



# HOWARD COUNTY PUBLIC WORKS BOARD

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James M. Irvin, Executive Secretary  
Rachel Roehrich, Recording Secretary  
Nicholo Stewart, Recording Secretary

Cory J. Summerson, Chairperson  
Abby Glassberg, Vice Chairperson  
Michael P. McLellan, Member  
Pedro Ramirez, Member  
Alan Whitworth, Member

## Minutes of the Howard County Public Works Board – January 14, 2020

**Members present:** Mr. Cory Summerson, Chairperson, Ms. Abby Glassberg, Vice Chairperson, Mr. Alan Whitworth and Mr. Pedro Ramirez.

**Staff present:** James M. Irvin, Executive Secretary; Robert Barnett, Engineering Specialist II, Construction Inspection Division; John Alcorn, Engineering Specialist, II; Carl Katenkamp, Administrative Analyst, Real Estate Services Division; Nic Stewart, Recording Secretary, Real Estate Services Division.

Mr. Summerson called the meeting to order at approximately 7:30 p.m.

1. **Approval of minutes:** Mr. Summerson indicated that the first item on the agenda is the approval of the minutes of December 10, 2019. Mr. Summerson asked if everyone had a chance to review the minutes.

**Motion:** On a motion made by Ms. Glassberg and seconded by Mr. Ramirez, the Board unanimously approved the minutes of December 10, 2019.

2. **Election of Officers:** Mr. Irvin took over temporarily as Chairperson to open the floor for nominations for Chairperson and Vice Chairperson for the Board.

**Motion:** On a motion made by Ms. Glassberg and seconded by Mr. Ramirez, the Board unanimously nominated Mr. Summerson as Chairperson of the Board. On a motion made by Mr. Summerson and seconded by Mr. Whitworth, the Board unanimously nominated Ms. Glassberg as Vice Chairperson of the Board.

### 3. **Public Works Board Road Acceptance**

- (a) **Subdivision:** Fairlane Farm, Phase One, Lots 1 Thru 18, Buildable Preservation Parcel 'A', Non-Buildable Preservation Parcels 'B' Thru 'E', Parcel 'F', Non-Buildable Bulk Parcels 'G' and 'H' and Forest Mitigation Bank  
**R/SW Agreement No.** F-15-054  
**Road Names:** Galaxy Drive, Fairlane Road, Thunderbird Drive, and Old Frederick Road (widening)  
**Petitioner:** Land Design & Development, Inc.

**Staff Presentation:** Mr. Katenkamp, Administrative Analyst, Real Estate Services Division, indicated that Land Design & Development, Inc., a Maryland corporation, has presented a petition to the Director of Public Works for the acceptance of Galaxy Drive, Fairlane Road, Thunderbird Drive, and Old Frederick Road (widening), located in Fairlane Farm, Phase One, Lots 1 Thru 18, Buildable Preservation Parcel 'A', Non-Buildable Preservation Parcels 'B' Thru 'E', Parcel 'F', Non-Buildable Bulk Parcels 'G' and 'H' and Forest Mitigation Bank. The Bureau of Engineering has inspected the

subdivision and certifies that all public improvements have been constructed in accordance with the approved plans and specifications and meets the criteria for acceptance under the Section 18.202 of the Howard County Code. The Bureau of Engineering recommends that the public improvements be accepted into the County's system of publicly owned and maintained facilities.

**Board Comments:** Mr. Whitworth questioned which portion of Thunderbird Drive the Board would be voting on. Mr. Barnett confirmed that the Board was only focusing on the entrance portion.

**Public Testimony:** None.

**Motion:** On a motion made by Mr. Whitworth, and seconded by Ms. Glassberg, the Board unanimously recommended that the Director of Public Works accept the public improvements located at Fairlane Farm, Phase One, Lots 1 Thru 18, Buildable Preservation Parcel 'A', Non-Buildable Preservation Parcels 'B' Thru 'E', Parcel 'F', Non-Buildable Bulk Parcels 'G' and 'H' and Forest Mitigation Bank into the County's system of publicly owned and maintained facilities.

