Planning Board Quasi-Judicial Public Hearing of May 19, 2016

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Case No./Petitioner: PB Case No. 418 / Charles Lacey, Sr. and Karlos Lacey

Project Name: Lacey Property, Parcel 13, SP-15-013
Lots 1-13 and Open Space Lots 14-18

Filing Dates: August 24, 2015 (SP-15-013) and February 17, 2016 (PB 418)

Developer: Land Holdings LLC c/o B. James Greenfield


Request: For Planning Board approval of a Preliminary Equivalent Sketch Plan, SP-15-013, for the subdivision of 13 single-family detached lots and five (5) open space lots on 8.55 acres zoned R-ED (Residential: Environmental Development) zoning district in accordance with Section 107.0.F. of the Zoning Regulations and Section 1.105 of the Rules and Procedures of the Howard County Planning Board.

Location: The subject site is located at 3538 Church Road in Ellicott City in the Second Election District of Howard County, Maryland; approximately one-half mile north of Main Street. The site is within the Ellicott City Historic District and can be found on Tax Map 25, Grid 1, Parcel 13.

DPZ Recommendation: The Department of Planning and Zoning recommends approval of this Preliminary Equivalent Sketch Plan, SP-15-013, subject to compliance with the Subdivision Review Committee (SRC) comments, Subdivision and Design Manual waiver approvals, and any conditions imposed by the Planning Board.
Plan Summary:

- The Preliminary Equivalent Sketch Plan will establish the preliminary subdivision lot layout, street network, open space areas, sidewalks or pathways, drainage, stormwater management, landscaping, and forest conservation areas.
- The site is located in the Established Communities Allocation Area, within the Ellicott City Planning Area (per PlanHoward 2030).
- The site is located within the Ellicott City Historic District and is subject to Section 16.600 of the Howard County Code, including Historic Preservation Commission review/comment of the proposed subdivision.
- The 8.55 acre site is zoned R-ED; the allowed density is 2 dwelling units per net acre, and the minimum lot size is 6,000 square feet.
- The developer proposes 13 fee simple lots to accommodate single-family detached homes that are accessed by two private shared driveways with public road frontage from a proposed internal public roadway that accesses Church Road.
- The open space requirement is 50% of the site’s gross area (4.28 acres) and 4.69 acres (or 54.8%) is being provided. The open space area includes a combination of recreation open space and a pathway.
- Environmentally sensitive areas are located on the property. Some of the natural areas that are located within open space lots will be protected, whereas others will be disturbed (see site history section below).
- The property is located in the Patapsco River Lower North Branch watershed.
- The site is within the Planned Service Area (PSA); public water and sewer will be provided.
- No zoning variances, administrative adjustments, conditional uses or any other zoning related requests have been made by the Developer.
- Tentative housing unit allocations and the APFO schools test will be evaluated upon the signature of the Decision and Order by the Planning Board.

Vicinal Properties:

The site is located on Church Road in the Ellicott City Historic District, just north of Main Street. This is an historic and scenic residential neighborhood that includes an assortment of vernacular late Victorian and American Foursquare style homes that front on the tree-lined Church Road. Church Road is the single means of access to this community and it terminates at the western edge of the
site, before connecting to Park Drive. Approximately ¾ of a mile from the end of Park Drive is Patapsco Valley State Park. The subject site is surrounded by the following properties:

North - Located to the north is Church Road. A residential subdivision, The Woods at Park Place, is located directly across from the site, on the north side of Church Road. Northwest of the site is Linwood Mansion, the original homestead prior to the 1888 subdivision.

East – Located on the east side are two deeded parcels, Parcels 125 and 206. They are zoned RR and contain two dwellings. Located at the southeastern end of Church Road, at the intersection with Sylvan Lane, is the Patapsco Female Institute Historic Park.

South - Located to the south are two deeded parcels, Parcels 161 and 320. Parcel 161 is zoned R-ED and has a dwelling, while Parcel 320 is zoned POR (Planned Office Research).

West - Located along the west side is Parcel 320. It is zoned POR and contains the State of Maryland Courts Building, located off Court House Drive.

I. General Comments

A. Legal Notices - The subject property was properly posted with one official Planning Board notice located at the property ingress/egress at Church Road and verified by an on-site inspection by the Department of Planning and Zoning. Certifications of legal advertisements verifying that this case was advertised in two local newspapers a minimum of 30 days prior to the hearing date are on file.

B. Regulatory Compliance - This project is subject to compliance with the Howard County Subdivision and Land Development Regulations, the Howard County Zoning Regulations, the DPW Design Manual, the MDE (Maryland Department of Environment Storm Water Design Manual), the Adequate Public Facilities Ordinance, the Forest Conservation Manual, the Landscape Manual, the Historic District Design Guidelines, the requirements of the Soils Conservation District, Health Department and the Department of Recreation and Parks.

C. General Plan - The subject property is consistent with the Plan Howard 2030 General Plan and is within the Established Communities Allocation Area land use designation.

