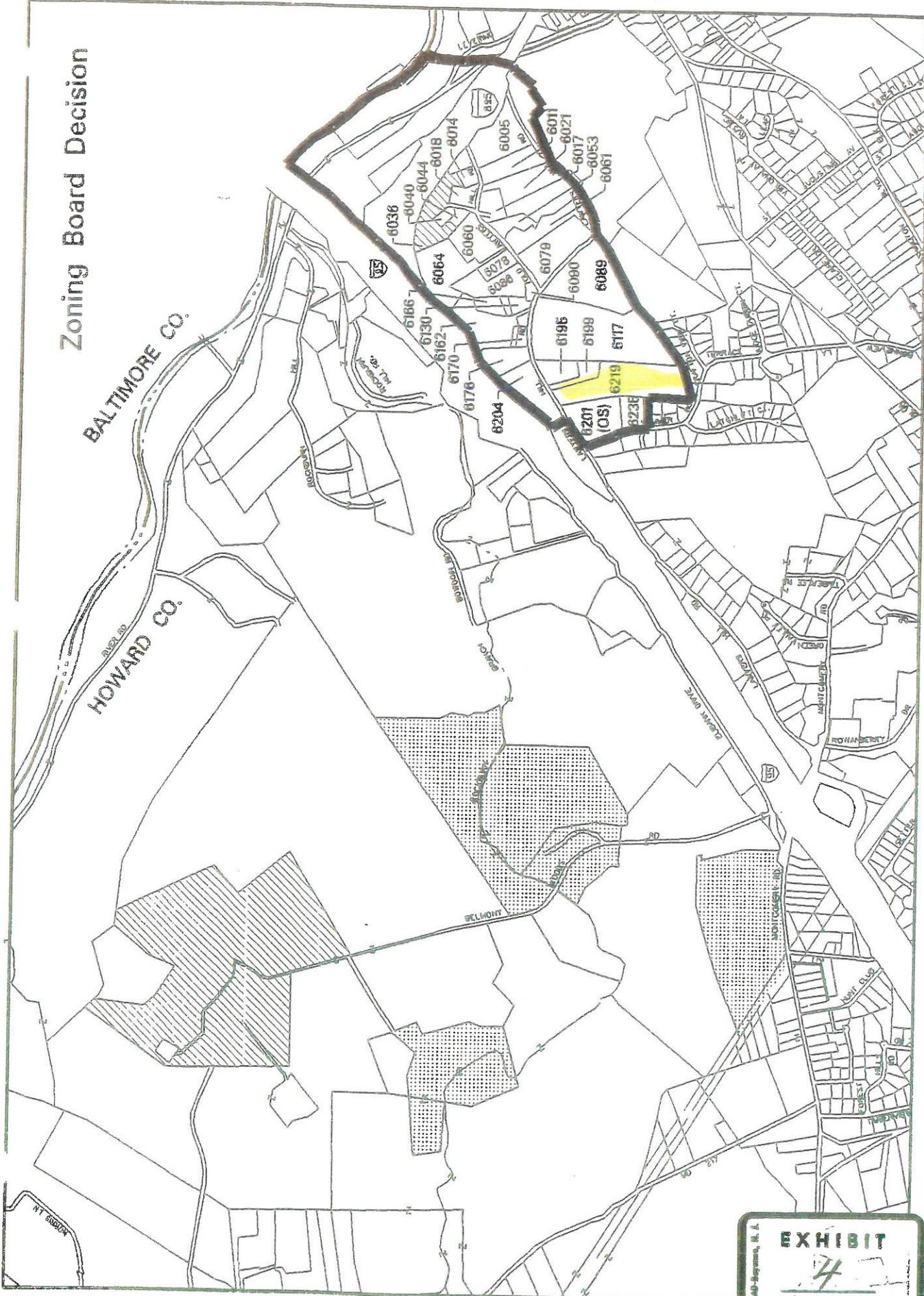
This tense political environment might have inspired the creation of the central social and cultural institution on the Hill: the Elkridge Assembly Rooms. The residents of Lawyers Hill, like all members of the swelling ranks of the upper class who profited from the growth of new industry, had a great deal of leisure time to enjoy their wealth. Family members, including women, were highly educated, exposed to art and culture, and well-traveled, giving rise to an unusual intellectual atmosphere on the Hill. When parlors became crowded with heated political discussion residents pitched in to erect a "neutral zone" where families could socialize and entertain one another. In 1869 Dobbin donated land to the community and residents purchased stocks to build the Hall. The building was maintained by annual dues and volunteer labor, the way it is still maintained today. Dancing classes, theatrical performances, and tableaux, or variety shows, were held at the Hall on a regular basis. During at least one season in the early 1900s, the Lawyers Hill drama troupe was so successful that the B&O ran special trains to coincide with performance times. Still the heart of community life on the Hill, the Hall keeps the residents linked together and is the site of potluck dinners and the community Fourth of July Celebration, a 75-year old tradition.

The cultured atmosphere was cultivated in the homes as well. Music and language lessons, Shakespeare and Bible readings were part of the daily routine for generations of Lawyers Hill children. Inspired by the pastoral landscape many of the residents expressed their creativity through art, music and poetry. John Latrobe wrote odes to his home, Fairy Knowe, describing evenings there when "many voices were heard from the cottage where laughing and sparkling

verified by former residents and is evident in maps dating from 1878 to 1960, and aerial photographs which pre-date I-95. The houses on the north side of I-95 are now accessed by the newly created Elibank Road which parallels the highway. The area again felt the impact of highway construction when the Harbor Tunnel Thruway (I-895) connector was built along west side of the hill in the early 1970s. This road cut through four acres of forest at Fairy Knowe. The construction of modern houses in the district is far less intrusive. There are only eight post World War II houses in the Belmont section and six along Lawyers Hill and Old Lawyers Hill roads. Each new house has been well-integrated with no adverse effect on the rural environment or the historic integrity of the district. Even freestanding garages that are clearly noncontributing, reflect the rural style of the area in materials and setting. The district is drawn around a proposed development at The Gables, to include the manor house and a buffer of approximately three acres. The project plan calls for 50 single-family houses on 25 acres at the southeastern edge of the district.

Zoning Board Decision

BALTIMORE CO.
HOWARD CO.



- Boundary
- MD Environmental Trust Easement
- MD Historical Trust Easement

LAWYERS HILL HISTORIC DISTRICT



EXHIBIT
4

1 HOWARD COUNTY DEPARTMENT
2 OF PLANNING AND ZONING

Petitioner

3 ZB CASE 948M

* BEFORE THE

* PLANNING BOARD OF

* HOWARD COUNTY, MARYLAND

4 * * * * *

5 RECOMMENDATION

6 On November 10, 1993, the Planning Board of Howard County, Maryland, considered the petition
7 of the Department of Planning and Zoning for an amendment to the Zoning Map to create a local Lawyers
8 Hill Historic District. The petition proposes that the Historic District overlay zone be applied to an area
9 which includes 54 properties located in the First Election District along Belmont Woods Road, Elibank
10 Road, Montgomery Road, Lawyers Hill Road, Old Lawyers Hill Road and River Road. The proposed
11 Historic District is located on Tax Maps 31, 32, 37 and 38.

12 The petition, the Technical Staff Report and the Recommendation of the Department of Planning
13 and Zoning, and the comments of reviewing agencies, were presented to the Board for its consideration.
14 The Department of Planning and Zoning recommended approval based on conclusions that the proposal
15 is in harmony with the 1990 General Plan and with the criteria given in Section 114 of the Zoning
16 Regulations for the establishment of Historic Districts.

17 Testimony in favor of the proposed Historic District was presented by Herbert Johl, Chairman of
18 the Historic District Commission. Mr. Johl explained that the Historic District Commission had originally
19 recommended approval of a Lawyers Hill Historic District on April 2, 1992. At its most recent meeting
20 on November 4, 1993, the Commission voted to recommend approval of the Historic District boundaries
21 proposed in ZB Case No. 948M.

22 In response to questions from the Planning Board, Department of Planning and Zoning staff
23 explained that certain properties were excluded from the proposed Historic District at the request of the
24 property owners. Staff also explained that unimproved State parkland was included in the District where
25 necessary to maintain continuity and or avoid a hole in the District, although the Maryland Department
26 of Natural Resources would not necessarily comply with local zoning restrictions when constructing
27 improvements on State parkland.
28

1 After careful consideration of all the information presented to the Board, the Board was in
2 agreement with the findings and conclusions of the Department of Planning and Zoning and adopts them
3 as its own findings and advisory conclusions. However, the Board finds that an additional area of State
4 parkland should be included in the Historic District in order to maintain a continuous District along
5 Belmont Woods Road. The addition of Tax Map 32, Parcel 83 as shown on the map attached to this
6 recommendation will create a continuous boundary for the northern portion of the proposed District and
7 will include land which has historically been part of the neighborhood represented by the proposed
8 District.

9 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 23rd day of
10 November, 1993, recommends that the petitioner's request to amend the Zoning Map to create a Lawyers
11 Hill Historic District, as described above, be **APPROVED** subject to adding Parcel 83 on Tax Map 32
12 to the proposed Historic District as shown on the attached map.