- (b) Subdivision: Village Crest, Parcels C-1, D-1 and E-1, A Subdivision of Parcel '4' & A Resubdivision of Non-Buildable Parcel 'A-3', Village Crest Parcels A-1, A-2, and A-3  
R/SW Agreement No. F-02-047 W/S Agreement No. 14-4034-D  
Road Names: Village Crest Drive and Academy Road  
Petitioner: Village Crest Development Corporation

**Staff Presentation:** Mr. Katenkamp indicated that Village Crest Development Corporation, has presented a petition to the Director of Public Works for the acceptance of Village Crest Drive and Academy Road located in Village Crest, Parcels C-1, D-1 and E-1, A Subdivision of Parcel '4' & A Resubdivision of Non-Buildable Parcel 'A-3', Village Crest Parcels A-1, A-2, and A-3. The Bureau of Engineering has inspected the subdivision and certifies that all public improvements have been constructed in accordance with the approved plans and specifications and meets the criteria for acceptance under the Section 18.202 of the Howard County Code. The Bureau of Engineering recommends that the public improvements be accepted into the County's system of publicly owned and maintained facilities.

**Board Comments:** Mr. Whitworth expressed concern that Village Crest Drive was "chopped up". Mr. Barnett explained that there was a significant amount of damage caused during construction of the parcels on both sides of the subdivision. Mr. Barnett also explained that Howard County had ran a detour on the road due to New Cut Road being closed and heavy truck traffic resulted in additional damage. Mr. Barnett confirmed that the damage had been repaired and met the County's standards.

**Public Testimony:** None.

**Motion:** On a motion made by Mr. Ramirez, and seconded by Ms. Glassberg, the Board unanimously recommended that the Director of Public Works accept the public improvements located at Village Crest, Parcels C-1, D-1 and E-1, A Subdivision of Parcel '4' & A Resubdivision of Non-Buildable Parcel 'A-3', Village Crest Parcels A-1, A-2, and A-3 into the County's system of publicly owned and maintained facilities.



- (c) Subdivision: High Ridge Meadows, Section One, Lots 1 - 54, Open Space Lots 55 - 68 and Non-Buildable Bulk Parcel B, A Subdivision of TM 50 Par 363 (L 745 F 648) and a Resubdivision of Non-Buildable Bulk Parcel A, "Kraeski Property", Plat 21191  
R/SW Agreement No. F-14-022 W/S Agreement No. 24-4778-D  
Road Names: Running Deer Drive, Twin Fawn Trail, Clarke Springs Ridge, Deer Run, Deer Village Drive, Deer Springs Place, Peace Springs Ridge, High Ridge Road, and Old Scaggsville Road  
Petitioner: Beazer Homes Corp.

**Staff Presentation**: Mr. Katenkamp, indicated that Beazer Homes Corp., a Maryland corporation, has presented a petition to the Director of Public Works for the acceptance of Running Deer Drive, Twin Fawn Trail, Clarke Springs Ridge, Deer Run, Deer Village Drive, Deer Springs Place, Peace Springs Ridge, High Ridge Road, and Old Scaggsville Road located in High Ridge Meadows, Section One, Lots 1 - 54, Open Space Lots 55 - 68 and Non-Buildable Bulk Parcel B. The Bureau of Engineering has inspected the subdivision and certifies that all public improvements have been constructed in accordance with the approved plans and specifications and meets the criteria for acceptance under the Section 18.202 of the Howard County Code. The Bureau of Engineering recommends that the public improvements be accepted into the County's system of publicly owned and maintained facilities.

