

1 DEPARTMENT OF PLANNING & ZONING \* BEFORE THE  
2 Petitioner: Camilla Carroll and Philip D. Carroll \* PLANNING BOARD OF  
3 \* HOWARD COUNTY, MARYLAND  
4 GPA2010-1 \*

5 \* \* \* \* \*

6 MOTION: To recommend approval of the proposed General Plan Amendment 2010-1 for  
7 a portion of Doughoregan Manor, which was submitted with the proposed ZB  
8 1087M, based on the Technical Staff Report (TSR) with noted modifications.

9 VOTE: 4-0

10 \* \* \* \* \*

11 On October 28, 2009, Camilla Carroll and Philip D. Carroll (Petitioner) submitted to the County  
12 Council a proposed General Plan Amendment (the General Plan 2010-1), which was also submitted  
13 with a proposed Zoning Map Amendment (ZB 1087M).

14  
15 On January 7, 2010, in response to the submittal of the proposed the General Plan, the Department of  
16 Planning and Zoning (DPZ) issued a Technical Staff Report (TSR).

17  
18 On January, 21, 2010, following a required 30-day advertising period, the Board held a public  
19 meeting where DPZ staff presented their TSR during the meeting's Introduction of Report and File  
20 Documents. The Petitioner's Presentation on both the General Plan 2010-1 and 1087M followed.  
21 Interested Party Presentation was then heard by the Board. Because of their related nature,  
22 presentation for both the General Plan 2010-1 and ZB 1087M were combined to allow testimony on  
23 issues related to both proposals.

24  
25 On February 4, 2010, per continuation of the advertised meeting held January 21, 2010, the Board  
26 continued to hear Interested Party Presentation. Having completed oral testimony, the Board heard  
27 the Petitioner's Response to Public Testimony before closing the public record for receiving written  
28 testimony. The Board held a Public Work Session on February 18, 2010 to discuss and formulate its  
29 rationale for recommendations for the Petitioners' the General Plan and ZB proposals.

30  
31 **Presentation to Board**

32  
33 The Board heard presentations by DPZ staff, the petitioner and public during its public meeting. The  
34 following summarizes issues related to both the General Plan 2010-1 and ZB1087M brought before  
35 the Board:

36  
37 **Development Design Concept**

38 One homeowners association felt that development of some type was inevitable on the Carroll's  
39 property and the product created by the proposed plan should be valued. The dense housing would  
40 be clustered to maximize environmental design around natural features which contrasts with a  
41 sprawling development that could result from the location of housing based on speculation needs.

42  
43 One resident expressed concern over the drain on resources and public infrastructure another large  
44 development in the area would create and diminish the quality of life of existing residents. In one

1 testimony, support was given for the Carroll's previous plans for a retirement community. The  
2 resident opposed the current plan to place hundreds of homes in roughly the same footprint and  
3 called for a complete rethinking of the plan for the entire property in order to create a better balance  
4 between the Carroll's needs and those of the surrounding community.

5  
6 Some residents felt the intent to develop shouldn't factor into rezoning the property and the proposal  
7 could move forward under current Rural Conservation – Density Exchange Option (RC-DEO)  
8 zoning. Others were concerned with the higher density created by the proposal. Some felt the  
9 petitioner could modify the proposal with higher density if a zoning change to Residential:  
10 Environmental Development (R-ED) was approved. Many residents questioned the justification for  
11 the rezoning request. The proposed rezoning to permit 325 new homes on property zoned for  
12 significantly less should be considered.

13  
14 One resident spoke in favor of the rezoning as a win-win to advance Smart Growth goals of *General*  
15 *Plan 2000*. Another questioned reference to the proposal as a minor adjustment and using the now  
16 ten-year-old General Plan to evaluate the proposal calling for more comprehensive study of the area  
17 to see what promotes Smart Growth.

18  
19 Other residents felt the proposal was one-sided and only created costs, with no benefits, to the  
20 surrounding community. Access to the manor is restricted and there's no educational or economic  
21 benefit for the County. Although Doughoregan Manor is listed on the US Historical Register, there  
22 is no attempt to provide even minimal public access through the proposal.