D. Pre-submission Community Meeting - Three pre-submission community meetings were held for this project, with the most recent being July 13, 2015 at the Howard County George Howard Building.

E. Site History:

- Parcel 13 was formerly part of the Linwood Farm and was later subdivided into lots as part of the Plat of Lynwood Farm Divided of 1888.

- An Environmental Concept Plan (ECP-15-044) was submitted on July 8, 2014 and was approved on October 20, 2015.

- A Waiver Petition application (WP-16-022) was submitted on August 21, 2015. The petitioner requested to waive the following three sections of the Subdivision and Land Development Regulations, as they apply to this subdivision plan:
  - Section 16.116(b)(1) requiring that the grading, removal of vegetative cover and trees, new structures and paving shall not be permitted on land with existing 25% or
greater steep slopes

- Section 16.1205(a)(7) requiring the retention of specimen trees; to allow the removal of 8 specimen trees.

- Section 16.134(a)(1)(i) requiring sidewalks on only one side of cul-de-sacs and local streets of single-family detached subdivisions

The petitioner has provided written justification as part of the waiver petition request for the SRC to consider. On January 4, 2016 the Director of Planning and Zoning determined that no action would be taken on this waiver petition until after the Planning Board had an opportunity to review and consider SP-15-013 (the SP plan) at the public hearing.

- Design Manual Waiver – A design manual waiver to permit more than six users on a use-in-common driveway was approved on October 5, 2015 subject to the two following conditions:
  - The minimum width of the use-in-common driveway shall increase to 20 feet due its curvature.
  - Provide flush curb and gutter along the use-in-common driveway.

F. Bulk Regulations (Section 107.0.D):

- **Density** - R-ED regulations permit 2 dwelling units per net acre. The net site area is 7.20 acres; therefore, 14 dwellings are allowed, but 13 dwellings are proposed.

- **Lot Size Requirements** - R-ED bulk regulations require a minimum 6,000 square foot lot for single-family detached dwellings and this subdivision complies with that requirement.

- **Minimum Lot Width** - The minimum lot width at the front building restriction line (BRL) for R-ED lots is 50’. All lots in the subdivision are at least 50’, as measured at BRL.

- **Building Restriction Setbacks** - All lots comply with the required building setback restrictions, per Section 107.0.D.4 of the Zoning Regulations. In addition, all structures and uses are at (or greater than) 75 feet from the external street right-of-way (Church Road) and the ‘generic house boxes’ shown on each lot are located more than 30 feet from project boundaries.
II. Site Analysis

A. Existing Site Conditions - The site consists of one parcel (Parcel 13) totaling 8.55 acres. It is mostly forested and located in the R-ED zoning district. The property is relatively rectangular and contains an uninhabited brick ‘cottage’ house that dates back to 1937, an in-ground swimming pool, and two outbuildings. The house and surrounding lawn are atop a relatively level plateau in the northwestern portion of the site. The house has been vacant for some time and is in an advanced deteriorated condition. A barn and a shed-like structure are located along the southern end of the lawn and both have partially collapsed. The lawn contains various landscaping and numerous specimen trees. These include spruce, walnut, maple, and hemlock trees (as reported in the Forest Stand Delineation, prepared by Eco-Science Professionals, Inc.). The balance of the site is gently to steeply sloping, with a headwater stream originating near the center of the property that flows south. Lastly, there is an existing driveway (that shall remain) located along the eastern perimeter of the site. This driveway is currently utilized by adjacent homes on Parcels 125 and 161. Both have a right to utilize this driveway to access Church Road.
### Site Aerial View

#### Site and Density Information Chart:

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Gross Area</td>
<td>8.55 acres</td>
</tr>
<tr>
<td>Minus 100-Year Floodplain Area</td>
<td>0.00 acres</td>
</tr>
<tr>
<td>Minus 25% of Greater Steep Slope Area</td>
<td>1.35 acres</td>
</tr>
<tr>
<td>Net Site Area</td>
<td>7.20 acres</td>
</tr>
<tr>
<td>Based Density Permitted (2 units per net acre)</td>
<td>14 units</td>
</tr>
<tr>
<td>Number of Dwellings Proposed</td>
<td>13 units</td>
</tr>
<tr>
<td>Proposed Acreage of the 13 buildable lots</td>
<td>3.46 ac.</td>
</tr>
<tr>
<td>Moderate Income Housing Units (MIHU)</td>
<td></td>
</tr>
<tr>
<td>Required (10% of dwellings)</td>
<td>1.2 Units (one unit is exempt)</td>
</tr>
<tr>
<td>Provided</td>
<td>0 Units (fee-in lieu will be paid)</td>
</tr>
<tr>
<td>Approximate Limit of Disturbance</td>
<td>4.65 ac.</td>
</tr>
<tr>
<td>(54% of gross area)</td>
<td></td>
</tr>
<tr>
<td>Open Space</td>
<td></td>
</tr>
<tr>
<td>Required (50% of gross area)</td>
<td>4.28 ac.</td>
</tr>
<tr>
<td>Proposed</td>
<td>4.69 ac. or 54.8 %</td>
</tr>
<tr>
<td>Recreational Open Space</td>
<td></td>
</tr>
<tr>
<td>Required (300 sq. ft. per unit)</td>
<td>3,900 sq. ft.</td>
</tr>
<tr>
<td>Provided (credited)</td>
<td>3,900 sq. ft.</td>
</tr>
<tr>
<td>Proposed Public Road R/W and Widening Dedication Acreage</td>
<td>0.40 acres</td>
</tr>
</tbody>
</table>
C. **Access and Frontage** - The entire subdivision fronts on Church Road, which is classified as a local scenic road. Section 16.125 of the Subdivision and Land Development Regulations addresses scenic roads and seeks to preserve the scenic qualities of roadside landscapes. The design of the subdivision proposes to retain and enhance the landscape along the Church Road frontage by applying a 35-foot wide buffer. An approximately 85 foot wide area along the frontage will be disturbed for the proposed access road.

