

IN THE MATTER OF	:	BEFORE THE
ESC TRIADELPHIA ROAD, LLC	:	HOWARD COUNTY
Petitioner	:	BOARD OF APPEALS
	:	HEARING EXAMINER
	:	BA Case No. BA 26-008C

.....
.....

MOTION TO POSTPONE HEARING

The commercial developer seeking approval of a high-density condominium development in a rural area of Howard County bears the burden of proving by a preponderance of the evidence, through competent, material, and substantial evidence, that its proposal satisfies all prescribed standards and requirements. Howard County Board of Appeals Hearing Examiner Rules of Procedure, Art. II, § 3. The record before the Hearing Examiner remains materially incomplete because the water-supply infrastructure necessary to support the requested density has not been finalized, reviewed, or approved. The Hearing should be postponed until the record contains the final water-supply and wastewater infrastructure information necessary to evaluate the requested Conditional Use. Granting this Motion would help ensure that the community – including our family – can fully participate in the Hearing by reviewing all pertinent documents, questioning witnesses, and presenting complete testimony.

The concept map that the developer presented to the public during the pre-submission process nearly a year ago, and the more detailed plans that the developer submitted to the Design Advisory Panel last fall contemplated twenty-six (26) individual potable wells, which were

included in the maps and diagrams. In comments during the community meeting and subsequently in writing, we and multiple neighbors expressed grave concerns with the risks associated with the exceptionally high concentration of potable wells, which would be at least 6.5 times higher than the concentration currently permitted.¹ We also expressed concerns with the risks of hydrofracking in the aquifer we share for our potable water source, which the developer admitted might be necessary to achieve required yields. These are serious risks that our neighborhood, and our family home, would disproportionately bear in furtherance of this developer's profit.

These risks are coupled with the risks of a large community septic system planned for the property in this aquifer range and just upgradient from the headwaters of a stream that runs through our neighborhood. The developer plans to clearcut acres of large, established trees and replace some of them with new saplings and flowers, which would not provide the same ground and surface water benefits as the large, established trees. For instance, the deep and expansive roots of old growth trees help filter surface water and support the recharge of the aquifer. Small saplings and flowers would not do the same important work that the big old trees performed.² Even accounting for some proposed replanting with young saplings, the developer's plans would result in a net loss of 4 acres of established old growth forest cover.

Pivotaly, the developer's plans that were subject to that review and comment process are not the plans before the Hearing Examiner. The proposal now before the Hearing Examiner eliminates the individual-well concept and instead vaguely proposes "**up to**" five shared potable

¹ It is uncontroverted that in the Rural West, where the County has deliberately determined not to install public water and wastewater systems to prevent sprawl, homes must rely on wells and septic systems. Pursuant to RR zoning, typically a home may be constructed on not less than 3 acres, though a developer carefully spacing multiple homes could build up to 1 home per acre in the Rural West if plans were approved. In any event, environmental review is required for all plans involving proposed well and septic, after sufficient testing and analysis is conducted. Petitioner's proposal, which is admittedly incomplete, asks for approval for 26 large homes on just 4 acres, which is 6.5 times higher than the current maximum density in this area of the county of 1 house per 1-3 acres.

² Artistic renderings submitted by the Petitioner with its application are misleading. They depict large, established trees decades old, not the small saplings that would be planted after clearcutting large, established trees.

wells serving the entire development of 26 dwelling units and a community building. There are no maps or diagrams depicting how many wells, where they would be located, how deep they would be drilled, or how each shared well would be designed to serve 5 or more houses. Indeed, Petitioner acknowledges that the final number and location of those wells remain subject to agency review by the Bureau of Environmental Health and Maryland Department of the Environment (MDE).

At no time, though, has the community been accorded any opportunity to review the developer's current shared-well plans or to question them – and with a premature hearing on an incomplete record, we never will. Unless this hearing is postponed, we will be prevented from meaningfully participating in this process regarding the serious environmental risks posed by this development's latest approach of utilizing shared wells and the related concerns with the proposed community wastewater system.

