

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 0789

September Term, 2025

IN THE MATTER OF PLEASANTS

DEVELOPMENTS LLC, ET AL.

Leahy,
Ripken,
Albright,

JJ.

Opinion by Ripken, J.

Filed: July 22, 2026

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

In March of 2024, after fulfilling the statutory charette¹ and public comment requirements, Pleasants Development, LLC, appellant,² filed a Preconcept Sketch Layout Plan (“PSLP”) with the town of Mount Airy, Maryland. The PSLP is a preliminary step in the process seeking approval for mixed-use development in Mount Airy. *See* Town of Mount Airy, Maryland, Town Code (“Town Code”) § 98-61(E). In their PSLP, Appellants proposed a 90-acre mixed-use development project straddling Maryland Route 27 (“Route 27”), a “state-maintained, two-way principal arterial” running north-south through the town. As dictated by Mount Airy code, the Town Council, appellee, set the PSLP for consideration on the May 6, 2024 meeting agenda.

At the meeting, Appellants presented testimony from a certified planner, members of the public voiced their concerns, and members of the Town Council presented on the topic. Additional evidence was also incorporated into the record from previous meetings and filings for the project. Upon conclusion of the evidence, a majority of the Town Council voted in favor of the motion to disapprove the PSLP.³ The Town Council

¹ A charette, also spelled “charrette,” is “an intensive, multi-disciplinary workshop with the aim of developing a design or vision for a project or planning activity.” *Public Participation Guide: Charrettes*, U.S. ENV’T PROT. AGENCY (last visited July 7, 2026), <https://perma.cc/EN9E-J4CB>. *See also Howard Cnty. v. Davidsonville Area Civic & Potomac River Ass’ns, Inc.*, 72 Md. App. 19, 28 (1987).

² Ronald Beck, Ellen B. Esbrant, Trustee of Ellen B. Esbrant Trust, and E. Lewis Beck, the owners of the subject property, are co-petitioners and appellants. We hereinafter refer to them jointly with Pleasants Development, LLC as “Appellants.”

³ Of the five-member Town Council, three members voted in favor of disapproval, one member voted against, and one member abstained.

memorialized its decision in a Findings and Decision memorandum, which was approved as to form and legal sufficiency by Council vote on June 3, 2024.

Appellants noted a timely petition for judicial review to the Circuit Court for Carroll County. The circuit court, after hearing argument on the issue, affirmed the decision of the Town Council. Appellants then noted this timely appeal, presenting the following issue for our review:⁴

Whether the Town Council erred in disapproving the preconcept sketch layout plan.

For the reasons to follow, we affirm the judgment of the circuit court.

FACTUAL AND PROCEDURAL BACKGROUND

Preconcept Sketch Layout Plan and Initial Filings

Appellants are the owners and developer of a property (the “Beck property”) in Mount Airy straddling Route 27—a north-south, state-maintained, “principal arterial” roadway that has a speed limit of 50 miles per hour. In 2022, Appellants began the approval process for mixed-use development of the Beck property.

In accordance with Town Code section 98-61(E), Appellants submitted a PSLP and updated it following periods of public comment and charette on the proposal. After

⁴ Rephrased and consolidated from:

[W]hether the Council (i) misunderstood and unlawfully expanded its limited role in the development review and approval process, thus usurping the authority expressly given to the Town Planning Commission, and (ii) improperly based its decision to disapprove Appellants’ preconcept sketch layout plan based on [a] Council member’s personal opinions unsupported by substantial evidence in the record.

integration of comments and further cycles of the revision process, the PSLP at issue was submitted to the Town Council for consideration at a regular public council meeting held on May 6, 2024.

The PSLP proposed development of the Beck property in relevant part as follows:

- The western parcel, meaning the land on the western side of Route 27, would consist of single family attached residences, a central green, a municipal green space paid for by “others” to be later determined, and a large commercial area.
- The eastern parcel, meaning the land on the eastern side of Route 27, would consist of senior housing, multipurpose sports fields, and a smaller commercial area.
- Three options were proposed for pedestrian crossing of Route 27: a bridge paid for by “others” to be later determined, a tunnel paid for by “others” to be later determined, or a signalized crosswalk.

