

**Minutes of the
BOARD OF DIRECTORS MEETING
Held: June 25, 2015**

Approved: July 9, 2015

A meeting of the Columbia Association Board of Directors was held on Thursday, June 25, 2015 at the Columbia Association Building. Present were Chairperson Jeanne N. Ketley and members Reg Avery, Dick Boulton, Brian Dunn, Janet Evans, Alan Klein, Nancy McCord, Gregg Schwind (who arrived at 8:05 p.m.), and Andrew Stack. Chao Wu was absent. Also present were CA President/CEO Milton Matthews, Chief Staff Liaisons Susan Krabbe and Norma Heim, Governance Chief of Staff Jane Dembner, and General Counsel Sheri Fanaroff (who arrived at 7:35 p.m.).

1. Call to Order: The Board of Directors Meeting was called to order at 7:30 p.m. by the Chairperson, Jeanne N. Ketley.

2. Recognition of Maggie Brown Spirit of Columbia Scholarship awards

CA CEO Milton Matthews and Board Chairperson Jeanne N. Ketley presented Maggie Brown Spirit of Columbia scholarships as Michelle Miller described the winners' accomplishments. Two recipients of the \$2500 awards were present at the meeting: Katherine Swanson (Hammond High School) and Maria Viera Cuellar (Long Reach High School). The other Scholarship recipients were Skylar Briscoe (Long Reach High School), Athena Kan (River Hill High School), Andrew Liu (Marriotts Ridge High School), and Meena Sengottuvelu (River Hill High School).

3. Announcement of Closed/Special Meetings Held/To Be Held

The **Board of Directors** held a closed meeting at the Columbia Association Building on April 23, 2015. Present were: Milton Matthews and Board members Reg Avery, Brian Dunn, Jeanne Ketley, Alan Klein, Tom O'Connor, Gregg Schwind (arrived at 9:53), Andy Stack and Russ Swatek. Michael Cornell and Nancy McCord were absent. The vote to close the meeting was 7-0-0.

For:	Messrs. Avery, Dunn, Klein, O'Connor, Swatek, and Stack, and Ms. Ketley
Against:	None
Abstain:	None

The closed meeting was authorized under the Maryland Homeowners Act, Md. Code, Real Property §11B-111 (4)(iv) Consultation with staff personnel, consultants, attorneys, board members, or other persons in connection with pending or potential litigation or other legal matters. The meeting was closed from 8:52 p.m. until 10:51 p.m.

The **Board of Directors** held a closed meeting at the Columbia Association Building on April 27, 2015.

Present were: Milton Matthews and Board members Reg Avery, Michael Cornell, Nancy McCord, Tom O'Connor, Gregg Schwind, Andy Stack, Russ Swatek, Brian Dunn, Alan Klein and Jeanne Ketley. The vote to close the meeting was 6-4-0.

For:	Messrs. Cornell, O'Connor, Dunn, Schwind, and Stack, and Ms. McCord
Against:	Messrs. Avery, Klein and Swatek, and Ms. Ketley
Abstain:	None

The closed meeting was authorized under the Maryland Homeowners Act, Md. Code, Real Property §11B-111 (4)(i) Discussion of matters pertaining to employees and personnel. The meeting was closed from 7:32 p.m. until 8:59 p.m.

The **Architectural Resource Committee** held a closed meeting at the Columbia Association Building on May 11, 2015 to discuss covenant cases. Members present were: Jane Dembner, Denis Ellis, Michael Shaw, Debbie Bach, and Gordon MacPhee. Also present were: Carole MacPhee, Laura Parrish, Pat Loeber, Carl McKinney, and Karen Turcan. The vote to close the meeting was 5-0-0.

The closed meeting was authorized under the Maryland Homeowners Act, Md. Code, Real Property §11B-111 (4)(iv) Consultation with staff personnel, consultants, attorneys, or other persons in connection with pending or potential litigation. The meeting was closed from 1:07 p.m. until 2:00 p.m.

The **Architectural Resource Committee** held a closed meeting at the Columbia Association Building on June 8, 2015 to discuss covenant cases. Members present were: Jane Dembner, Michael Shaw, Debbie Bach, and Gordon MacPhee. Also present were: Ingrid Hatz, Laura Parrish, Debbie Nix, Carl McKinney, Karen Turcan and Dale Wasmus. The vote to close the meeting was 4-0-0.

