

EVA J. NELSON, MICHAEL B. NELSON AND * BEFORE THE
AND MATTHEW J. NELSON, PETITIONERS * PLANNING BOARD OF
PLANNING BOARD CASE NO. 428 * HOWARD COUNTY, MARYLAND
(Remand by Howard County Board of Appeals) *

DECISION AND ORDER

The Planning Board of Howard County, Maryland, held a public hearing on June 20, 2019 in accordance with Section 107.0.F. of the Howard County Zoning Regulations. It considered the petition of Eva J. Nelson, Michael B. Nelson and Matthew J. Nelson, owner/developer to approve a Preliminary Equivalent Sketch Plan (SP-15-012, Oak Hill Manor) for eight single-family detached residential lots and four open space lots. The project is 8.20 acres, zoned Residential: Environmental Development (R-ED) and is located on the west side of Ilchester Road in the First Election District of Howard County, Maryland, and is identified as Tax Map 31, Grid 4, Parcel 618. By Order of remand by the Howard County Board of Appeals, the Planning Board is required to admit Protestant’s Exhibit 3 and 4, and then determine if the maps and related information, as it relates to the proposed lot layout and the protection of environmental and historic resources, change the conclusion reached by approving the subdivision.

The Notice of Hearing was published and the subject property was posted in accordance with the Planning Board’s requirements. The certificates of publication and posting were made a part of the record.

Pursuant to the Planning Board’s Rules of Procedure, the reports and official documents pertaining to the petition, including the Department of Planning and Zoning’s Technical Staff Report, the Howard County Subdivision and Land Development Regulations, the Howard County Zoning Map and Regulations, the Howard County Design Manuals, the Howard County Landscape and Forest Conservation Manuals, and the Adequate Public Facilities Ordinance were made part of the record.

Mr. William Erskine, Esquire of Offit and Kurman, represented the petitioners. Mr. Thomas Coale, Esquire of Talkin and Oh, represented several adjacent property owners in opposition to the petition.

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

FINDINGS OF FACT

1. The Planning Board has the authority to review and make decision regarding the Preliminary Equivalent Sketch Plan in accordance with the pertinent criteria set forth, pursuant to Section 107.0.F. of the October 6, 2013, Howard County Zoning Regulations.
 - a. Brenda Luber presented the Technical Staff Report for the Department of Planning and Zoning, which by Order of the Howard County Board of Appeals, the Planning Board must admit Protestants Exhibits 3 and 4, then determine if the maps and related information, as it relates to

the proposed lot layout and the protection of environmental and historic resources, change the conclusion reached by approving the subdivision.

The Technical Staff Report is summarized as follows:

The Subdivision Review Committee (SRC) evaluated the subdivision for compliance with the Howard County Subdivision and Land Development Regulations. The SRC considered Section 16.115, Floodplain Preservation, Section 16.116 Protection of Wetlands, Streams and Steep Slopes and the R-ED criteria of the Zoning Regulations when evaluating this subdivision. The Department of Natural Resources (DNR) Online information and maps are not part of the review criterion in any county development regulation; therefore, this information was not considered when evaluating the subdivision. After the admission of the Exhibits, the Board must determine if the maps and information change the conclusion reached by approving the subdivision, as it relates to the lot layout and protection of environmental and historic resources.

- b. The Board admitted the Exhibits into the record. Messrs. Coale and Erskine agreed that the Howard County Board of Appeals Ordered the Planning Board to admit the Exhibits, and to allow reasonable opportunity for individuals who sought to submit testimony related to the Exhibit. Mr. Erskine stated that he is duty bound to object to the admission of the Exhibits into evidence because they are irrelevant and should not be considered by the Board because the Exhibits do not relate to the criteria. Mr. Erskine further requested a continuing objection to avoid objecting each time an exhibit is introduced or question is asked of a witness.
- c. Mr. David Moore advised the Board that the proposal presented by both counsel is fairly standard. The Board of Appeals directed the Planning Board to admit the Exhibits which were excluded from the previous hearing. It would be reasonable to provide an opportunity for persons who were party in the prior proceedings to supplement the record as it relates to those Exhibits. Not reopen the entire record, introduce new topics, or repetition of unrelated matters, but information within the scope of the exhibit. Since the exhibits were not previously admitted, it is an assumption that any testimony related to the Exhibits were not placed before the Board. Mr. Moore reminded the Board that he did not attend the previous hearing. He advised the Board that the Exhibits would be admitted and would become part of the record.
- d. Mr. Coleman asked if it was proper for SRC to exclude the Exhibits because they do not apply, what authority does the Board of Appeals have that require the Planning Board to admit the Exhibits.
- e. Mr. Moore advised the Planning Board that the Board of Appeals has the ability to review the case on appeal. Whether the Board's decision to remand, with the requirement to admit the Exhibits is legally correct may be a matter to further review subsequent to this matter. It is not up to the Planning Board to fail to follow the direction of the Board of Appeals.
- f. Chairperson Engelke admitted the Protestant's Exhibits 3 and 4 into the record. Mr. Erskine objected to the admission of Protestant's Exhibits 3 and 4. In addition, Chairperson Engelke granted Mr. Erskine's continuing objection.