After submission, the consideration of the PSLP was set on the May 6, 2024 Town Council meeting agenda.

Town Council Proceedings

The Town Council began the hearing with public comment. Multiple members of the public spoke, raising concerns about the PSLP. A concern was raised that the proposed sports fields on the eastern parcel did not have parking and were not located near the family homes where the children will live; instead, they contended, the children would have to cross Route 27 to access the sports fields. Likewise, the senior housing was limited to the western parcel, meaning that seniors would have to cross Route 27 to reach the larger commercial amenities on the eastern parcel. In light of these issues, members of the community contended, the safe crossing over Route 27 between the two parcels was

paramount and unsatisfied by the proposal; thus, the PSLP warranted further development with regard to “the needs of recreation, safety, [and] public facilities for [the] town.”

Further, members of the public voiced concerns that the safety of water adequacy in development was unproven, the community would increase traffic and danger at intersections, schools and town services would be overburdened, and the environment would be detrimentally impacted.

The meeting then turned to argument and testimony from the parties and the Town Council.⁵ Pleasants Development summarized the applicable considerations dictated by Town Code section 98-61(B). It contended that “all of the items listed in section [98-61(B)] are shown” in the PSLP documents.

Next, Appellants called Cecily Bedwell, a certified planner with twenty-eight years of experience in the field, to testify regarding the PSLP. Bedwell explained each aspect required of mixed-use development and how, in her opinion, the PSLP met those requirements. Regarding connectivity and compatible uses of space, Bedwell stated:

There are the two greens, the three acre, as well as the one acre, as well as a variety of attached greens in other locations here. So, all of that is within a five minute walking radius. And on the east side you can see that the commercial is within a five minute walk radius.

Some of the trails, I think someone said, might be [inaudible]. We want to keep the natural topography that exists to save the trees, but we would also have trails that connect through this area that follow the grade so that folks of varying abilities could use those trails. The courts and fields were shown there.

They are by others, but they are shown for the ability of the town to incorporate where the town sees fit to incorporate those spaces. Certainly,

⁵ All testimony from this point further was presented under oath.

parking can accompany those spaces as well. The idea is to create a walkable area within each neighborhood here. *And the other piece is that the crossing at 27 will be improved, of course.*

It will not be as is, and the pedestrian connectivity will be across there at a signalized intersection.

Where we are not able to have vehicular connections, we are also providing pedestrian and bicycle connections, such as the extension of the rail trail on the eastern side, connections through the neighborhood in various locations where we can make those connections to the rail trail to promote other modes of travel throughout this neighborhood.

(Emphasis added). Bedwell concluded by opining that the PSLP “exceed[ed] the mark in terms of meeting the requirements of [the Town Code].” The Town Council then provided an opportunity for questions to be posed toward Bedwell.

Councilmember Munder inquired into the specific potential uses for the proposed open spaces. Bedwell confirmed that options would remain open for development within the proposed green spaces. Councilmember Munder likewise inquired into the placement of the small field in the eastern parcel, concerned it would hinder the goal of “sav[ing] the trees on the hilltop around the water tower[.]” Bedwell responded that the field could be made smaller or for a different recreational use.

A member of the public then inquired who was being proposed to pay for the potential crossing of Route 27, whether a bridge, tunnel, or crosswalk. Without directly answering the question, counsel for Pleasants Development responded that the State Highway administration does not prefer either a tunnel or a bridge, but instead the crosswalk proposal.

Next, another member of the public inquired about approval for cutting down trees during the development, which Bedwell answered was not part of this phase of the approval process; however, she noted that a tree survey had been completed. Further colloquy ensued, with additional questions from the public to Bedwell regarding water availability, building permits, and future stages of the project.

Counsel for the Beck family appellants then presented in support of the PSLP. Counsel emphasized that the PSLP was in the preliminary portion of the approval process, and therefore contended it had lighter statutory requirements.

Later, after further inquiry by the public, Bedwell continued to explain the benefit of the signalized crosswalk over Route 27. Bedwell stated that:

The issue is to control the traffic at a signalized crossing so that there can be safe crossings. I don't think it's -- anyone can argue against the fact that if people [are] trying to run across [Route] 27 from the extension of Center Street, it would not be a good scenario.