**Board Comments**: None.

**Public Testimony**: None.

**Motion**: On a motion made by Mr. Whitworth, and seconded by Ms. Glassberg, the Board unanimously recommended that the Director of Public Works accept the public improvements located at High Ridge Meadows, Section One, Lots 1 - 54, Open Space Lots 55 - 68 and Non-Buildable Bulk Parcel B, into the County's system of publicly owned and maintained facilities.

- (d) Subdivision: High Ridge Meadows, Section Two, Lots 69-143 and Open Space Lots 144-147, A Resubdivision of Non-Buildable Bulk Parcel B, "High Ridge Meadows, Section 1", Plats 23048-23055  
R/SW Agreement No. F-14-023 W/S Agreement No. 24-4839-D, 24-4909-D  
Road Names: Deer Run, Deer Village Drive, and Peace Springs Ridge  
Petitioner: Beazer Homes Corp.

**Staff Presentation**: Mr. Katenkamp, indicated that Beazer Homes Corp., a Maryland corporation, has presented a petition to the Director of Public Works for the acceptance of Deer Run, Deer Village Drive, and Peace Springs Ridge located in High Ridge Meadows, Section Two, Lots 69-143 and Open Space Lots 144-147, A Resubdivision of Non-Buildable Bulk Parcel B, "High Ridge Meadows, Section 1", Plats 23048-23055. The Bureau of Engineering has inspected the subdivision and certifies that all public improvements have been constructed in accordance with the approved plans and specifications and meets the criteria for acceptance under the Section 18.202 of the Howard County Code. The Bureau of Engineering recommends that the public improvements be accepted into the County's system of publicly owned and maintained facilities.

**Board Comments**: Mr. Whitworth asked if Deer Run would eventually connect to Donna Lane. Mr. Barnett confirmed that the roads would not connect.

**Public Testimony**: Ms. Fauta Calhoun, a homeowner located at 9702 Peace Springs Ridge, stated that her home is located very close to a private driveway that is shared by the two lots behind her home.

She stated that when she purchased her home, the Construction Manager at Beazer Homes Corp., assured her that the driveway would be used for entering and exiting only. Ms. Calhoun explained that if she had been aware that the driveway would be used for parking, she wouldn't have purchased the lot. She described her experience as a homeowner as both a headache and a nightmare. She went on to explain that her primary concern was that icy conditions could cause a car to slide off the road and into her home. Ms. Calhoun expressed concern that an impaired driver using the driveway could crash into her home. She stated that she had brought her concerns to the attention of Beazer Homes Corp., and suggested that they put boulders on her lot to protect her family and home. Beazer Homes Corp. rejected her suggestion and advised her they would not be taking measures to address her concerns. She contacted Howard County for help and John Rizzo suggested she state her concerns in front of the Public Works Boards. Ms. Calhoun stated that she was disappointed that the County would approve a home in such close proximity to a shared driveway. She expressed that she was disappointed with the way in which Beazer Homes Corp. was handling the situation and was hopeful that her testimony would result in Beazer Homes Corp. taking measure to protect her home. She shared pictures of the driveway with the Public Works Board. Mr. Barnett confirmed that the shared driveway and the location of the house in the proximity to the driveway was in accordance to the approved site development plan. He further explained that the approved plans did not require Beazer Homes Corp. to erect any sort of barrier between the shared driveway and Ms. Calhoun's home.

**Erica Luedtke**, of 6085 Marshalee Drive, representative of Beazer Homes Corp., stated she had spoken to Ms. Calhoun and informed her that they would not be able to place boulders or any type of barrier on the shared driveway. She further explained that the shared driveway was private property, belonging to the two lots behind Ms. Calhoun's lot. Ms. Glassberg asked if the grass on either side of the easement was considered part of the easement. In response, Mr. Barnett stated that the easement extended beyond the driveway. Ms. Luedtke confirmed that the width of the easement was 24 feet. She also confirmed that the grass on both sides of the driveway was not Ms. Calhoun's property. Mr. Summerson commented that the Board did not have any jurisdiction over the shared driveway.