The closed meeting was authorized under the Maryland Homeowners Act, Md. Code, Real Property §11B-111 (4)(iv) Consultation with staff personnel, consultants, attorneys, or other persons in connection with pending or potential litigation. The meeting was closed from 1:10 p.m. until 2:15 p.m.

The **Audit Committee** held a closed meeting at the Columbia Association Building on June 24, 2015. Present were: Reg Avery, Ed Berman, James Young, Andy Stack and Nancy McCord. The vote to close the meeting was 5-0-0. The closed meeting was authorized under the Maryland Homeowners Act, Md. Code, Real Property §11B-111 (4) (i) Discussion of matters pertaining to employees and personnel; (iv) consultation with staff personnel, consultants, attorneys, board members, or other persons in connection with pending or potential litigation or other legal matters; and (v) Investigative proceedings concerning possible or actual criminal misconduct. The meeting was closed from 8:20 p.m. until 9:50 p.m.

4. Approval of Agenda:

Action: Mr. Avery moved that the agenda be approved as presented. Ms. McCord seconded the motion which passed unanimously. Vote: 8-0-0.

For: Messrs. Avery, Boulton, Dunn, Klein and Stack, and Mses. Evans, Ketley and McCord

Against: None

Abstain: None

5. Disclosure of Conflicts of Interest: None

6. Resident Speakout:

(a) Carol Gailbraith, Wilde Lake, spoke about loud sound emanating from Merriweather Post Pavilion (MPP) concerts.

(b) Jane Winer, Wilde Lake, spoke about loud sound emanating from MPP concerts.

(c) Stuart Kohn, Howard County Citizens, Association, spoke about sound and vibrations emanating from MPP and Symphony Woods during concerts.

(d) Christopher Allevé, Howard County Business Association, spoke about zoning and land use regulations related to Snowden River Parkway.

Mr. Schwind arrived at 8:05 p.m.

(e) Jervis Dorton, Oakland Mills, spoke about zoning and land use regulations related to Guilford Industrial Park and Oakland Ridge Business Center.

(f) Billy Hillmuth, business owner, spoke about Snowden River Parkway development.

(g) Tom Scott, Wilde Lake, spoke about loud sound emanating from MPP and Symphony Woods during concerts.

- (h) Sean Hammer, Owen Brown Village Board, spoke about postponing requests for additional Snowden River Parkway fueling stations until the County acts on recommendations of its fueling task force.
- (i) Joel Hurewitz, Harpers Choice, spoke about the release of closed meeting minutes.

7. Approval of Minutes of May 14, 2015

Action: Ms. McCord moved that the minutes of May 14, 2015 be accepted. Mr. Avery seconded the motion, which passed. Vote: 8-1-0.

For: Messrs. Avery, Boulton, Dunn, Klein, and Stack, and Mses. Evans, Ketley, and McCord

Against: Mr. Dunn

Abstain: None

Action: Ms. McCord moved that the minutes of May 28, 2015 be accepted. Mr. Avery seconded the motion. Mr. Klein noted that Line 130 should be corrected to read "Mr. Dunn."

Action: Mr. Schwind moved that Lines 70 through 76 be deleted; Mr. Stack seconded the motion, which passed unanimously after being amended to add that minutes include links to presentations made during Board meetings.

The minutes, as amended, were approved unanimously. Vote: 9-0-0.

8. Chairperson's Remarks:None.

9. President's Report: Mr. Matthews congratulated Youth Teen Center Program Coordinator Safire Windley and International Exchange and Multicultural Programs Manager Laura Smit on receiving awards from outside organizations for outstanding service. Ms. Krabbe described the BOD Dashboard for the fiscal year ended April 30, 2015. Directors asked staff to develop ways to calculate how many Columbia households have CA memberships and the number of people taking senior discounts.

10. Committee Chairs' Remarks

- (a) Board Operations Committee: none
- (b) External Relations Committee: none
- (c) Planning and Strategy Committee: none
- (d) Strategic Implementation Committee: none
- (e) Audit Committee: Mr. Avery said the committee elected Mr. Schwind as chairperson and Mr. Avery as vice chairperson.
- (f) CA Representatives to the Inner Arbor Trust Board of Directors: Mr. Boulton will become a member of the Inner Arbor Trust Board of Directors at its annual meeting on July 14. He asked the CA Board to give guidance regarding issues on which CA's representatives on the IAT Board should focus.