23  
24 An alternative was suggested for achieving the preservation goals of the Carroll family by  
25 negotiating with the County the placement of the entire property in restricted easement to allow the  
26 family to both farm their land and preserve their way of life without negatively impacting the rest of  
27 the surrounding community.

28  
29 Many residents expressed concern over the proposal's lack of details specifically requesting more  
30 information on implementation plans for historic preservation and watershed remediation. Some  
31 residents questioned the proposed housing density as excessive and called for the study of alternative  
32 designs for the residential development consistent with the current RC-DEO zoning designation.

### 33 34 **Transportation**

35 Increasing traffic on Route 144 was a major concern for some residents. The development could  
36 diminish the roadway's scenic character as well as accelerate public maintenance needs. Many  
37 residents requested further traffic study to address the development's potential impact on nearby  
38 roads. One resident described the proposal as lacking measurable or comparable benchmarks  
39 affecting traffic.

40  
41 Many residents expressed concern over the possible extension of Burnside Drive and requested the  
42 road be kept closed. Many cited the numerous traffic hazards experienced since Chateau Ridge  
43 Drive opened including increased noise, speeding and traffic from vehicles outside the community.  
44 Many felt these negative impacts would only increase if Burnside Drive was extended to serve the  
45 proposed new development. Concerns were also expressed about the impact construction equipment  
46 and operations would impose on the nearby communities during development.

47  
48 Difficulty with traveling between existing neighborhoods and Centennial Lane was also discussed.  
49 Many raised concern over further impacts on travel in the local area if Burnside Drive was opened.

1 Residents described the conditions children face in negotiating Centennial Lane to access schools  
2 and questioned the safety of adding additional cars on the roadway through connections with the  
3 proposed development. Some described the already present cut-through traffic experienced daily by  
4 vehicles avoiding heavier traveled roads. Additional road openings could further exacerbate the  
5 problem as well as impact the pedestrian safety of student walkers.  
6

7 One resident expressed concern over the lack of sidewalks on Burnside Drive and the increasing  
8 danger additional traffic would present for residents of Chateau Ridgelake and Centennial Manor  
9 who have to walk in the roadway.  
10

11 Other testimony described other less than favorable conditions of Burnside Drive, including steep  
12 grades, site distance, turns and intersections, as additional constraints to further extension. Many  
13 residents adamantly supported and encouraged the County to continue honoring Resolution 43 to  
14 keep Burnside Drive closed. Some felt any change would ultimately have a negative impact on  
15 neighboring property values.  
16

17 One resident questioned the ability of emergency service response given the configuration of access  
18 roads proposed in the plan. Others requested the proposal accommodate bicycle and other travel  
19 modes if public infrastructure was extended. Emphasis was placed on allowing the community to  
20 have at least some visual access of the historic Doughoregan Manor.  
21

22 One resident cited the need to accommodate additional parking demands of an expanding Kiwanis-  
23 Wallis Park. Another described the need to evaluate the current road configuration into the park as it  
24 relates to traffic accessing Route 144 from Route 40. The parks entry is marked by two lanes that  
25 shift into one creating a hazardous condition. A request was made to include the study and  
26 mitigation of these conditions with the improvements needed to accommodate traffic generated by  
27 the proposed development.  
28

### 29 **Schools**

30 One homeowners association objected to the proposal because of the potential number of children it  
31 would produce and its impacts on the school system's districting boundaries and overwhelming  
32 existing nearby schools in the Centennial district. Combined with other new development such as  
33 Turf Valley, the development could create significant overcrowding.  
34

### 35 **Public Water and Sewer Service**

36 Some residents described policy implications behind moving the Planned Service Area (PSA). As  
37 the County's growth boundary, its location reinforces State-wide growth management efforts.  
38 Moving the line to accommodate the proposal could facilitate further expansion of development  
39 westward, which would be contrary to the goals and policies of *General Plan 2000*.  
40

41 Additional testimony regarding the provision of public water and sewer for the project was presented  
42 by the Bureau of Environmental Services. Water volume has been analyzed and determined to be  
43 sufficient, and could be extended to the project without upgrades. However, both the treatment and  
44 conveyance facilities for sewer infrastructure are a concern. Although the County's capital budget  
45 contains a project to address constraints in moving sewage, the nutrient level of waste water in the  
46 public system is limited by permitted levels under state regulation. The treatment plant is currently  
47 undergoing upgrades to handle the volume of nutrients generated by the development within the  
48 existing PSA. Additional nutrient volume can run the risk of excursions causing noncompliance with  
49 permitted levels that result in fines.