13 HOWARD COUNTY PLANNING BOARD

14 
15 William T. Manning, Chairman

16 
17 Joan C. Lancos, Vice-Chairman

18 
19 Dale N. Schumacher

20 
21 Theodore F. Mariani

22 ABSENT
23 Cathy Hartman

24 ATTEST:

25 
26 Joseph W. Rutter, Jr.
27 Executive Secretary
28

Z.B. CASE NO. 948 PROPOSE LAWYERS HILL HISTORIC DISTRICT

BALTIMORE COUNTY

MAP 108

PATAPSCO STATE PARK
STATE OF MD.
DEPT. OF FORESTS &
WILDLIFE
5500 W. 48A.
P. R. 88

AMERICAN CHEMICAL
SOCIETY
1191 / 157
58 25 A.
P. 2

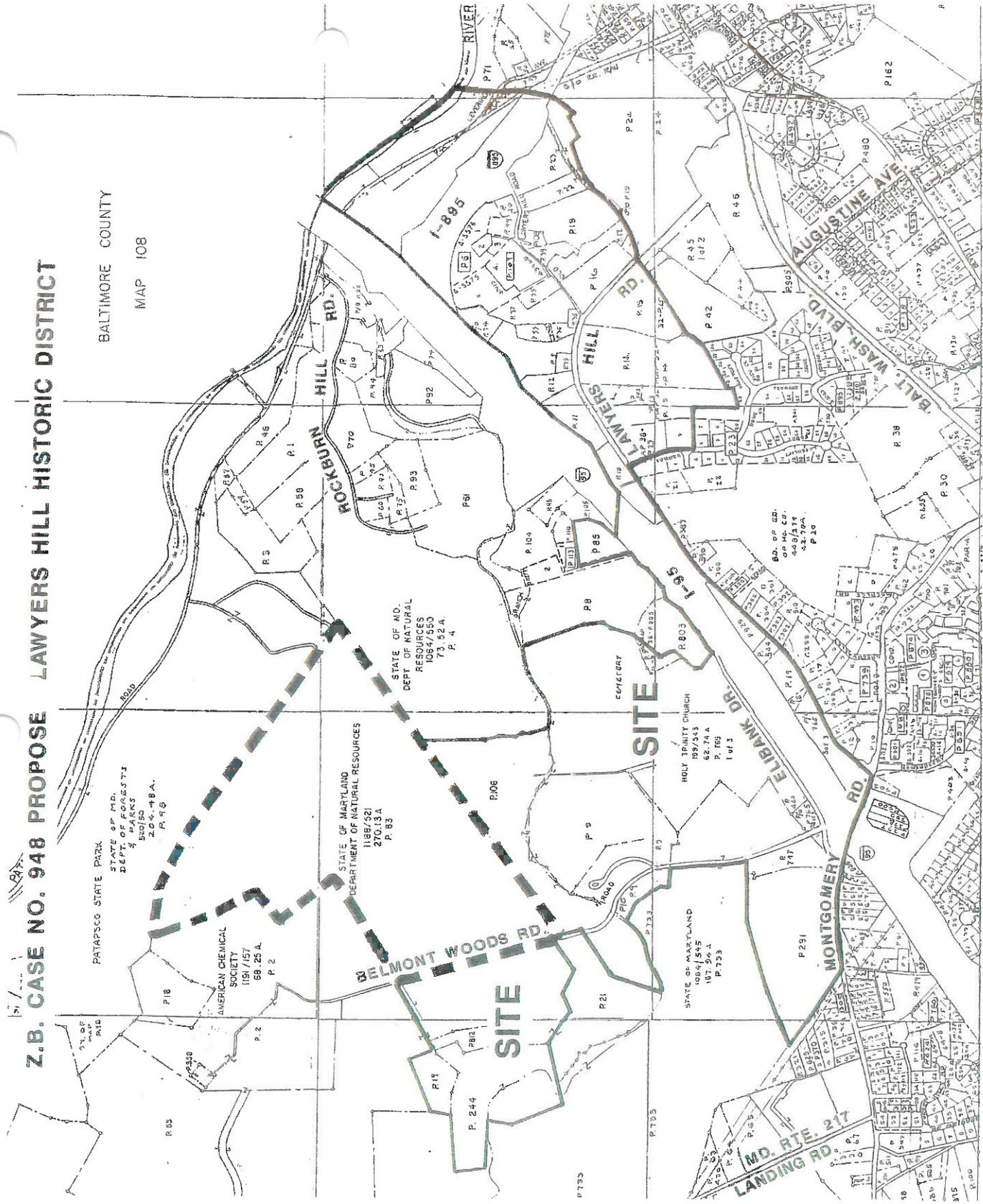
STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
1188/521
270.13 A
P. 83

STATE OF MD.
DEPT. OF NATURAL
RESOURCES
1084/550
73.52 A
P. 4

HOLY TRINITY CHURCH
155/543
62.74 A
P. 169
1 W 3

STATE OF MARYLAND
1084/542
187.54 A
P. 753

62.07 AC.
OF MD. CO.
ADJUTANT
GENERAL
P. 20



P.B. RECOMMENDED ADDITION TO DISTRICT

D.P.Z. PETITION BOUNDARY

VICINITY MAP



ZONING BOARD CASE NO. 948M
DEPT. OF PLANNING AND ZONING

MINUTES

Request: To amend the Zoning Map for the Lawyers Hill Community to create a local Historic District. Includes most properties along Lawyers Hill Road, Elibank Drive and Belmont Woods Drive.

Hearing Date: Wednesday, January 19, 1994, 8:00 p.m.

Worksession: Wednesday, February 23, 1994, 7:30 p.m.

Zoning Board Members Present:

Paul Farragut, Chairperson
Darrel Drown
Charles Feaga

C. Vernon Gray
Shane Pendergrass

Staff Present:

Todd Taylor, Esq., Office of Law
Robin Regner, Admin. Asst. to Zoning Board

1. Joseph Rutter, Jr., Director of the Department of Planning and Zoning, summarized the case and presented the map exhibit outlining the proposed request and highlighting those properties requesting to be removed from the proposal, namely Mr. Servary, Mr. Gaynor and Mr. Shumaker.
2. Charles Feaga made a motion to approve the proposed historic district minus the people requesting not to be included.
3. Shane Pendergrass suggests leaving the record open to see if the property at 6560 wants to be included or not. - There is also a question as to whether the State property wants to be included.
4. The Zoning Board agrees to continue the worksession until March 9, 1994, following ZB 948M.

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D. Design of New Subdivisions

In most cases, new construction in Elliccott City will occur on existing lots. However, there are some larger tracts of land that could be subdivided into several new building lots. Under current zoning, land in the historic district could be subdivided to allow such new uses as single-family detached houses, attached houses (townhouses or duplexes) or office buildings.

Subdivision of land is controlled by county, state and federal regulations that address density, lot size, setbacks, street and parking lot design, storm water management, extension of water and sewer service, floodplain and wetland protection, fire safety and other issues. Subdivision plans do not require approval by the Historic District Commission. However, the improvements constructed after a property is subdivided will require Certificates of Approval.

In addition to architectural design, improvements in a new subdivision that require a Certificate of Approval include driveways, parking areas, retaining walls, fences, street lights and landscaping. The location and design of certain public improvements, e.g., storm water management facilities and public streets, are dictated by detailed design

requirements and the physical characteristics of the property. The Commission has little flexibility to require changes, except on minor related items such as the design of landscaping, fencing or street lights. The Commission has more leeway when it reviews improvements such as parking areas, driveways, buildings, walls, fences and other structures that will be located on the new subdivision lots.

Property owners who are subdividing land should seek comments from the Historic District Commission before the final subdivision plan is approved and recorded in the county land records. The advisory comments made by the Commission will alert property owners to the issues they may face when applying for Certificates of Approval after the subdivision is recorded, and will enable them to plan for improvements in a manner sensitive to the historic district.

New subdivisions should follow the design guidelines given in Section C above (on siting new principal buildings) and in Chapter 9 (on landscaping and site design). New development will fit best into the historic district without impairing the historic or architectural value of the surrounding area if the layout of new building lots allows buildings to be sited and the site to be graded, landscaped and improved in accordance with those guidelines.

Don Reuwer

From: Kim Egan <egankk@me.com>
Sent: Tuesday, December 11, 2018 10:55 AM
To: Don Reuwer
Subject: Re: Lawyer's Hill logo

Here is what you told me re sections:

Sections-

Lawyers Hill Historic District (LHO)

The process that created the district
Lawyers Hill Design Guidelines for New Construction

Lawyers Hill Overlook- "A new community with a passion for the past"

Mission Statement
LHO Design Guidelines

The Land

History- Where a home once stood
Current Conditions
The land plans for the new community

The Homes

The foot prints on a typical lot
Floor Plans
Renderings
Photos of the Homes

About the owners and developers-

Edmund Pollard and Joyce Oakley
Land Design and Development Inc. – Donald R Reuwer Jr.

Comments/ Questions

Please share any constructive ideas on how to make LHO a better place to live and raise a family
Any questions?

On Dec 11, 2018, at 10:51 AM, Don Reuwer <dreuwer@ldandd.com> wrote:

Charge on!
Are you ready for content? Remind me of the sections on the web site..