11. Committee Agendas

- (a) Planning and Strategy Committee

1. Discussion

- (a) Review and Recommend Approval of FY 2017-2018 Budget Process and Schedule

Mr. Stack said members should be particularly aware of the following upcoming dates: 1) July 23, when the Board will decide on parameters for building the budget; 2) September 3 public pre-budget input forum; and 3) October 8 Board work session.

Action: Ms. McCord moved that the PSC send the proposed FY 2017-2018 budget schedule to the Board for approval. Mr. Stack seconded the motion, which passed. Vote: 2-0-0.

Action: Ms. McCord moved that the PSC recommend that the Board vote tonight on the proposed FY 2017-2018 budget schedule. Mr. Stack seconded the motion, which passed. Vote: 2-0-0.

- (b) Committee Tracking form

(b) Strategic Implementation Committee

1. Discussion

(a) Committee Tracking form

Mr. Avery noted that Friends of Bridge Columbia met this week with representatives from the county, CA, and other organizations. He suggested waiting to invite them to present to the CA Board until some of the action items raised during the recent meeting are resolved. He also noted that the transfer of funds for the new headquarters building has been approved.

(c) External Relations Committee

1. Discussion

(a) Plan FY16 Stakeholder dinners

The committee discussed whether to hold dinners with the same groups as last year (Chamber of Commerce executive committee, state delegation, county executive and county council, and county fire & rescue and police) and/or to have dinners with other types of groups, such as environmental groups, League of Women Voters and Howard County Citizens Association. The committee will develop recommendations to present to the Board at its next meeting.

(b) Snowden River Development

Ms. Dembner said a property owner seeks approval of a site development plan to build a gas station, convenience store, car wash and site improvements, including access from the road, on the southeast corner of Snowden River Parkway and Minstrel Way. She explained what uses are permitted on the Final Development Plan for the land which includes the subject parcel.

Action: Mr. Boulton moved that ERC recommend that the Board oppose the property owner's application. Mr. Klein seconded the motion, which passed. Vote: 2-1-0.

For: Messrs. Boulton and Klein

Against: Mr. Dunn

Abstain: none

By straw vote, the sense of the Board is that it opposes the application for a Royal Farm on Snowden River Parkway. Staff will propose ways to make the Board's opposition known to decision makers. Mr. Stack suggested that CA's reasons for opposition should include such issues as: impact on traffic, fairness of allowing this project to have direct access to Snowden River Parkway, and whether an FDP amendment is needed.

(c) Sound Issue at Merriweather

The committee tabled discussion until the next meeting, citing the lateness of the hour.

(d) Committee Tracking Form

Staff will provide a sign-up sheet for Board members to attend advisory committee meetings. Funding approved for Carillon Bells will be used during the current fiscal year.

12. Recommendations for Board Action

(a) Consent Agenda

1. Approval of Appointments to the Town Center Architectural Committee

The appointments of Lynn Foehkolb, Joel Broida and Kirsten Coombs were approved without objection.

2. Approval of Appointments to the Wilde Lake Architectural Committee

The appointments of Kevin McAliley, Bess Caplan, and Wulah Cooper were approved without objection.

3. Approval of Appointments to the Dorsey Search Architectural Committee

The appointments of Dan Woodruff, Ellen Mackey, and Rob Sims were approved without objection.

4. Approval of Appointments to the Oakland Mills Architectural Committee
The appointments of Bill McCormack, Paul Verchinski, Kay Wisniewski and Jonathan Edelson were approved without objection.

(b) Recommendations for Board Action

1. Approval of the FY2017-2018 Budget Process and Schedule

Action: Ms. Evans moved that the Board approve the PSC recommendation to approve the FY 2017-2018 budget process and schedule. Mr. Avery seconded the motion, which passed unanimously.

2. Approval of Full Spectrum Housing Letter

Action: Mr. Stack moved that the Board approvesending its letter to Howard Hughes Corp. in support of a full spectrum of housing in downtown Columbia. Mr. Boulton seconded the motion, which passed unanimously.

13. Reports

- (a) FY 15 Fourth Quarter Financial Report to the Board.

Mr. Stack said the Audit Committee reviewed the fourth quarter report.