1  
2 Possible engineering solutions to extend sewer service include treating nutrient and volume on-site  
3 through disposal to an independent, multi-use septic system and developing a treatment plant on-site  
4 to remove nutrients before being discharged into the public system. Expansion of the PSA is feasible  
5 but caution was raised concerning what the public and private costs would be of any extension.  
6 Some residents commented on the public financial burden that would result if a private facility  
7 failed. One resident commented on the additional time needed to study the infrastructure. The  
8 construction of homes, if approved, is dependent upon completion of the County sewer line capital  
9 project, which isn't scheduled for funding until FY 2015.

10  
11 Some residents warned of the environmental issues created by on-site sewage treatment including  
12 toxic compounds needed for processing, odor spillover and sludge disposal. Many felt a better  
13 understanding of the environmental impacts was necessary including the capital and maintenance  
14 outlays needed to support a pre-treatment facility. One resident questioned where such a facility  
15 would be located, and referencing the inadequate facility at Cattail Creek, requested the County  
16 require acceptable sewage treatment plans from the petitioner prior to any approvals. Many  
17 supported concerns about who would pay and assume risks. Some favored a development proposal  
18 under the existing zoning that would utilize well and septic to mitigate any potential problems with  
19 the County's public system.

#### 20 21 **Development Rights and Responsibilities Agreement (DRRA)**

22 The DRRA is a process enabled by State legislation allowing the County and petitioner to enter into  
23 agreement regarding obligations each adheres to for the proposed development. Once a specific  
24 agreement is drafted, the Board will review its elements for consistency with the General Plan before  
25 the agreement can be executed.

26  
27 Some residents commented on the need for a legal mechanism to ensure statements provided by the  
28 Carroll's, such as keeping Burnside Drive closed and limiting housing density, are binding. One  
29 association questioned the review of the DRRA's enabling legislation before the County Council  
30 requesting a more thorough discussion before any action is taken. Another concern was the specified  
31 five year duration of the agreement. The ability to hold the development proposal to agreements  
32 after the DRRA expires would be limited given the timeframe between approving a plan, breaking  
33 ground and moving the full development program forward over many years.

34  
35 Other testimony commented on the "boilerplate" language included in the DRRA requesting more  
36 specific information on implementation plans. Staff testimony clarified that the lot layout concept  
37 plan submitted by the petitioner was not enforceable at this time. The many terms and conditions  
38 currently proposed for the plan (agricultural preservation, park dedication, effluent pre-treatment,  
39 housing sprinkler systems and continued closure of Burnside Drive) would not be enforceable  
40 without site plan documentation under County zoning but could be done through a DRRA.

41  
42 Some residents expressed concern over the vested rights the DRRA would grant. The County  
43 wouldn't be allowed to enforce new laws and regulations adopted after the DRRA for the specified 5  
44 or more years. New environmental and zoning standards adopted for higher quality development  
45 could potentially be silenced. One resident requested the DRRA include a significant monetary  
46 penalty provision to deter violations and pay for any developer forfeits.

47  
48 One request was made for the petitioner to submit a draft historical preservation strategy in  
49 conjunction with the DRRA.

1  
2 **Preservation**

3 Testimony from the Maryland Historical Trust was presented to the Board on the historic  
4 significance of Doughoregan Manor. The home is currently designated as a National Historic  
5 Landmark. The distinction is reserved for sites that are national in significance. The 18<sup>th</sup> century  
6 plantation estate's historic core has remained intact under the stewardship of the Carroll family since  
7 its establishment around 1727. As the manor approaches its 300<sup>th</sup> anniversary, the importance of  
8 recognizing its unique character and the challenge of preserving the historic core will be essential.  
9

