

Sayers, Margery

From: Stephanie Tuite <Stephanie@fcc-eng.com>
Sent: Monday, November 18, 2019 8:02 AM
To: CouncilMail
Subject: Testimony for Nov 18, 2019 hearing (CB61, CB62, CB63)
Attachments: Stephanie Tuite.vcf; STuite Testimony for Nov 18 2019.pdf

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Council,

Please see the attached letter/testimony with regard to proposed legislation being heard on the above date. I will try to be at the hearing to present this testimony, but please accept this written version. Thank you.

Steph



Dear Howard County Council,

CB62

I have worked with the forest conservation regulation as well as the Zoning Code and Subdivision and Land Development regulations over the past 25 years. I became a DNR qualified professional after receiving training from DNR in 1995. I am a Registered Landscape Architect (2000) and Professional Engineer (2010) as well. I have had occasions to work on school projects, commercial developments, as well as residential developments. Although there are main times that we create easements that are more than 35 feet wide, there are always aspects of the plan that we need to go down to the 35 foot minimum.

"Trees that are part of a historic site or associated with a historic site" (pg 12) leaves a lot of room for interpretation and could be left up to interpretation differently, needs more clear language. Also on page 12(B)(5) references "Critical Habitat areas and Forest Corridors with a minimum width of 300 feet" which is based on what? Who determines whether this area is critical? Many references I have heard are based on large scale mapping. A decent planning tool, but when you get to a county level look at things, the large scale planning tool isn't very reliable since it needs to be at a more site specific detailed level.

Making the ratio higher for reforestation outside the watershed does not make it easier to find off-site locations (forest banks). Our clients look for what is available. If a site is not available in the watershed, then the site is being further penalized.

In order for subdivisions to "reduce lot sizes, cluster lots and maximize open space" (pg 17), the subdivision regulations need to support it, like what is referenced for R-20. Without supporting language in other sections of the subdivision regulations, it would be unreasonable to expect this new section to be able to be utilized. Also, on this same page, if RC and RR lots are importing density, it is due to the fact that soils have been found suitable for septic. Properties that are sending density are doing so most times because soils are not suitable for septic. Based on this, the subdivision is "reducing lot sizes, clustering lots and maximizing open space" since it would be clustering per zoning regulations. Areas suitable for development are utilizing the density for those that cannot.

Although I understand the 35-foot setback for on-site (pg 18), I do not understand off-site. If another subdivision creates a forest conservation easement on their property, that should not limit what is done on someone else's property. That would force a site to have a 35 foot side setback where they might normally have a 10 foot setback.

References on page 22 state that variances for projects that don't go to planning board require approval from "Director of Dept of Planning and Zoning, the Administrator of office of Community Sustainability, and the Director of Recreation and Parks" and per what was stated in the pre-file meeting, this requires a unanimous approval. It isn't majority rules. This need to be clarified since it was my understanding that this was not the intent, that it was to be a coordinated effort.

Please note that there are references to "waivers" on sheet 23 and references to "Forest Conservation Bank" which terminology needs to be consistent with the regulations. The references should be "Alternative Compliances" and "Forest Bank" or "Forest Mitigation Bank". Also, not real clear how we "verify" the conditions with (D)(5 and 6) on this page. It would be hard to prove either side of the argument.

CB61

Economic hardship needs to still be a part of the consideration. Whether it be with demonstration that other factors must exist, and not just economic hardship would be a consideration. (pg 1)

Slopes less than 20,000 sq.ft. should still be allowed to be graded. There should not be a distinction between manmade and natural. What limitation would you put on what is considered natural vs. manmade? Recent grading? Within last 5, 10, 15 yrs?

(D)(1) (pg 6) states that "For private development projects, Director of Dept of Planning and Zoning, the Administrator of office of Community Sustainability, and the Director of Recreation and Parks" and per what was stated in the pre-file meeting, this "requires a unanimous approval. It isn't majority rules." This need to be clarified since it was my understanding that this was not the intent, that it was to be a coordinated effort.

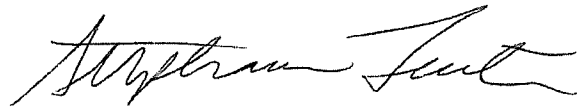
CB63

During a prior iteration of this bill and I assume the same or similar reasoning is being offered for the widening of the buffer along a roadway. Creating a "corridor for habitat" along a roadway to buffer subdivision only offers more opportunity for collision between wildlife and vehicles on the roadway. Visual character which is the purpose of the scenic roads legislation can be achieved with the current buffer. The first part of the legislation states "helps to preserve the scenic character of the landscape viewed from these roads", not to create a habitat.

(4)(l)(B) states the "Only to the extent vehicular access cannot be practicably located along a non-scenic road, access along a scenic road shall be permitted at an existing driveway location." This should not be the only situation to be acceptable. Some situations exist where relocating the existing driveway entrance creates a safer entrance with better visibility. Also, it is occasionally necessary to clear trees along the road to have a safer entrance in order to provide visibility and meet Sight Distance requirements to create a safe entrance which is evaluated by the county's review by Development Engineering Division, who are trained to review these types of requirements.

With regard to the amendment to administrative waivers to add what essentially is the requirements of a pre-submission community meeting notification for a Planning Board meeting, which is a bit excessive when the Planning Board notice is put in two newspapers and a sign is posted on the property as part of the Planning Board meeting. Also, the 30 days for public comment isn't clear when the Planning Board meeting is the forum for public comment. This also seems a bit excessive.

Thanks for your time and consideration of my testimony.