Donald R. Reuwer Jr.
8318 Forrest Street – Suite 200
Ellicott City, MD 21043
Phone [410-707-7054](tel:410-707-7054)

<image001.jpg>

From: Kim Egan <egankk@me.com>
Sent: Tuesday, December 11, 2018 10:50 AM
To: Don Reuwer <dreuwer@ldandd.com>
Subject: Re: Lawyer's Hill logo

Here it is in green with Overloo

<image002.png>

On Dec 11, 2018, at 10:32 AM, Don Reuwer <dreuwer@ldandd.com> wrote:

I like it! Green! Overlook

Donald R. Reuwer Jr.
8318 Forrest Street – Suite 200
Ellicott City, MD 21043
Phone [410-707-7054](tel:410-707-7054)
<image001.jpg>

From: Kim Egan <egankk@me.com>
Sent: Tuesday, December 11, 2018 10:30 AM
To: Don Reuwer <dreuwer@ldandd.com>; Lisa Devries
<ldevries@ldandd.com>; susangoldsholl@gmail.com
Subject: Lawyer's Hill logo

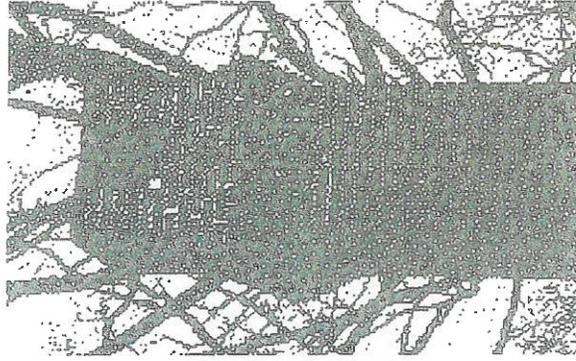
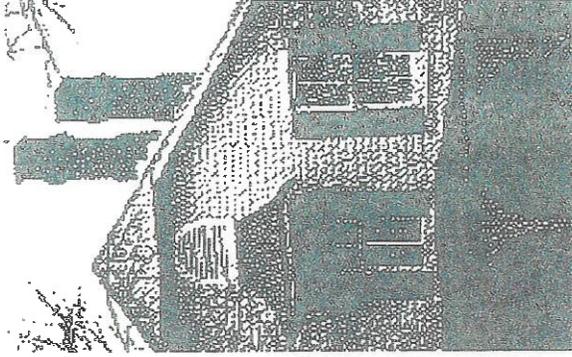
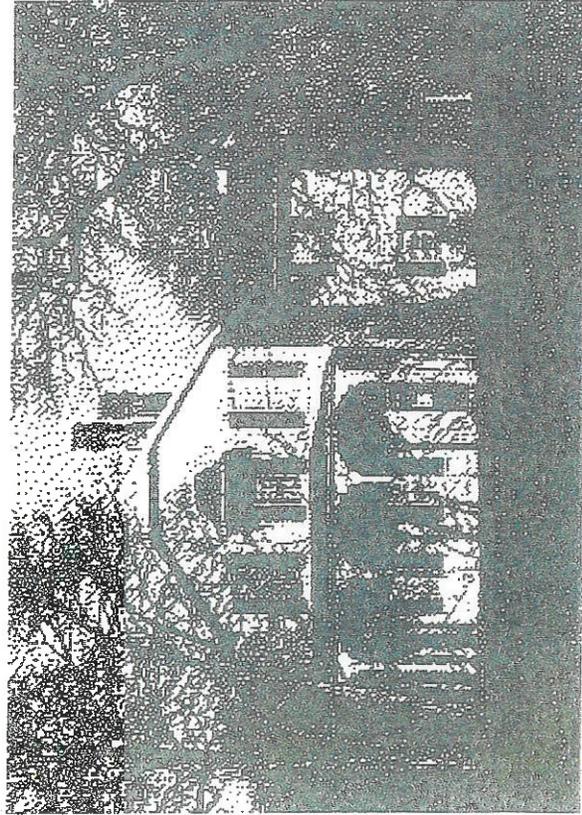
Playing around with Lawyer's Hill logos this morning —

this image could be the basic image — to use with an “Overlook” or “Historic District” addendum, and in any color we wish.

<image002.png>



Lawyers Hill Historic District Design Guidelines



Howard County, Maryland / 1995

Lawyers Hill Historic District Design Guidelines

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Adopted by the Historic District
Commission on April 6, 1995



M A R Y L A N D
Historic District Commission
3430 Courthouse Drive
Ellicott City, Maryland 21043
(410) 313-2393
(TTY) 313-2323

The Howard County
Historic District Commission
Rules of Procedure

Adopted March 2004

Amended December 2009

Amended February 2013

The Howard County Historic District Commission
Administered by
The Howard County Department of Planning and Zoning
3430 Court House Drive
Ellicott City, MD 21043
(410) 313-2350

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LAWYERS HILL OVERLOOK

Design Guidelines

Set back/Building Placement/Orientation on a Lot:

- The front yard setback should match the established range of adjacent buildings on the block.
- If a block has a uniform setback, a building should be placed in general alignment with neighboring properties.
- If setbacks are varied, a building should be located within the average setback.
- Side yard setbacks should be similar to the others in the block, as seen from the public right-of-way.
- Orient the front of the house to the street and clearly identify the front entrance unless this is not the predominant pattern on the street (i.e. more modern styles sometimes have varying patterns of street frontage).

Massing:

- A building should appear similar in massing and scale to that of the structures seen historically in the district.
- While the building can be larger than the surrounding structures, it should not overwhelm them.
- Subdivide a larger building mass into smaller modules that are similar in size to those seen historically.
- Simple rectangular building forms are preferred.

Scale and Proportion:

- A front elevation should appear similar in scale to those seen historically in the district.
- A single wall plane should not exceed the typical maximum width as seen in the immediate context.
- A building should be within the range of heights seen traditionally in the neighborhood.
- Wall heights of two stories are generally preferred along the street.
- Step a larger building down in height if approaches smaller adjacent buildings.
- The back side of a building may be taller than the front and still appear to be in scale.

Rhythm:

- New buildings should not disrupt the predominant orientation of structures of the street.
- Maintain the alignment of horizontal elements along the block. For example, align window sills, moldings, and eave lines with those of adjacent buildings.
- Where the immediate context dictates, the front should include a one-story element, such as a porch

Roof Forms and Materials:

- Traditional sloping roof forms are generally most appropriate as primary roof forms in historic districts.
- Roofing materials should generally have a non-reflective, matte finish.

Windows and Doors

- Use window openings that are similar in size to those seen traditionally.
- Window styles and types should be similar to those seen historically in the district.
- Windows should be simple in shape, arrangement, and detail.
- The number of different window styles should be limited, unless the street or neighborhood has buildings of a more modern era that use large expanses of glass.
- Windows and doors should be finished with trim elements in a manner consistent with the historic architectural styles seen in the district.

Fences:

- All fencing must be in the style of historic fencing in the District (although it may be of modern materials).

Pools:

- Any pool installed on a lot must be in the back of the lot and must be screened from the road and from neighboring properties.

Garages:

- A new garage should be subordinate to the primary structure on the site.
- A detached garage is preferred where feasible and where compatible with the style of architecture (i.e. more modern styles often had attached garages).
- A new garage should be compatible in design with the primary structure but not mimic the historic features of the main building. It should not be designed to look old; it should appear as a new addition to the streetscape.
- A detached garage should be located at the rear of the property and set back substantially from the primary structure where feasible.
- If a garage is attached, it should be on the rear elevation or the percentage of building front allocated should be minimized when that is the predominant pattern on the street.
- When necessary, an attached garage should be detailed as part of the primary building.

Other accessory structures (not including secondary historic residential structures):

- Accessory structures should be located to the rear of the lot, if feasible.
- New accessory structures should be similar in character to those seen historically.
- Prefabricated storage structures should be located at the rear of the lot and should not be visible from the street.
- Accessory structures should be subordinate to the primary historic structure in terms of mass, size, and height.
- Basic rectangular forms with gable, hip or shed roofs are generally appropriate.

- The roof line need not match exactly, but should not compete with that of the primary structure.
- Appropriate building materials should draw on the traditional range of materials used for the primary structure's architectural style.
- Building materials should be utilitarian in appearance.
- Ornate architectural detailing is generally inappropriate for a secondary structures.
- Details should not be added to accessory structures which would make them appear to be a residential dwelling rather than an outbuilding.

Streetscape and Landscape Features:

- Historic gas street lamps should be near the front sidewalk on all homes.
- Healthy mature street trees should be installed and maintained.
- Diseased street trees should be replaced in kind, when possible.
- Historic landscaped buffer zones, such as the grassy median between the sidewalk and curb, should be preserved and maintained.
- Historic retaining walls should be preserved where they exist.
- Sidewalks should exhibit historic material when those elements contribute to the historic character of the district.
- Large paved areas, for parking or otherwise, are generally inappropriate in areas visible from the public right-of-way.
- When parking is not located in a garage, it should be screened as much as possible from view from the public right-of-way with the use of a fence, hedge, or other landscape element.
- On each new buildable lot, the builder shall plant a tree in the front of the lot, chosen from the following list: chestnut, sugar maple, oak, hickory, cedar, blue spruce, pine, linden, dogwood, or holly. The builder shall also plant a fruit tree in the back of the lot, chosen from the following list: apple, pear, peach, or cherry. In addition, some of the foundation plantings installed by the builder shall be selected from the following list: boxwoods, paulownia, rhododendron, and roses.

To be included in HOA Covenants, Conditions, and Restrictions:

Clotheslines: Any clothesline used on a lot must be screened from the road and from neighboring properties.