14. Tracking Forms

- (a) Tracking Form for Board Requests: no additions

- (b) Tracking Form for Resident Requests: no additions.

15. Talking Points: Recording Secretary Valerie Montague read the Talking Points.

16. Adjournment: The meeting adjourned at 10:29 p.m.

Respectfully submitted,

Valerie Montague
Recording Secretary

The following pages are from

Resident Speakout

at the June 25, 2015

Columbia Association

Board of Directors meeting

DRAFT-6/25 - 1 pm rev. - CA - CG

Introduction: Thank you for the opportunity to Speak Out. My name is Carol Galbraith. I have lived in Columbia for 30 of the past 35 years; I have lived in my present residence in Wilde Lake for 24 years. This is my Home.

Merriweather is out of control. The "Sweetlife" event was so loud that it adversely affected many Columbians and Howard County citizens, but it was unbearable for those at closer range. On successive days, for 8 hours at a time, my neighborhood - our residents and our property - was assaulted and battered by Merriweather noise, and No One stopped it - not CA, Not IAT, not Howard County, not Howard Hughes Corporation nor MPP. Why? We now live in fear of relentless bombardment of noise whenever Merriweather decides to have an event.

The "Sweetlife" event was extraordinarily loud, but it was not an isolated event, and even during the week that followed - in spite of great protests from Howard County citizens, excessive noise came from that venue, as it had the weeks before. The noise has alerted us to greater issues affecting Columbia and the County and has created deep distrust. Is it a harbinger of more surprises?

Merriweather is out of control. These actions that should be taken Now:

1. Complete, independent, scientific, transparent acoustical surveillance both on and off MPP property.
2. Immediate, simultaneous, enforcement by all means and agents - CA, IAT, and Howard County health, environmental, and police powers - of agreements, laws and regulations pertaining to nuisance, disturbing the peace, and noise levels.

Obscurity hides Agency - Individual Accountability-Responsibility

3. Immediate repeal of the 2013 statute permitting higher noise levels and later hours -11:30 pm - really?! - and full disclosure of who sought it and why.
4. Immediate independent review of the legality of the agreement between CA and IAT that purportedly grants an irrevocable perpetual easement of SW to IAT - and a full disclosure of who engineered that plan
5. Immediate independent audit and public disclosure of all funds and any other benefits conferred by CA to IAT - we pay CA assessments; we are stakeholders.
6. Full disclosure of the large-scale plans of HHC for commercial development surrounding SW and MPP and how those plans affect land use of SW - with identification of each individual involved and their exact financial interests in the proposed outcomes.
7. A moratorium on considering roof-raising or any other privileges or concessions for HCC and MPP unless or until all of the foregoing actions have been completed.
8. An independent investigation of the impact of MPP activities on the wildlife and other animals that also call Howard County - home.

Thank you for your consideration.

Date: 25 June 2015

Subject: Let's All Be Neighborly

My name is Stu Kohn and I'm the President of the Howard County Citizens Association, HCCA. For the last month there has been an incredible amount of communication on our HCCA listserve regarding the unbearable noise and even vibrations heard and felt throughout the neighborhood from the Merriweather Post Pavilion and Symphony Woods. From what we've read on the listserve the residents are extremely irate about why there is no enforcement of the law and why did our delegation permit an increase in the decibel level.

HCCA in no way thinks that Merriweather should go away as they are a revenue generator and bring entertainment to the public. What we do hope is that the proprietor fully realizes the music is not stopping at the back of the row of seats. We would like to know the percentage of revenue that the County receives as well as the Columbia Association, and Howard Hughes. I don't believe we are making too much noise by asking this question.

We have the following suggestions for consideration:

- Prevent their property (i.e. Symphony Woods) from being used to contribute to the excessive noise causing many complaints within the community. Just because the State noise legislation permits these high volumes, that does not mean CA needs to permit it on their property.
- Work with the Howard County Delegation, Executive and Council and advocate for the Columbia residents and the neighboring communities' residents that are being bothered by the excessive noise.
- Try to reason with the Merriweather operator to convince them to be good neighbors, not just to push the law to the extreme.

