

Written Testimony of Danielle Dupcak  
Round Bay Resident  
624 Old County Road  
March 7, 2024  
Re: SB 1045

At 7:30 in the morning on Friday, August 18, 2023 a developer began tearing down trees and ripping apart the hillside known as Mount Misery.

A grading permit had been approved. A lawsuit had been dropped. Bulldozers came.

As a neighboring property owner and Round Bay community member, I have been involved with contesting the development of two narrow and steep lots on Mount Misery in Severna Park for years. As a lay person, navigating the process has been challenging. I believe community members, like myself, are at a sizable disadvantage as we are not familiar with the Code, do not know the ins and outs of the processes, do not have ongoing relationships with personnel at Planning & Zoning and Inspections & Permits and do not necessarily have the financial means or resources at our disposal to engage legal or other expert representation. By contrast, developers stand to make great profit from their projects and can afford lawyers and engineers to represent them.

In the case of Mount Misery, we have only gotten as far as we have because I was fortunate enough to have made the acquaintance of Paul Spadaro, President of the Magothy River Association. Paul took an immediate interest in the then proposed development because of the historical location and because of the adverse effects the development would have on the environment and the watershed he so tirelessly works to protect. While Paul supported us with his knowledge, resources and contacts, it was not enough.

There are so many twists and turns to the Mount Misery story, but from day one, we were denied a voice. My neighbor, Sue Mead, and I were not given the opportunity to speak at the Board of Appeals hearing. This came as quite a shock, as we had inquired in advance what to expect (being unfamiliar with the process) and had been instructed in writing by the Board Clerk that we would have our chance to present. Despite these instructions, we were not in fact allowed to argue against the motion. We were not allowed to speak a word. We were deemed not to have "standing" and were rudely dismissed, before the merits of our case were even considered.

Without "standing", it has been an uphill battle to fight the development that is happening next door to my home. That the developer has been permitted to disturb steep slopes (measuring over 30% on the eastern side and over 50% on the western) in the critical area, on a narrow ridge, is just plain irresponsible. Because a bill like 1045 is not currently in place, aggrieved citizens like myself, who have clear "skin in the game," have no recourse against a decision made by the Board of Appeals. Nor do organizations like the Magothy River Association, who should be given a voice in cases where interests related to their purposes are threatened. They

should have “standing” so that they can continue to do the important work of protecting our watershed.

Before closing, I'd like to thank Senator Gile and Delegate Lehman for introducing this important legislation. I am in favor of Senate Bill 1045 and hope you will support this bill. Thank you.