

1 **MR. ANWER HASAN** * **BEFORE THE**
 2 **PETITIONER** * **PLANNING BOARD OF**
 3 **ZRA-211** * **HOWARD COUNTY, MARYLAND**

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6 **MOTION: Recommend approval with amendments.**

7 **ACTION: *Approved with amendments; Vote 3-0.***

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9 **RECOMMENDATION**

10 On November 14, 2024, and November 21, 2024, the Planning Board of Howard County, Maryland
 11 considered the petition of Mr. Anwer Hasan (Petitioner) to amend the Planned Employment Center (PEC)
 12 zoning district (Section 116.0) as follows:

- 13 • To require structures where research and development is conducted that requires an air permit from
 14 the Maryland Department of the Environment (MDE) to be a minimum of 1,800 feet from a
 15 residential lot line.

16 The Planning Board considered the petition and the Department of Planning and Zoning’s (DPZ)
 17 Technical Staff Report.

18 **Testimony**

19 Mr. Anwer Hasan, the Petitioner, stated that the purpose of the proposed text amendment is to require
 20 an 1,800-foot setback for research and development uses in the PEC Zoning District that require an air permit
 21 from MDE. He asserted that this setback will allow for an increase in health and safety protection from any
 22 proposed or existing uses taking place at the W.R. Grace property located at 7500 Grace Drive. He maintained
 23 that Section 116.0.A.2 of the zoning regulations requires open areas to act as buffers between incompatible
 24 uses, and that the 25% open space requirement outlined in Section 116.0.D.1. should be used as an
 25 environmental buffer around the research and development facility. Mr. Hasan stated that the policies in the
 26 Howard County General Plan advocate for a healthy and safe community, and that this proposed text
 27 amendment would improve the well-being of the community.

28 Mr. Hasan explained that during the 2013 Comprehensive Zoning, the research and development use
 29 was removed from the list of permitted uses within the PEC zoning district. He stated that the proposed text
 30 amendment would only impact two (2) PEC zoned parcels; the John’s Hopkins University Applied Physics
 31 Laboratory and W.R. Grace. Both facilities currently have active air permits from MDE. Mr. Hasan asserted
 32 that the proposed text amendment is in harmony with the environmental policies and objectives of the Howard
 33 County General Plan. Mr. Hasan stated that the proposed text amendment will ensure the safety of the
 34 community if there is a disaster at the W.R. Grace facility.

1 During testimony, Planning Board member Ms. Barabara Mosier, asked how an 1,800-foot setback
 2 would impact the W.R. Grace facility. Mr. Geoff Goins, Zoning Division Chief, demonstrated the setback
 3 using the Howard County Interactive GIS map explaining that the proposed buffer would encompass the entire
 4 property. Ms. Lynda Eisenberg, Director of DPZ, clarified that the 25% open space requirement in PEC is for
 5 the entire property is not required to be used as buffers. Ms. Mosier asked how much open space was currently
 6 on the parcel. Mr. Goins indicated that based on the approved site plan, the open space is currently 30%. Ms.
 7 Mosier inquired about the potential application of this change to the nonconforming use of the parcel. Mr. Goins
 8 stated that a new setback would not apply to any existing nonconforming uses/structures. Ms. Mosier further
 9 inquired as to how the proposed buffer might have impacted the development of the neighborhood. Mr. Goins
 10 said that if the proposed 1,800-foot setback was in place at that time, the neighborhood could not have been
 11 created.

12 Planning Board member Mr. James Cecil asked when the land for the neighborhood was sold. Mr.
 13 Goins indicated it was rezoned in 2015. Ms. Eisenberg stated that the developers of the neighborhood requested
 14 the CEF (Community Enhancement Floating) zoning district.

15 Public Testimony

16 Residents from the adjacent Cross Creek neighborhood testified in support of the proposed text
 17 amendment. Numerous residents testified that the proposed 1,800-foot setback would mitigate their concerns
 18 about health and safety risks resulting from possible exposure to dangerous emissions from research and
 19 development activities. Several concerned citizens testified about the different types of possible pollutants that
 20 could emanate from research and development establishments, including benzyne and other polyfluoroalkyl
 21 substances (PFAs). Several students from the nearby neighborhood spoke in support of the proposed text
 22 amendment stating the need for the additional setback for protection of their health and safety.

23 President Neil Tilva, and Board Member Sara Dwyer, of the Cross Creek Homeowners Association,
 24 testified in support of the proposed text amendment stating their concern about future health and safety risks to
 25 the community and that the 1,800-foot setback would protect the health of the community and its residents.
 26 Howard County Councilmember Deb Jung testified in support of the proposed text amendment arguing for an
 27 increased separation between incompatible uses. Maryland Senator Clarence Lam testified that the State does
 28 not have any jurisdiction over county zoning, but recognizes the concerns of the community. He noted that there
 29 needs to be better protection between adjacent land uses and asked that the Planning Board take proposed text
 30 amendment very seriously.