Whatever the current decibel level is the code needs to be strictly enforced and substantial penalties need to be applied if the law is broken? Who will take the responsibility whenever the proprietor does not meet his obligation? Will the Columbia Association or the Inner Arbor Trust have the courage to step up to the plate with the assistance of our police department, the County Executive, County Council and our Delegation to once and for all simply enforce the law because your residents and citizens have major complaints. These complaints are as far away as six miles.

We understand the fine when the law is broken is a paltry \$100. This is inexcusable. We recommend, the first offense should be \$1000, the second offense the fine should be \$2000, and the third offense the cancellation of the next paying public event.

The Howard County Citizens Association is asking for the authorities to simply follow the State Farm slogan, "Like a good neighbor, State Farm is there." In this case change it to "Like a good neighbor, Merriweather Post and Symphony Woods will be there to be a Great Neighbor and fully cooperate and abide by the rules."

Sincerely,

A handwritten signature in dark ink, appearing to read "Stu Kohn", written over the word "Sincerely,".

Stu Kohn

HCCA, President

Columbia Association Board Meeting
Columbia Redevelopment Presentation
Proposed Gas Station and Convenience Store 9585 Snowden River Parkway
Currently the Grinnell Building
Christopher J. Alleva
Howard County Independent Business Association
June 25, 2015

Royal Farms has proposed a 20 pump gas station, a 3,500 sq. ft. convenience store and a large car wash at Snowden River Parkway and Minstrel Way. There are a number of issues related to this proposal regarding land use, transportation, and the administration and enforcement of zoning in the NT zone. This memorandum addresses change of uses in the NT "floating zone", the Subdivision Regulations related to vehicular access on an arterial street, and an error in the County code depriving citizens of their right to due process.

For the reasons set forth below we respectfully request CA dispatch a letter to the Howard County Planning Board with carbon copies to the County Executive and the Director of Planning and Zoning outlining: 1.) the misapplication of the Zoning Regulation regarding changes of use in the NT zone; 2.) the lack of sufficient justification in support of the waiver petition granting access to Snowden River Parkway; and 3.) to correct the error in the County code depriving CA and its members their due process rights.

Changes of Use:

County's Technical Staff Report Position:

The County makes the representation in the staff report that Final Development Plan ("FDP") 55 lists gas stations as a permitted use; the convenience store is permitted as an ancillary use; and the FDP permits all uses permitted in the M-1 Zoning District, and car wash facilities are a by right use under M-1.

Permitted Land Uses Under the Zoning Regulations and Final Development Plan Criteria Policy

:

1. There are no "by right" land uses in the NT zone.
2. FDP 55 does **NOT** allow gas stations as a permitted use, it is permitted **ONLY** as an ancillary use to the permitted industrial use. The Maryland Department of the Environment database shows that 18 properties have had gasoline as an ancillary use since the Guilford Industrial Park was started including the Columbia Association maintenance facility on Gerwig Lane.
3. Convenience stores are **NOT** a permitted use in the M-1 zoning district, it is allowed as a restricted accessory use in a multi-story office building. Moreover, the M-1 zone clearly states that notwithstanding the limited circumstances that allow accessory retail, retail is not permitted in the M-1 Industrial zone.
4. Car wash facilities are a "by right" use in the M-1 zone, but as previously stated there are no by-right uses in the NT zone.

Proper Process Required to Re-zone property to allow a gas station, convenience store and car wash.

1. Petition Zoning Board to Amend FDP.

From Section 125(D) 6 of the Zoning Regulations: *"Upon approval of the Final Development Plan or Final Development Plan Amendment (or upon the approval of each phase thereof if submitted on a separate segment basis) the same shall be recorded among the Land Records of Howard County and the provisions thereof as to land use shall bind the property covered with the full force and effect of specific Zoning Regulations. After such recordation, no new structure shall be built, no new additions to existing structures made, and no change in primary use effected different from that permitted in the Final Development Plan or Final Development Plan Amendment except by an amendment to the Final Development Plan."*

2. Amend the General Plan to allow retail development along Snowden River Parkway in the East Guilford Industrial Park
3. Amend FDP to add gasoline station, convenience store and car wash as a permitted use on FDP 55.
4. Under the 1979 Final Development Plan Phase Criteria Policy(see attached policy)
 - a. Amend the FDP to add the "Special Criteria" for gas stations.
 - b. Subdivide the lot into two parcels and designate one for the gas station on the FDP.