The Technical Staff Report was signed May 29, 2026 and ultimately posted for public review, from which it was clear that Petitioner was pursuing Conditional Use without providing detailed, revised shared well plans. This Motion is timely filed after that posting. Until the final infrastructure design is submitted, the Hearing Examiner is unable to evaluate meaningfully whether Petitioner has satisfied its burden of proof. Accordingly, the Hearing should be postponed until the final water-supply and wastewater systems have been reviewed and approved and the public has had an opportunity to review and respond to the actual proposal for which approval is sought.

I. APPLICABLE BURDEN OF PROOF

Petitioner seeks an expedited Conditional Use approval for a twenty-six-unit high-density development while simultaneously acknowledging that it has not yet presented a detailed proposal

for the infrastructure necessary to support that density. The developer further admits that its vague conceptual proposal of “up to” five shared potable wells is subject to material change because of required environmental review.

The Hearing Examiner Rules provide:

The burden of proof in all cases is one of a preponderance of the evidence and is on the petitioner to show by competent, material and substantial evidence, that they are entitled to the relief requested and that the request meets all prescribed standards and requirements.

Howard County Board of Appeals Hearing Examiner Rules of Procedure, Art. II, § 3. Applied here, Petitioner bears the burden of proving not merely that the Property can be developed, but by demonstrating “by competent, material and substantial evidence” that the specific twenty-six-unit ARAH development proposed satisfies all applicable Conditional Use criteria and all applicable ARAH criteria. The Health Department has advised that MDE’s review of the shared-system design “will state the approved number of housing units.” But because MDE has not yet determined the number of units supportable by the proposed infrastructure, Petitioner cannot establish by a preponderance of the evidence that twenty-six units are supportable on the Property.

II. THE COMMUNITY ENGAGEMENT PROCESS WAS BASED ON A MATERIALLY DIFFERENT WATER-SUPPLY CONCEPT

Howard County’s Conditional Use process requires a pre-submission community meeting before a petition may be filed. The purpose of that process is to provide affected residents with meaningful notice and an opportunity to evaluate and comment upon the proposal before formal review begins.

The July 10, 2025 community meeting, in which over 75 community members participated, introduced a development concept that contemplated approximately twenty-seven individual wells, one for each house, plus one for the required ARAH community building. In response to

several community questions about the proposed potable wells for this development, Petitioner stated:

At this early stage, the Petitioner's preference and intention is to utilize 27 individual wells. It is possible; however, that this intention could change in the future and one or more shared wells could be utilized.³

Pre-Submission Community Meeting Minutes at 11-12.

In response to community questions about well-drilling technique and concerns for our shared neighborhood aquifer, Petitioner explained:

At this early stage, it is not possible to know the depth of the wells or whether hydrofracking will be utilized.

Id. at 12-13. The community therefore evaluated a proposal based on individual wells, while being told that well depth and whether hydrofracking would be used remained unknown.

The proposal now before the Hearing Examiner is materially different from the proposal presented during the community process. While not every revision warrants postponement to afford the community adequate engagement, a fundamental change to the necessary infrastructure, specifically the water-supply system, certainly should.

III. THE DESIGN ADVISORY PANEL REVIEWED THE INITIAL DESIGN PLAN, NOT THIS ONE

The Design Advisory Panel process here further demonstrates why the Hearing should not proceed before the final infrastructure design is known. The 26-well approach was also the one submitted to the Design Advisory Panel for review, not the current shared-well concept.⁴

³ The pre-submission process addressed 27 individual wells, including a clubhouse well. The DAP submission described 26 dwelling units, each with its own private well box.

⁴ While the DAP emphasized that environmental considerations posed by this approach were not squarely within its purview, during the initial DAP hearing, which we watched in real time, two members of the panel expressed concern for concentrating so many houses and wells into such a small area.