The proposed subdivision will be accessed by a 24-foot wide public road from Church Road. The public access road will terminate approximately 180 feet into the subdivision. There it will branch off in two directions and connect to two private use-in-common driveways (of varying width) that access the proposed lots.

D. **Water and Sewer Service** - The site is located within the Planned Service Area and water and sewer service will be provided through public contract No. 14-4913-D. The existing well and septic systems are to be abandoned prior to the recordation of the final plat, per the requirements of the Health Department.

E. **Existing Environmental Site Characteristics:**

- **General Site Features** - The site is gently to steeply sloping and mostly forested. A brick cottage style house, located approximately 150 feet south of Church Road, and dilapidated outbuildings are located at the northwestern portion of the property. An unnamed headwater seep, originating in the lowland area near the center of the site, begins as an intermittent stream channel, but becomes a perennial channel before leaving the site (as reported in the *Forest Stand Delineation*, prepared by Eco-Science Professionals, Inc.). The stream system is part of the Patapsco River watershed and is classified as a Use I stream.

- **Soils** - Five soil types have been defined and mapped on the SP plan (sheets 1 and 4) and are included in the Forest Stand Delineation. The soils have been evaluated by the Howard Soil Conservation District and are found to be moderately well-drained and none are hydric. In accordance with Section 16.123(c)(1) of the Subdivision and Land Development Regulations, the developer must plan for practical and effective sediment control on the site to prevent off-site damages due to erosion and sedimentation.

- **Forest Cover** - The site has 4.4 acres of forest cover in good condition. One forest stand, F-1, a Tulip Poplar dominated forest, has been identified in the Forest Stand Delineation Report. In addition, Maple, Sycamore, Mulberry, Pine, and Walnut trees are also common. Forty-three specimen trees (trees with a diameter of 30 inches or more, or trees having 75% or more of the diameter of the current state, county or municipal champion tree of that species) have been identified. Eight specimen trees have been identified for removal and are located where a majority of the development occurs.

- **Wetlands, Streams and Steep Slopes** – On-site wetlands were delineated by Eco-Science Professionals, Inc. in March 2013. While they did not find vegetated wetlands, a stream system was detected. It begins as a seep located near the center of the site and feeds an intermittent stream channel that drains to the south. Approximately 100 feet downslope, additional groundwater seepage enters the system and the flow within the channel appears to become perennial. Section 16.116(a)(2) requires a 50 foot buffer from an intermittent streambank and a 75 foot buffer from a perennial streambank. The proposed layout complies with these and both buffers are shown on the SP plan. No disturbances to these environmental features are proposed. The topographic data has been provided through a field run survey by Fisher, Collins
& Carter and supplemented with the Howard County GIS topography.

Steep slopes are present in the southwestern portion of the site. A smaller area of steep slopes is also located near the stream channel along the eastern and western sides of the site. According to the project engineer, the site contains 1.35 acres of steep slopes that average 25% or greater over 10 vertical feet. While Sections 16.116(b)(1) and (2) of the Subdivision and Land Development Regulations does not permit grading existing steep slopes and require steep slopes in residential subdivisions to be located in required open space areas, Subsection C addresses necessary disturbance. By the filing waiver petition (WP-16-022), the developer has requested to grade the steep slopes as a necessary disturbance to accommodate Lots 1 - 3 and the private driveway.