g. Mr. Greg Care residing at 4640 Ilchester Road was sworn in. Mr. Care testified that his property was located to the southwest of the subject property and identified his property on the plan. He testified to prepare for the hearing, he studied various online websites to determine what may impact the proposed development. He reviewed the DNR online map, MERLIN (Maryland's Environmental Resources and Land Information Network). The MERLIN online tool provides various layers which may be applied to map identifying various features. The Targeted Ecological Area (TEA) is a priority area highlighted on the MERLIN website. He testified that Ecological Area is defined as a broad understanding of the habitat areas and the network of natural resources, the flora and the fauna that occupy the specific space. He testified that this information may be found on the DNR website. He testified that protecting a TEA would not require a higher standard of approval for the development. He testified DNR describes a TEA as a way of understanding qualitatively and quantitatively those natural resources. It is not setting a different standard, but providing a factual basis or data point as to why the area is a TEA. It gives an understanding of that criteria and it goes into the R-ED criteria which is focus of this discussion. He testified that DNR defines TEA as "the best of the best". This is the best of what Maryland has to offer and which currently exists. He testified that in his research based on the DNR description and the Maryland Department of Planning, lots of different criteria about the environment is considered when determining if an area should be considered a TEA. It is a combination of green infrastructure, wildlife and rare species habitat, non-tidal streams and fisheries, wetland adaptation areas and coastal ecosystems. He testified that an area is evaluated on a parcel by parcel basis. The greater number of environmental criteria contained within a parcel, it is considered a TEA. He testified that DNR offers the maps for individuals to better understand the environment in which they live, but it is also for entities such as DPZ and the Planning Board to understand development and planning decisions made which may impact a parcel within a TEA, and how the R-ED criteria should be applied. He testified that the TEA is relevant to the R-ED because one of the criterion is the preservation of existing environmental resources. He testified that his objection to the subdivision is not to the loss of trees. But, when considering all the different aspects of this development that are going to affect the resources in this TEA, (steep slopes, scenic roads, clearing and grading of forested areas), there are existing cleared areas where infringement into the natural resources would not be required if the lots were moved to the existing cleared area. He testified that the TEA covers small selected areas within the County. This TEA is located near the Patapsco River, and State Park which reverts to the idea of ecological system and natural resources and its connectivity which creates the system. He testified that only a small number of parcels zoned R-ED have the TEA component. He testified that the parcel could be developed by taking advantage of the cleared areas on-site, move the houses closer together and not grade within the steep slopes. This would provide a better protection of the TEA. Grading within the steep slopes results in a deleterious effect on the TEA. He testified that a parcel within a TEA is not prohibited from subdivision, but this subdivision is not designed to protect the natural resources as required by the R-ED criteria. He testified that Green Infrastructure is defined by DNR as a natural support system providing ecosystem services that are necessary to human, plants and animals. By designating these areas as TEA, DNR is seeking to protect continuous stretches of forest, wetlands and islands of isolated space. He testified that the parcel, if

redesigned, could be developed under Green Infrastructure. He testified that his property is located within a TEA and he has the privilege of the flora and fauna and the diversity of animals which recently he observed wild turkeys within the TEA. He encouraged the Planning Board to preserve this area.

