

## HCCA Testimony Regarding Merriweather Park at Symphony Woods SDP14-073

Good evening. My name is Stu Kohn and I'm testifying on behalf of the Howard County Citizens Association as President.

We have a major administrative concern as it relates to transparency by executing Bill 58-2006 where it is applicable in this case was not adhered to. The Bill states, "AN ACT amending the Howard County Code to require petitioners to submit supporting materials for Planning Board meetings or hearings two weeks prior to the meeting date; and requiring the Department of Planning and Zoning to submit its Technical Staff Reports (TSR) at least two weeks prior to a public hearing or meeting." So the question to the Planning Board is why we here this evening being the TSR was not issued the required two weeks prior to a given hearing or meeting. Ms. McLaughlin stated to me and the Planning Board in an e-mail this past Tuesday that I was "correct." She stated, "That in 2007 the Office of Law interrupted the two week notification to apply only to public hearings not meetings and this does not apply to SDP's" The fact there is a TSR associated with the SDP in this case warrants this Board to postpone this case until ample notice is given to the citizens. If notification signs are required to be posted two weeks prior a hearing then why wouldn't you give the public the same amount of time to review the TSR. If anything let this be a lesson learned and now and in the future the Planning Board needs to be cognizant of the law enacted in 2006.

I'd like to next address specific concerns regarding the TSR.

- 1 The TSR does not have a date when issued on the front page.
- 2 The TSR states there are 7 phases to this proposed development. What are the objectives of each of the phases as the public should have an opportunity to be fully educated on this project. The Agenda states, "The TSR Applicant also requests conditional approval of Future Phases 3 through 7 for the uses, locations and general design of the features proposed within those phases, on the condition that additional County review for final details and Planning Board approval will be required prior to obtaining grading or building permits for those

phases.” The public should not be in a vacuum wondering what the other phases are all about!

- 3 States that “WP-15-927 (I have no idea what this is) received approval on Oct 17, 2014 which extended the number of years that the applicant may apply for a building permit per this Site Development Plan to 7 years from the date of, signature approval of the plan.” What is the rationale for this statement?
- 4 States that Traffic will not be an issue across the mall entrance road and other than a traffic light in Phase 4 no other mitigation is necessary. Wouldn't traffic on Little Patuxent Parkway increase unless no visitors are expected?
- 5 Forrest Conservation – this is exempt because the property is zoned NT. I guess the County does not care about the environment. This should not be exempt because Subtitle 12 of the Forrest Conservation of the Howard County subdivision regulations in Section 16.1202 under (a) states, “any person or unit of local government developing land 40,000 square feet or greater in area shall file a Forrest Conservation Plan with the Department.” What will the Planning Board recommend to ensure Forrest Conservation is fully protected?
- 6 The TSR states, “The maximum permitted building heights will conform to the Final Development Plan.” -- The paragraph states that other buildings such as “Butterfly, Caterpillar, and Wondrous Tower will be evaluated and approved in the future.” Why not now to enlighten the public on the anticipated maximum height of such objects.
- 7 States that the Chrysalis can be rented at a “nominal” cost. What is the definition or range of nominal?

Lastly, was this proposed development done by competitive bid? If not -- why not?

Stu Kohn  
HCCA, President