Stream System

F. **Historic Preservation** - The site is in the Ellicott City Local and National Register Historic District. In accordance with the Howard County Code (§§ 16.600-16.612), the developer received advisory comments from the Historic Preservation Commission regarding the subdivision layout. Certificates of Approval were issued to demolish the existing structures, construct two retaining walls, and remove 8 specimen trees and 135 trees between 12-29 inches Diameter at Breast Height (DBH). The Commission determined that the subject property, due to its lack of significant historic structures or buildings, does not contribute to Ellicott City’s historical significance. Therefore, DPZ determined that none of the criteria of Section 16.118 of the Subdivision and Land Development Regulations for the Protection of Historic Resources triggered the need for any redesign of the proposed subdivision. The following Sections were considered as part of DPZ’s review:

- **Section 16.118(b)(2)** - Open space will buffer the new development from neighboring historic homes.
- **Section 16.118(b)(4)** - The proposed subdivision road does not intrude on neighboring historic resources. Driveways serving the lots are interior to the site, rather than on Church Road.
- **Section 16.118(b)(6)** - This plan has evolved over several submissions to the Historic Preservation Commission. Initially the subdivision had fourteen houses and has now reduced to thirteen.

See the addendum regarding the cases that were presented to the Historic Preservation Commission.
G. **Protection of Scenic Roads** – The site fronts a local scenic road (Church Road). Section 16.125 of the Subdivision and Land Development Regulations provides guidelines for land abutting a scenic road, including Section 16.125(b)(2) which requires a minimum 35-foot buffer of existing forest or woods between the road and the new development. This subdivision complies in the following manner:

1. Land disturbance and grading along Church Road is limited to just the proposed public access road. The plan provides a 35-foot buffer between Church Road and proposed development and preserves the remaining natural wooded areas and green space.
2. The six houses proposed along Church Road are designed to front onto Church Road. The parking pads, driveways and garages will be internal to the development.
3. Existing mature trees along the property’s frontage (within the 35-foot buffer) will be preserved. In addition, 9 Pin Oaks will be added to the buffer.
I. Proposed Development Plan:

- **Subdivision Plan** – Thirteen lots are proposed, ranging from 9,586 square feet to 15,558 square feet, with 8 lots on the west side of the site and 5 on the east. Site access will be from a 24-foot wide public road (Road A). It is located approximately at the center of the site’s frontage on Church Road, directly across from Deanwood Avenue that serves The Woods of Park Place subdivision. The lots will gain access to Road A by way of two shared private driveways. All lots meet the minimum 50 foot width at building restriction line and the 25 foot rear yard area. All except Lot 5 abut open space. A 12,186 square foot community common green area (Open Space Lot 16) is proposed on the west side of the subdivision and 3,900 square feet is designated recreational open space. A small portion of the frontage, 0.12 acres, will be dedicated for the public road. The Department of Recreation and Parks has proposed a public, paved path that could connect Church Road to the adjacent State Court’s property (Parcel 320) to the west. The following public improvements are proposed along Church Road: access to a public road to serve the development; one street light; a 5’ x 10’ concrete bus pad; and a 5’ x 10’ trash collection pad. All of the undisturbed environmentally sensitive features will be located within Open Space Lot 15. Two retaining walls are necessary to accommodate grading on Lots 1 - 3 and to support the proposed private driveway that provides access to Lots 9-13.

- **Community Compatibility for Residential Infill** - Section 16.127(c)(1) of the Subdivision and Land Development Regulations requires a residential infill project to be compatible with the existing neighborhood. The project has to be either the same as the surrounding residential neighborhood, in terms of unit type, or it has to achieve compatibility through enhanced perimeter landscaping, adjacent to lots with existing homes.

The subdivision proposes single-family detached, two-story houses that are of similar architectural style and design as the existing homes along Church Road. Second, the subdivision provides a minimum 25 foot wide buffer of existing trees along the eastern side of the site and a minimum 35 foot buffer of existing trees (along with 40 additional trees) along Church Road.
- Open Space – The R-ED zoning district requires at least 50% of a site’s gross area to be open space (Section 16.121(a)(2) of the Subdivision and Land Development Regulations) and this subdivision proposes 54.8%. Five open space lots are proposed and all except one will be owned and maintained by the Homeowner’s Association (Open Space Lot 15 will be owned and maintained by the Department of Recreation and Parks). A 12,186 square foot community commons ‘square’ (green area) on the west side of the development is proposed and 3,900 square feet will be for recreational purposes, as required by Section 16.121(a)(4) of the Subdivision and Land Development Regulations.

- Forest Conservation - The site contains 4.4 acres of existing forest cover, but 2.02 acres will be cleared. The subdivision’s forest conservation obligation of 2.2 acres will be fulfilled by 2.37 acres of forest retention. However; the Historic Preservation Commission approved the removal of trees contingent upon the Petitioner exceeding the minimal requirement by 125%, equivalent to 2.8 acres.

A public forest conservation easement will be established within Open Space Lot 15 and recorded with the forthcoming plat. This easement (along with the deed of forest conservation) will serve as the legal device to protect and preserve the forested area from future development and/or disturbance. The Department of Recreation and Parks will own Open Space Lot 15 and will be responsible for its upkeep and management of the forest conservation area.

- Landscaping - This project will comply with the perimeter and street tree landscaping requirements of the Landscape Manual. Nine street trees (Red Maples) are proposed along Road A and nine street trees (Pin Oaks) are proposed along Church Road. New perimeter landscaping will be provided along project boundaries and credit is requested for a majority of the southern and eastern perimeters, where forested areas will be preserved.