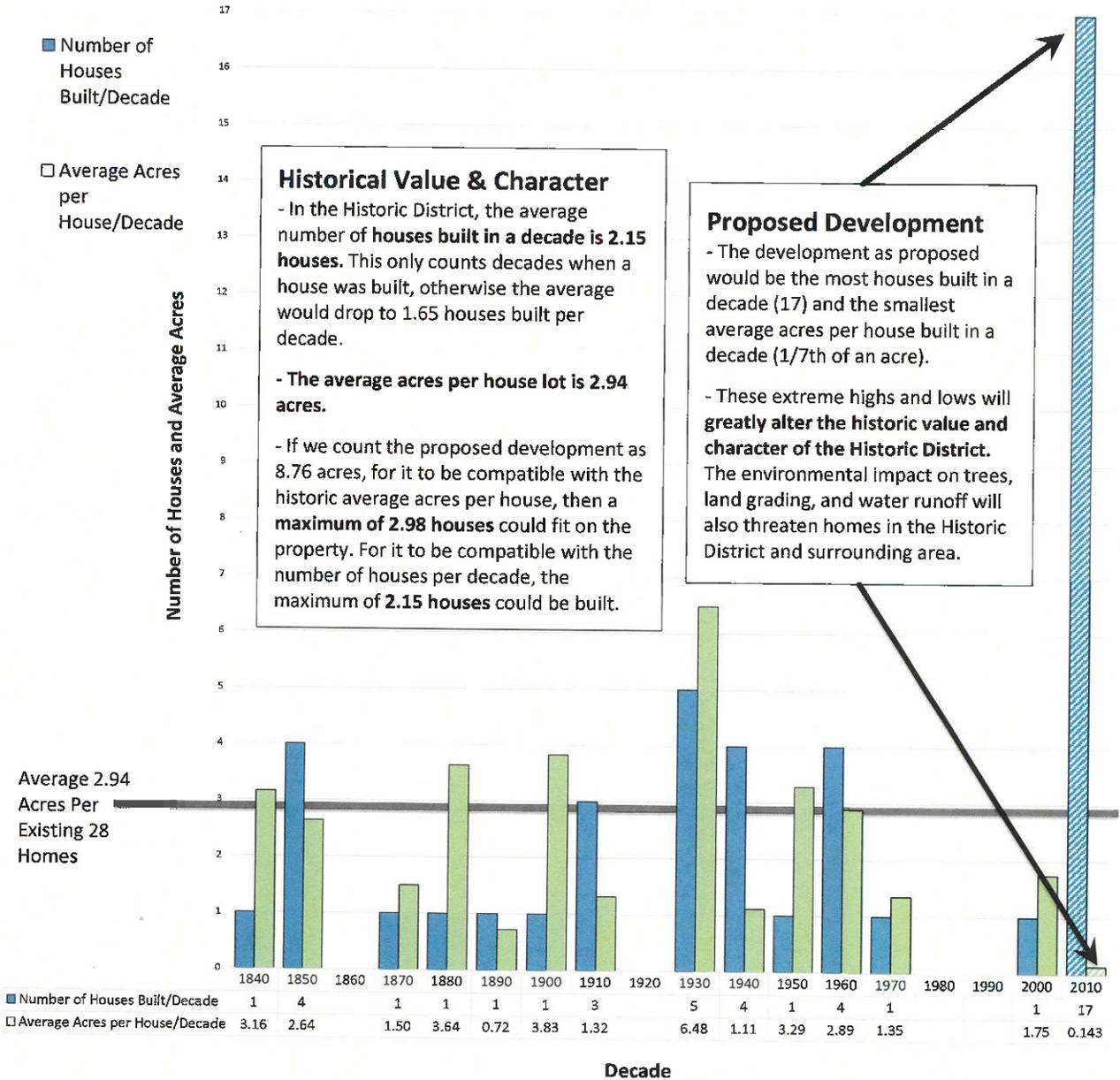
Commercial Trucks: No commercial truck shall be parked on a lot.



PORCH RULES
MAKE MEMORIES
HAVE A DRINK
LAUGH
VISIT WITH OLD FRIENDS
MAKE NEW FRIENDS
ENJOY THE VIEW
UNPLUG & UNWIND
TAKE YOUR TIME
SIT BACK AND
RELAX

Exhibit 11 – We do feel strongly that front porches help foster interaction between neighbors.

Lawyers Hill Historic District - Number and Average Acres of Houses Built by Decade (Shows New Development at 1/7 Acre per House)



The Howard County Historic Preservation Commission was created to preserve the historic character and value of the historic districts. Ensuring the Commission can provide that oversight is critical, especially in the case of subdivisions when the most damage to the land and historical value is at stake.

**Testimony in support of CB-3
January 22, 2019**

You may be aware that a new development of 17 tract homes has been proposed within the confines of the Lawyers Hill historic district. I am one of two immediate next door neighbors to this proposed development, with two of my property lines directly bordering the property in question. Accordingly, I have attended three, and testified at two, meetings of the Historic Preservation Commission.

Concerns about this new development are numerous, and include home density, trees and forestry, storm water management, architecture, environmental impact, and historic precedent, among others. These concerns are also widespread, judging from the number of meeting attendees, who routinely exceeded the seating capacity of the meeting room.

Unfortunately, opportunities for citizen feedback on such a development are limited. Of these, the **Historic** Preservation Commission is best aligned for discussing and regulating a proposed development within a **historic** district. This is common sense.

But what actually occurred is different. There were hours of debate, and in short, the applicant asserted that for any issue pertaining to the development – other than regarding the building’s appearance – the HPC was out of its jurisdiction. The commissioners strongly disagreed, with one repeatedly making the point that for all prior applications, the HPC *quote* “scrutinized every single tree” *endquote*.

The commissioners, who include an engineer and two architects, provide detailed, thoughtful advisement and expertise. But if the applicant is to be believed, and historic guidelines can be trumped by the administration of a subdivision, site development, forest conservation or grading plan, why bother meeting?

Once the intention of a historic district has been destroyed, it can never recover.

This development sets a dangerous precedent. According to the applicant, building the development is, *quote* “within our legal right” *endquote*. Just because it’s legally right doesn’t mean it’s morally right. To the average person, it simply doesn’t make sense to build a cookie-cutter development of 17 tract homes in a community that now only has 28. This nearly doubles the number of homes in the Lawyers Hill historic district, one of only two in this proud county.

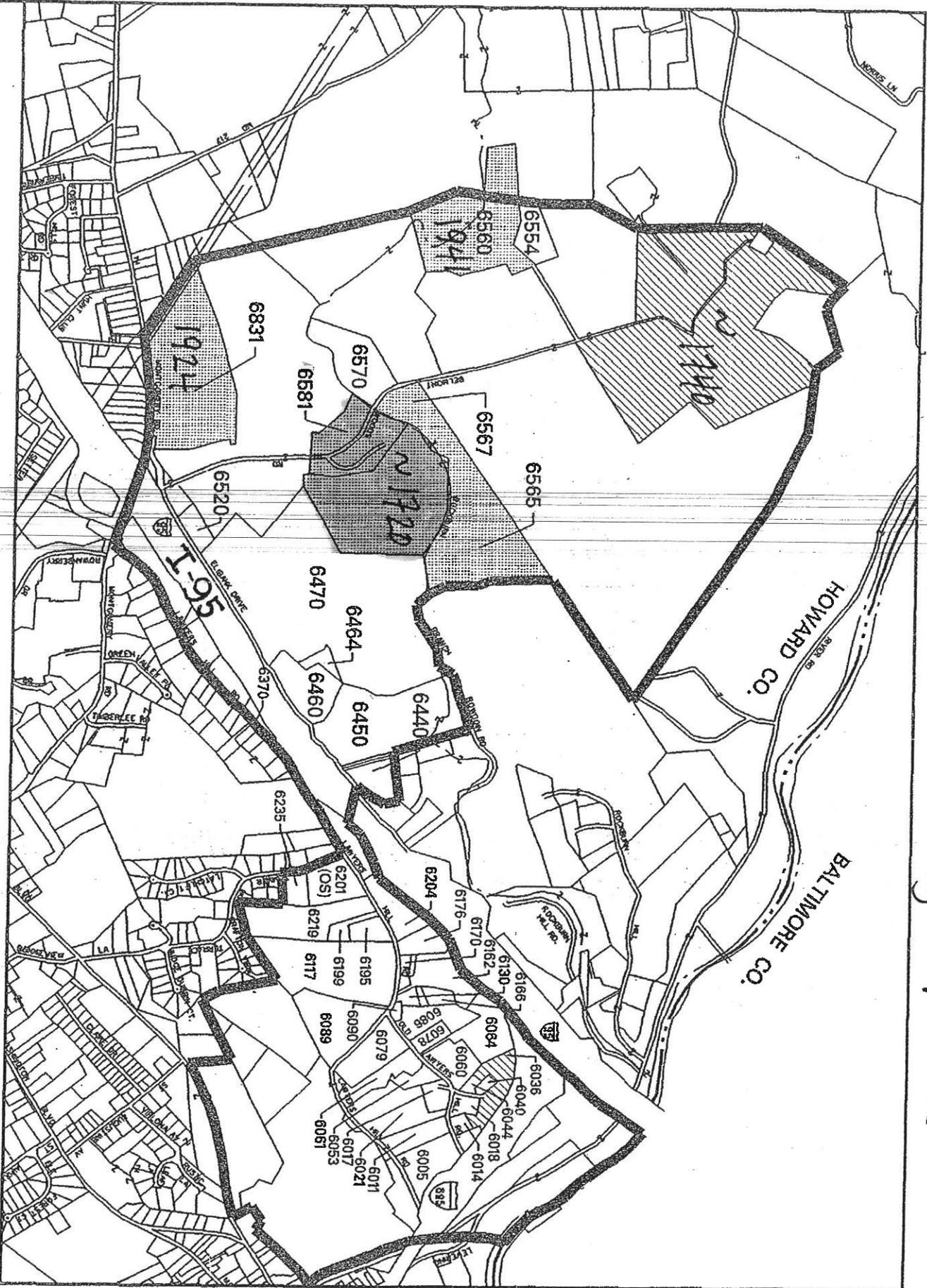
I surmise the applicant’s assertions are based on their longtime professional relationship with the Department of Planning and Zoning and its leadership. This strikes me as ironic and inappropriate, since the HPC technically falls under the DPZ. Yet it is a well-connected individual who appears to wield more power than an actual governmental body.

