

Date: 18 March 2018

Subject: Howard County Citizens Association, HCCA CB16 -2018 Testimony before the Council

Good evening. My name is Stu Kohn and my address is 8709 Yellow Bird Court, Laurel, MD. 20723. Tonight, I am testifying on behalf of the Howard County Citizens Association, HCCA. We are in favor of CB16 with consideration for amendments.

We want to congratulate both Councilwomen Terrasa and Sigaty for introducing these Bills and the other Council Members for your co-sponsorship. The passage of this Bill will perhaps produce a better means of communication and a more streamline approach.

The following are suggested comments:

Refer to Page 1, line 21 to 33 and Page 2; line 1 to 4 – Mediation. As you know HCCA was involved in a case for 2 ½ years known as Chapelgate before you as the Zoning Board. On two occasions you asked us to go to Mediation which we reluctantly did per your request. Our concern as we stated was the Albeth Community who we were assisting did not want to go to mediation. We stated – It was simply if the Petitioner had met the zoning criteria and in our opinion he did not! Just so you know the Mediators stated, “They had no idea as to way we were in Mediation in the first place.” We ask what really is the purpose. However if you insist on having the Parties have an option to partake in Mediation then why not at the Planning Board stage. This way theoretically both Parties have an opportunity to work out their differences prior to be heard by the Zoning Board. Considering your workload this might be beneficial.

Refer to Page 3, lines 8 to 10 – Why is it that a **Noncompliance of mailing requirements** by the Petitioner does not constitute a basis for appeal or setting aside of piecemeal zoning or development plan decision? Quite simply if the Petitioner does not comply with this requirement then they need to be penalized and therefore the case should not be heard until such time the requirement is met.

Refer to Page 3, lines 11 to 17 – **Report of Planning Board Petitions** -- what is the penalty if the Petitioner fails to comply with this requirement?

In both of the aforementioned suggestions there needs to be consequences otherwise this proposed Bill is absolutely meaningless. Enforcement is paramount for execution of a meaningful Bill.

Refer to Page 3, lines 18 to 21 – are you referring to the Technical Staff Report. If so we suggest you state that.

Refer to Page 3, lines 22 to 31 -- **Questioning Departmental Findings** – we like the fact that this proposed Bill affords the opportunity for individuals to ask in writing questions to DPZ. We suggest that in line 26 you add after the word “prior” at a minimum of at least two weeks prior to the hearing.

Refer to Page 3, line 27 -- after the second phrase of “Zoning Board” add at least a minimum of one week before the hearing.

We ask you to please consider that whenever DPZ gives a presentation for any given case before the Planning or Zoning Board then any concerned party other than the Petitioner should be able to question the DPZ staff member who presents the case or the DPZ Director or Deputy Director. If you adopt this suggestion then we believe Page 4 lines 2 thru 9 could be eliminated.

By the lessons learned over time we are encouraged that potentially concerned citizens will be given the latitude to be better informed. With the approval of this Bill it should bring better communication and understanding amongst all parties. This is a positive step in the right direction.

Thank You,

Stu Kohn
HCCA, President