The DAP's focus was layout, design, building placement, orientation, circulation, buffering, landscaping, and visual character. The first DAP submission described the original infrastructure concept as follows:

Each unit will have its own private well within a 1,500 sf well box area. For sewage, there will be a private community shared septic system. This is located along the western edge of the property. Percolation testing has already been performed, and an approvable area of 128,702 sf has been established.

First DAP Submission Package at 11. That was the layout and infrastructure concept presented during the initial DAP process: 26 units, each with its own private well box, paired with a shared septic system.

The second DAP submission identifies layout changes, including reorientation of dwelling units, increased separation between some of the units, revised cul-de-sac design, relocation of the community center, revised pathways, and changes to frontage treatment. This matters because DAP review focused on the very layout features that may be affected if MDE or the Health Department requires changes to the final well configuration. If the number, location, or configuration of shared wells requires changes to building placement, open space, road alignment, buffers, well easements, reserve areas, or site circulation, then the Hearing Examiner and the public will be evaluating a layout whose infrastructure assumptions remain unsettled.

IV. PETITIONER HAS ELIMINATED THE INDIVIDUAL-WELL DESIGN AND NOW PROPOSES UP TO FIVE SHARED WELLS

Recently, in its April 14, 2026 response to agency comments, Petitioner advised Howard County that it was planning to revise its planned infrastructure from one well per dwelling unit to “up to a maximum of five (5) community wells”:

The Conditional Use Plan has been revised to eliminate the use of individual wells to serve each ARAH dwelling and the community building. **In lieu of individual wells, up to a maximum of five (5) community wells will be utilized** to serve the

community. The final number of community wells may be fewer depending on MDE and Bureau of Health requirements.

April 14, 2026 Response to Agency Comments at 2 (emphasis added). But to date, no revised plan identifying the number, location, capacity, service areas, depth, design, or configuration of the proposed shared wells has been submitted into the record. This is not a minor revision. The location, number, capacity, yield, pumping characteristics, service areas, setbacks, reserve requirements, and groundwater impacts of shared wells differ materially from an individual-well design.

The proposal now before the Hearing Examiner is patently not the same proposal presented to the community during the pre-submission process and is not the same infrastructure concept reflected in the earlier design materials reviewed by the DAP. It is not suggested that every minor revision requires starting over, but every major revision to the proposed plans should be accorded sufficient time to be thoroughly vetted.⁵

V. **THE UNRESOLVED INFRASTRUCTURE ISSUES ARE CENTRAL TO THE REQUESTED DENSITY**

Petitioner readily acknowledged from the outset during the community meeting that potable water infrastructure is a crucial element to their high-density design proposal:

If we are not able to get water for a certain number of wells (or shared wells) then the same number of houses are not able to be built—you cannot have a house without water.

Pre-Submission Community Meeting Minutes at 4.

The Bureau of Environmental Health reviewed the developer’s updated conceptual proposal and advised:

This development is proposing to use a shared sewer system. The Maryland Department of the Environment must review and issue a groundwater discharge

⁵ Unless required for this Motion, it does not specifically challenge DPZ’s decision to process the petition.

permit and approve the shared system design plans. This will state the approved number of housing units.

Bureau of Environmental Health comments at 2. The Bureau further advised:

The proposed wells on this plan have not yet been reviewed and approved by the Health Department or MDE.

Id. And:

It may be possible that the well locations may need to change ... based on MDE review and well yield or setback concerns.

Id. Those comments go directly to Petitioner's burden of proof. Petitioner seeks approval for a high-density condominium-styled project of twenty-six units, but MDE has not yet completed the review that will state the approved number of housing units. The proposed shared-well design has not been approved. The well locations may change. The final number of wells remains unknown.

