



Howard County Board of Appeals

George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043-4392

MINUTES

August 21, 2025

BA 813D – Aidan and Sara Morrell, et al. Hybrid Hearing (Banneker Room and Webex)

Board Members Present:

Gene Ryan, Chair
Lynn Foehrkolb, Vice Chair
Robbyn Harris
Felita Phillips

Staff:

Kel Berg
Tsega Girma
Kiasten Miller

Call to order at: 9:09 a.m.

Administrative Matters

Approval of Minutes – July 31, 2025
Motion – Lynn Foehrkolb, 2nd Felita Phillips
Unanimously approved. The motion passed.

BA 813D – Aidan & Sara Morrell, et al. Appeal of Hearing Examiner's Decision and Order dated June 30, 2025 (7500 Grace Drive, Columbia, MD 21044).

All members present confirmed that they completed a site visit of the subject property.

Preliminary Matters to be considered by the Board:

- Motion to Narrow the Scope of Appeal and Exclude Irrelevant Evidence, filed by Tom Coale, Esquire, on behalf of interested party W.R. Grace on July 29, 2025.

- Response to Motion to Narrow the Scope of Appeal and Exclude Irrelevant Evidence, filed by Grant Giel, Esquire, on behalf of Petitioners on August 13, 2025.
- Order on Motion to Narrow the Scope of Appeal and Exclude Irrelevant Evidence, filed by the Board of Appeals on August 18, 2025.

Straw poll – On the Order on the Motion to Narrow the Scope of Appeal and Exclude Irrelevant Evidence, filed by the Board of Appeals on August 18, 2025, does the Board agree with the Order.

Unanimously agreed.

The Board allows each party 2 minutes for opening statements.

Opening statements by Grant Giel, Esquire, on behalf of Petitioners.

Opening statements by David Moore, Esquire, on behalf of Respondent Department of Planning and Zoning (DPZ).

Opening statements by Tom Coale, Esquire on behalf of interested party W.R. Grace.

Motion for Reconsideration of the Board of Appeals Order on the Motion to Narrow the Scope of Appeal and Exclude Irrelevant Evidence, made by Grant Giel, Esquire on behalf of Petitioners.

The Board was polled – On the Motion for Reconsideration of the Board of Appeals Order on the Motion to Narrow the Scope of Appeal and Exclude Irrelevant Evidence, the Board will vote to grant or deny.

Unanimously denied.

Petitioners' case.

Mr. Giel requested a proffer from the Board Chair on possible ex parte communication. Without a witness, the Chair stated that the matter is irrelevant and that the case will move forward.

Upon request by Mr. Giel, and with no objections, the Board agreed to mark Petitioners' exhibits in advance.

Recess

Continuation of Petitioners' case.

Witnesses for the Petitioners:

Dave Arndt (on behalf of Maryland Legislative Coalition)

Padma Swamy

Shannon Jones

Rene Maldonado

Shamieka Preston

Lisa Krausz

Christopher Allewa

Alan Schneider

Aidan Morrell

Direct examination of Dave Arndt by Grant Giel.

Petitioners' Exhibits:

- Exhibit 0 – BA 813D Administrative Appeal Petition (October 11, 2024)
- Exhibit 1 – Special Exception Letters from Division of Land Development (various dates)
- Exhibit 2 – Decision & Order for BA 83-50E (February 9, 1984)
- Exhibit 3 – Decision & Order for BA 83-54E (May 21, 1984)
- Exhibit 4 – Decision & Order for BA 84-49V&E (May 5, 1985)
- Exhibit 5 – Decision & Order for ZB814M (July 25, 1986)
- Exhibit 6 – DPZ letter to W.R. Grace (September 21, 2023) and Permitted Use Confirmation Application
- Exhibit 7 – Letter from W.R. Grace to DPZ (September 9, 2024)
- Exhibit 8 – DPZ Close-Out Letter to Nana Adadey (September 13, 2024)
- Exhibit 9 – Letter from Aidan Morrell to DPZ (October 15, 2024)
- Exhibit 10 – DPZ Permit (May 13, 2024) (marked for identification but not admitted)*
- Exhibit 11 – Commercial Alteration Permit Record Status Reports (marked for identification but not admitted)*
- Exhibit 12 – MD Department of the Environment Permit Application with Attachments (marked for identification but not admitted)*
- Exhibit 13 – Letter from MD Department of the Environment with Attachments (December 13, 2024) (marked for identification but not admitted)*
- Exhibit 14 – ZB1104M Petition to Amend the Zoning Map of Howard County (April 1, 2014)
- Exhibit 15 – DPZ Technical Staff Report (April 17, 2024)
- Exhibit 16 – ZB1104M Planning Board Recommendation (May 12, 2014)
- Exhibit 17 – ZB1104M Approval of Community Enhancements and Conditions Document (January 21, 2015)
- Exhibit 18 – Development Concept Plan Map for Simpson Oaks
- Exhibit 19 – ZB1104M Order (November 10, 2016)
- Exhibit 20 – Letter from Environmental Protection Agency (January 8, 2025) (marked for identification but not admitted)*
- Exhibit 21 – Decision & Order for BA 806D (February 27, 2025)
- Exhibit 22 – Dave Arndt Curriculum Vitae
- Exhibit 23 – Sara Christina Sadreameli Curriculum Vitae (marked for identification but not admitted)*
- Exhibit 24 – Fatima Hafsa Curriculum Vitae (marked for identification but not admitted)*
- Exhibit 25 – Shannon Jones Curriculum Vitae
- Exhibit 26 – Decision & Order for BA813D (June 30, 2025)
- Exhibit 27 – Photo of W.R. Grace Pilot Plant Apparatus (April 2024) (marked for identification but not admitted)*
- Exhibit 28 – Padma Swamy Curriculum Vitae

Direct examination of Padma Swamy by Grant Giel.

Cross-examination of Ms. Swamy by Tom Coale.

Direct examination of Shannon Jones by Grant Giel.

Cross-examination of Ms. Jones by Tom Coale.

Cross-examination of Ms. Jones by David Moore.

Board member questions for Ms. Jones.

Direct examination of Rene Maldonado by Grant Giel.

Direct examination of Shamioka Preston by Grant Giel.

Cross-examination of Ms. Preston by David Moore.

Board member questions for Ms. Preston.

Direct examination of Lisa Krausz by Grant Giel.

Cross-examination of Ms. Krausz by David Moore.

Board member questions for Ms. Krausz.

Recess

Continuation of Petitioners' case.

Direct examination of Christopher Alleva by Grant Giel.

Cross-examination of Mr. Alleva by Tom Coale.

Board member questions for Mr. Alleva.

Redirect examination from Grant Giel.

Direct examination of Alan Schneider by Grant Giel.

Direct examination of Aidan Morrell by Grant Giel.

Cross-examination of Mr. Morrell by David Moore.

Cross-examination of Mr. Morrell by Tom Coale.

Board member questions for Mr. Morrell.

Redirect examination from Grant Giel.

Motion for Judgement, for the reason that Petitioners have not met their burden of proof and the appeal should be granted as a matter of law, made by Mr. Moore and joined by Mr. Coale.

Recess

The Board allows each party 2 minutes for oral arguments on the motion.

*Straw poll – On the Motion for Judgement, the Board will vote to grant, deny or hold in abeyance.
Unanimously agreed to hold in abeyance.*

End of Petitioners case.

Respondent's case.

Witnesses for the Respondent:

Lynda Eisenberg

Direct examination of Lynda Eisenberg by David Moore.

Respondent's Exhibits:

Exhibit 1 – DPZ Case File for #CE-24-107

Exhibit 2 – Photos of W.R. Grace Property Building 30 (**shielded**)

Cross-examination of Ms. Eisenberg by Tom Coale.

The next hearing date to continue the case is September 4, 2025 at 9 a.m.

The Board adjourned at 3:56 p.m.

MINUTES APPROVED

Kel Berg 9/4/2025