As a county citizen, it is frankly embarrassing to watch the applicant tell the HPC what is and is not within their scope, rather than the other way around.

I urge the county council to pass Bill CB-3, and grant the HPC the necessary authority to be effective when new development within a historic district is proposed. Thank you for your time.

Michelle Kline
6199 Lawyer’s Hill Rd., Elkridge

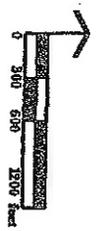
WEST-NORTHWEST I-95 HISTORIC DISTRICT W/300K. Excluding Patapsco Park



LAWYERS HILL:
NATIONAL REGISTER HISTORIC DISTRICT

Map Summary - I-95 Rd District I-95-DJ 2-1-2000

-  Boundary
-  1920 Performance Trust Registration
-  1940 Historical Trust Registration



J. Schumacher

ELKRIDGE, MD. MASTER POLICY PLAN

prepared for:

HOWARD COUNTY
OFFICE OF PLANNING & ZONING
George Howard Building
3430 Court House Drive
Ellicott City, Md. 21043

prepared by:

MURPHY / WILLIAMS
3426 Sansom Street
Philadelphia, Pa. 19104

ARMIGER-CHAFFIN & ASSOC.
Box 919
Columbia, Md. 21044

THE MAJOR PLAN ELEMENTS
AUGUST 1979

- reuse proposal for the O'Malley Home;
- improvement of the railroad station as a commuter facility;
- linkage to State Park proposals for the Patapsco riverfront;
- linkage to County recreation facilities proposed for Elkridge Landing;
- consideration of a new zoning category for the Main Street district for a new zoning category for the Main Street district, for compatible residential and specialized commercial uses.
- sidewalk improvements;
- other improvements to neighborhood infrastructure and amenities.

Some of the above elements are in the process of implementation. However, the neighborhood revitalization strategy--the tool for coordinating a variety of diverse actions for maximum impact in neighborhood enhancement and maximum achievement of residents' objectives--has as yet not been prepared.

Howard County should ask the U.S. Department of Housing and Urban Development to designate Main Street as a "neighborhood strategy area", a designation available for special areas which wish to achieve neighborhood enhancement and revitalization while minimizing displacement of renter households and lower income owners.* The designation would qualify Main Street for assistance in preparing the neighborhood revitalization strategy and in implementing the improvements in infrastructure, rehabilitation and amenities which it recommends.

93. Establish a Lawyers Hill Historic District.

On a County zoning map, Lawyers Hill is indistinguishable from other recent or prospective R-20 subdivisions, with single-family dwellings on lots of 14-20,000 square feet. Should the public policy treatment of Lawyer's Hill be distinct from that in other R-20 zones? If so, how should public policy reflect the distinction?

Lawyers Hill has historic values, a district character, and topographic and ecological aspects which set it apart from other R-20 zones. The most appropriate public policy reflection of these characteristics is the establishment of a historic district for the property whose development (present or prospective) has access from Lawyer's Hill Road.

The historic district would have several advantages. It would be an official recognition in public land development policy of the special character of Lawyers Hill. It would provide an additional level of control over site planning and design of new development on Lawyers Hill, to ensure compatibility with the existing historic and natural character.

As for Main Street, the Lawyer's Hill district would require an additional level of review for private rehabilitation proposals, a review focusing on the historic compatibility of the proposed change. Against this, however, are the advantages of historic district controls in regulating new development, the access to historic restoration information concomitant with historic district status, and the prospect that the county could

*Note: The County's 1978 Community Development Block Grant proposal suggested designation of the entire area southeast of I-95 (over 4,000 acres) as a neighborhood strategy area. The new proposal should focus on less than .5% of the previous suggestion: an area of approximately 20 acres along Main Street in Elkridge Landing.

TESTIMONY CB-3 2019 JOSEPH RUTTER, AICP FORMER HOWARD COUNTY PLANNING DIRECTOR

I DO NOT HAVE TIME TO GIVE THE FULL HISTORY OF LAWYERS HILL. SUFFICE IT TO SAY IT WAS ESTABLISHED AS A PLACE FOR RICH WHITE FOLKS TO ESCAPE BALTIMORE CITY IN THE SUMMER.

THE 1990 GENERAL PLAN ADOPTED DURING THE BOBO ADMINISTRATION SET A POLICY TO USE ZONING TO PROTECT ENVIRONMENTAL RESOURCES IN THE PATAPSCO DRAINAGE AREA. THE PLAN WAS IMPLEMENTED WITH RESIDENTIAL-ENVIRONMENTAL DEVELOPMENT ZONING TO REPLACE R-20 LARGE LOT RESIDENTIAL ZONING. R-ED REQUIRES A MINIMUM OF 50% OPEN SPACE WHILE R-20 REQUIRES ONLY 6%.

SOME LH RESIDENTS FEARED THE STYLE AND TYPE OF DEVELOPMENT AND HOUSING ALLOWED IN R-ED SO SOME RICH WHITE FOLKS INITIATED AN EFFORT TO CREATE THE HD TO PROTECT THE AREA.

EXECUTIVE ECKER RECOGNIZED WHAT WAS INTENDED SO HE AUTHORIZED ME TO ALLOW PROPERTY OWNERS TO VOLUNTARILY OPT OUT OF INCLUSION IN THE DISTRICT. LH HD STARTED AS A MUCH LARGER AREA, BUT WHEN BELMONT AND THE STATE PARK WERE NOT INCLUDED SOME WHO SPEARHEADED THE HD CREATION OPTED OUT. I GAVE YOU A COPY OF THE LETTER THAT WAS MAILED TO THE SDAT ADDRESS OF RECORD. UNFORTUNATELY SOME MAY NOT HAVE RECEIVED THE NOTICE AND SOME MAY NOT HAVE UNDERSTOOD THE IMPLICATIONS OF INCLUSION.

A SIMILAR PROCESS UNFOLDED IN THE EC HD WHEN R-ED WAS IMPLEMENTED. SOME RESIDENTS OF CHURCH ROAD FEARED THE LOT SIZES AND TYPES OF HOUSING R-ED PERMITS WOULD IMPACT THE VALUE OF THEIR PROPERTY IN ORDER TO ACHIEVE THE ENVIRONMENTAL BENEFITS. IN THIS CASE I OFFERED TO ZONE THOSE PROPERTIES RURAL RESIDENTIAL ONLY ON PROPERTY WHERE THE OWNER OPTED IN. THAT PROVISION IS STILL IN PLACE FOR THOSE THAT CHOSE TO PARTICIPATE. GIVEN THE LOTS SIZE OF THOSE PARTICIPATING SUBDIVISION WAS BASICALLY NOT POSSIBLE UNDER RR.

THIS BILL ATTEMPTS TO INSERT THE HPC INTO A ZONING AND LAND DEVELOPMENT PROCESS THAT HAS HISTORICALLY BEEN THE PURVIEW OF THE PLANNING BOARD. IT IS THE DIVERSE MEMBERSHIP OF THE PLANNING BOARD THAT HAS EVALUATED R-ED PROJECTS TO ASSURE THE INTENT OF THE ZONING IS MET. THE HPC IS CLEARLY CHARGED WITH PROTECTING HISTORIC RESOURCES AND SHOULD NOT ADD A CONFLICTING LAYER TO THE DEVELOPMENT REVIEW PROCESS.



DEPARTMENT OF PLANNING & ZONING

Joseph W. Rutter, Jr., Director

October 14, 1993

Mr. and Mrs. Eulas M. Pollard
6061 Lawyers Hill Road
Elkridge, MD 21227

Dear Mr. and Mrs. Pollard:

RE: Proposed Historic District for the Lawyer's Hill
Community

As you may be aware, the Department of Planning and Zoning has received requests from numerous property owners in Lawyer's Hill requesting that a local historic district be established. This letter is being sent to inform you of the Department's intention to file a petition to the Zoning Board to create a local historic district for the Lawyer's Hill Community in accordance with Section 16.602 of the Howard County Code. The enclosed map indicates those properties proposed to be in the local district. The land uses allowed by the underlying zoning will not be affected should these properties be placed within a local district.

Properties within the local district will be subject to review by the County's Historic District Commission (H.D.C.) for changes to exterior appearance. The Historic District Commission meets monthly to review applications for such exterior changes. Copies of the existing H.D.C. powers and rules of procedures as well as the Secretary of Interior's Standards for Rehabilitation are available by calling the Department of Planning and Zoning at (410) 313-2393. Please also be advised that this Department is proposing several amendments to the County Code concerning the H.D.C. Copies of the proposed legislation will be available after October 20th.