That's not what we're advocating for and that's not what our traffic expert or the Maryland State Highway would approve. So, more on that at the concept level.

Regarding the tunnel and bridge options, Bedwell explained that:

I will say best practices currently are that unless there's like a large transit where you're going on a raised rail track and you have an easy way for pedestrians to cross at that higher level grade, the best practices are not to make the pedestrians go up and over or under through a tunnel.

Those aren't perceived as safe and it's also a longer route typically, so we'd rather have cars stop, allow for safe pedestrian crossings at grade and allow pedestrians and cyclists to have the opportunity to be able to safely cross at grade rather than going quarter mile underground or up and over. It's just not suitable for most pedestrians or cyclists.

In conclusion, Bedwell reminded the Town Council that “[t]he crossing of [Route] 27 and how that occurs is not in the ordinance. The [ball]fields being built by the developer, it’s not in the ordinance. Neither is the distribution of senior housing.” Following a formal motion to deny the PSLP, councilmembers were then invited to present on the topic prior to the vote.

Councilmember Munder began, emphasizing that his position was “based on the applicable town code that this [PSLP] falls under.” He then stated that, in his view of the facts, the PSLP met the standard of providing a “harmonious, interrelated whole” because new development of residential housing was to take place next to existing residential housing, and commercial spaces next to highways. Councilmember Munder opined that the PSLP fulfilled the requirements. Regarding the main concerns voiced by the public (water capacity, Route 27 crossing, and the overburden of schools), he noted that he did take those issues into consideration.

Councilmember Domotor followed, incorporating his written policy opinion memorandum into the record (the “Domotor memorandum”). He stated that he “d[id] not believe that” the PSLP “sufficiently achieve[d] the purpose, objectives[,] and related considerations for mixed use development as specified by the Town of Mount Airy Code.” Councilmember Domotor noted that the purpose of mixed-use development “is to apply and take advantage of the flexibility afforded by Mount Airy’s code, objectives and provisions to deliver a cohesive community with a harmonious mix of uses that will create synergy, efficiency of design and an increase in walkability, resulting in a sense of place where residents can live, work and play[,]” and “[w]hile the current [PSLP] may check

some technical boxes of the [Town Code], it fails to sufficiently deliver the true flavor of mixed-use development.” Specifically, Councilmember Domotor’s concerns surrounded the Route 27 crossing, which he stated sees up to 24,000 vehicles per day. He asserted that in traditional signalized crosswalks “traffic light timings are typically set according to the average walking speed of a person without physical debilities and under the age 65, creating potentially dangerous situations for older pedestrians and people with disabilities.”

Councilmember Domotor additionally emphasized the PSLP’s alleged inability to support multi-generational livability due to the all-seniors restricted housing on the eastern parcel, remarking that there were no amenities tailored for the senior population in the isolated eastern parcel. In conclusion, Councilmember Domotor stated that the PSLP was “unacceptable from a safety standpoint and not what’s best for Mount Airy.”

Next, Council Secretary Galletti presented, noting that the PSLP was only the preconcept stage and further changes are permissible even if the PSLP was approved. Councilmember Evans then followed, emphasizing in his analysis that the Town code requires the PSLP to be (1) “harmonious[,]” which he contended it was not because of Route 27’s bisection of the property separating seniors from other residences; (2) “safe[,]” which he indicated it was not because of the speed and conditions crossing Route 27; and (3) “pedestrian oriented[,]” which he articulated it was not because “we have to have our seniors walk across [Route] 27 to get to Main Street” from the eastern parcel and the ballfields on the western side far from the family homes. Councilmember Evans additionally cited a traffic study of Route 27, which found one of the proposed intersection locations reviewed therein as “failing” in previous years.

Finally, Council President Washabaugh presented, recognizing that “[t]he purpose of [mixed-use development] is to facilitate an integrated and orderly development of residential uses and non-residential uses where high quality mixed[-]use developments can occur in harmony with surrounding land uses.” He continued, stating that the PSLP

has the commercial component completely separated from all residential components throughout the property. There is no integration. There is a commercial side and a residential side within the property.

An essential part of the [mixed-use development] code is promoting housing diversity in a pedestrian friendly environment. This development plan for the Beck property falls short of fulfilling that requirement.