10 An extensive inventory of built resources have been conducted and documented. The information  
11 can be used to further evaluate the existence of additional resources such as cemeteries. The  
12 possibility of Native-American and African-American burial sites on the property has not been  
13 confirmed by records. Field tests would have to be performed in order to identify any prehistoric  
14 resources. Testimony was presented supporting the need to further consider the possibility of Native-  
15 American and African-American artifacts and burial sites.  
16

17 Many residents agreed that Doughoregan Manor constitutes a historical landmark that needs  
18 preservation consideration. A variety of opinions were expressed as to how preservation could best  
19 be achieved. The design was cited by some as an ideal balance between preserving a historic  
20 landmark and the privacy needs of the Carroll family. One community group was conflicted by the  
21 desire to see a unique and historical setting maintained alongside a proposal to expand the PSA  
22 outside more comprehensive study of the General Plan adoption cycle. A request was made to  
23 include the perpetual preservation of 94.5 acres of land immediately surrounding the manor house  
24 and outbuildings in the DRRA. Another called for the DRRA to link the preservation of  
25 Doughoregan Manor to the implementation of the development plan.  
26

27 Further testimony commented on County taxpayer support for the Carroll family's plan without ever  
28 having the possibility or benefit of publically accessing Doughoregan Manor itself. Further  
29 verification of the public intent, if any, was requested. One preservation strategy for raising funds to  
30 preserve the home included opening the property to limited tours by visitors, establishing support  
31 clubs and selling produce from the estate. While the conflicting nature of the strategies with the  
32 Carroll's desire for privacy was noted, it was suggested still as an opportunity to balance their  
33 desires with the impacts of environmental degradation, traffic and noise the surrounding community  
34 would have to bear and the costs the rest of the County would have to bear.  
35

36 The donation of land to Kiwanis-Wallis Park was seen as a notable gesture but in no way fully  
37 compensating for the negative aspects of the proposal. Testimony also questioned the ability of the  
38 County to develop the 34 acre property for potential use citing how the land could be difficult or too  
39 costly to develop.

40 One resident stated that the 500 acre agricultural preservation request seemed like a major gift to the  
41 Carroll family at the expense of County residents. Another spoke to the proposed strategy not having  
42 any provision for preserving the wooded parcel where development is being proposed, which  
43 provides for many animal species. Many commented on the need for more detailed evaluation of the  
44 proposal's environmental impacts. One resident noted that even beneficial development can cause  
45 substantial impacts on the quality and quantity of the area's environmental resources. The scale of  
46 the proposed development could dictate the need for an environmental impact study/assessment to  
47 mitigate potential negative effects. Testimony also questioned provisions for the restoration of two  
48 inadequate stream buffers on the property identified in the County's 2002 *Little Patuxent Watershed*  
49 *Restoration Action Strategy*.

1 **Petitioner Response to Testimony**

2 Contrary to the notion, the General Plan contemplates amendments that propose extension of the  
3 PSA and lays out criteria for evaluating this proposal. The following was presented in support of  
4 satisfying General Plan criteria:

5  
6 **Isolated Situation**

7 The property is the only such property in the County with sewer infrastructure already located that is  
8 not within the PSA already.

9  
10 **Minor Adjustment**

11 The proposal can also be categorized as a minor adjustment because of the total expansion of the  
12 PSA it represents. Testimony was presented that the proposal represents a .003% addition to the PSA  
13 in comparison with the total amount of acreage in the County.

14  
15 **Zoning Proposal**

16 A petition was filed with the General Plan. The rationale for legal mistake is occasioned by the  
17 underlying assumption of *General Plan 2000* concerning the property's location outside the PSA  
18 created during the most recent 2003-2004 comprehensive rezoning. The current zoning would be  
19 inappropriate if the property were to now be included in the PSA. For the purpose of rezoning, it is a  
20 conditional approval and subject to vote on the PSA extension proposed in the General Plan.

21  
22 Another rationale for rezoning was presented in 2007 when State agricultural easements expired on  
23 the property allowing for development. This equates into a failure to act upon a known fact at the  
24 time of the most recent comprehensive rezoning.

25  
26 **Consistency with the General Plan and Smart Growth**

27 In addition to policies in the TSR, preservation of the Rural West was cited as the most significant  
28 objective to be achieved.