**Ian Stocks**, a homeowner located at 9750 Peace Spring Ridge, described Ms. Calhoun's dilemma as a "lose-lose situation". He expressed that there had been some confusion regarding where the easement ended and how many feet it extended into the grass that transitions into Ms. Calhoun's lot. He pointed out that the result of this confusion led to Ms. Calhoun's property being encroached upon and the quality of Ms. Calhoun's yard suffers. He expressed that he felt this was "inappropriate". Mr. Barnett provided clarification as to where the easement ended. He explained that the easement ends where Ms. Calhoun's property line starts. Mr. Whitworth explained that the Board had no say in this matter. Mr. Stocks stated that Ms. Calhoun was being asked to maintain the grass beyond the pavement that is considered to be part of the easement. Mr. Summerson responded by stating that the grass that Mr. Stocks had referred to was not Ms. Calhoun's responsibility. He further explained that the responsibility to maintain the grass being discussed fell on the two lots who shared the driveway. Mr. Stocks asked if the HOA could require the owners of the two lots behind Ms. Calhoun's lot to maintain the grass and prohibit parking. Mr. Whitworth explained this would depend on the bylaws established by the HOA and any ruling would have to come from the HOA. Mr. Stocks shifted the topic of discussion and explained how the HOA had been footing the bill for snow removal on the roads within the subdivision. He further explained how the roads were under the control of Beazer Homes Corp., who, at the time were acting as the HOA. He stated that Beazer Homes Corp. had used the HOA's money for snow removal. He explained that the management company had informed him that this matter could be attached to the bond. Mr. Irvin explained that there was only a Payment Bond in place. He suggested that Mr. Stocks speak with Consumer Affairs.

Brian Halma, of 6085 Marshalee Drive, representative of Beazer Homes Corp., asked for details regarding Mr. Stocks' claim about snow removal. Mr. Stocks stated that roughly \$10,000.00 of the HOA's fund had been used for snow removal while Beazer Homes Corp. was still acting as the HOA. He claimed that Beazer Homes Corp. should have been responsible for the bills associated with snow removal. Mr. Halma explained that it is not uncommon for contracts to stipulate that the HOA pay for snow removal but require the Developer to reimburse the HOA. Mr. Stocks and Mr. Halma exchanged contact information and agreed to discuss the matter further.

Max Salazar, a homeowner located at 9862 Deer Run, expressed his concerns about trees that Beazer Home Corp. were required to plant. He claimed that many of the trees that were planted were already dead or are dying. He asked who was responsible for these trees. Mr. Barnett explained that he did not know if the landscaping bond had been released yet and could not answer his question. He confirmed that the county had found the street trees to be in good condition at the time of inspection. He went on to clarify that street trees are bonded for a year under the maintenance bond. He added that the bond does not cover landscaping or forest conservation trees. Mr. Stocks stated that almost all of the forest conservation trees were dead as a result of deer. He backed Mr. Salazar's claims that dead trees were planted throughout the subdivision. Mr. Katenkamp confirmed that the landscaping had been approved for Section 1 and that the bonds were still in place. He stated that as far as he could tell, the landscaping for Section 2 had not been approved yet. Mr. Katenkamp instructed Mr. Stocks to contact Real Estate Services for more information regarding the bond.

**Motion:** On a motion made by Mr. Whitworth, and seconded by Mr. Ramirez, the Board unanimously recommended that the Director of Public Works accept the public improvements located at High Ridge Meadows, Section Two, Lots 69-143 and Open Space Lots 144-147, A Resubdivision of Non-Buildable Bulk Parcel B, "High Ridge Meadows, Section 1", Plats 23048-23055 into the County's system of publicly owned and maintained facilities.

There being no further business, the Public Works Board meeting adjourned at approximately 8:13 p.m.

  
James M. Irvin  
Executive Secretary

  
Nic Stewart  
Recording Secretary