

Centennial Reserve, LLC \* BEFORE THE  
Petitioner \* PLANNING BOARD OF  
PLANNING BOARD CASE NO. 444 \* HOWARD COUNTY, MARYLAND

\* \* \* \* \*

**DECISION AND ORDER**

On May 2, 2019, the Planning Board of Howard County, Maryland, in accordance with Section 107.0.F. of the Howard County Zoning Regulations, held a public hearing to consider the petition of Centennial Reserve, LLC, owner/developer, to approve Preliminary Equivalent Sketch Plan (SP-19-001, Centennial Reserve). The plan includes 17 single-family, detached, residential lots, two open space lots, and other improvements. The 8.13± acre site is zoned Residential: Single (R-20) and is to be developed using the Residential: Environmental Development (R-ED) regulations. The site is located east of Centennial Lane, north of Maxine Street, in the Second Election District of Howard County, Maryland, Tax Map 30, Grid 1, Parcel Numbers 4, 5, 174, and an unnumbered 20' strip belonging to Chateau Builders. The site is surrounded by developed R-20 zoned properties. Across Centennial lane is a 4-acre parcel owned by BG&E and a 46-acre parcel in the Maryland Agriculture Preservation program.

The notice of the public hearing was published and the property was posted according to Planning Board requirements, as evidenced by certificates of publication and posting, all of which were made a part of the record.

The reports and official documents pertaining to the Petition were incorporated into the hearing record, including the Preliminary Equivalent Sketch Plan, Howard County Code of Ordinances, General Plan of Howard County, Certification of Posting and Advertising, Howard County Zoning Map and Regulations, Technical Staff Report of the Department of Planning and Zoning, and reviewing agency comments.

The Petitioner was represented by Thomas G. Coale, Esq., Talkin & Oh. The Petitioner introduced one exhibit as Applicants Exhibit 1, an Existing Conditions plan.

The opposition was represented by Johnathan Rivlin of 9926 Windflower Drive, Ellicott City. Citizens from the surrounding neighborhood also testified in opposition.

**PLANNING BOARD HEARING**

**Department of Planning and Zoning Technical Staff Report**

Donna Despres presented DPZ's Technical Staff Report (TSR). It confirmed the Subdivision Review Committee (SRC) finding that the Preliminary Equivalent Sketch Plan, SP-19-001, Centennial Reserve meets Howard County Regulations, including Zoning and Subdivision and Land Development Regulations, and may be approved by the Planning Board subject to complying with SRC comments and any Planning Board conditions of approval. The report documents that Section 107.0.F.6 of the Zoning Regulations establishes three review criteria that the Planning Board must consider when evaluating a Preliminary Equivalent Sketch Plan. The TSR illustrates how SP-19-001 satisfies the Planning Board Criteria:

1. **The proposed lay-out of the lots and open space effectively protects environmental and historic resources.**

- There are no historic resources and the environmental resources, wetlands and specimen trees, are addressed as follows:
    - The wetland and its related buffer, located adjacent to Lots 7 and 8, will be protected by a split rail fence.
    - The specimen tree to be removed will be replaced with two native trees that are at least 2.5” in caliper. The existing mature perimeter and specimen trees serve to screen and buffer neighboring properties. Along the east side of the site, the wooded edge with 12 specimen trees provides a buffer to the properties on Cross Creek Drive. Site layout and grading avoid impacting those trees and provides a perimeter open space lot.
2. **Buildings, parking areas, roads, stormwater management facilities and other site features are located to take advantage of existing topography and to limit the extent of clearing and grading.**
- Site clearing has been reduced by locating SWM facilities at low points, where there is no existing forest.
3. **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.**
- The development complies with a 75 foot perimeter setback, required in Section 107.0.D.4., which helps preserve mature trees on the eastern edge of the site. In addition, the design of the proposed path to Centennial Woods Lane significantly reduces impacts to the adjacent neighborhood. Instead of a switchback trail to negotiate a nine-foot grade change in 15 feet, stairs limit grading and tree removal.
  - The area cleared behind Lots 5, 6, and 7 will be planted and afforested and placed in a Forest Conservation Easement.
  - The property does not front on a scenic road nor is it in an historic district.
  - All landscaping meets the Howard County Landscape Manual.

### OPENING STATEMENTS

Mr. Thomas Coale, Esq. represented the Petitioner. Mr. Coale described the site as ideal for an R-ED subdivision, despite being in the R-20 Zone. He said that the property is not in an environmentally sensitive area; that the lots are located in an already open and cleared area and that the existing treed perimeter will be augmented to buffer the surrounding community. Mr. Coale also stated that the Planning Board must review the development based on R-ED criteria and that will be the focus of their testimony.

The Opposition was represented by Johnathan Rivlin of 9926 Windflower Drive in Ellicott City. Mr. Rivlin stated that they represent the children who attend the schools in the neighborhood.

### APPLICANT'S TESTIMONY

Mr. Coale called Mr. David Woessner as witness and asked him to describe his role. Mr. Woessner said that he is the developer and a former engineer.

Mr. Coale asked Mr. Woessner how the proposal meets the three R-ED Planning Board evaluation criteria. Mr. Woessner said that the first criteria, protecting environmental and historic resources, is accomplished because development is focused in an open field, allowing perimeter trees to be saved as a buffer. The wetland will also be protected by a buffer and fence as an extra protection. The Petitioner emphasized that the fence is not required. To address the second criterion, limit the extent of clearing and

grading, the Petitioner introduced Exhibit #1 to illustrate where existing trees are in relation to the proposed lots. Mr. Woessner described the exhibit and said that there is little impact to existing trees and that more trees will be planted to enhance the buffer and establish forest conservation areas. Regarding criterion three, buffer the existing neighborhood, Mr. Woessner said that is accomplished by providing a required 75' buffer, which either contains existing trees, or will be supplemented with additional trees as part of landscaping or forest conservation areas.