When evaluating the overall layout, not only does this plan not integrate residential and commercial properties, it will not make a pedestrian friendly environment for its future residents.

Building senior housing on the east side of the property makes accessing the existing senior friendly amenities almost impossible as a pedestrian.

Additionally, the west side would consist of single-family homes forcing families with potential small children to cross [Route] 27 to access the open space and the potential town-funded recreational fields.

In the plan, the developer would provide a crosswalk at [Route] 27 and Center Street. This is a fundamental failure in providing a safe, pedestrian friendly environment.

In supporting his contentions regarding the danger of a signalized crosswalk over Route 27, Council President Washabaugh cited the Maryland Highway Safety Office⁶ for the proposition that in Maryland, in 2020, “there were [3,537] traffic fatalities that involved

⁶ Council President Washabaugh specifically identified the Maryland Highway Safety Office’s website, located at [zerodeathsmd.gov](https://www.zerodeathsmd.gov). Maryland Highway Safety Office, ZERO DEATHS MARYLAND, <https://perma.cc/W9WM-7Z7E> (last visited July 7, 2026).

signalized cross walks.” He further highlighted the increased risk of pedestrian death when vehicle speed is increased, noting that “[f]urthermore, if a pedestrian is hit by a vehicle going more than [forty] miles per hour, they have a less than [twenty] percent chance of survival.” Based on this information, he concluded that the signalized crosswalk posed a danger to members of the community and, therefore, the PSLP failed to meet the required objectives.

After brief remarks by the mayor of Mount Airy addressing the work done throughout the application process, the Town Council proceeded to vote. The PSLP was disapproved, with three councilmembers voting in favor of the motion for disapproval, one against the motion for disapproval, and one abstaining.

Following the hearing, the Town Council memorialized its decision in a Findings and Decision memorandum. The Findings and Decision memorandum was approved at the June 3, 2024 Town Council meeting. Appellants petitioned for judicial review in the Circuit Court for Carroll County, and the court set the matter for a hearing in February of 2025.

Circuit Court Proceedings

At the circuit court hearing, Appellants argued that the Town Council erred in disapproving the PSLP because the review required by statute for this preliminary phase is much narrower than that which was conducted by the Town Council, and the Council did not have substantial evidence for its decision because it improperly relied on councilmember opinions rather than the record. The Town Council asserted that it did not err, as consideration was given to the appropriate factors and perspective as dictated by Town Code, thus substantial evidence supported the decision.

On May 15, 2025, the circuit court affirmed the decision of the Town Council in a written opinion. Appellants noted this timely appeal. Additional facts are included below as relevant.

DISCUSSION

THE TOWN COUNCIL DID NOT ERR IN DISAPPROVING THE PRECONCEPT SKETCH LAYOUT PLAN.

I. The Town Council Did Not Exceed its Legally Granted Authority.

a. Party Contentions

Appellants contend that the Town Council’s role in the mixed-use development approval process is narrowly limited, and it exceeded that authority by requiring satisfaction of Town Code sections 112-37.2 and 98.61 in a manner required only in later stages of the approval process. Appellants specifically assert that the section 112-37.2 objective to “provide flexibility to design residential neighborhoods in a safe, attractive, and environmentally responsible manner” was given improper weight “as an excuse to ignore the limited and preliminary scope of [the Town Council’s] review at this early stage.” Appellants posit that the correct application of the Town Code, instead, is to read the purposes and objectives in sections 112-37.2 and 98.61 as a single list of considerations, limited for use at each different stage of the development process. Thus, according to Appellants, the Town Council erred by exceeding its own authority in consideration of the PSLP—an error Appellants contend the circuit court failed to rectify.

The Town Council contends that it acted within its statutory authority by considering the factors dictated by Town Code section 112-37.2, and its authority is not limited to a narrow formality in the design approval process. The Town Council further

posits that it did not err because the plain language of the Town Code grants the authority to the Town Council to approve or disapprove a preconcept sketch layout plan, after considering the objectives set forth by statute.

b. Standard of Review

“When this or any appellate court reviews the final decision of an administrative agency, the court looks through the circuit court’s . . . decisions, although applying the same standards of review, and evaluates the decision of the agency.” *Kor-Ko Ltd. v. Maryland Dep’t of the Env’t*, 451 Md. 401, 409 (2017) (quoting *People’s Counsel for Balt. Cnty. v. Surina*, 400 Md. 662, 681 (2007) (internal ellipses and further citation omitted). See also *Elbert v. Charles County Plan. Comm’n*, 259 Md. App. 499, 508 (2023); *Maryland-Nat’l Cap. Park and Plan. Comm’n v. Greater Baden-Aquasco Citizens Ass’n*, 412 Md. 73, 84 (2009).