You will have opportunities to comment on this proposal at the November 4th meeting of the Historic District Commission (7:30 p.m.) and at subsequent meetings of the Planning Board on November 10th (9:30 a.m.) and the Zoning Board.

Please do not hesitate to contact me at (410) 313-2393 if you have any questions about this proposed local historic district.

Sincerely,


William F. O'Brien, Chief
Division of Comprehensive Planning
and Zoning Administration

WFO:bsw

Testimony in support of CB-3
Cathy Hudson
Live at 6018 Old Lawyers Hill Rd
Farm at 6089 Lawyers Hill Rd both are in the Lawyers Hill Historic District

Lawyers Hill is a community of that goes back to the 1840's and has grown one house at a time. No two houses are alike, no two setbacks are the same, and the properties all have a mixture of old trees and mixed landscaping. I call it sanity hill because people will purposefully detour through the community for a little bit of sanity on their commute.

In 1994 the community petitioned the county to become an historic district as they and the county recognized its importance and need for protection. Many of the property owners since then have felt strongly enough that this is an area worth protecting for future generations by voluntarily giving up their development rights to ensure that this area will be protected from inappropriate development.

And now we are coming back to the county to ask for further protection. It seems strange that if I want to do something additional to my property that I need to have it reviewed by the Historic Preservation Commission, yet if my neighbor wants to bulldoze his property and put in a cookie cutter development that the clearing and grading of the land will not be reviewed by the Historic Preservation Commission. Yet it is the trees and the topography that is integral to the essence of my community.

This bill would allow the HPC to review both scenerios. They are the folks who have the expertise to guide how a new development could best blend into the existing district while minimizing its impact. The Planning Board's review of new developments is limited to only a few criteria and taking into account the historical context isn't one of them.

I would also ask you to amend the bill by making it clear that any plan that doesn't have an approved SDP would be subject to this requirement.

I strongly ask you to pass this bill and help to protect both historic districts.

22 January 2019

RE: Lawyers Hill Overlook

Words from Joyce (Adcock) Oakley, sister of Ed Pollard and co-owner of the property who cannot attend this meeting because she resides in Alabama.

Let me tell you a little about our property.

Our family has owned this property since the 1930's.

My brother Ed, my deceased brother Jerry, and I were all BORN in the majestic 3-story house that once stood on this property. We were so fortunate to grow up there, in a home that housed our grandparents; our uncle and his family; and loving parents.

Our devoted grandmother developed and planted beautiful landscaped gardens all around the house and the wrap-around porch, and would host luncheons for her friends.

She had a chicken coop down the back hill along the fence line and would sell the eggs to neighbors.

After we had grown up and moved away, our grandmother took in and nurtured a large number of foster children—some only needing a home for a night or two—others staying for years.

This was the home we loved and miss. We cherish the memories of growing up on Lawyers Hill.

We have been faithful stewards of the property by paying taxes every year—at apparently a higher rate than some of our neighbors because the land was deemed “suitable for development” because the home was gone—having been destroyed by a fire in the 1990's.

Now we want to build a small development of beautiful homes on this property—following all the guidelines of the County.

Have you seen the plans for the development? It's beautiful.

Thank you.

Joyce (Adcock) Oakley

Lawyers Hill Rd













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

I, Susan Garber, have been duly authorized by
(name of individual)

the Savage Community Association Board of Directors to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB-3-2019 to express the organization's
(bill or resolution number)

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

Printed Name: Susan Garber

Signature: Susan Garber

Date: January 22, 2019

Organization: Savage Community Association

Organization Address: Savage, MD 20763

Savage, MD 20763

Number of Members: 225

Name of Chair/President: Ed Montgomery

This form can be submitted electronically via email to 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, Carolyn Parsa, have been duly authorized by
(name of individual)

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

County Council regarding CB 3 & CB 4 to express the organization's
(bill or resolution number)

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

Printed Name: Carolyn Parsa

Signature: [Handwritten Signature]

Date: 1-22-19

Organization: Howard County Sierra Club

Organization Address: _____

Number of Members: 1,200

Name of Chair/President: Carolyn Parsa

This form can be submitted electronically via email to 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

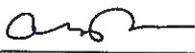
I, Angelica Bailey, have been duly authorized by
(name of individual)

Maryland Building Industry Association to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB3-2019 to express the organization's
(bill or resolution number)

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

Printed Name: Angelica Bailey

Signature: 

Date: January 20, 2019

Organization: Maryland Building Industry Association

Organization Address: Fulton, MD 20759

Fulton, MD 20759

Number of Members: 1

Name of Chair/President: Lori Graf, CEO

This form can be submitted electronically via email to 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.

January 22, 2019

Re: OPPOSITION TO CB3 – Removing certain exceptions for a certificate of approval for new development in a historic district

Dear Chairwoman Mercer Rigby and Members of the Howard County Council:

The Howard County Chapter of the Maryland Building Industry Association (MBIA) writes in opposition to Council Bill 3 removing certain exceptions for a certificate of approval for new development in a historic district, essentially giving the Historic Preservation Commission the authority to stop any project in a historic district. The MBIA asserts that this would significantly and unnecessarily expand the Historic Preservation Commission's authority while creating inefficiency in the approval process.

Under the current law, a certificate of approval from the Historic Preservation Commission (HPC) is required before construction of any structure, construction of parking areas, or installation of exterior signs can begin in any historic district. If the HPC issues the certificate, the Department of Inspections, Licenses and Permits (DILP) can issue a permit for the work to begin. However, a certificate is not needed for ancillary construction like public streets and sidewalks, use-in-common driveways, storm drains and drainage swales, stormwater management facilities, utility lines, tree clearing or removal, or forest conservation plantings in a historic district. CB3 proposes to remove this exemption, requiring the HPC to issue a certificate of approval for basic work that does not substantively alter the integrity of a historic structure.

The alteration or removal of historic buildings is important, and the HPC should have a voice during such review. However, the exemption at issue does not relate to the buildings themselves; this exemption speaks to minor and necessary changes in historic districts like stormwater management facilities and the construction of public sidewalks. The HPC was designed to make recommendations, not conclusive decisions; granting it the authority to stop the approval process at the very end and send a developer back to the beginning for a non-substantive alteration is tremendous authority for a citizens' advisory board. Such a result is costly, unreasonable and disproportionate.

Furthermore, requiring HPC to provide a certificate for small alterations is redundant and does not further the HPC's purpose of protecting historic structures in Howard County. The Department of Planning and Zoning (DPZ) already considers the historic impact of a request during the approval process and provides opportunities for both experts and the public to provide feedback. The HPC participates in these steps, and assists in reviewing development plans several times throughout the approval process. The HPC therefore has ample opportunities to make recommendations at earlier stages. A third bite at the apple, which comes at the end of the approval process, is redundant and slows the process by adding more steps and more potentially-appealable decisions.

The MBIA urges you to vote against the removal of the exemption to the Historic Preservation Commission's certificate requirements.

Thank you for your attention to this vital issue and your continued support of the local home building industry. If you have any questions about these comments and would like to discuss MBIA's position further, please do not hesitate to contact me at abailey@marylandbuilders.org or (202) 815-4445.

Best regards,



Angelica Bailey, Esq., Vice President of Government Affairs

Cc: Councilman David Yungmann
Councilman Opel Jones
Councilmember Elizabeth Walsh
Councilmember Deb Jung
County Executive Calvin Ball
Sameer Sidh, Chief of Staff to the County Executive
Valdis Lazdins, Director of Planning
James Irvin, Director of Public Works

HOUSING MATTERS IN MARYLAND

Real Estate Drives the Maryland Economy

The estimated one-year economic impacts of building 3,875 single-family and 3,693 multifamily homes in Maryland

\$1.7 BILLION

Income for Maryland residents

\$371.1 MILLION

Taxes and other revenue for the state and local governments in the state

23,902

Jobs



The additional, annually recurring impacts of building 3,875 single-family and 3,693 multifamily homes in Maryland

\$419.9 MILLION

Income for Maryland residents

\$105.7 MILLION

Taxes and other revenue for the state and local governments in the state

5,951

Jobs



Jobs and Wages



Maryland's real estate industry, which encompasses the activities of real estate professionals, legal service providers and relevant construction segments, directly supported over **260,000 jobs** in Maryland in 2016. Compensation averaged roughly **\$80,600 per year** (including benefits).



Real estate-related employment increased by 11% between 2012 and 2014, while overall employment grew by 3.7% during that same period.

Taxes and Revenues



The industry supports an estimated **\$1.12 billion** in annual State individual income tax collections and **\$675.3 million** in local tax collection. Real estate taxes accounted for **58% of local government general fund revenues** in 2016.



Real estate services contributed **\$62.8 billion** in value added to Maryland gross state product in 2016.

Housing Shortage



The current supply of available homes in the area is approximately 1.205 million housing units. Based on current models, there is demand for 1.231 million units. According to Metrostudy, **Baltimore is under-built by an estimated 26,000 units.** According to a Council of Governments report, **the Washington DC region is expected to be under-built by 115,000 units by 2045.**

Sources: The Economic Impact of Home Building in Maryland Study, NAHB November 2014 and the Role of Real Estate in Maryland's Economy 2017



MBIA is a not-for-profit trade organization representing the interests of over 1,100 member firms and more than 100,000 employees, including home builders, remodelers, developers and professional and service providers in the Maryland Counties of Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Montgomery, Prince George's and St. Mary's as well as Baltimore City, the Eastern Shore, Western Maryland and Washington, DC.