Mr. Coale asked Mr. Woessner to describe his discussions with the surrounding community and as a result how plans were modified. Mr. Woessner said the presubmission community meeting was followed by individual meetings with adjacent homeowners. He learned that trees on the eastern property line were important and consequently reconfigured lots to preserve that buffer.

Mr. Rivlin cross examined the witness and stated that the plan is well thought out. He asked about grading, neighborhood concerns, open space, schools, the development process, marketing, APFO, traffic studies and how to review plan documents. Mr. Coale objected to the questions as not relevant to the Planning Board's evaluation of the petition. The Chair asked DPZ to address Mr. Rivlin's questions.

After cross examination, the Planning Board asked about the plan. Mr. Woessner addressed path maintenance, the path connection to the north and south, the open space on the lot off Maxine Street, and storm water management and bio-retention facility maintenance.

#### **OPPOSITION'S TESTIMONY**

Mr. Rivlin asked about the development review process and stated that he and his group protest school crowding. He wanted to know when school issues would be addressed and DPZ staff answered. Mr. Rivlin thanked the Board for being flexible and addressing issues that were not relevant to the Planning Board's decision. He then called the Opposition's witness.

Christina Delmont-Small, 10206 Maxine Street, testified about school overcrowding. The Chair stated that unfortunately her comments and questions do not apply to the criteria the Planning Board must use to evaluate the petition. DPZ staff answered questions about the staff report and there were no additional witnesses.

There was no cross examination or rebuttal.

#### **CLOSING STATEMENTS**

Mr. Rivlin, thanked the Planning Board and said he appreciated the efforts to protect environmental features, but was frustrated with the process and remained concerned about school crowding.

Mr. Coale summarized that the proposed plan minimizes grading, offers extra protection for environmental features, and complies with R-ED regulations. The petitioner asked the Planning Board to approve the plan since it complies with all regulations and is consistent with staff recommendations.

#### **ADDITIONAL PUBLIC COMMENTS**

The Planning Board Chair invited public comments by anyone not represented by Mr. Rivlin.

Leigh Middleton, 3421 Tyler Drive, Ellicott City, asked about house sizes and Mr. Woessner responded that a builder has not been selected. He thought homes would be about 3,500 to 4,000 square feet.

Hillary Ogg, 9732 Riverside Circle, Ellicott City, asked about site grading, the stairs to the north, and wetlands and bioretention areas, which were addressed by the Petitioner.

Shenaz Somrigar-Sabnis, 9936 Springfield Road, Ellicott City, asked about the traffic study. Staff confirmed that one was reviewed and approved by the Development Engineering Division (DED).

Christina Delmont-Small, 10206 Maxine Street, asked about storm water management to the south. Staff confirmed that DED reviewed and approved storm water management, which complies with all County and State regulations.

Lakshmi Mattapalli, 4515 Centennial Lane, also asked about storm water management to the south. The Chair stated that the question had been addressed.

### **WORK SESSION**

The Planning Board went into work session and agreed that the plan meets the review criteria in Section 107.0.F.6 of the Howard County Zoning Regulations. The Board voted 4 to 0 to approve SP-19-001 Centennial Reserve.

### **FINDINGS OF FACT**

1. Preliminary Equivalent Sketch Plan, SP-19-001 Centennial Reserve proposes 17 single-family lots and two open space lots on 8.13 AC in the R-20 Zone and uses the R-ED Regulations as permitted in Section 107.0.F of the Zoning Regulations.
2. This proposal is subject to the Howard County Subdivision and Land Development Regulations, including Forest Conservation Regulations, Landscape Manual, Zoning Regulations and maps, Design Manual, and Adequate Public Facilities Ordinance.
3. The property was properly posted and advertised in accordance with legal requirements.
4. The Planning Board has the authority to review the Preliminary Equivalent Sketch Plan in accordance with the three criteria listed in Section 107.0.F.6 of the Zoning Regulations.
  - a. The proposed lay-out of the lots and open space effectively protects environmental and historic resources.
  - b. Buildings, parking areas, roads, stormwater 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.

The Technical Staff report and the Petitioners testimony demonstrated that the project complies with the review criteria.

5. Residents from the surrounding community were represented by a spokesperson and did not offer testimony or evidence to contradict the petitioner's evidence that the petition met the review criteria in Section 107.0.F.6 of the Zoning Regulations.

**CONCLUSIONS OF LAW**

Preliminary Equivalent Sketch Plan, SP-19-001 satisfies the approval criteria for R-ED development in the R-20 Zone and Section 107.0.F.6 of the Zoning Regulations. For the reasons stated in the Findings of Fact and in the Department of Planning and Zonings Technical Staff Report, the Planning Board of Howard County Maryland **APPROVES** SP-19-001 Centennial Reserve on this 16<sup>th</sup> day of May 2019, subject to compliance with SRC comments.

**HOWARD COUNTY PLANNING BOARD**

  
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Phil Engelke-Chairman

  
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Erica Roberts-Vice Chairperson


  
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Tudy Adler

  
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Ed Coleman

  
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Kevin McAilley

PB Case No. 444

ATTEST:

  
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Valdis Laidins  
Executive Secretary

REVIEWED FOR LEGAL SUFFICIENCY BY:  
HOWARD COUNTY OFFICE OF LAW  
David Moore, County Solicitor

  
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David Moore, Deputy County Solicitor

LIST OF APPLICANT'S EXHIBITS:  
Exhibit #1 – Existing Conditions

LIST OF PROTESTANT'S EXHIBITS:  
None