Petitioner is therefore not seeking approval for a development that unquestionably supports twenty-six dwelling units and awaits only ministerial engineering review. Rather, Petitioner seeks approval by the Hearing Examiner now for a density that depends upon future agency review and future agency determinations that have not yet occurred – and which may materially impact the design.

The current record is particularly troubling because this is not a situation where the developer has only recently gained access and begun investigating water availability and requires this variance to complete required reviews. We have observed drilling activity on the Property since last fall. Drilling rigs and heavy equipment have been parked in the front of the property, a well company sign is posted on the front of the property to advertise its services, and we observed a well being drilled months ago from Triadelphia Road.⁶ The developer has plainly been collecting information regarding groundwater, well locations, yields, and the feasibility of supplying water

⁶ We could hear more drilling from the road, but our view was obstructed by mature trees.

to the proposed development. Indeed, the developer has already abandoned its original concept of approximately twenty-seven individual wells and now proposes up to five shared wells.

Yet despite months of investigation and drilling activity, the record still contains no final well plan, no approved well locations, no well-yield information, no disclosure of proposed well depth, no explanation of whether hydrofracking may be required to obtain required yields, no MDE review documents, and no information establishing how the proposed water system supports twenty-six dwelling units. Instead, the Health Department advises that the wells have not been approved, that well locations may change, and that MDE will determine the approved number of housing units.

The Bureau of Environmental Health has advised that MDE's review of the shared-system design will determine the approved number of housing units, that the proposed wells have not yet been approved, and that well locations may need to change. Until that review is complete and the final infrastructure design is known, neither the Hearing Examiner nor affected neighboring property owners can meaningfully evaluate whether the proposal satisfies all applicable Conditional Use requirements, including consistency with the County's 10-year General Plan, feasibility under HoCo By Design Policy DN-9, potential impacts on neighboring properties, environmental considerations, site-design requirements, buffering, forest-conservation impacts, groundwater resources, and the maintenance of rural character.

HoCo By Design Policy DN-9 aspires to:

Create opportunities to increase the diversity of home choices in the Rural West, especially missing middle housing types, that preserve the character of the Rural West.

HoCo By Design, Policy DN-9 at 73. Implementing Action 3 states the County should:

Determine if there are strategic locations in the Rural West where it is feasible to accommodate increased housing development on shared or community well and

shared or multi-use sewerage systems while balancing other priorities such as environmental concerns, historical context, and agricultural preservation goals, while maintaining rural character.

Id. Petitioner relies upon DN-9 to justify a density that substantially exceeds what could otherwise be achieved on the Property, but Petitioner fails to justify this reliance, because the very infrastructure necessary to support that increased density remains unresolved.

Nowhere does DN-9 state that this parcel is suitable for any density increase – let alone from one house per acre to 6.5 times that density. Nor does DN-9 state that this particular area of the County is a suitable target for high-density condominiums. Rather, it is Petitioner’s burden to prove compliance with Howard County’s long-established rural preservation plan by establishing that the proposed high-density development satisfies the DN-9 requirement of “balancing other priorities” that include “environmental concerns” and “maintaining rural character.” Petitioner cannot meet that burden at this time, because it plainly cannot prove by a preponderance of the evidence that this project balances environmental considerations.⁷

Petitioner summarily concludes that its proposal meets these requirements without actually demonstrating that it does so, writing:

In addition, the proposed ARAH community is in harmony with Implementing Action No. 3 by increasing housing development at a strategic location in the Rural West while utilizing shared or community wells and multi-use sewerage systems while balancing other priorities such as environmental concerns, historical context, and agricultural preservation goals, while maintaining rural character. The Property does not adjoin nor is it adjacent to any parcels that are subject to agricultural land preservation easements. The proposed ARAH community is to be served by a multi-use sewerage system and up to five (5) shared wells. It is strategically located to accommodate increased housing development while balancing other priorities such as environmental concerns, historical context, and agricultural preservation goals, while maintaining rural character...