Conclusion:

This change in use requires an FDP amendment before the Zoning Board and an amendment to the General Plan. The County's position taken to it's logical conclusion implies permits gas stations on literally hundreds of lots in the NT zone without any zoning controls. (see map attached)

Vehicular Access:

County's Technical Staff Report Position:

Vehicular access is proposed from Minstrel Way, a public local road, and Snowden River Parkway, a public intermediate arterial. Subdivision and Land Development Regulations Subsection 16.119(f)(1) states "[w]here a proposed subdivision involves frontage on an arterial road...the street layout should provide vehicular access to the subdivision by a lower classification public road..." The petitioner applied for a waiver of this regulation (WP-14-080), and following coordination with the Department of Public Works, DPZ approved the waiver to allow access by the arterial, subject to SRC and Planning Board approval of SDP-14-013 indicating the proposed arterial access.

Proper Process Required to Waive Prohibition of Access to Arterial Streets

The County's technical staff report used cleverly placed ellipses to obfuscate this improper grant of the waiver giving this property access on an arterial street. The developer failed to meet even a basic minimum to justify a waiver of the regulations governing access to arterial streets. (see attached waiver)

Removing an access restrictions violates Section 16.119.(f)(1), which provides, in relevant part:

Where a proposed subdivision involves frontage on an arterial road, or a residential subdivision fronts a major collector, the street layout should provide vehicular access to the subdivision by a lower classification public road[.], except as provided in Paragraph (3) of this Subsection.

On December 29, 2013, the Developer filed a Waiver Petition Application asking that the requirement in Section 16.199.(f)(1) be waived. The criteria for granting a waiver petition is set forth in Section 16.104 of the Subdivision and Land Development Regulations:

- (a) **Authority To Grant:** So that substantial justice may be done and the public interest secured, the Department of Planning and Zoning may grant waivers of the requirements of this Subtitle in situations where the Department finds that extraordinary hardships or practical difficulties may result from strict compliance with this Subtitle or determines that the purposes of this Subtitle may be served to a greater extent by an alternative proposal.
- (b) **Conditions Under Which Waiver May Be Granted:** The Department of Planning and Zoning may approve a waiver to a provision of this Subtitle provided that:
 - (1) The developer has presented a petition demonstrating the desirability of a waiver. If the County requests additional justifying information, the information must be submitted within 45 days of the Department's letter of request. If the information is not submitted by the deadline, the Department shall deny the petition.
 - (2) The waiver shall not have the effect of nullifying the intent and purpose of this Subtitle;
 - (3) Within 30 days of the date of the Department's decision letter regarding a Waiver Petition, the developer may submit additional information to support a request for the Department to:
 - (i) modify any approval conditions;
 - (ii) reverse the Department's denial; or
 - (iii) add or delete specific waiver requests.

For the following reasons, the Waiver Petition does meet the criteria in § 16.104:

1. **There is no Extraordinary Hardship or Practical Difficulties** The Developer offers no factual support that unless it is granted direct access onto Snowden River Parkway, it would suffer an "extraordinary hardship and practical difficulty." In fact, the Developer admits as much stating that "development of the Property with a sole vehicular access point at Minstrel Way could provide for safe ingress and egress, a second point of ingress/egress will improve traffic circulation on and through the Property." This is insufficient to demonstrate any hardship or difficulty much less an "extraordinary" one.

2. Failure to Show Waiver Meets Purposes of the Regulations.

The proposed access does not serve the purposes of the Regulations. The Waiver Petition shows how the direct access will promote the financial welfare of the Developer, but it has failed to show how it will promote the health, safety and welfare of County residents. The Developer has failed to show how permitting direct access onto Snowden River Parkway will meet any of the general guidelines in § 16.104. To the contrary, there are multiple reasons why permitting such access will, in fact, harm the general public's health, safety and welfare.