Mr. Erskine crossed Mr. Care. For the record, he requested that he be permitted to cross Mr. Care without waiving his objections. Mr. Erskine presented Mr. Care and the Planning Board with copies of Protestant's Exhibit 3 and 4. He asked Mr. Care if the Exhibits were a computer screen shot, and information related to the TEA which surrounds the subject property. Mr. Care testified that he produced both Exhibits from the MERLIN website. Mr. Erskine asked if Mr. Care was present when the Planning Board approved the subdivision. Mr. Care testified yes. Mr. Erskine asked if Mr. Care was present when the Planning Board ruled that the subdivision effectively protected the natural and historic resources on the site. Mr. Care testified yes. Mr. Erskine asked if Exhibit 3 informs the Planning Board of the forest delineation plan within the TEA and does the Exhibit identify forested area. Mr. Care testified that the Exhibits provides the foundation for this information. Mr. Erskine asked where the forested areas are shown. Mr. Care testified that Exhibit 3 does not show forested areas. Mr. Erskine asked if the green area shown on Exhibit 4 is forested. Mr. Care testified that not all the area is forested. Mr. Erskine asked Mr. Care to identify the portions which are forested. Mr. Care testified that a different overlay would be needed to provide this information. Mr. Erskine stated that this is the Exhibit which was introduced, and this is the Exhibit that this Board is being asked to change its decision. Mr. Erskine again asked Mr. Care to identify the forested area. Mr. Care testified that he thinks he answered the question. Mr. Erskine asked if the Exhibit provides the outline of the subject property. Mr. Care testified that it does not contain the Sdat parcel boundary; however, he testified on his recollection of adding the property boundaries layer. Mr. Erskine asked what the green area on the Exhibit represented. Mr. Care testified that the box for the DNR Focal Area was checked, but he could not confirm if the TEA box was checked. He stated that the subject property is a TEA. Mr. Erskine asked if the TEA layer was represented on the Exhibit. Mr. Care testified that it would be one of the layer applied based on having the Focal Point checked which included TEA. Mr. Erskine asked if it was possible to have a Focal Area checked and not have a TEA checked. Mr. Care testified that this was possible. Mr. Erskine asked if that was the situation with the Exhibit. Mr. Care testified that he could not hypothesize, but the subject property is a TEA. Mr. Erskine asked if the properties on the right side of the Exhibit and all the areas in between are a TEA. Mr. Care testified that it "likely is". Mr. Erskine asked if it is likely or is this speculation. Mr. Care testified that it was likely included in the TEA. Mr. Erskine asked if the property on the right side of the Exhibit extends into Baltimore County. Mr. Care testified that some properties do extend into Baltimore County. Mr. Erskine asked Mr. Care to identify the property boundary between Baltimore and Howard Counties. Mr. Care testified that the boundary was the Patapsco River. Mr. Erskine asked to him to identify Patapsco River on the Exhibit. Mr. Care testified that the river was in the middle of the TEA. Mr. Erskine asked if the river was located within the exact middle of the TEA. Mr. Care testified that the river is the County boundary. Mr. Erskine asked if the Patapsco River was an environmental resource. Mr. Care testified that it was. Mr. Erskine asked if the Exhibit depicted

the Patapsco River. Mr. Care testified that it did. Mr. Erskine asked Mr. Care to identify the location of the River. Mr. Care testified that it was in Ellicott City. Mr. Erskine asked if the Exhibit depicts the Patapsco River within the TEA. Mr. Care testified that the "blue area" that goes through the word "City" is the stream. Mr. Erskine stated that he sees where the stream enters the TEA, but he asked that the stream be identified where it moves closer to the property. Mr. Care testified that he cannot identify where the blue line goes through the green area. Mr. Erskine asked if the Exhibit identifies stream buffers. Mr. Care testified that he believes it an available layer which may be applied, but is not shown. Mr. Erskine asked if streams are shown on the Exhibit. Mr. Care testified that he could not identify any. Mr. Erskine asked if wetland or wetland buffers were shown on the Exhibits. Mr. Care testified that he could not identify them. Mr. Erskine asked if the specimen trees were shown. Mr. Care testified that the Exhibit did not provide this information. Mr. Erskine asked if historic features were shown. Mr. Care testified that it did not. Mr. Erskine stated that the Planning Board is asked to use the Exhibit, but based on Mr. Care's testimony; the Board is not able to identify the location of the site or proximity of a single environmental resource. Mr. Coale objected. Mr. Erskine asked if the based on the Exhibit, can the Board identify the proximity of the river, stream, stream buffers, wetland, wetland buffers, specimen trees or steep slopes? Mr. Coale objected. Mr. Erskine rephrased his question, and asked if the Exhibit shows steep slopes. Mr. Care testified that the Exhibit did not. Mr. Erskine asked what additional facts does the Exhibit show that were not provided to the Planning Board when they decided that the lot layout effectively protected environmental resources and historic structures. Mr. Care testified that the Exhibit provided the foundation for the discussion provided prior to the cross.

