

COLLEGE HOUSE, LLC	*	BEFORE THE
PETITIONER	*	PLANNING BOARD OF
PLANNING BOARD CASE NO. 462	*	HOWARD COUNTY, MARYLAND

* * * * *

DECISION AND ORDER

The Planning Board of Howard County Maryland held a public hearing on September 3, 2026, in accordance with Section 107.0.F of the Howard County Zoning Regulations, to consider the petition of College House, LLC and Historic Ellicott Properties, Owner, to approve Preliminary Equivalent Sketch Plan, SP-24-003, Timber Woods Lots 1-6 and Open Space Lots 7 & 8. This plan proposes a six-residential-lot and two-open-space-lot subdivision on property zoned R-ED (Residential Environmental Development). The 7.33 acre proposed project area is identified as Parcel 50 and Lot 2 of Parcel 49, on Tax Map 25, in the Second Election District of Howard County, Maryland.

The notice of hearing, which is required by Section 1.105(B) of the Planning Board's Rules of Procedure, was published and the subject property was posted in accordance with the Planning Board's requirements, as evidenced by certificates of publication and posting, all of which were made part of the record of the case. Pursuant to the Planning Board's Rules of Procedure, the reports and official documents pertaining to the petition, including the Technical Staff Report of the Department of Planning and Zoning, the County Code, the Howard County Zoning Regulations, the Preliminary Equivalent Sketch Plan and Planning Board Hearing Application were made part of the record in this case.

Mr. Brian R. Shepter and co-council Ms. Mandee Heint represented the petitioner.

Ms. Gayle Charlene Killen appeared in opposition.

Additional public testimony was heard from Mr. George Farmer, Mr. Leonard Parkent, and Ms. Cindy LaFollette.

The Planning Board has the authority to review and make a decision regarding the proposed Preliminary Equivalent Sketch Plan in accordance with the pertinent criteria set forth, pursuant to Section 107.0.F of the Zoning Regulations. Those criteria are as follows:

1. The proposed lay-out of lots and open space effectively protects environmental and historic resources.
2. Buildings, parking areas, roads, storm water management facilities and other site features are located to take advantage of existing topography and to limit the extent of clearing and grading.
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.

After carefully evaluating all of the testimony and evidence accepted into the record, the Planning Board made the following findings of fact and conclusions of law:

DEPARTMENT OF PLANNING AND ZONING'S TECHNICAL STAFF REPORT

Ms. Donna Despres presented the Technical Staff Report for the Department of Planning and Zoning. Ms. Despres explained that the plan is for a six-house subdivision on about 7.33 acres of land. One existing house is to remain. The development proposes to build five new homes.

The staff presentation summarized the proposal and offered additional background and regulatory compliance of the project beyond the Planning Board review criteria. The report noted that the Subdivision Review Committee found the plans technically approvable pending the Planning Board's evaluation under the R-ED zoning criteria. Staff highlighted that the plan clusters the proposed five new single-family lots on the property's flatter eastern plateau, preserves over 60% of the gross acreage as open space, and includes 10% supplemental stormwater management capacity due to its location within the Tiber Branch watershed. The staff presentation included the following:

- **Zoning Rules:** The land is zoned as R-ED (Residential Environmental Development). This zone requires developers to protect environmental and historic by clustering houses together on the most appropriate areas from the site.
- **Open Space & Forest Conservation:** The plan saves over 60% of the land as open space, which is more than the 50% required by county regulations. A large portion of the project area will become a permanent forest conservation easement dedicated to Howard County.
- **Scenic Roads:** The Planning Board approved the road and driveway layout at an earlier meeting because New Cut Road is a protected Scenic Road. The Scenic Road analysis demonstrated that the view of the proposed homes is interrupted by the existing topography and vegetation.
- **Stormwater:** Because the project is located in the Tiber Branch watershed, the county regulations require an extra 10% water storage capacity.

PETITIONERS TESTIMONY

Brian Shepter, Esq., represented the Petitioner alongside co-counsel Mandy Heinel.

Prior to providing testimony, Mr. Shepter provided procedural history of the project for context.