⁷ The obvious imbalance with installing rows of large houses 15 feet apart and the current “rural character” is undeniable. Even spacing some of them 30 feet apart fails to solve the problem. All houses in this community are situated on 1 to 3 acres each and at least 50 – and often hundreds – of feet apart, and often separated by mature trees. Planting a few flowers and saplings would do little to hide that this development is entirely incongruent with the “rural character” of this area.

Revised Supplemental Narrative at 3-4. This is a bald conclusion, not an analysis.

Feasibility is not demonstrated merely by drawing twenty-six small lots on a plan and stating that infrastructure will be designed later. Rather, feasibility requires competent evidence that the infrastructure necessary to support that density can in fact be approved and constructed. Here, design plans are incomplete, it does not appear that the responsible agencies have received plans necessary to approve the wells, and we know the agencies have not completed their reviews. Consequently, the agencies have not determined the number of housing units that the proposed system can support.

On this record, the Hearing Examiner will be unable to evaluate meaningfully whether DN-9's required "balancing" would be achieved by the proposal. Environmental considerations cannot be fully evaluated when the final well locations remain unknown, the final number of wells remains unknown, the possibility of hydrofracking has not been ruled out, the approved number of housing units has not been determined, and the final infrastructure layout remains subject to change. Until those matters are resolved, neither the Hearing Examiner nor affected residents can assess whether the proposed development satisfies the standard established by DN-9.

Under the existing rural zoning, the Property could be developed with a substantially smaller number of homes without the extraordinary density increase requested through this Conditional Use petition. Based upon the acreage and applicable zoning regulations, the Property could accommodate seven or eight homes. These homes would, of course, utilize conventional private wells and septic systems at a density long contemplated by the Rural West planning framework. The issue before the Hearing Examiner is therefore not whether the Property can be

developed. It plainly can.⁸ Rather, the issue is whether Petitioner has established entitlement to construct an extraordinarily high-density condominium community when the infrastructure necessary to support that density has not yet been designed, the concept remains under review, and the design may yet require material revision.

Yet the developer is demanding that this body proceed with an evidentiary hearing on Conditional Use while withholding the very information generated by months of investigation and agency review. The Hearing Examiner and the public should not be asked to evaluate a high-density development while the fundamental information concerning the water system remains unavailable. Only after the final proposal is known, and affected residents have had an opportunity to review and respond to that proposal, can the Hearing Examiner conduct the fulsome review necessary to determine whether Petitioner has met its burden of proof. Postponing the Hearing would allow the time necessary for Petitioner to complete its design proposal, seek and obtain MDE approval for the number of housing units the aquifer can support at this property. Only then could Petitioner possibly meet its burden of proof required here.

**VI. THE WATER AND WASTEWATER ISSUES MUST BE REVIEWED TOGETHER
BECAUSE BOTH AFFECT GROUNDWATER**

The concern is not limited to the well system in isolation. The proposed development also depends on a shared sewer/septic system serving the community. HoCo By Design recognizes that private septic systems outside the Planned Service Area affect groundwater quality:

Homes and businesses in the County that are not served by public sewer—nearly all of which are located outside of the Planned Service Area (PSA)—use septic systems to treat their wastewater.

HoCo By Design, Supporting Infrastructure at 48. It further states:

⁸ Our concerns here should not be misunderstood as an objection to responsible development, such as plans for several homes on that parcel.

Individual septic systems can be a water quality concern because of the amount of nitrogen the systems discharge to groundwater. Excess nitrogen in groundwater limits the use of groundwater as a water supply source.

Id. That language matters because this project proposes both groundwater withdrawals through shared wells and wastewater disposal through a shared sewer/septic system.

The same groundwater resources implicated by the proposed wells are also implicated by wastewater disposal, nitrogen, groundwater mounding, setbacks, reserve areas, and groundwater-discharge review. HoCo By Design also addresses shared sewage disposal systems:

Previous General Plans recommended the use of shared sewage disposal systems (SSDS) in limited cases for cluster subdivisions to protect groundwater and agricultural land in the Rural West.