Thus, when reviewing questions of law and interpretation arising from an administrative agency procedure, we apply the *de novo* standard of review, reversing where “the legal conclusions reached by [the administrative body] are based on an erroneous interpretation or application of zoning statutes, regulations, and ordinances relevant and applicable[.]” *Maryland-Nat’l Cap.*, 412 Md. at 84; see also *Crawford v. Cnty. Council of Prince George’s Cnty.*, 482 Md. 680, 693 n.16 (2023). Despite this non-deferential standard, “we may give weight to an agency’s interpretation of statutes that it administers.” *Crawford*, 482 Md. at 693 n.16; see also *Maryland-Nat’l Cap.*, 412 Md. at 84–85.

c. Analysis

Maryland courts interpret administrative rules and ordinances in accordance with the principles of statutory interpretation. *See Crawford*, 482 Md. at 697. We are to “look first to the words of the applicable statute, ordinance, or regulation to divine what the enabler intended[.]” *Maryland-Nat’l Cap.*, 412 Md. at 101 (citation omitted). In so doing, we do not render any word surplusage, superfluous, meaningless, or nugatory. *See Fisher v. Eastern Corr. Inst.*, 425 Md. 699, 706–07 (2012) (citing *Moore v. State*, 424 Md. 118, 127 (2011)) (further citation omitted).

After review of the plain language of the code, and only if the meaning remains ambiguous, do we turn to alternate methods of interpretation—such as consideration of the legislative history, prior case law, or statutory structure. *Id.* at 707. Ambiguity in this context exists where the words are “subject to more than one reasonable interpretation” or when the words become ambiguous when read as part of a larger statutory scheme. *Id.* (citation omitted).

With this framework, we turn to interpretation of Mount Airy Town Code.

Under Mount Airy Town Code section 98-61, to implement mixed-use development, petitioning developers must submit a PSLP and—after completion of the required public meetings and workshops on the proposal—“the Town Council shall at a public hearing of the Council consider and approve or disapprove the preconcept sketch layout plan.” *See* Town Code § 98-61(E)(4) (2025).

In making an approval or disapproval determination, the Town Council is to consider the “purpose and objectives of the mixed-use development as outlined in [Town

Code] § 112-39.1A and B or, as applicable, the Mixed Use District as outlined in [Town Code] § 112-37.2.” *Id.* § 98-61(D). Mixed-use development in section 112-39.1 refers to mixed-use development projects in areas zoned as Community Commercial Districts, while Mixed Use District development in section 112.37.2 refers to mixed-use development projects in areas zoned as Mixed Use Districts. *Compare id.* § 112-39.2 with *id.* § 112.37.2. Here, because the Beck property is in a Mixed Use District, we focus specifically on the application of Town Code section 112-37.2.

The purpose of mixed-use development in the Mixed Use District

is to facilitate the integrated and orderly development of residential uses and nonresidential uses where high-quality mixed-use developments can occur in harmony with surrounding land uses. The [Mixed Use] District is intended to provide attractive, residential neighborhoods containing a mixture of detached dwellings, semidetached dwellings, townhouses, and multifamily dwellings in an effort to promote housing diversity and a *pedestrian-friendly* environment. The [Mixed Use] District is intended to provide flexibility to design residential neighborhoods in a *safe, attractive[,] and environmentally responsible* manner.