29  
30 The Doughoregan property represents the single largest tract of undeveloped land in the West.  
31 Within the context of surrounding properties, the preservation of land within the proposal creates a  
32 barrier to sprawl from which the extension of the PSA is nearly improbable. From a policy  
33 perspective, the proposal satisfies the goals and objectives of Smart Growth. The alternative to the  
34 proposal would develop Doughoregan under RC-DEO zoning with one acre development throughout  
35 the property.

36  
37 **Water/Sewer Compliance**

38 Feasibility and availability of scheduled capacity have been confirmed. A capital project already  
39 exists to address capacity issues within the public line. Total Daily Maximum Load (TDML) and  
40 nutrient load are proposed to be handled by a pre-treatment facility. The petitioner would be  
41 responsible for the cost of the plant as well as the expansion of current under sized lines located on  
42 the property. Sewer from residents already on the line would also be pre-treated as a result. The  
43 sizing of the plant would be done in cooperation with DPW through a Major Facilities Agreement.  
44 This location is also above the Route 108 pump station giving a choice in directing flows to  
45 treatment facility for either the County or Baltimore City. In response to concerns about tax payers  
46 ultimately paying for water/sewer infrastructure, the petitioner commented that County fee  
47 assessments would address associated costs.

48  
49 **Development Assurances and DRRRA Legislation**

1  
2 The petitioner testified to meeting with neighboring community representatives to discuss  
3 alternatives that would allow Burnside to remain closed. Proposals included connecting Burnside  
4 Drive with a twenty-foot roadway to be used exclusively for emergency access, locating houses on  
5 the front of the existing roadway and deeding property adjacent to Burnside Drive to the neighboring  
6 homeowners association.  
7

8 Currently, a resolution (Resolution 43) exists that closes Burnside Drive. Any changes in its status  
9 would have to be done by Council action. The petitioner reaffirmed their desire to keep Burnside Drive  
10 closed. Counsel for the County presented a summary of Resolution 43. It was passed in 1989 and  
11 terminates the future extension of Burnside Drive. The roadway cannot be extended through the  
12 development process. It was originally proposed as both eliminating the future extension and closing  
13 of the road which would remove it as a County public road. This would be the next step that could  
14 happen. The resolution can't be waived by a public agency but could be repealed or overturned in  
15 court.  
16

17 While the DRRA legislation isn't before the Board, the petitioner commented on its elements. With  
18 regard to timing, five years is the minimum. The maximum is ten years with provision to extend  
19 beyond. The developer receives a commitment from the County to maintain regulations in place at  
20 the time of the agreement in exchange for specific conditions the development would conform with.  
21 Among other conditions, the proposal would preserve agricultural land, donate parkland, construct a  
22 sewage pre-treatment and restrict maximum developable units. It's a tool that can offer residents  
23 further predictability in terms of community amenities and infrastructure scheduling.  
24

25 **Procedural issue of holding both cases together**

26 Standards have been established by the County's General Plan to bring forth both the General Plan  
27 and petition for rezoning.  
28

29 **Board Discussion and Recommendation**

30 The Board reviewed and carefully considered testimony presented by DPZ staff, the petitioner and  
31 public during its deliberations. Issues related to traffic, schools, environment and the DRRA were  
32 specifically addressed in the Board's recommendation on the Zoning Board Case ZB1087M.  
33

34 **General Plan**

35 The Board discussed the purpose of the General Plan. It agrees that its function is to provide  
36 guidelines, strategic vision, and is a statement of intent but is not meant to be ironclad and leave a  
37 county without land use policy flexibility. The Plan is intended to be updated every 10 years. The  
38 Board considers it unfortunate that Howard County's comprehensive update has been delayed as  
39 evidenced by the cases coming before the Board.  
40

41 The Board considered several fundamental questions that were raised by the opposition.

42 **Can the Plan be amended out of cycle?**

43 The Board concluded that it can be considered. As evidence by past practice, amendments  
44 have been introduced, evaluated and approved. Furthermore, language in the plan indicates  
45 that amendments out of cycle were contemplated (page 98.1). The Board agrees that the  
46 potential change is presumed to require evaluation and deliberation by the County.