Stephanie Tuite, RLA, PE, LEED AP BD&C
DNR Qualified Professional

Sayers, Margery

From: joel hurewitz <joelhurewitz@gmail.com>
Sent: Sunday, November 17, 2019 4:23 AM
To: CouncilMail
Cc: Sager, Jennifer
Subject: CB63-2019 Forest Conservation Act

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

Dear Council,

I wish to point out the following issues in CB63-2019 for correction/clarification:

I think that the COMAR citation on Page 5, Line 26 is incomplete. It should be "08.19.03.01 Article II" <http://mdrules.elaws.us/comar/08.19.03.01>

The citation is also incorrect in the current Code:

Sec. 16.1201. - Definitions.

(u)

Other terms which are defined in the Natural Resources Article section 5-1601, "Definitions," Annotated Code of Maryland, COMAR 08.19.01.03, "Definitions," and **COMAR 08.19.03, article II**, "Forest and Tree Conservation Definitions," are incorporated by reference and shall apply to this subtitle for any terms which are not defined in this section or the Manual.

(C.B. 37, 1992; C.B. 51, 1994; C.B. 4, 1996; C.B. 10, 2014, § 1)

In addition, "DBH" appears on Page 23, Line 22 . A Google search shows that it appears to mean "diameter at breast height." However this abbreviation is apparently not defined in the bill, nor can I find it in the cited COMAR definitions.

Sincerely,

Joel Hurewitz

definitions.

Sayers, Margery

From: Kimberly Golden Brandt <kbrandt@presmd.org>
Sent: Friday, November 15, 2019 12:54 PM
To: Walsh, Elizabeth; Jones, Opel; Rigby, Christiana; Jung, Deb;
dyungmann@howardcountymd.org; CouncilMail
Cc: Ball, Calvin
Subject: SGAHC Support for CB63, Scenic Road Buffers for Major Subdivisions
Attachments: SGAHC Support for CB63, Scenic Road Buffers for Major Subdivisions.pdf

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

Dear Council Members,

Please see the attached letter supporting CB63 from Audubon Maryland-DC, Audubon Society of Central Maryland, Bicycling Advocates of Howard County, Clean Water Action, Coalition for Smarter Growth, Community Ecology Institute, Howard County Citizens Association, Howard County Sierra Club, Maryland Conservation Council, Maryland League of Conservation Voters, Maryland Ornithological Society, Preservation Maryland, Safe Skies Maryland, Savage Community Association, and The People's Voice.

Sincerely,
Kimberly

Kimberly Golden Brandt

Director of Smart Growth Maryland

PRESERVATION MARYLAND

3600 Clipper Mill Road, Suite 248

Baltimore, Maryland 21211

o. 410-685-2886 x305 c. 410-598-9026

Smarter Growth Alliance for Howard County

November 15, 2019

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

RE: Bill 63-2019, Buffers for Major Subdivisions on Scenic Roads

Dear Council Members:

The Smarter Growth Alliance for Howard County is an alliance of local and state organizations working together to protect the county's outstanding environmental assets to preserve and enhance the quality of life enjoyed by residents.

We strongly support Bill 63-2019 to preserve Howard County's remaining Scenic Roads and we thank you for revisiting this matter.

Increasing the buffer area between Scenic Roads and major subdivisions, requiring removal of invasive species from the buffer area, and requiring the buffer area to be replanted or enhanced with native species of the same community type (forest, wetlands, pasture, meadow) is critical to maintaining community character and will also provide a variety of environmental benefits.

Additionally, the provisions in the bill requiring the plan submittal to include a detailed visual assessment depicting existing conditions and changes associated with development will ensure that the Planning Board and the community have the information necessary to properly assess the impacts of the proposed development.

Finally, to maintain the existing character of Scenic Roads we support limiting road improvements to those necessary for public safety as described in the bill.

We thank you for your kind consideration of our comments and we ask that you vote in favor of Bill 63-2019.

Audubon MD-DC • Audubon Society of Central Maryland • Bicycling Advocates of Howard County • Clean Water Action Coalition for Smarter Growth • Community Ecology Institute • Earth Forum of Howard County • HARP Howard County Citizens Association • Howard County Conservancy • Howard County Sierra Club • Maryland Conservation Council Maryland League of Conservation Voters • Maryland Ornithological Society • Patapsco Heritage Greenway Preservation Maryland • Safe Skies Maryland • Savage Community Association • The People's Voice • Transition Howard County

Sincerely,

Audubon Maryland-DC
David Curson
Director of Bird Conservation

Howard County Sierra Club
Carolyn Parsa
Chair

Audubon Society of Central Maryland
Morgan Lakey
President

Maryland Conservation Council
Paulette Hammond
President

Bicycling Advocates of Howard County
Jack Guarneri
President

Maryland League of Conservation Voters
Kim Coble
Executive Director

Clean Water Action
Emily Ranson
Maryland Program Coordinator

Maryland Ornithological Society
Kurt R. Schwarz
Conservation Chair

Coalition for Smarter Growth
Stewart Schwartz
Executive Director

Preservation Maryland
Kimberly Golden Brandt
Director of Smart Growth Maryland

Community Ecology Institute
Chiara D'Amore, Ph.D.
President

Safe Skies Maryland
Mark Southerland, Ph.D.
Legislative Director

Howard County Citizens Association
Stu Kohn
President

Savage Community Association
Susan Garber
Board Chair

The People's Voice, LLC
Lisa M. Markovitz
President

cc: The Honorable Calvin Ball, County Executive