Mr. Coale redirected. Mr. Care testified that regardless to what Exhibit 4 shows, 4472 Ilchester Road it shown in a TEA. Mr. Coale asked is there any question as to how DNR describes a TEA or how TEA relates to continuous habitat for wildlife. Mr. Care testified that he did not.

Mr. Coale asked is there any question as to the property being in a green infrastructure hub. Mr. Care testified that he did not. Mr. Coale asked are you confident in providing testimony that green infrastructure hubs relate to continuous forested areas for wildlife. Mr. Coale testified that he was very confident. Mr. Coale asked if Mr. Care believed that this testimony regarding TEA relate to the environmental resources on-site and how this development protects those environmental resources. Mr. Care testified that he did. He stated that Exhibits 3 and 4 are intended to show the process of identifying where the TEA exists. There is no question that subject property is a TEA. He was trying to explain what determines a TEA and what are the data points used by DNR when deciding a TEA. He added that he is confident is about this testimony.

Vice Chairperson Roberts asked what else Mr. Care was looking to preserve beside wild turkey. Mr. Care briefly explained TEA star rating by DNR. He testified that the grading within the steep slopes on Lots 1 and 2 result in continued problems with sediment and degradation of the work recently completed by the State. He testified the protection is more than trees and turkeys, but understanding the ecological system and its cumulative effect.

Chairperson Engelke asked if Mr. Care was aware of the criteria the Board was asked to consider when reviewing this case previously. Mr. Care testified yes. Chairperson Engelke asked in Mr.

Care's opinion, the R-ED Zoning is accurate, or do they match in any way with the maps. Mr. Care testified that the R-ED criteria should be applied on a case by case basis looking at the facts and circumstances that is particular to a specific parcel. The Zoning and Subdivision Regulations do not need to change. It is how they are applied in each individual circumstance. The problem with the subdivision is the layout and number of lots proposed as it relates to preserving both the environmental and historic resources. The parcel is not easy to subdivide. It requires creativity, especially when developing Lots 1 and 2. It is not necessary to grade into the steep slopes for Lots 1 and 2. The lots do not need to be placed as far away from the historic structure and placed in the forested areas and steep slopes. The subdivision should be design in concert instead of working against each other. MERLIN is an online decision making tools. The exhibits set up the context for his testimony which he was precluded from offering at the prior hearing. MERLIN should help DPZ and the Planning Board when making environmental decisions. DPZ should have used MERLIN when reviewing this subdivision.

h. Summation

Mr. Coale stated when the Planning Board's decision was appealed to the Board of Appeals; the standard is very high to get anything overturned. It is clearly arbitrary, erroneous, capricious or contrary to law. That is the only grounds in which the Board could have reversed the Planning Board's decision. The Board did not uphold the Planning Board's decision, but remanded it to consider these environmental resources. Throughout the process, his clients never said that the parcel could not be development. Rather they argued that the layout is not the kind of layout that is supported by the R-ED criteria. It minimizes the uses of cleared areas and maximizes the impingement on environmental resources, steep slopes and forested areas which are part of a continuous habitat. The evidence before the Board now, it that the lot has been designated by DNR as a TEA and is within the green infrastructure hub. As testified by Mr. Care, these are the best of the best, and are a natural support system. With the removal or deterioration of these protected areas, our environment is injured, our County is less healthy and the damage is irreversible. DNR makes these designations for the express purposes of educating voters in decisions. The Planning Board is a different approval system then DPZ. If all it took was for DPZ to decide if a plan should be approved under the R-ED, this case would not be before the Board. The Planning Board has the opportunity for testimony by those want to look at the resources, such as DNR, and question if the environmental resources are being unnecessarily damaged. The criteria do not state hurts the environment to the least extent possible, or does its best not to hurt environmental resources. The criteria states does the proposed development protect environmental resources. This is an affirmative duty to protect environmental resources. The TEA is not an offsite environmental resource, but rather to say a certain protected beetle is located within this space. But, that is not how habitat works, it has migratory wildlife, thus the reason Mr. Care may see wild turkey one day and another form of wildlife another day. When developing in these protected habitats, consideration should be given so that these areas are unnecessary harmed. This onsite habitat should be protected. Mr. Care testified, you have seen the aerials and the Board likely visited the site which shows a large cleared area that can be