- Stormwater Management - Stormwater management will be addressed according to the Stormwater Management Act of 2007. Environmental site design (ESD) will be applied to the maximum extent practicable (MEP), in accordance with the M.D.E. Storm Water Design Manual, Volumes I and II. Runoff from rooftops will be treated using drywells and/or micro-bioretention facilities, while runoff from driveways will flow overland and be treated using micro-bio-retention facilities and a surface sand filter. Runoff from the public road will be treated using a surface sand filter.

- Adequate Public Facilities Ordinance (APFO):

Roads Test - The key intersections analyzed for this project are Rogers Avenue/Court House Drive, Main Street/Ellicott Mills Drive, and Main Street/Old Columbia Pike (MD 987). Based on the APFO study, the intersections will operate at an acceptable level-of-service and the results have been accepted by the Development Engineering Division (DED).

Schools Test - This project is located in the Ellicott City Planning Area, the Northeast School Region, the Veterans Elementary School District and the Dunloggin Middle School District. Upon signature of the Decision and Order for this project, the test for availability of housing unit allocations and the open/closed schools testing will be performed.

III. Planning Board Criteria:
Section 107.0.F.6 of the Zoning Regulations requires the Planning Board to consider the following when evaluating a Preliminary Equivalent Sketch Plan:

1. **The proposed lay-out of the lots and open space effectively protects environmental and historic resources.**

   Approximately 55% of the site will be open space. The proposed subdivision locates lots, roads, stormwater management, and drainage systems outside forested conservation areas, wetlands, streams, and buffers. Environmental areas are in open space lots to be dedicated to the Department of Recreation and Parks. Open space and environmental areas provide contiguous and effective buffers and result in a contiguous forest conservation area.

   Residential lots (average size ¼ acre) are standard in layout - square or rectangular and do not exceed a 3:1 lot depth to lot width ratio. Eight lots are concentrated at the highest elevation (location of the existing house) while the remaining five lots are near the northeast of the site, where land gradually slopes to the stream valley. The layout maximizes the use of developable land while also protecting environmentally sensitive areas as open space, in accordance with General Plan and Subdivision Regulation objectives.

   Five open space lots surrounding the development to the north, east, and south provide a buffer on the three sides. Open Space Lot 15 would be dedicated to the Department of Recreational and Parks and contains the majority of the environmental features. This includes steep slopes, a stream, stream buffer, forested area, and seventeen of the forty-three specimen trees. Four small open space lots, dedicated to the homeowner’s association, will be utilized for storm water management, recreational open space, and act as a buffer (Open Space Lots 17 and 18) to Church Road.

   Public Road A and the use-in-common driveways are designed to avoid disturbing environmental features.

   The Historic Preservation Commission approved the demolition of the house and the two outbuildings.

2. **Buildings, parking areas, roads, stormwater management facilities and other site features are located to take advantage of existing topography and to limit the extent of clearing and grading.**

   The design of the subdivision takes advantage of and responds to site topography and minimizes necessary clearing and grading. Where possible, grading will be limited along Church Road, except for the proposed Road A. Grading will not take place in 35-foot scenic road buffer. Management of a 100-year storm will require more extensive grading in Open Space Lot 14, where the proposed sand filter and retaining walls are located.

   The total disturbed area associated with this project is approximately 4.65 acres (54% of the site’s gross area). In the northcentral and eastern portion of the site, approximately 2.02 acres of forest will be cleared. The remaining forest will be protected by Forest Conservation Easements located within Open Space Lot 15 (to be dedicated to the Department of Recreation and Parks). Approximately 2.37 acres of forest will be retained.

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.

The proposed subdivision complies with all setback requirements in Section 107.0.D of the Howard County Zoning Regulations. It requires a 75 foot setback for all structures and uses along Church Road, while lots 4, 5 and 6, along the west side of the site, require a 30 foot structure setback. A 35 foot wide buffer is provided along Church Road (a scenic road) and the six homes proposed along Church Road are designed to face the street while garages will face internally. Existing trees and vegetation will remain undisturbed within the buffer area.

A Type “A” landscaped edge (1 shade tree per 60’) is required along the eastern and southeastern boundary adjacent to other residential properties, in accordance with the Howard County Landscape Manual. These requirements are satisfied by retaining existing trees and are supplemented by planting a Pin Oak. In addition, to provide additional buffering, a low berm is proposed between the use-in-common driveway for Lots 11 and 12 and the existing driveway to the east.

**SRC Action:** By a letter dated February 12, 2016 the developer was notified that this subdivision plan, SP-15-013, is technically complete, subject to compliance with the Subdivision Review Committee (SRC) comments, Subdivision and Design Manual waiver approvals, and any conditions imposed by the Planning Board.