1. The exact site layout presented at this hearing was previously reviewed and approved by the Planning Board on May 21, 2026, regarding Howard County's Scenic Road requirements under Section 16.125(c) of the Subdivision and Land Development Regulations.
2. No physical changes or modifications have been made to the layout since the May 2026 Scenic Road approval.
3. The current petition requires the Board to evaluate the plan under a separate set of criteria specific to R-ED zoned developments under Section 107.0.F.6 of the Howard County Zoning Regulations.

The Petitioner presented expert testimony from Mr. Rob Vogel, P.E., a registered professional civil engineer with approximately 40 years of experience in Howard County. Mr. Vogel is qualified as an expert in land development engineering and testified to the following:

- **Topography & Clustering:** The homes are clustered tightly along a natural, open plateau on the eastern side of the site near the existing access drive. This keeps development out of the thickest woods and off the steep slopes.
- **Environmental Features:** The site contains roughly 3.5 acres of steep slopes (grades of 25% or greater). The vast majority of these slopes are set aside inside the forest conservation easement on Lot 8 and will remain completely undisturbed. A minor, isolated section of steep slopes (23,524 sq. ft.) falls inside the development zone behind Lots 4 and 5.
- **Tree Removal & Mitigation:** The development requires the removal of 9 out of 34 identified specimen trees on the property. To mitigate this impact, the Petitioner will plant 18 new native trees.
- **Storm Water Management:** The project sits inside the sensitive Tiber Branch watershed. To manage runoff, a low-rise concrete sand filter structure will be built. Because of the specimen tree removals, the county requires an additional 10% storm water control capacity on top of standard watershed rules. Using TR-20 computer modeling, the post-development peak water runoff will be less than the property's current condition.
- **Access Drive & Neighborhood Improvements:** Rather than creating an additional access, the development utilizes an existing gravel and asphalt right-of-way off College Avenue. The developer will completely upgrade and pave this failing private road at no cost to the existing neighbors. Additionally, the developer will construct a concrete trash can pad near College Avenue to resolve a long-standing neighborhood collection issue. A curb will be built on the low side of the new access drive to trap and redirect stormwater that currently floods an adjacent neighbor's yard.
- **Buffering:** The development complies with all R-ED setbacks, including side setbacks of 7.5 feet and rear setbacks of 25 feet. The closest new home on Lot 3 sits roughly 118 feet away from the nearest existing neighborhood residence. The plan applies the full 100-foot scenic road buffer along New Cut Road and College Avenue. Due to heavy existing woods and steep changes in elevation, the new houses will not be visible from the public road.

FINDINGS OF FACT

1. Per the Technical Staff Report, the subject property is designated as Tax Map 25, Parcel 50, and Lot 2 of the Swear Property subdivision (as recorded on Plat 5347).
2. Per the Technical Staff Report, the total gross site area is 7.33 acres. The property is currently unimproved, mostly wooded, and features moderate to steep slopes that drop downward toward New Cut Road on its western boundary.
3. Per the Technical Staff Report, the property is located on New Cut Road and is accessed from College Avenue via an existing 30-foot-wide private right-of-way recorded through adjoining properties.
4. Per the Technical Staff Report and the testimony of the petitioner's consultant, Mr. Vogel, the Petitioner proposes to subdivide the property to accommodate five new single-family lots,

integrate the one existing single-family home (Lot 2 of the Swear property), and establish two open space lots (Lots 7 and 8).