3. Access to intermediate arterial prohibited by Subdivision Regulations
16.119 "Highways, Streets and Roads" of the

Section

Subdivision and Land Development Regulations (Fifth Edition October 7, 2007) codify the law regarding "Access Restrictions." Section 16.119f (1),(2) and (3) as follows:

Access Restrictions:

- (1) Where a proposed subdivision involves frontage on an arterial road, or a residential subdivision fronts a major collector, the street layout should provide vehicular access to the subdivision by a lower classification public road, except as provided in Paragraph (3) of this Subsection.*
- (2) The statement "Vehicular egress and ingress is restricted" shall be shown with limits on the final subdivision plat to prevent residential, commercial, or industrial driveways from having direct access to arterial highways and residential driveways from access to major collector roads.*
- (3) For subdivisions and site development plans with no other means of access except from a restricted access road, the Department of Planning and Zoning may approve a single use-in-common driveway that meets the minimum sight distance requirements of the Design Manual or the State Highway Administration's access requirements, if the Department determines that a public road is not required in accordance with Section 16.119(a)(8) of this Subtitle."*

The subject property has frontage on Snowden River Parkway with access by way of Minstrel Way, a public road. Permitting a waiver where such access is available would contradict the intent of the regulations

4. Petitioner justification is based on informal discussions by and between their Traffic Engineer and Department of Public Works (DPW) staff.

Apparently informal dialogue with County staff meets the burden to grant major waivers in Howard County. According to an email from Royal Farms' attorney he attended a meeting with County employees, Kris Jagarapu (DPW) and Mark DeLuca (DPW) along with Micky Cornelius the developer's Traffic Consultant. The attorney represented that he overheard a conversation between Mr. Cornelius, Mr. DeLuca and Mr. Jagarapu that the attorney claim amounted to an

agreement between the County and developer to allow the access.¹ Obviously, this is insufficient support for a waiver of such magnitude. Instead, it shows that the Department of Planning and Zoning was arbitrary and capricious in granting this direct access via an **illegal** waiver petition. It should be noted that in another access case, the Walgreens on Thunder Hill Rd. processed an amendment to the FDP that was supported by a comprehensive analysis of the proposed access. This was a much more rigorous process for access to a lower local collector street.

Conclusion

In conclusion, the Waiver Petition fails to satisfy the criteria set forth in Section 16.119. The Developer has failed to offer any support. To sum up the County Regulations: access is basically prohibited on arterial roads except in very limited circumstances which this lot does meet. The petitioner's waiver request does not enhance the health safety and general welfare of County residents. This Waiver Petition nullifies the intent and purpose of the Regulations. Also, you should be advised that the Director of DPZ does not have the authority to grant to this type of waiver. Finally, as I showed the Board last week this development will doom the Snowden River Widening project.

Error in County Code Depriving Citizens of their right of due process

There is an error in the County that omits the definition of duly constituted civic associations that have standing to appeal. Every County in Maryland provides for civic associations to have standing in zoning administrative appeals. **(see attached)**

Conclusion

The County Council Should fix this code error right away.

Closing

Thank you for kindly listening to this presentation.

1 Email February 5, 2014 from Sang Oh to David Boellner (see attached)

Columbia Association Board Meeting
Columbia Redevelopment
Proposed Gas Station and Convenience Store 9585 Snowden River Parkway
William "Billy" Hillmuth
President, Hillmuth Automotive
June 25, 2015

Good evening. I am here to speak about the proposed Royal Farms gas station on Snowden River Parkway.

My brother and I basically started our auto service business in Columbia. We have operated here since 1978. The attraction the Columbia master plan new town concept is what bought us here. Columbia was the antidote to the strip zoning that clutters the streets in most communities.

Unlike Ritchie Highway in Glen Burnie, automotive services were clustered together in "auto parks" screened and buffered from the streets and sited away from neighboring properties to minimize conflicts and hide unsightly things like wrecked cars.

We still operate at our original location on Oak Hall Lane in the Sieling Industrial Park. I brought along an article from the July 16, 1981 Columbia Flier about Columbia's industrial parks. Being in these parks off the main road it was vital for us to advertise to draw customers. This was not a disadvantage because all service shops were in the same circumstances. In fact we advertised in this issue.

My brother and I built our business and we now have three other locations. My opposition to the Royal Farms is related to the AAA service Center on Snowden River Parkway. Permitting AAA along Snowden River Parkway effectively destroys the unique character of Columbia and it puts merchants like Hillmuth at a competitive disadvantage.

The County has allowed and encouraged Columbia's office and industrial parks to be converted to retail and abandoned the zoning controls that we all rely on. I never remember the County rezoning these properties to retail use (hint, they never did). I am calling on Columbia Association to write a letter to County Department of Planning and Zoning and the Planning Board and insist that they follow the law.

Thank you.