47 Fundamentally, the Board finds that it is within County's authority as the land use policy  
48 maker to seek a change or support a change regardless of whether it is self initiated or not.

1 As a matter of practice, all proposed changes, regardless of author, are evaluated for  
2 consistency with the General Plan's intent to ensure appropriateness.  
3

4 **If the General Plan can be amended out of cycle, can the PSA line be changed out of cycle?**

5 As a component of the General Plan, the Board finds that the PSA can be changed. In fact,  
6 the PSA boundary line's movement is anticipated as indicated by the text in the General Plan  
7 and that change criteria is set forth in the General Plan. While the criteria are not heavily  
8 detailed, it is sufficient to permit policy discretion.  
9

10 **Can the land be split zoned?**

11 The Board discussed the question of whether or not the property would be split zoned by the  
12 proposed change in zoning designation only a portion of the property. Legal counsel  
13 indicated that nothing prohibits a property owner from doing so.  
14

15 Based on the conclusions drawn above, the Board considered each criterion listed in the 2000  
16 General Plan (page 98.1) for approving a General Plan Amendment.

17 **1. Isolated Incident:**

18 The Board found that the following factors indicate that the petition is an isolated incident:  
19 Specifically that the sewer lines already exist on the property which is not typically found on  
20 properties seeking entry to PSA. The inclusion of the adjoining 500 acres in agricultural  
21 preservation will prevent PSA boundary creep. Nor will it create a situation where numerous  
22 other parcels would seek placement into the PSA. The property represents "unique  
23 circumstances" were it is isolated both physically and from a policy perspective.  
24

25 **2. Minor Adjustment:**

26 The size of the parcel represents only 0.003% of the property within the PSA and removes  
27 even a smaller amount from the Rural West.  
28

29 **3. Part of a proposed zoning:**

30 The petition did include a proposed zoning with the General Plan Amendment.  
31

32 **4. Consistent with the General Plan:**

33 The Board disagrees with opposition's suggestion that the request must be submitted by the  
34 County. The Board found that the petition supports and is compliance with the following  
35 General Plan Policies.

36 *3.1 Ensure the critical mass of high quality, strategically located farmland is protected from*  
37 *development.* Given the total 900 acres of property, the Board agreed that 500 acres (in  
38 addition to 75 acres previously protected) was significant and represented a critical mass of  
39 agricultural resources.

40 *3.4 Protect Water Resources.* The Board agreed the proposal concentrates growth along  
41 denser development of the existing PSA and removes the proliferation of septic fields if  
42 permitted would be contrary to preservation goals.

43 *4.18 Enhance the County park system and recreational facilities.* The Board agreed that the  
44 needs for expanding the Kiwanis-Wallis Park was critical given its current use and the  
45 donation of land (at no cost) for expansion would supplement and enrich current programs  
46 and services offered by the recreational facility. It was noted that DRP has a concept plan for  
47 use of the additional acreage.

48 *5.14 Maintain or enhance the landscape character of roads.* The Board agreed the  
49 orientation of housing along Route 144 was appropriate and protects the character of Route

1 144. Additionally, land that would be dedicated for public right-of-way was not in conflict  
2 with the policy and is in fact a larger parcel than required that further buffers the scenic road.  
3  
4 5.18 *Establish a comprehensive County-wide historic preservation program.* The Board  
5 agreed the proposal acts to prohibit the subdivision of the property's core historic resources  
6 with easement placed on the 94 acres to be held by the Howard County Conservancy. It was  
7 noted that the development site's western boundary line is based on the ridge line patterns of  
8 the land to further preserve views and vistas. As an aside, the Board noted the need for to  
9 develop a cohesive, county-wide preservation strategy.