5. Per the Technical Staff Report and the testimony of the petitioner's consultant, Mr. Vogel, Open Space Lot 7 will be owned and maintained by a Homeowners Association (HOA) and will contain the neighborhood's storm water management facility.
6. Per the Technical Staff Report and the testimony of the petitioner's consultant, Mr. Vogel, Open Space Lot 8 consists of 2.99 acres of land dedicated to forest conservation, placed in an easement and dedicated to Howard County.
7. Per the Technical Staff Report, the proposed density complies with R-ED zoning limits, which allow two dwelling units per net acre. Subtracting 3.5 acres of steep slopes from the gross acreage results in a net buildable area of 3.48 acres, permitting a maximum of six dwelling units.
8. Per the Technical Staff Report, all proposed lots meet the minimum size requirement of 6,000 square feet and the minimum width requirement of 50 feet at the building restriction line.
9. Per the Technical Staff Report and the testimony of the petitioner's representative, Mr. Shepter the exact site layout presented at this hearing was previously reviewed and approved by the Planning Board on May 21, 2026, regarding Howard County's Scenic Road requirements under Section 16.125(c) of the Subdivision and Land Development Regulations.
10. Per the petitioner's representative, Mr. Shepter No physical changes or modifications have been made to the layout since the May 2026 Scenic Road approval.
11. Per the Technical Staff Report and the testimony of the petitioner's representative, Mr. Shepter the current petition requires the Board to evaluate the plan under a separate set of criteria specific to R-ED zoned developments under Section 107.0.F.6 of the Howard County Zoning Regulations.
12. Per the Technical Staff Report SP-24-003 Timber Woods is proposed as a development of 6 residential lots and 2 open space lots on R-ED zoned property. SP-24-003 is the initial plan submittal.
13. Per the petitioner's representative, Mr. Shepter and the testimony of Mr. Vogel, the proposed access through the existing 30' deeded right-of-way through the adjoining properties is the legal access to the property.
14. In response to questions that were brought up during Opposition Testimony and Public Testimony, the Department of Planning and Zoning and the Petitioner offered the following information:
 - a. Final Plan Alignment: The Petitioner must finalize and record official subdivision plats and an accompanying Site Development Plan (SDP) through the Department of Planning and Zoning.
 - b. Agency Approvals Required: The Petitioner must obtain final, detailed engineering and erosion approvals from the Howard County Soil Conservation District, Department of Public Works (DPW), and DPZ before any building or construction permits can be issued.

- c. Storm Water Mandate: The storm water management system must fulfill all Tiber Branch watershed requirements, including the supplemental 10% retention capacity condition, ensuring post-development peak runoff rates remain lower than existing wooded conditions.
- d. HOA Maintenance Agreement: As asserted by the Petitioners testimony, the Petitioner must record binding maintenance covenants requiring the newly formed Timber Woods neighborhood HOA to assume full legal and financial responsibility for the future upkeep, repair, and snow removal of the upgraded shared private access drive, associated SWM and retaining walls.

OPPOSITION TESTIMONY

Gayle Killen formally entered the record in opposition to the Timber Woods subdivision petition.

- Ms. Killen's opening statement expressed serious concerns about flash flooding risks in the Ellicott City historic district and along Main Street. She stated that old growth forests and mature tree canopies act as critical natural pumps. Removing 30% of the specimen trees could double the peak velocity of water pouring down 50% slopes into the watershed during severe storms.
- During the cross-examination of the Petitioner's expert engineer, Rob Vogel, P.E., Ms. Killen focused on water runoff and environmental impacts within the sensitive Tiber Branch watershed. She challenged the project's stormwater design, questioning how losing 30% of the mature tree canopy and nine specimen trees on steep slopes would affect the ground's ability to absorb rainfall and increase downstream runoff velocity toward Ellicott City.

PUBLIC TESTIMONY

The Board also accepted testimony from interested community members.

- **Mr. George Farmer:** Expressed concern over the clearing of trees needed to build the new split-off access driveway. He asked why the developer could not utilize the current shared drive all the way to the back to save more of the vegetation.
- **Mr. Leonard Parkent:** Questioned the intensity of the project, stating that the existing shared 30-foot right-of-way easement was originally intended only for a pair of large lots, not to serve five or six homes.
- **Ms. Cindy LaFalette:** Shared historical perspective as a past Main Street resident who lost her home and a close friend to the devastating 2016 and 2018 Ellicott City flash floods. She argued against upstream development above the historic floodplain, stating that man-made engineering and modern retaining walls cannot safely replace the water-holding capacity of a pristine ecosystem.