Id. § 112.37.2(A) (emphasis added). Additionally, the Town Code lists the following objectives for development in the Mixed Use District, dictating that one or more are to be sought in any mixed-use development project in the Mixed Use Districts:

- (1) Provide a more attractive residential and nonresidential environment than would be possible through the strict application of conventional zoning district requirements.
- (2) Encourage harmonious and coordinated development of sites that is *consistent with the existing natural features, bicycle, pedestrian and vehicular circulation and compatibility with surrounding uses.*
- (3) Encourage development that is of excellent design and architecture with a mix of uses that will *create synergy, efficiency of design, and an increase in walkability.*

(4) Create a mixture of office, retail, cultural, art, recreational, and residential uses, along with restaurants, eateries and cafes, where all related structures, parking, and open spaces are designed to establish and maintain a *cohesive community* while protecting the character of surrounding neighborhoods and the overall natural environment.

(5) Expand the opportunity to support diversified housing options within an integrated site design of varying land uses.

(6) Encourage development of sites that promote and support a diverse artistic and if possible cultural entertainment area and that creates a community with live-work space for artists.

Id. § 112.37.2(B) (emphasis added).

The plain language of the preceding Town Code sections unambiguously dictates that safety, walkability, and integration are applicable considerations for the Town Council when approving or disapproving a PSLP. Despite Appellants’ contentions that those considerations are only appropriate later in the approval process because of the nature of the PSLP, such an application would render portions of the Code—specifically Town Code sections 98-61(D) and 112-37.2(A)–(B)—“surplusage, superfluous, meaningless, or nugatory.” *Fisher*, 425 Md. at 706. Therefore, when the Town Council applied those considerations, it was acting within the scope of its authority.

Baltimore Planning Commission v. Victor Development Company, 261 Md. 387 (1971), is illustrative. In *Victor Development Company*, the city planning commission rejected a developer’s subdivision plan on the ground that occupancy of the proposed development would cause overcrowding in the local public schools. 261 Md. at 389. The developer filed a petition for a writ of mandamus, arguing that the planning commission did not have the authority to reject the proposal on those grounds because impact on schools

was not a consideration under its purview laid out in any statute, charter, ordinance, or rule of law. *Id.* at 390. After the circuit court granted the developer’s motion, the planning commission appealed the decision. *Id.* at 391. The Supreme Court of Maryland agreed with the circuit court, holding that, where the applicable law listed other allowable considerations yet did not grant the planning commission the authority to consider overburden on schools in its approval process, the planning commission could not base its decision solely on that ground because the planning commission could “exercise only those powers granted to it by virtue of [the applicable law].” *Id.* at 391–94.

In contrast, here, the Town Code not only explicitly grants the Town Council the purview to consider “walkability[,]” “cohesive community” integration, and “pedestrian and vehicular circulation[,]” but *requires* the Town Council to consider the safety of the proposed development. Town Code §§ 112.37.2(A)–(B); 98-61(A)–(E) (“The [Mixed Use] District is intended to provide flexibility to design residential neighborhoods in a safe, attractive[,] and environmentally responsible manner.”). With this in mind, the Town Council’s decision was made after extensive on-the-record discussion of the safety of the Route 27 crossing, walkability of the proposed community, and integration of different types of housing within each parcel. Thus, unlike in *Victor Development Company*, the Town Council here acted within its legally granted authority. *Cf.* 261 Md. at 391–94.

II. The Town Council’s Decision Was Supported by Substantial Evidence.

a. Party Contentions

Appellants contend that the Town Council’s disapproval was not rooted in or supported by substantial evidence in the record. Appellants assert that the Town Council’s

decision was “based on a premature and unauthorized evaluation and criticism of site planning components not required to be included in the early stage of PSLP review” and that, because they claim there was no evidence in the record disputing their expert’s opinion, the Council based its decision on misunderstanding and personal lay opinions that should not have outweighed Appellants’ expert testimony or other proper evidence.

In turn, the Town Council contends that its decision was based on and supported by substantial evidence in the record. The Town Council points to its evaluation of the factors enumerated in Town Code section 112-37.2, specifically the issue raised by a signalized crosswalk over Route 27 and the onus placed on “others” to pay for any alternative options. In further support of its argument, the Town Council points out that the factfinding body is not bound to accept the testimony of an expert witness. The Town Council also posits that the absence of integration between residential housing and large commercial areas within the plan was an additional failure to meet zoning requirements, further lending to the conclusion that there was substantial evidence underlying its disapproval.