Find out more about us at marylandbuilders.org or call 301-776-6242.



HELPING THOSE IN NEED

The Maryland Building Industry Association is focused on giving back to our communities through its charity, the Home Builders Care Foundation. By utilizing the skills and resources of building industry members on shelter-related construction and service projects, we work to help local communities meet the challenges of sheltering and caring for vulnerable families and individuals.

IN THE PAST **4** YEARS ALONE THE HOME BUILDERS CARE FOUNDATION HAS

54 Community service projects and activities undertaken

4563 Men, women and children in crisis, who were provided help

406 Shelter units maintained by donated construction expertise

111 New housing units created

900 Children who received toys and gift cards during the holiday seasons

1000 Nutritional care packs prepared for the homeless with crisis contact resources

6500 Items of professional clothing donated to low-income job seekers for job interviews

2M Program service dollars directly invested in projects to build shelter and support local communities

Please let us know if you are aware of a project that would be a good fit for the Home Builders Care Foundation.

pkane@hbcf.org
301-776-6242

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

I, Howard Johnson, 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 CB3-2019 and CB4-2019 to express the organization's
(bill or resolution number)

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

Printed Name: Howard L Johnson

Signature: Howard L Johnson

Date: 1/22/2019

Organization: Howard County Citizens Association

Organization Address: Ellicott City MD 21041

Ellicott City MD 21041

Number of Members: 490

Name of Chair/President: Stu Kohn

This form can be submitted electronically via email to 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.



HCCA

Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

Date: 22 January 2019

Subject: Council Bill 3 -2019 Removal of the exclusion of the New Development section from the Historic Preservation Commission COA requirement.

Good evening Council chair and members. Tonight, I am testifying on behalf of the Howard County Citizens Association, HCCA in favor of CB3-2019.

HCCA finds this bill to remove the exclusion of Certificate of Approval (COA) for proposed new development and subdivisions in county established historic and preservation districts a very positive step in the right direction to secure the historic districts.

The Historic Preservation Commission, HPC currently can only provide comment and explanation to the parties presenting a new development or subdivision plan before them. Comments presented by the HPC can be considered by these parties and by the Planning Board as a subdivision plan moves through the process to completion. Unfortunately there is no teeth to the recommendations or consequences if the recommendations or comments are not followed. A COA is the tool the HPC needs to have influence over such plans.

With the exclusion of the "New Development " clause removed from section 16.603 of the code the HPC will have the appropriate oversight of new development, requested changes to streets, storm water management, trees, and forest management. This is important because an historic district is not only buildings, but also the environment which has been created and part of the charter of that district.

Recent development plans in historic districts have threatened these areas with tract type housing to maximize the dollar per foot. These are the Districts where the land under foot has been preserved by others for years to carve out a place where the planned development and urbanization of Howard County cannot and should be allowed because it might make cents. We simply request our decision makers to make sense.

The Historic Preservation Commission is the County gate keeper for historic properties. We must give the HPC the tools to properly perform their jobs for the benefit of preservation at its finest. CB3 is definitely a major step forward. The HCCA requests the Council pass CB3-2019 to amend the code to further safeguard land and properties which should be preserved to protect our County.

Howard Johnson
HCCA Board of Directors



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

I, LISA MARKOVITZ, have been duly authorized by
(name of individual)

The People's Voice to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB3-2019 to express the organization's
(bill or resolution number)

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

Printed Name: Lisa Markovitz

Signature: [Handwritten Signature]

Date: 1/22/19

Organization: The People's Voice

Organization Address: 3205 B Corporate Court

Ce Ellicott City MD 21042

Number of Members: 2492

Name of Chair/President: Lisa Markovitz

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Lisa Markovitz for The People's Voice Ellicott City MD

January 21, 2019

CB 3 -2018 – Support

The layer of oversight provided by The Historic Preservation Commission regarding development activity in our historic areas, should only be limited very carefully, such as with regard to activity needed for safety and recovery from natural disasters, or preparations therefore, with flood remediation work, so as not to delay needed projects; however, having exemptions that lessen protection of our natural environment and character of these protected districts are wise to limit. We are in favor of furthering those protections by eliminating exemptions, especially tree clearing and removal, which we see way too much of, everywhere, and in the watershed and flooding areas.

I have often seen projects where developers were allowed to choose between abiding by historical or environmental requirements. Recently, at a quasi-judicial Planning Board hearing I was asked which would I prefer, historical or environmental protection? I say we should not have to choose.

Thank you.



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

I, ROBERT A. "DROW" ROTH, have been duly authorized by
(name of individual)

THE HOWARD COUNTY HISTORIC PRESERVATION COMMISSION to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CG-3 2019 to express the organization's
(bill or resolution number)

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

Printed Name: ROBERT ROTH

Signature: *Robert Roth*

Date: 22 JAN 2019

Organization: HOWARD COUNTY HISTORIC PRESERVATION COMMISSION

Organization Address: 3430 COURT HOUSE DRIVE

ELLCOTT CITY, MD 21043

Number of Members: 5

Name of Chair/President: ALLAN SHAD

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



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

_____ to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

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

support for / opposition to / request to amend this legislation.
(please check one)

Printed Name: _____

Signature: _____

Date: _____

Organization: _____

Organization Address: _____

Number of Members: _____

Name of Chair/President: _____

This form can be submitted electronically via email to communications@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.

Testimony in support of CB-3

Drew Roth, on behalf of the Howard County Historic Preservation Commission

The Historic Preservation Commission strongly supports CB-3.

Under the current Howard County code, new subdivisions are held to a different standard than other structures located in a historic district.

In general, the construction, exterior modification, or demolition of structures, appurtenances, and environmental settings must follow the guidelines for that district. Such changes require a Certificate of Approval by the Historic Preservation Commission.

However, for new subdivisions with an approved subdivision plan or grading plan, no COA from the HPC is required for tree clearing, new roads or shared use driveways, stormwater management structures, or required landscaping. Subdivision plans are approved by the Planning Board. The Planning Board has no requirement to follow the historic district guidelines. Nor does the Planning Board have expertise in historic preservation.

Under the code as it exists, over time, our historic districts will become a patchwork of modern subdivisions intermingled with historic properties. The integrity of the historic district will be irretrievably lost. This is a basis for losing the National Register Historic District designation.

CB3 simply removes the exception for new subdivisions, so that all construction in a historic district follows the guidelines, with consistent and uniform application of historic district guidelines by the Historic Preservation Commission. This will ensure the long term protection of the full environmental setting and historical context of our districts.

In the Ellicott City Historic District, we have an entire town and surrounding residential areas largely as they have been for one hundred years and longer. A visitor to Ellicott City can experience what day to day life would have been like one hundred years ago.

The Lawyers Hill Historic District still provides the experience of serene summer homes from the 19th century, with diverse architecture that continues in the environmental setting and context from bygone days. Residents and visitors can still enjoy the escape from the dense and crowded city that the original inhabitants created 150 years ago. Lawyers Hill is a step back in time.

Historic districts are rare and precious. They are what make Howard County special and unique. They are what visitors find attractive and memorable. They create the sense of place that make Howard County a desirable place to live and to conduct business. Historic districts attract investment. Historic districts create an emotional bond between residents and their community.

The Historic Preservation Commission works with property owners to maintain the integrity of

the historic districts. A new subdivision that is not developed in accordance with the guidelines can completely undo that work in a single massive stroke.

Please pass this bill to make our historic districts secure, safe, and protected. Our history is valuable, and the environmental setting and context preserved in our historic districts are irreplaceable.

Drew Roth
6117 Lawyers Hill Road
Elkridge



Exhibit 9 and 10 – Are photos of the typical homes with detached garages that we are proposing for the site. Many variations of the exterior elements are possible and desirable.



Exhibit 9 and 10 – Are photos of the typical homes with detached garages that we are proposing for the site. Many variations of the exterior elements are possible and desirable.



Exhibit 8 – Shown SDF lots with detached garages. This product type creates a pleasant streetscape and allows a maximum distance between homes. The homes are placed on the lot line to maximize the separation of the homes. The layout with the attached garages typically has 15 feet between the homes. By removing the garages from the home, the homes footprint becomes smaller but the home lives larger. This product is typified by product developed by NVR Homes in the Clarksburg Community.

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LAWYERS





LAWYERS

Exhibit 7 – Shows SFD lots with front entry garages. If front entry garages are preferred, we would mask them to the fullest extent possible with small overhanging roofs and / or trellis.