10 *6.8 Secure better protection of environmental and landscape resources within new  
developments*

11 Requesting R-ED is the most environmentally sensitive zone available within the PSA.  
12

13 **5. Consistent with Smart Growth Policies:**

14 The Board agrees that the proposal adheres to the fundamental tenets of the Smart Growth  
15 policy. The petition supports existing communities by targeting resources to support  
16 development in areas where infrastructure exists as evidenced by the existing pipe system  
17 already in place. The petition also ensures the preservation of natural resources as indicated  
18 by placing 500 acres into agricultural preservation and 94 acres under easements before it is  
19 permanently lost. Taxpayers will not have to bear the burden of expansion of development  
20 away from the population centers. Furthermore, as indicated in the 2000 General Plan  
21 visions (page 2) of Smart Growth are achieved with the petition. They are:

22 Development is concentrated in suitable areas;

23 Sensitive areas are protected;

24 Growth is directed to existing population centers and resource areas are protected (in this  
25 case, the development is directed toward existing neighborhoods); and

26 Adequate public facilities and infrastructure are available.  
27

28 **6. Sewer and water infrastructure capacities costs analyzed to confirm feasibility and  
29 availability of scheduled capacity**

30 Feasibility: The Board agrees with the Department of Public Works assessment that with the  
31 lines already present on the property there is an opportunity to easily connect. There is a  
32 safeguard inherent because the development cannot proceed without the infrastructure  
33 improvements. Additionally, petitioner is willing to absorb the cost of improvements. It  
34 should be noted that the Capital Projects for expansion of the Little Patuxent Parallel Sewer  
35 (S-6274) line should be accelerated to ensure timely completion.  
36

37 Capacity: The Board agrees with the Department of Public Works that there is adequate  
38 capacity to permit the development to be included. DPW's request to further enhance system  
39 is for gaining greater margins of safety and not because of additional output created by this  
40 development. The petitioner is willing to upsize the pipe and provide nitrogen pre-treatment  
41 capacity which better serves County operations to have it done on site. Such an outcome will  
42 require utility system coordination (Major Facilities Agreement) between the County and the  
43 petitioner.  
44

45  
46  
47 **Additional Considerations**

48 The Board agreed that there should be included a deadline to seek entrance into the Metropolitan  
49 Water and Sewer District and access to the Public Water and Sewer infrastructure is accomplished in

1 a reasonable timeframe that reflects consideration of market conditions be it in the legislation or  
2 DRRA.

3  
4 The Board also concluded that several bonus outcomes will be achieved via this petition but are not  
5 part of decision making criteria. Specifically, substantial gains are made in preservation of the Rural  
6 West through the 500 acres being placed into the agricultural preservation program; removes areas  
7 from potential future development; safeguards against further expansion of PSA in the near west  
8 area; and provides opportunity to place the County's coming future growth in an area that does not  
9 required substantial capital outlay; respects the environmental sensitivity of the land; and protects a  
10 historic national property and related buildings.

11  
12 In conclusion, the Board wishes to highlight that it is not the intention of the Board to have its  
13 support of the General Plan Amendment indicate support of the re-opening of Burnside Road.  
14 Rather, the Board strongly believes that the County should honor the intent of Resolution 43 and not  
15 require the development to be connected to Burnside Road.  
16  
17  
18

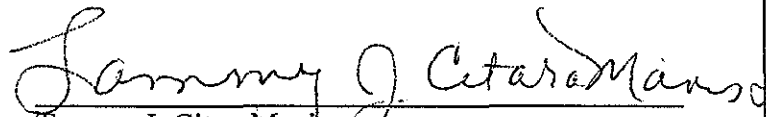
1 Ms. CitaraManis made the motion to recommend approval of the proposed General Plan  
2 Amendment 2010-1 for a portion of Doughoregan Manor, which was submitted with the proposed  
3 ZB 1087M, based on the Technical Staff Report (TSR) with noted modifications. Mr. Grabowski  
4 seconded the motion. The motion passed by a vote of 4 - 0.


5  
6 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 18<sup>th</sup> day of  
7 February, 2010, forwards this accounting of the Planning Board evaluation of GPA 2010-1.  
8

9 HOWARD COUNTY PLANNING BOARD

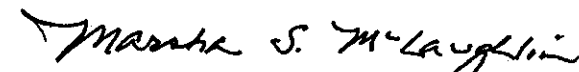
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11   
12 Linda A. Dombrowski, Chair

13  
14   
15 David Grabowski, Vice Chair

16  
17   
18 Tammy J. CitaraManis

19  
20   
21 Paul Yelder

22  
23  
24 ATTEST:

25  
26   
27 Marsha S. McLaughlin, Executive Secretary