Thomas D. Scott
5070 Whetstone Road
Columbia, MD 21044
e-mail tomscott@erols.com

June 25, 2015

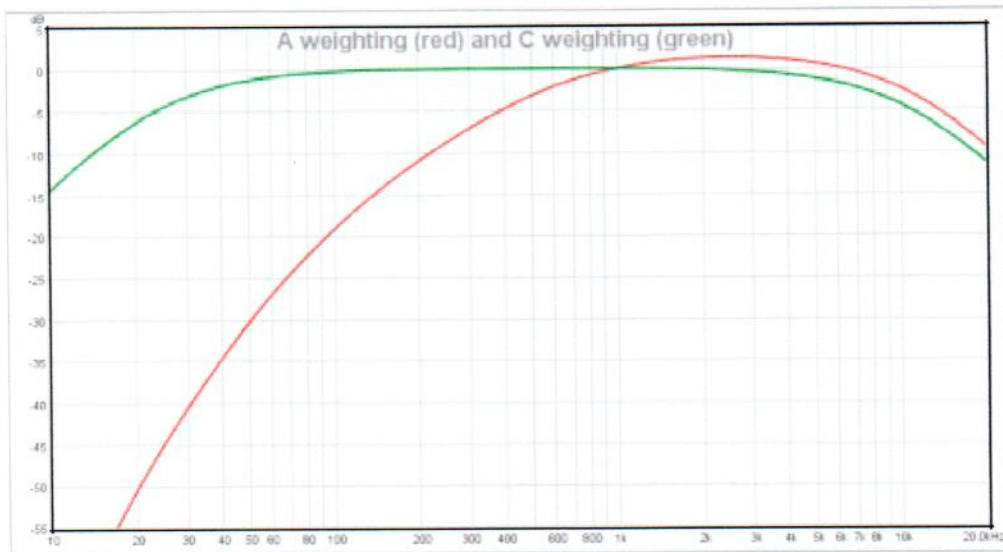
Good evening. I am Tom Scott and I live in Wilde Lake.

I am here tonight to talk about the noise problem Merriweather is causing. I realize you do not have direct control of anything Merriweather does, but you can have significant influence. You can advocate for the long-suffering residents of Columbia by negotiating with our state delegation and the Howard County Council to lower the noise level when Merriweather has a concert. Our legislators can change the allowed noise level to a more reasonable one.

You probably know the noise level is greater when MPP uses an extra stage in Symphony Woods. CA owns Symphony Woods but has granted the Inner Arbor Trust an easement for its use. This easement specifically says that the IAT may not "Commit or cause to be committed any waste or maintain any public or private nuisance or other action which may interfere with or disturb the quiet enjoyment of any surrounding property." Clearly, CA is not enforcing this provision of the easement. CA should require the IAT to abide by the provisions of the easement or forfeit it to CA. Furthermore, CA should require the IAT to measure the noise from the extra stage using a sound pressure level meter with a dBc weighting rather than a dBa weighting.

Right now the state allows sound from an "outdoor concert venue with a capacity of over 15,000 individuals" to be as high as 95 dBa within ¼ mile radius and 72.5 dBa beyond ¼ mile radius. These readings are averaged over the entire sound range but weighted with a dBa sound weighting curve. This particular weighting almost ignores the very low frequency sounds, like the boom, boom, boom of the bass drums, that propagate over long distances and are extremely annoying. Measuring devices that use a dBc weighting do not ignore the bass frequencies. (See the accompanying graph.) Requiring the IAT to enforce the provisions of its easement using a sound measuring device with a dBc weighting, would be a first step in reducing the objectionable noise. CA has a right to ensure that the IAT does not permit the use of Symphony Woods to interfere with the quiet enjoyment of its neighbors. If using the dBc weighted meters is not sufficient, CA can mandate a lower decibel level.

*



This is something that CA needs to do this summer while the concerts are still going on, not after the end of the concert season.

*

The Sound Pressure Level Meter produces one number representing the loudness after all sounds have been selectively reduced by a filter whose attenuation is a function of frequency. The dBa curve's severe attenuation at low frequencies makes Sound Pressure Level Meters using dBa weighting insensitive to these low frequencies. Sound Pressure Level Meters using dBc weighting are sensitive to low frequencies. Most modern Sound Pressure Level Meters can use either dBa or dBc weighting.