

Written Testimony of Danielle Dupcak
Round Bay Resident
624 Old County Road
Re: HB1449F

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 fighting the development of two, 5,000+ sq ft homes on Mount Misery from the beginning. That the developer has gotten as far as he has is a tragedy. The fact that a second grading permit is now pending on the adjacent lot without there having been a public hearing of any kind is outrageous. Our system is flawed. This bill will help.

From day one, we were denied a voice due to extensive delays related to the pandemic and a technicality with filing the appeal. At the Board of Appeals hearing, we were not allowed to speak. This came as quite a shock, as we had been instructed in writing by the Board Clerk the following: "the Board doesn't look at the motion or the response ahead of time. The hearing set for August 25th (2021) will allow Mr. Devlin to present his motion to the Board and you and Mr. and Mrs. Dupcak should appoint one person to argue against the motion. The Board should vote at that time to hear the case or dismiss it." Despite these instructions, we were not in fact allowed to argue against the motion. We were not given a voice. We were not allowed to lodge any of our concerns.. We were deemed not to have "standing" and were rudely dismissed, along with our case against the original granting of the variance. We had valid concerns and documented evidence to present but were not allowed to make our case.

There are so many twists and turns to the Mount Misery story, but the bottom line is that a 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, in part, because a Bill like 1449 was not in place to protect Round Bay residents and our community. Legislation is needed so that persons, like myself, aggrieved by a Board of Appeals decision, who has clear "skin in the game," has some avenue of recourse.

A Bill like this is also needed so that organizations like the Magothy River Association or Severn River Association, which do endless work to preserve and protect our watershed, can rightfully continue to protect our rivers from irresponsible development by raising their own concerns. These organizations should also have "standing."

While I understand Anne Arundel County is a development-by-right county, existing homeowners and community members have rights too. Rights that should be weighed equally. Developers have the right to build within the constraints of the law, but they are NOT

guaranteed the right to build wherever they want and whatever they want regardless of the impact. It is not a county's responsibility to salvage a bad land investment. Unfortunately, when variances and modifications are doled out, our existing laws become moot. Developers claim hardship when they aren't granted the same exceptions as another. When exceptions are made, citizens/organizations should have the right to appeal them. No two lots are the same and each should be considered within the framework of our existing laws.

Therefore, based on my experience with Mount Misery, I am in support of House Bill 1449, and hope you will vote in its favor. Thank you.