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734.751.1555

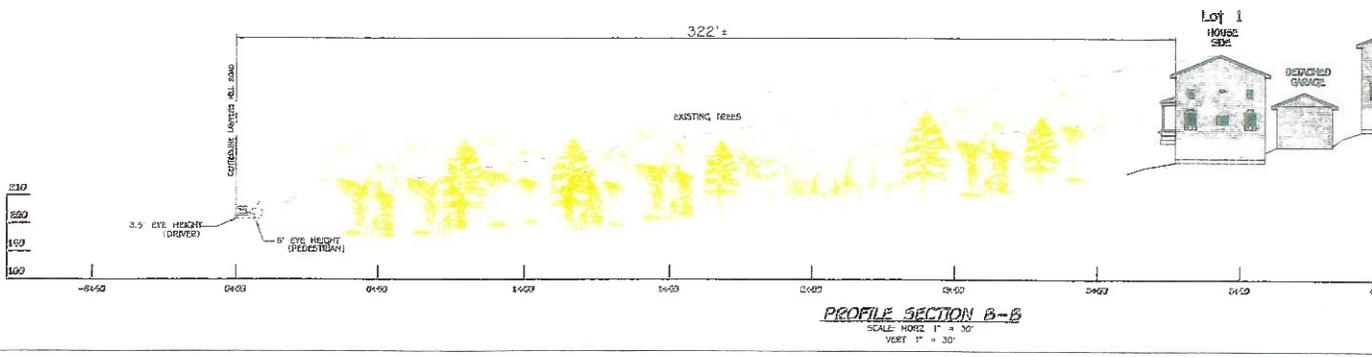
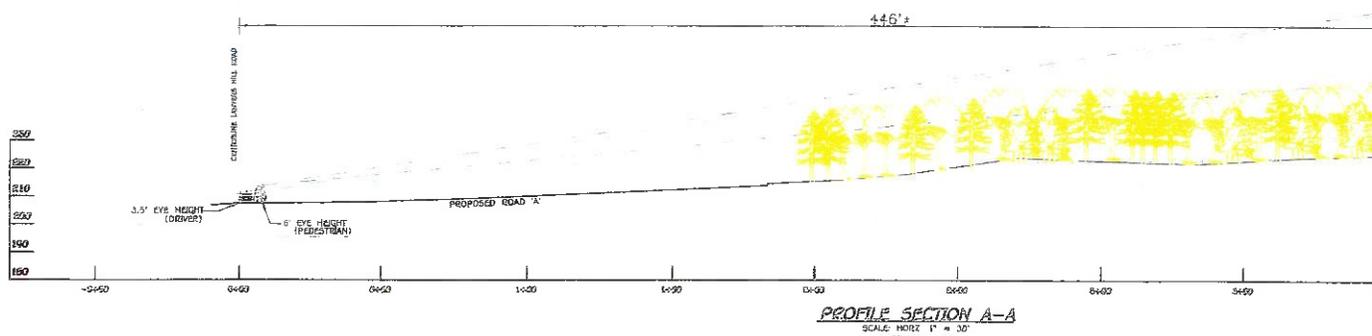
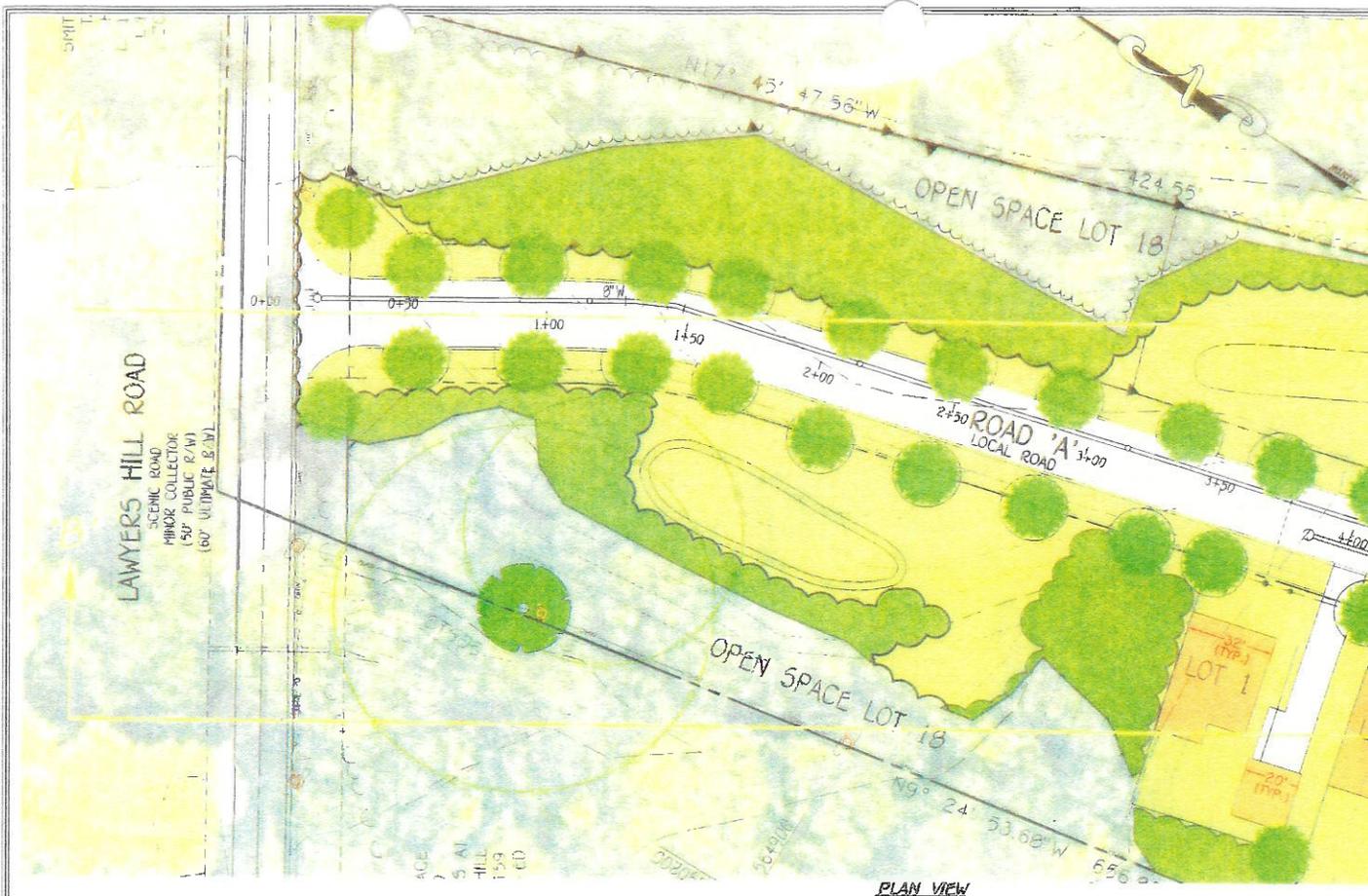


LAWYERS

Exhibit 6 – Shows the proposed lots and the limit of disturbance with a yellow line



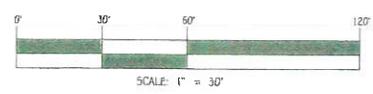
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410-481-0893

TENTATIVELY APPROVED
DEPARTMENT OF PLANNING AND ZONING
HOWARD COUNTY

PLANNING DIRECTOR _____ DATE _____

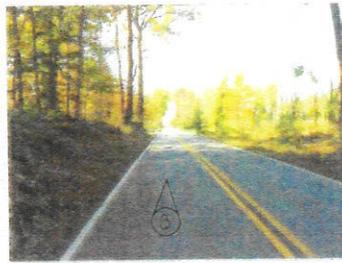




LAWYERS HILL ROAD @ SUMMER HOME TERRACE
LOOKING SW



LAWYERS HILL ROAD @ EXISTING DRIVEWAY
OPEN SPACE LOT 60



LAWYERS HILL ROAD LOOKING SW TOWARD
SUMMER HOME TERRACE



LAWYERS HILL ROAD LOOKING SW TOWARD
SUMMER HOME TERRACE @ FIRE HYDRANT



Exhibit 4 – Is a “scenic road exhibit” that shows the projects only point of public road access to Old Lawyers Hill Road



LAWYERS HILL ROAD @ BGE#198049



PROPOSED ROAD @ LAWYERS HILL ROAD
& BGE#198049

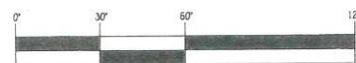


PROPOSED ROAD @ LAWYERS HILL ROAD



LAWYERS HILL ROAD LOOKING SW TOWARD
PROPOSED ROAD @ BGE#813517

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CIVIL ENGINEERING CONSULTANTS & LAND SURVEYORS
EASTON/BAKERSVILLE OFFICE: PARK BLDG. BALTIMORE NATIONAL TRAIL
ELLSWORTH CITY: HANCOCK BLVD 21042
410.431.1200



SCALE: 1" = 30'



PLAN
SCALE: 1" = 30'

LEGEND	
SYMBOL	DESCRIPTION
	EXISTING CONTOUR 2' INTERVAL
	EXISTING CONTOUR 10' INTERVAL
	EXISTING STORM DRAIN
	EXISTING WATER LINE
	EXISTING SEWER LINE
	EXISTING TREE LINE
	PROPOSED TREE LINE
	DENOTES EXISTING TREES TO BE REMOVED
	DENOTES EXISTING TREES TO REMAIN
	CRITICAL ROOT ZONE



Exhibit 3 – Shows the limits of disturbance as required to have the road and utilities installed per Howard County's Design Manual requirements

SPECIMEN TREE DATA					
NO.	SIZE	SPECIES	CONDITION	NOTES	TO BE REMOVED
584	38"	TULIP POPLAR	POOR	TRUNK ROT PARTIALLY DEAD	YES
585	49"	BLACK OAK	FAIR	PARTIAL CANOPY	NO
586	36"	AMERICAN BEECH	FAIR	DBL. B. 12\"/>	





Exhibit 2 – Is a context map that shows this site in context of the community