**Recommendation:** The Department of Planning and Zoning recommends that the Planning Board approve this project, as shown on the Preliminary Equivalent Sketch Plan, SP-15-013 Lacey Property, subject to compliance with the SRC comments, Subdivision and Design Manual waiver approvals, Historic Preservation Commission Certificates of Approval and any conditions imposed by the Planning Board.

This file is available for public review at the Department of Planning and Zoning’s public service counter, Monday through Thursday, 8:00 a.m. to 5:00 p.m. and Friday from 8:00 a.m. to 3:00 p.m.

* Special acknowledgement to DPZ Resource Conservation Division (Beth Burgess, Samantha Holmes, and Ken Short) and the Research Division (David Dell and Lisa Kenney) for their assistance in preparing this report.

Attachments: Historic Preservation (Addendum)
Sketch Plan Exhibit
Illustrative Sketch of the Proposed Subdivision

designed by Steve Stannard
The Lacey Property
Historic Preservation Commission Requirements, Case History and History of Area

HPC Case Requirements & Case History
The Lacey Property, 3538 Church Road, is located within the Ellicott City Local and National Register Historic District. As such, the Howard County Code (§§ 16.600-16.612) required the Applicant to submit an application to the Historic Preservation Commission for Advisory Comments on the subdivision and site development plan. Additionally, the Code requires a Certificate of Approval from the Commission for significant landscape changes and the construction of new structures. Applications for Certificates of Approval must contain detailed architectural plans and identify materials and colors to be used – the plans will include information on roofing materials as well as smaller details such as location, design and color of porch lights. To date, the Applicant has received a Certificate of Approval for the demolition of the existing structures, construction of two retaining walls and the removal of trees. In the future, the Applicant will need to apply for Certificates of Approval to construct the new homes and for a final landscape plan.

The following timeline provides information on the Applicant’s cases before the Historic Preservation Commission:

April 4, 2013 (case HPC-13-17) – Application for Advisory Comments before the Historic Preservation Commission. The Applicant proposed to demolish all existing structures and create a 15 lot subdivision to consist of 14 buildable lots and 1 open space lot. Nine houses would front Church Road, with driveway access directly to Church Road. There would be two additional driveways coming off Church Road, for a total of 11 curb cuts, to serve 5 flag lots. The total site consists of 8.5 acres and open space Lot 15 would be 4.78 acres.

The proposed site plans shows lots that are approximately 10,000 square feet, which is significantly smaller than any other lot on Church Road. The density is higher than the rest of the neighborhood and the recently developed Woods of Park Place across the street. The number of curb cuts and driveways branching onto Church Road is also unusual for the street, degrading the integrity of the neighborhood and streetscape. There are also five flag lots in the plan, which is not a common development pattern in the Historic District.

There are a number of large specimen trees on the site. These will need to be identified as to which are to remain and which will come down for the new development. Staff would like to see as many trees retained as possible. If too many specimen trees are removed, it will further change the landscape of the historic district. Chapter 9.B of the Guidelines recommends, “retain mature trees and shrubs. Provide for their replacement when necessary” and “retain landscaping patterns that reflect the historic development of the property.” Church Road is also listed as a County Scenic Road. This development will further change the character and integrity of the road, which has been altered since the development of the Woods of Park Place.
Staff recommends the size of the lots be increased and the number of lots be decreased. It is important to remember for the future construction of the lots that front loading garages are not recommended or common in the historic district, especially on this street. Chapter 9.D of the Guidelines recommends against “new driveways, parking areas, walkways, terraces or other features that substantially alter the setting of a historic building.” The eleven proposed driveways will substantially alter the appearance of the streetscape. Additionally, Chapter 11.B recommends, “where needed, install new residential driveways that are narrow (one lane) and follow the contours of the site to minimize the need for clearing and grading. If possible, locate off-street parking spaces in side or rear yards.” Any new garages should resemble those built across the street at the Woods of Park Place, which tend to be detached side or rear garages. The size of the proposed lots do not appear large enough to accommodate this. Staff recommended the lots be redesigned to keep the historic main house and possibly the historic cottage house. The redesign should also include larger lot sizes to allow for side and rear detached garages and to keep large specimen trees.

The Commission was unanimous in their endorsement of the Staff recommendations that the lots be redesigned to retain the historic main house. They felt the redesign should include larger lots and lower density and retain the large specimen trees to reduce the number of driveways facing Church Road in an effort to maintain the character of Church Road as it exist today.

**November 6, 2014 (case HPC-14-82) – Application for Advisory Comments before the Historic Preservation Commission.** The amended plan contains 13 buildable lots, with 3 open space lots. There will be one main road, directly across from Deanwood Avenue, that will be a public road in order to handle trash and recycling pickup, in order to keep that function off of Church Road. Lot 6 is the only lot that will have a driveway with access from Church Road, but it is on the northwest side of the site (past Deanwood Avenue, just before Park Drive) and will not be highly noticeable. There will be six houses on Church Road; the rest will be accessed off of shared driveways.