developed. At the prior hearing, it was mentioned that the site was designed in another way, and that the structures were located closer to the existing structure which design better utilized the existing cleared and graded areas. But, instead because HPC made an advisory recommendation that the lots be moved, the lots are moved closer to his client's properties and more importantly are impinging on the environmental resources which they are tasked with protecting. The lots are spread out. They destroy more of the forest than they needed. The design has more of an environmental impact than is needed. The development leaves cleared and graded area unutilized. The development pushes lots closer to surrounding neighbors. The plan is not approvable under the R-ED criteria. The Board is to re-evaluate the plan under the proposed criteria with consideration of TEA. The petitioner is going to state that if they are not able to impact environmental resources, the HPC is going to state the lots cannot be placed in the cleared area because it is too close to the historic house. The Planning Board is the final arbiter. The HPC makes recommendations to the Planning Board to consider. The site may be developable, but it is not consistent with the R-ED to place the house within an existing habitat. It is not consistent with R-ED to put the house in the green forested area that is considered the best of the best in Maryland. The historic house is not being torn down. Proposed units can be designed in a way that is compatible with the proposed house, but most critically, the site can be developed to protect the environmental resources. Mr. Coleman voted against the subdivision originally because two units were located too close to Ilchester Road, a scenic road. We continue to believe that this is a stumbling block for this subdivision. But, now that you heard about TEA, and that it is not an overlay over the entire R-ED, that it is not across the entirety of Howard County, but a small area that can be maintained in a different development plan. The Board is not deciding on this or nothing, but on a plan that might better protect those environmental resources. For this reason, he asked the Board to review the plan by determining if it protects environmental resources, consider TEAs, consider DNR efforts, and vote this plan down.

Mr. Erskine distributed a copy of the Planning Board's Decision and Order from the previous hearing because he wanted to adopt the exact logic and justifications that the Board used at this hearing. He referred the Board to Page 11 of their Decision and Order. He asked the Board what facts and evidence was presented this evening that changes this decision. He suggested that no new facts or evidence was presented. Testimony was presented that the TEA is a small area and it does not include all the R-ED. This is a true statement, but it includes almost all of it. The Zoning Map is a part of this record and he asked to Board review this Map and to try to find an area within the R-ED that does not contain TEA. It is the substantial majority of overlap, so there is really nothing special about this property. It happens to be in a TEA, and so are a lot of other R-ED properties. Another thing that is important to know is that the criteria the Board is asked to look at, and the Board went into great descriptions as to why, at the top of Page 11, the Board made it clear that they were looking at on site resources, such as historic structures and environmental resources. You were not charged to look at these global things that you are being asked to. That is what the Council did when they did the Comprehensive Rezoning, and they called upon DPZ and they decided what properties are going to be R-ED. The criteria are to

protect these areas, and it is no surprise that the TEA and R-ED overlap substantially. DPZ in its review never resorts to the MERLIN maps. DNR is not a review agency. They do not weigh in on Howard County land development. DNR does not enforce any of the Regulations that are considered in an R-ED development. Mr. Coale and Mr. Care continually repeat that they are not trying to create a heightened standard, and they have to say this because they will lose in Court because the standard for R-ED development is the same from one parcel to the next. The standard does not change. They cannot say that this parcel should be scrutinized more than another R-ED parcel. They cannot come out and say this, but that is what they are asking the Board to do. The Board has already approved the subdivision and it complies and satisfies all the criteria. Now, they are trying to say because you know it is in a TEA, apply that higher scrutiny and deny this subdivision. But, they cannot say this out loud because they will lose in Court. No facts were presented. The Exhibit does not show a single specimen tree, steep slopes, stream, stream buffers, wetland, wetland buffers or forest delineation. The Exhibit did not present anything new that the Board did not already know about the onsite environmental resources. That is the best evidence and the Board already considered this. The opposition wants the Board to overturn its decision with this green two-dimension blob that does not tell anything. The only way the Board can overturn their decision is by providing a different standard and more scrutiny than any other case presented before the Board. Many cases have come before the Board which are within the TEA. But, this may be the first time the TEA was raised, but this is not relevant. The Board was correct the first time. Nothing was presented that should cause the Board to reconsider their decision. He asked that the Board uphold their prior decision and approve this petition.

Worksession

A motion was made and seconded for the Board to go into a work session.

Board Member Coleman asked if the vote this evening was on a new case, or is the vote on did the evidence presented this evening changed the decision reached at the previous hearing.

Mr. Moore advised the Board that they would be making a decision.