Id. The phrase “in limited cases” is important. Howard County’s own General Plan does not treat shared sewage systems as ordinary infrastructure for all high-density development in the Rural West. The Plan recognizes that these systems require careful review because they affect groundwater and long-term service reliability in areas without public water and sewer.

MDE’s regulations confirm that large onsite sewage systems require more than a conceptual review. MDE’s review is not limited to the location of potable wells. The regulations require technical groundwater analyses before a large on-site sewage disposal system may be approved. COMAR provides:

An application for a large on-site sewage disposal system is submitted by the property owner, or property owner’s agent, to the Approving Authority and MDE. Evaluation and review of an application is performed jointly by the Approving Authority and MDE.

COMAR 26.04.02.05(Q)(3). COMAR also requires groundwater-related analysis, including:

A nitrogen balance analysis for the groundwater system is performed by a qualified professional and submitted to the Approving Authority and MDE.

COMAR 26.04.02.05(Q)(7). COMAR further requires:

A mounding analysis is performed by a qualified professional and submitted to the Approving Authority and MDE.

COMAR 26.04.02.05(Q)(8).

These requirements support postponement of the Hearing because the final well configuration may affect the overall groundwater analysis for the site. If well locations, well setbacks, shared-well infrastructure, monitoring wells, or service areas change, those changes may bear on the relationship between the proposed water-supply system, the shared sewer/septic system, the groundwater-discharge permit, and neighboring wells. The Hearing Examiner and the public should have the final design information before the evidentiary hearing occurs.

VII. NEIGHBORING PROPERTY OWNERS CANNOT MEANINGFULLY PARTICIPATE IN THE HEARING ON INCOMPLETE PLANS

The Conditional Use hearing is the principal opportunity for affected neighboring property owners to review the proposal, present evidence, cross-examine the developer's witnesses, and create an administrative record. That opportunity is not meaningful where critical components of the developer's proposal are not made public and admittedly remain unresolved.

The surrounding community relies upon private wells and private septic systems. During the pre-submission process, Petitioner acknowledged that the depth of the proposed wells and whether they would share an aquifer with nearby wells could not yet be determined. When asked who else in the neighborhood shares the aquifer, Petitioner responded:

As indicated above, the depth of the wells and whether they will share an aquifer with other nearby wells cannot be determined at this early stage of the approval process. This is reviewed and approved by MDE.

Pre-Submission Community Meeting Minutes at 15-16. Without agreeing that this response is accurate, even if it were, the depth of the proposed wells remains a mystery to this day, so the extent of the impact on the neighborhood has not been **and cannot be** fully considered at this

Hearing. By pressing for a Hearing before completing its infrastructure proposal, the developer is effectively stripping the community of its ability to participate meaningfully in this process.

The unresolved issues are directly relevant to the matters the Hearing Examiner must ultimately evaluate, including consistency with the General Plan, feasibility under HoCo By Design Policy DN-9, impacts on neighboring properties, environmental considerations, groundwater resources, site design, buffering, and maintenance of rural character. Until the final infrastructure design is known and the responsible agencies have completed their review, affected residents cannot meaningfully evaluate the proposal, prepare testimony, retain experts if necessary, or respond to the actual development plan for which approval is sought.

The harm from postponement is minimal, if any, because Petitioner cannot begin construction without the required agency approvals. By contrast, proceeding before the final water and wastewater design is known would deprive affected residents of a meaningful opportunity to review and respond to the infrastructure plan that will actually serve the development.