Staff found this plan more in keeping with the historic district and that it had addressed several of the community concerns voiced at the last meeting for Advisory Comments. The row of houses lining Church Road is now similar to those found across the street at the Woods of Park Place. Staff recommended the site plan be similar to the Woods of Park Place so that the subdivision reads as one cohesive development. Staff had minor recommendations at this time regarding setbacks and street tree plantings.

Mr. Hauser, the Commission Chair, stated the density is not correct for Church Road. He said there should be fewer lots, which would allow for more separation between Lots 6, 7 and 8 and Lots 9, 10 and 11 which would make the lot sizing and spacing comparable to Deanwood. Mr. Hauser finds the overall proposal is much better than the previous one and that the idea is good. He said that once the houses come in for review, they will be reviewed to make sure the feel of the area stays the same with the architecture. Mr. Hauser agreed with Mr. Roth that the topography should not be altered much. The runoff/retention needs to be reviewed and there should be retention areas.

**December 3, 2015 (case HPC-15-78) – Application for Certificate of Approval for the demolition of the existing structures, approval for four retaining walls larger than two feet high and twelve feet long and the removal of “specimen” trees, 12 inches and larger at diameter breast height (DBH), which is 4.5 feet.**
The Applicant proposes to demolish the existing house, pool and accessory structures on-site. The existing house dates to 1937. The house has been vacant for several years and in disrepair. The accessory structures likely date to the same time period. A portion of the outbuilding that appears to be a tenant house has collapsed and there is a barn that has almost completely collapsed. The pool will be removed as well.

Four houses will be built on the east side of the property and there will be limited grading along Church Road. Based on the plans, there are four walls total. One wall is approximately 105 feet long and ranges from ground level to 5 feet in height and is located along the northeast side of the community green open space closest to Lot 7 & 8. The second retaining wall is more than 120 feet in length and has a max height of 9 feet. This wall is south of Lot 9 & 10. Wall Three is 100 feet long with a max height of 7 feet and is located on the southwest side that will face the forested area and will not be visible from the roads. The fourth wall is approximately 195 feet in length has a maximum height of 12 feet.

Tree removal along Church Road is proposed due to the poor condition of trees. No development is proposed along the road in these areas; trees are being removed for safety reasons. There are some specimen trees that are proposed to be removed, most of which are located around the existing dwelling and barns. There are 15 specimen trees proposed to be removed and they are in poor condition. Another 136 twelve to thirty inch trees will be removed as needed to construct the new houses and roads.

Mr. Roth moved to find that the structures are not of Unusual Importance. Mr. Shad seconded. The motion was approved unanimously. Mr. Roth moved to Approve the application to demolish the structures in accordance with the standards of Section 16.607, and finds that the structure does not have a significant or architectural historic value to the surrounding area. Ms. Tennor seconded. The motion was approved unanimously.

The Applicant withdrew the application for the retaining walls and tree removal.

**February 4, 2016 (case HPC-16-06(a))** – Application for Certificate of Approval to construct retaining walls and remove trees.

In this revised plan, two of the four walls, Wall #1 and #3, have been eliminated. The first wall, which has been removed, was on the northeast side of open space Lot 16. The lot will be graded to fulfill the required 3,900 square feet of level open space, but without having a retaining wall. That wall varied in height, with a maximum wall height of 5 feet. The second wall located at the terminus of Deanwood Avenue into the development behind Lot 9 remains. Upon entering the driveway, the wall will be 2 feet high and will be faced with stone and have an additional 2 foot high black metal railing above the wall, allowing a 4 foot barrier at the terminus of Deanwood Avenue. The other side of the wall that is not visible from Church Road will be as follows: as the wall spans to the east it will increase to 8’ 8” high at Section C-C, then decreases to 6’ 6” high at Section B-B, and up to 7’ 8” inches high at Section A-A. The maximum wall height will be a 12 foot drop into the stormwater management facility. The third wall was eliminated from the plan which was behind Lot 3. The fourth wall will be located at the rear of the development behind Lots 1 and 2. The maximum wall height in this location will be 3 feet high. At section F-F the wall will be 1’2” high and will go up to 2’ 7” high at section E-E, directly behind Lot 1, toward the end of the wall. The original proposed fourth wall had a max height of 12 feet so this wall has been reduced by 9 feet in some areas. The walls will be faced in stone, subject to a future application for approval.
The Applicant proposed to remove 146 trees that are 12 inch or greater for the construction of the 13 houses. There was opposition to tree removal along Church Road, so the three trees that were going to be removed due their poor condition will now remain. The County Landscape Manual requires 8 shade trees, 2 evergreens and 7 shrubs to be installed to meet the minimum site landscape obligations. The application explains that “as part of the proposed landscaping, credit has been taken for 1 existing tree and 10 shade trees, 22 evergreens and 7 shrubs were proposed on the Preliminary Equivalent Sketch Plan. This is 3 shade trees and 20 evergreens more than required that are proposed to enhance the existing buffers along Church Road. As part of the retaining wall views attached, we have added 3 additional shrubs and 1 additional evergreen to soften the appearance of the end of the wall of the Y turnaround.”