CONCLUSIONS OF LAW

Under Section 107.0.F.6 of the Howard County Zoning Regulations, the Planning Board must evaluate the initial plan submittal for an R-ED zoned property against three specific review criteria. The Board concludes as follows:

1. Whether the proposed layout of the lots and open space effectively protects environmental and historic resources.

The Planning Board determined that the evidence shows there are zero historic assets on the parcel and the proposed layout effectively protects environmental resources. The development layout protects environmental resources by clustering all five new homes tightly on an open, flat plateau. More than half of the entire site (4.39 acres, or roughly 60%) is preserved as open space, which exceeds the county's 50% requirement. Furthermore, 2.96 acres of dense forest containing the property's steepest slopes are protected in a permanent conservation easement to be managed by Howard County. The loss of nine specimen trees is mitigated, as required in the Counties Forest Conservation Regulations, by planting 18 native shade trees.

2. Whether buildings, parking areas, roads, storm water management facilities, and other site features are located to take advantage of existing topography and to limit the extent of clearing and grading.

The Planning Board finds the proposed layout of buildings, parking areas, roads, storm water management facilities and other features is tailored to the land's natural topography. Terraced retaining walls will be installed behind Lots 4, 5, and 6 to block erosion and minimize structural grading into the protected woods. The sand filter storm water basin uses a low-rise design to blend into the low contours of the land without needing massive dam structures. While alternative driveway ideas were raised by neighbors, engineering testimony confirmed the project does not hold legal access rights to use the southern driveway easement. Utilizing the designated shared right-of-way avoids creating a new access point along a scenic road.

3. Whether setbacks, landscape buffers, or other methods are proposed to buffer the development from existing neighborhoods or roads, especially from designated scenic roads or historic districts.

The Planning Board finds the subdivision meets or exceeds all standard R-ED setback limits. The physical distance to the closest existing neighbor's home is 118 feet. Perimeters will be planted using the updated 2026 Howard County Landscape Manual requirements. The required 100-foot scenic road buffer is properly applied. Because of the steep grade drop-offs and dense tree barriers to the west, the new homes will not be visible from New Cut Road or College Avenue.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this **2nd** day of **October, 2026**, by the Howard County Planning Board, **ORDERED** that:

The Preliminary Equivalent Sketch Plan **SP-24-003 Timber Woods**, seeking approval for a subdivision of six residential lots and two open space lots, is hereby **APPROVED**, subject to the following conditions found standard in the County Development Regulations:

1. **Final Plan Alignment:** The Petitioner must finalize and record official subdivision plats and an accompanying Site Development Plan (SDP) through the Department of Planning and Zoning.
2. **Agency Approvals Required:** The Petitioner must obtain final, detailed engineering and erosion approvals from the Howard County Soil Conservation District, Department of Public Works (DPW), and DPZ before any building or construction permits can be issued.

3. **Storm Water Mandate:** The storm water management system must fulfill all Tiber Branch watershed requirements, including the supplemental 10% retention capacity condition, ensuring post-development peak runoff rates remain lower than existing wooded conditions.
4. **HOA Maintenance Agreement:** As asserted by the Petitioners testimony, the Petitioner must record binding maintenance covenants requiring the newly formed Timber Woods neighborhood HOA to assume full legal and financial responsibility for the future upkeep, repair, and snow removal of the upgraded shared private access drive, associated SWM and retaining walls.

HOWARD COUNTY PLANNING BOARD

Signed by:

James Cecil

James Cecil - Chairperson

not present

Mason Godsey - Vice Chairperson

Signed by:

Barbara Mosier

Barbara Mosier

Signed by:

Lynn Moore

Lynn Moore

Signed by:

William Tilburg

William Tilburg

PB Case No. 462 Timber Woods

ATTEST: DocuSigned by:

Lynda Eisenberg

Lynda Eisenberg, AICP
Executive Secretary

REVIEWED FOR LEGAL SUFFICIENCY BY:

HOWARD COUNTY OFFICE OF LAW

Gary W. Kuc, County Solicitor

DocuSigned by:

David Moore

David Moore
Senior Assistant County Solicitor

LIST OF APPLICANT'S EXHIBITS:
Exhibit 1, Illustrative plan view of proposal

LIST OF OPPOSITION'S EXHIBITS:
Exhibit 1, written testimony from Gayler Killen