b. Standard of Review

As explained above, in our review of administrative proceedings, we look through the decision of the circuit court to the action of the agency. *See Kor-Ko Ltd.*, 451 Md. at 409. Our review regarding questions of fact, or application of facts, “generally is a narrow and highly deferential inquiry[,]” reviewed in the light most favorable to the agency action. *Maryland-Nat’l Cap.*, 412 Md. at 83–84 (internal footnote and citations omitted); *see also Elbert*, 259 Md. at 508.

c. Analysis

In reviewing an agency decision, including that of a local board, we determine whether there was substantial evidence in the record as a whole to support the agency’s findings and conclusions—an analysis generally known as the substantial evidence test. *Maryland-Nat’l Cap.*, 412 Md. at 84. “A conclusion by the [administrative] planning body satisfies the substantial evidence test if a reasonable mind might accept as adequate the evidence supporting it.” *Id.* (quoting *Trinity Assembly of God for Balt. City, Inc. v. People’s Counsel for Balt. Cnty.*, 407 Md. 53, 78 (2008)) (internal brackets, quotation marks, and further citation omitted).

Maryland appellate courts have held that the substantial evidence test was satisfied where the town planning council denied rezoning due to traffic concerns because the decision was based on a report by the town planning commission, public comments, and reasonable conflicting interpretations of expert testimony in support of the rezoning. *See Kaslow v. Mayor and Council of Rockville*, 236 Md. 159, 162, 167–68 (1964). The *Kaslow* Court noted that, although expert testimony was offered in support of the rezoning, contrasting inferences could have been reasonably made from the testimony in conjunction with other evidence presented, such as the layout of the roads in the subject area, so there was substantial evidence to support the decision. *Id.* at 167–68. Likewise, in *Himmelheber v. Charnock*, the Supreme Court of Maryland again found the substantial evidence test satisfied where the local board ruled in favor of rezoning because it received expert testimony in support of the change, which was partially confirmed by the opposing party’s

expert; thus, the inference to be accorded to the expert testimony was “fairly debatable” and the lower court’s decision was not to be disturbed. 258 Md. 636, 642 (1970).

In contrast, Maryland courts have held that the substantial evidence test was not satisfied where the local board denied rezoning in large part based on the personal opinion of one of its members, without support for the opinion in evidence on the record. *See Hedin v. Bd. of Cnty. Comm’rs of Prince George’s County*, 209 Md. 224, 236 (1956). Likewise, in *Elbert v. Charles County Planning Commission*, this Court found the substantial evidence not satisfied where a commission approving development only memorialized the decision in meeting minutes without any findings, analysis, or underlying reports. 259 Md. App. at 509–11.

Here, the record was flush with reasonable grounds for negative inferences regarding safety, walkability, and integration: the Domotor memorandum, evidence of high speeds and traffic on Route 27, separation of senior housing from commercial spaces, separation of family housing from recreational spaces for children, and lack of parking surrounding community spaces. Thus, unlike in *Hedin*, where the decision was improperly based solely on the opinion of a board member, the Town Council’s decision here was based on reasonable inferences from evidence in the record. *See* 209 Md. at 236. Similarly, unlike in *Elbert*, the Town Council here provided ample basis for its opinion from the record and underlying analysis; hence, the Town Council did not act arbitrarily. *See* 295 Md. App. at 509–11.

Further, although Appellants presented expert testimony opining that the proposed Route 27 crossing was safe and that the PSLP was aligned with the objectives and purpose

in Town Code section 112-37.2, a factfinding body is not required to accept the opinion of an expert. *See Levitas v. Christian*, 454 Md. 233, 247 (2017) (citing *Walker v. Grow*, 170 Md. App. 255, 275 (2006)). Alternatively, other evidence in the record, such as descriptions of Route 27 and the Domotor memorandum, supported reasonable inferences contrary to Bedwell’s expert opinion and the Town Council had the authority to give greater weight to those inferences as opposed to Bedwell’s opinion. *See Himmelheber*, 258 Md. at 642; *Kaslow*, 236 Md. at 167–68. For those reasons, “a reasonable mind might accept as adequate the evidence supporting” the Town Council’s disapproval of the PSLP and the circuit court did not err in affirming the action. *Maryland-Nat’l Cap.*, 412 Md. at 84 (citation omitted).

**JUDGMENT OF THE CIRCUIT
COURT FOR CARROLL COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**