Mr. Reich moved to Approve the retaining walls as shown on plans submitted for this evening’s hearing with the provision that there will be a later submission for the facing materials. Mr. Roth seconded. The motion was unanimously approved.

**March 3, 2016 (case HPC-16-06[b])** – continued from February. Application for Certificate of Approval to remove trees. Trees in poor condition within scenic road buffer to remain, only one tree in buffer to be removed in order to build road into development.

The Applicant has submitted additional information regarding the proposed removal of trees. The additional information explains that the majority of the specimen trees proposed to be removed are Silver Maples, which can have a very intrusive root system that would impact paving and have been known to break through house foundation walls and sewer lines. The application states that the trees vary in condition from good to poor. The Applicant is looking into retaining two of the three Black Walnut trees on Lot 5 & 6, that are proposed to be removed and the application states that a plan to retain two of the three will be presented at the March meeting.

The new information provides an assessment of the trees on the property, breaking down the number of trees found in certain diameter breast height (DBH) ranges and the approximate age of the tree. The majority of the trees on the property have an average DBH range of 13”-16.3”.

Mr. Roth moved to Approve the removal of trees, as amended, and with the exception of the walnut grove consisting of T7, T8, T9 and the two smaller walnut trees next to T9, which are to be preserved and not removed. Mr. Reich seconded. The vote was 4 to 1 in favor. Mr. Shad was opposed.

**April 7, 2016 – Motion for Reconsideration for case 16-06[a]** - This motion was filed regarding the retaining walls. Prior to the April 7 meeting, opponents filed a Petition for Judicial Review in Howard County Circuit Court of the decision approving the retaining walls. Because of this, the Commission determined during the meeting that it would consider the Motion because jurisdiction of the matter was now in Circuit Court.
History of Upper Church Road and the Lacey Property

“Linwood,” the 400-acre farm of Maj. George Peter (great-grandson of Martha Washington), later owned by Washington, D. C. judge Richard Merrick, was subdivided in 1888 and a number of building lots in the range of 4 to 5 acres were created along present-day Church Road for sale. This seems to have been a response to the growing popularity of suburban houses on moderately-sized to large lots, in the last quarter of the nineteenth century. This trend was particularly strong just to the east, in Catonsville, where a horse-drawn trolley and the short-line railroad provided suburban dwellers with relatively rapid transit to work in Baltimore City. Detailed histories of individual properties along Church Road have not been conducted, but based on building types, construction must have been sporadic. Several houses, such as 3552, 3565, and 3575 Church Road must date to the period c. 1890-1915 and represent late versions of house forms popularized by A. J. Downing and A. J. Davis in the 1850s. The houses at 3560 and 3574 Church Road are foursquares that were popular c. 1915-1935. While the B. & O. Railroad provided passenger service into Baltimore, it was more expensive than a trolley, which limited its use. The delay in developing Church Road probably reflects the delay in getting a trolley to run to Ellicott City. Initially proposed in 1892, the trolley did not reach the Baltimore County side of the Patapsco until 1898, and the bridge that carried it across the river was not completed until the following summer.

Lot four of the subdivision (the Lacey property), which was adjacent to the Linwood homestead, was purchased in 1889 for $562.50 by S. Francis Miller. The sale included building restrictions on the lot, stating that “. . . S. Francis Miller his heirs or assigns, shall not and will not at any time hereafter use or cause or permit to be used the premises herein conveyed for any other purpose than that of a residence, and shall not and will not erect or cause or permit to be erected on said premises any store, tavern or grocery, and shall not build or cause or permit to be built any outbuildings on said premises nearer to the Main Road than the residence itself, and that no outbuildings shall be built upon said premises within one hundred (100) feet of the adjacent lot.” The lot remained in the Miller family until 1905, and there is no evidence of whether it was built upon. William and Carrie Kurrelmeyer purchased it, and sold the lot in 1916 to Hugh and Flora Harrison. After her husband’s death in 1932, Flora Harrison sold the lot to John and Hattie Groener in September, 1938. The tax assessment records state that the house was constructed in 1937, but the source of this information is not known, and it seems more likely that the house was built in 1939.

The Groener (Lacey) house appears to have been built in three stages. The earliest would seem to be the three sections of the main block to the southeast, which were probably built in frame originally. This would have formed a house similar to a blend of a Cape Cod and a bungalow, with a center block flanked by small wings on either side. The form is similar to nineteenth-century southern cottages and could have been intended as a revival of that building type. A date of the late 1930s is likely for this part of the building. The brick Section Four on the northwest and the wing on the rear were likely added as one build to the original house, perhaps in the late 1940s or early 1950s. The brick veneer on the southeastern section and the rear of the original house was likely added in the late 1950s or 1960s. The last change to the form must have been the northwestern-most section, Section Five, which probably dates to the 1970s or early 1980s.