Mr. Erskine objected. He stated that remand was limited to only criteria A, whether the lot layout effectively protected environmental resources and historic structures.

Board Member Coleman stated that he originally voted no because environmental resources were not adequately protected. He objected because of the location of Lots 1 and 2 and that the historic structure was not adequately protected. The testimony this evening has not changed his opinion.

Board Member Coleman stated that he originally voted against the subdivision because the subdivision did not protect the environmental resources as required by R-ED regardless of the testimony presented tonight. He stated that based on the original criteria, this proposal still fails. The R-ED criteria was not meet because of the impact to the steep slopes and the historic road for Lots 1 and 2. After hearing the testimony this evening, the subdivision still fails to meet the requirements of the R-ED criteria.

Chairperson Engelke stated the Exhibits did not change his decision. He agreed that there is additional information available, but it is not part of the Regulations. He reminded the Board that their prior Decision which required their review of a landscaping plan which has not been submitted to the County for review. He asked the Board if the Exhibits change their opinion of the criteria and their vote.

Vice Chairperson Roberts stated Exhibits 3 and 4 did not demonstrate that the environmental resources were not protected and did alter her opinion of the criteria.

Board Member McAlilley stated the he learned a lot about TEA and thanked the Protestants for presenting this information. He stated that there is additional information, such as green infrastructure, that bring more attention to this particular area, but the information provided does not change his vote.

Chairperson Engelke agreed. He stated that the Board is not being provided with a plan that would work better. He stated that there is additional information which was not considered.

Vice Chairperson Roberts motioned to approve SP-15-012, Oak Hill Manor based on the conditions of Exhibits 3 and 4 which submitted at the hearing and based on the initial approval for additional landscaping consisting of a mix of evergreen trees and shrubs that grow to 8 feet in height to provide year-round buffering and screening for Ilchester Road from the houses on Lots 1, 2 and 8, to be administered by the Department of Planning and Zoning. The landscaping plan, as required by Condition 1 be approved by the Planning Board.

Board Member McAlilley seconded the motion. The Board voted 3 to 1 to approve the plan.

Board Member Coleman voted against the plan.

For the foregoing reasons, the remand petition of Eva J. Nelson, Michael B. Nelson and Matthew J. Nelson, to approve a Preliminary Equivalent Sketch Plan, SP-15-012, to subdivide eight single-family

lots, 4 open space lots on 8.20 acres of land, zoned R-ED, is the 15th day of July,
2107 APPROVED by the Planning Board of Howard County, Maryland.

HOWARD COUNTY PLANNING BOARD

Phillips Engelke /sk
Phillips Engelke - Chairperson

Erica Roberts /sk
Erica Roberts – Vice -Chairperson

ABSENT

Delphine Adler

Ed Coleman

Kevin McAlilley /sk
Kevin McAlilley

Dissenting Opinion

Board Member Coleman denied the petition because Lots 1 and 2 encroach into the steep slopes and do not preserve the environment and the screening will be not adequate to protect the scenic road.

Ed Coleman /sk
Ed Coleman

PB Case No. 428

ATTEST:

Valdis Lazdins
Valdis Lazdins
Executive Secretary

REVIEWED FOR LEGAL SUFFICIENCY BY:
HOWARD COUNTY OFFICE OF LAW
Gary W. Kuc, County Solicitor

David Moore
David Moore
Deputy County Solicitor

LIST OF APPLICANT'S EXHIBITS:

- Applicant's Exhibit No. 1 – Photographs of Tree Cutting along Ilchester Road (from 7/20/17 and 11/2/17 hearing)
- Applicant's Exhibit No. 2 – BG&E Authorization Form for removal of 4 ash trees (from 7/20/17 and 11/2/17 hearing)
- Applicant's Exhibit No. 3, Photographs of Ilchester Road (from 7/20/17 and 11/2/17 hearing)

LIST OF PROTESTANT'S EXHIBITS:

- Protestant's Exhibit No. 1 – Howard County Group Ex Com Meeting Minutes, 9/26/17 (from 7/20/17 and 11/2/17 hearing)
- Protestant's Exhibit No. 2. – Patapsco Heritage Greenway Letter, 11/2/17 (from 7/20/17 and 11/2/17 hearing)
- Protestant's Exhibit No. 3 – MERLIN Screen Shot
- Protestant's Exhibit No. 4 – MERLIN Map
- Protestant's Exhibit No. 5. – Scenic Road Excerpt for Ilchester Road (from 7/20/17 and 11/2/17 hearing)