The developer entity was formed just over a year ago as a limited liability company formed for the sole purpose of building this development, receiving profits, and – as the name suggests - limiting the liability incurred by developers from certain legal consequences of their actions. If the aquifer were to fail or the stream to dry up or become polluted by sewage, it is not difficult to conclude that this developer will have long since taken their profits from the LLC and be long gone, leaving some retiree condo owners, the community around this development, and Howard County government with massively expensive problems to navigate. Unlike higher density developments being built next to Maple Lawn, which has a substantial water and wastewater infrastructure, this parcel is miles from any public water or wastewater utility lines. Even if those lines near Route 40 were able to support the added loads of 50+ houses, which we certainly do not

know, the cost to extend those lines for miles to this parcel would be in the many millions of dollars and would take years to complete.

Fundamental fairness favors postponement until the final water-supply and wastewater design has been reviewed and the public has had an opportunity to evaluate the proposal that will actually be presented to the Hearing Examiner for decision.

VIII. POSTPONEMENT IS NECESSARY BECAUSE PETITIONER CANNOT MEET ITS BURDEN ON THE CURRENT RECORD

Petitioner chose to file its application before completing its infrastructure design and has not even fully disclosed that design in the interim. Petitioner asks the Hearing Examiner to proceed with the evidentiary hearing while the record establishes that the water-supply system remains unapproved, well locations may change, the system may change, and MDE will determine the approved number of housing units.

Petitioner will be unable to meet its burden of proof on the current record. As detailed in this Motion, Petitioner will be unable to demonstrate by a preponderance of the evidence, through competent, material, and substantial evidence, that it is entitled to Conditional Use to construct a 26-unit high-density condominium development relying on as-yet-undetermined potable water infrastructure.

Fundamental fairness also requires postponement. The public participated in a community process based on an individual-well concept. The DAP reviewed a layout based on individual well boxes. The current proposal says it will use up to five shared wells, but the site plans show nothing about potable water. The Health Department says the proposed wells have not been approved and may change. MDE will determine the approved number of housing units. Neighboring property

owners should not be required to present their evidence and cross-examine Petitioner's witnesses before the actual water and wastewater infrastructure plan is known.⁹

WHEREFORE, the undersigned interested parties respectfully request that the Hearing Examiner postpone the June 24, 2026 hearing until:

1. The developer completes its water infrastructure proposal for the recently announced shared-system design;
2. MDE and the Bureau of Environmental Health complete review of those proposals and determine whether or not they would be approved as submitted or if material modification to development plans is required;
3. Petitioner makes all mandated modifications to its proposed development plans;
4. Petitioner submits with its application for Conditional Use a final water-supply plan identifying the number, location, capacity, service areas, depth, design, and configuration of all proposed wells;
5. Petitioner submits with its application the MDE-reviewed information necessary to evaluate the relationship between the proposed wells, the shared sewer/septic system, groundwater-discharge review, setbacks, reserve areas, and neighboring wells;
6. Petitioner demonstrates through analysis that all requirements of HoCo By Design Policy DN-9 and Implementing Action 3 are satisfied; and
7. Affected neighboring property owners are afforded a meaningful opportunity to review and respond to the actual proposal for which Conditional Use approval is sought.

⁹ Alternatives to postponement, such as keeping the record open or bifurcating the process, would not address the concerns raised in this Motion. Petitioner cannot currently meet its burden at this time, so no hearing should be held.

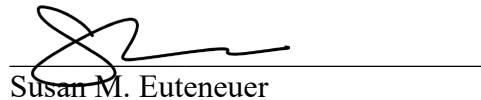
Respectfully submitted,



Susan M. Euteneuer and Christopher J. Euteneuer
3501 Garratt Court, Ellicott City, Maryland 21042

Certificate of Service

I HEREBY CERTIFY THAT, on June 10, 2026, pursuant to Rule 7.5, a copy of the foregoing Motion to Postpone Hearing was served via email to the Hearing Examiner, legal counsel for the Petitioner/Property Owner, and all known persons of interest. Any person interested in responding to this motion must file a written response with the hearing examiner within fifteen days of the date that the motion was filed.



Susan M. Euteneuer