31 Howard County Councilmember Ms. Liz Walsh testified on behalf of a concerned citizen who was in
 32 support of the proposed text amendment. She indicated that the resident was concerned about the potential
 33 pollutants that could be released and that the 1,800-foot setback would provide protection from the existing and
 34 future emissions at W.R. Grace. Ms. Emily Ranson from Clean Water Action testified in support of the proposed

1 text amendment stating that the proposed waste to energy facility should not be considered a recycling facility
 2 and that the 1,800-foot buffer is necessary to give the community increased environmental protection.

3 A concerned County resident testified that the M-2 (Manufacturing: Heavy) zoning district was a more
 4 appropriate zoning district for uses that require an air permit from MDE. Another resident testified that W.R.
 5 Grace is proposing a manufacturing use and it should have an increased setback from residential uses. The
 6 following also testified in support of the proposed amendment: Mr. Alan Schneider from the Howard County
 7 Citizens Association, Ms. Carolyn Parsa from Less Plastic Please, Ms. Christina Dubin from Beyond Plastics,
 8 Ms. Jane Williams from the Sierra Club, Mr. Dave Arndt from the Maryland Legislative Coalition, and Ms.
 9 Erin Taylor from Climate Reality.

10 During testimony, several community members testified in opposition to the proposed text amendment.
 11 Mr. Tom Coale an attorney with Perry, White, Ross and Jacobson testified that the proposed text amendment
 12 targets W.R. Grace the proposed 1,800-foot buffer would not allow for any more usable space on their property.
 13 He suggested that the Planning Board should evaluate the applicability of the proposed text amendment with
 14 the nonconforming use section of the Zoning Regulations. Mr. Coale stated that this proposed text amendment
 15 would potentially have an impact on the John’s Hopkins Applied Physics Lab, another PEC zoned parcel. Ms.
 16 Sharyn Nerenberg, from W.R. Grace, testified in opposition stating that W.R. Grace is developing beneficial
 17 products. She explained that the proposed research and development activities will not be a detriment to the
 18 adjacent community and will occur within an existing structure at the facility. Another county resident testified
 19 in opposition to the proposed text amendment stating that W.R. Grace has conducted research and development
 20 activities since 1959. He stated that the trigger for the MDE air permit is for the pollution control device being
 21 proposed and not for an incinerator or other potentially harmful activities. Overall, there were 44 individuals
 22 who spoke for the amendment and five who spoke against.

23 Planning Board Chair Mr. Kevin McAliley motioned that the Board move to the Work Session. Ms.
 24 Mosier motioned for a continuance of the hearing to a future date to allow sufficient time for the work session.
 25 Mr. Cecil seconded the motion. The work session was continued to November 21, 2024.

26 Board Discussion and Recommendation

27 During work session, Mr. McAliley suggested going to a closed session for legal guidance; Mr. James
 28 Cecil motioned to go to closed session and Ms. Barbara Mosier seconded the motion. The Planning Board
 29 participated in a closed work session from 7:24 p.m. to 7:39 p.m. When the Planning Board returned, Ms.
 30 Mosier stated that she understood the concerns of the community, but reiterated that the proposed text
 31 amendment will not restrict the research and development as it is a nonconforming use. Board members agreed
 32 that is it not their role to determine what constitutes research and development. Then Mr. Cecil stated that he
 33 researched the MDE Air permit process and explained that the process does include upfront public engagement.
 34 He suggested that the proposed text amendment is in harmony with some policies of the General Plan, but is

1 also inconsistent with others. Mr. Cecil indicated he was unsure of the impact of the text amendment. Mr.
2 McAliley stated that the proposed text amendment was complex and impacted more than the W.R. Grace
3 property. Ms. Mosier further maintained that the proposed text amendment would not address the underlying
4 concerns and that the County Council should consider other general changes to the Zoning Regulations to
5 establish buffers between research and development facilities, specifically those requiring an air permit from
6 MDE, and residential properties. Mr. Cecil recommended that this should be forwarded to the County Council,
7 and that the Council should analyze the sufficiency of the text amendment and facilitate discussion with the
8 MDE to see what actionable legislation would look like. Mr. McAliley indicated he was in favor of this
9 recommendation.

10 Mr. Cecil motioned to recommend approval of ZRA-211 with an amendment. Ms. Mosier seconded
11 the motion. The motion passed 3-0.

12 The amendment is:

- 13 1. To encourage County Council to analyze the sufficiency of the proposed text amendment and to have
14 discussions with MDE to determine the best approach for actionable legislation.

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16 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 9th day of
17 December 2024, recommends that ZRA-211, as described above, be APPROVED WITH
18 RECOMMENDED AMENDMENTS.

20 HOWARD COUNTY PLANNING BOARD

Signed by:

Kevin McAliley

21 Kevin McAliley, Chair

James Cecil

22 James Cecil, Vice-Chair

Barbara Mosier

23 Barbara Mosier

24 ABSENT

25 Mason Godsey (Absent)

26 Vacant

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32 ATTEST:

DocuSigned by:

Lynda Eisenberg

33 Lynda Eisenberg, AICP, Executive Secretary