

**MINUTES**  
**Baltimore County Planning Board Meeting**  
**May 1, 2008**

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  - b. Resolution No. 32-08: Submits five Rural Legacy Area Plan applications to the Maryland Department of Natural Resources for consideration and approval by the Maryland Rural Legacy Board for funding in fiscal year 2009
  - c. Resolution No. 33-08: Adopts the report of the 2007 Triennial Review of the Baltimore County Water Supply and Sewerage Plan.

**Adjournment of the Board meeting**

## **Appendices**

- Appendix A** Advance Tentative Agenda
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*Minutes*  
May 1, 2008

Call to order, introduction of Board members, pledge of allegiance to the Flag, and announcements

Chair, Edward J. Gilliss, called the regularly scheduled meeting of the Baltimore County Planning Board to order at 4:07 p.m. The following members were:

Present

Mr. H. Edward Parker  
Mr. Wayne C. McGinnis  
Ms. Nellie Grinage (late)  
Ms. Dorothy Foos  
Mr. William Moore  
Mr. Dean Hoover  
Mr. Gerard J. Wit  
Mr. Adam T. Sampson  
Mr. Gordon K. Harden, Jr.  
Mr. Robert J. Palmer  
Mr. Paul Miller  
Mr. Aaron Dock

Absent

Mr. Dennis P. Hoover  
Dr. Robert Gregory

County staff present included Arnold F. ‘Pat’ Keller, III, Curtis Murray, Barbara Weaver, Krystle Patchak, Lynn Lanham, Jeffrey Mayhew, Julia Haskins and Jessie Bialek from the Office of Planning; and, Pat Farr, from the Department of Environmental Protection and Resource Management

**Review of today’s Agenda**

There were no changes to the Tentative Agenda, which is filed as Appendix A.

**Minutes of the April 17, 2008 meeting**

Mr. Harden moved the approval of the Minutes of the April 17, 2008 meeting as circulated. The motion was seconded by Ms. Foos and passed by acclamation. Absent were Mr. Dennis Hoover, Dr. Gregory, and Ms. Grinage. The Minutes are filed as Appendix B.

**Items for introduction and initial discussion**

1. Vandermast Property: Request for Chesapeake Bay Critical Area Growth Allocation

Ms. Farr began by reviewing the general parameters for growth allocation. In the mid 1980’s the State of Maryland designated land within 1000 feet of the Chesapeake Bay

shoreline as “critical areas.” The state established zoning overlays for these areas known as Resource Conservation Areas (RCA), Limited Development Areas (LDA) and Intensely Development Areas (IDA). The County adopted its “critical areas” in 1988. The State established that a percentage of the RCA (a total of 462 acres in Baltimore County) could be converted via a process known as “growth allocation.” Currently, there are 150.98 acres remaining for growth allocation; of which, 62.76 acres are RCA and 88.22 acres are LDA.

Ms. Farr went on to outline the Growth Allocation application process and highlighted the role of the Growth Allocation Review Committee, which is composed of representatives from the Department of Environmental Protection and Resource Management, Recreation and Parks, Economic Development, Public Works, Permits and Development Management, and the Office of Planning.

Lawrence Schmidt, Esq., representing the property owners, Ernest Vandermast and John and William Mitcherling, assisted by Ms. Stacey McArthur, landscape architect, introduced the Board to the specifics of the request with the aid of a PowerPoint. He described the property, which is approximately 58.7 acres located in the Middle River Area of Baltimore along Holly Neck Road and east of Back River Neck Road. The entire Property is located within the Chesapeake Bay Critical Area designated by the State of Maryland. The Property is bordered on the North by Sue Creek and is near the Preserve at Holly Neck, which was approved for growth allocation several years ago. The Property is currently zoned RC 5 and RC 20. The development proposal is for 15 single family homes, clustered to protect natural resources, some with piers, and would include razing 20 old shore homes, removing a road to reconnect a stream with a tidal marsh, shoreline improvement, and storm water management. Mr. Schmidt is asking the Planning Board to allow reclassifying 18.0 acres from RCA to LDA through the growth allocation process in order to accommodate the development.

Ms. Farr summarized the report of the Growth Allocation Review Committee (GARC). She highlighted approval with conditions, including:

- Maximum of 18.0 acres conversion from RCA to LDA reserved for project.
- No more than 15 single-family dwelling units constructed
- Disturbance of steep slopes at shoreline kept to a minimum
- No construction work during the annual breeding season for specified birds

She further commented favorably on plans to remove Vandermast Rd. in order to reconnect wetlands and to reforest land where shore homes will be removed. The GARC recommends approval of the proposal with conditions as specified in Appendix C.

Michael P. Tanczyn, Esq., spoke as a representative of adjacent neighbors Michael and Denise Novak, 2361 Vandermast Lane. He offered a relocation of the cul de sac described in the development plan to reduce environmental impact in the Critical Areas.

The Growth Allocation Request, Growth Allocation Review Committee Findings, Staff Report, and other supporting material, along with a copy of the Novaks’ proposal for the cul de sac, are filed as Appendix C.

## **Item for discussion and vote**

### 2. Comprehensive Zoning Map Process (CZMP), 2008

Mr. Sampson, Chair of the CZMP for the Board, reported on the activities beginning with the filing of 579 issues in the fall of 2007, and notifications, to hearings in each Councilmanic District in March 2008 (at which time 833 speakers were heard) and Worksessions in April 2008, where recommendations were made. See Appendix D.

Mr. Sampson moved that in accordance with County Code Article 32, Title 3, the May 1, 2008 Committee Report be approved to constitute final recommendations by the Planning Board to the County Council regarding the Comprehensive Zoning Map Process Issues for 2008. Mr. Moore, who offered a friendly amendment, which was accepted by Mr. Sampson, to state furthermore that recusals by Board members on particular issues stand in the final motion, seconded the Motion. The Board voted unanimously in favor of the Motion. Absent were Mr. Dennis Hoover, Dr. Gregory and Ms. Grinage.

## **Other business**

3. Legislation of interest to the Board. Ms. Haskins outlined the following legislation for the Board.

- a. Bill No. 20-08: Basic Services Maps. Repeals the basic services maps and adopts the new basic services maps
- b. Resolution No. 32-08: Submits five Rural Legacy Area Plan applications to the Maryland Department of Natural Resources for consideration and approval by the Maryland Rural Legacy Board for funding in fiscal year 2009
- c. Resolution No. 33-08: Adopts the report of the 2007 Triennial Review of the Baltimore County Water Supply and Sewerage Plan.

## **Adjournment of the Board meeting**

Mr. Sampson moved that the meeting be adjourned. The motion was seconded by Ms. Foos and passed by acclamation at 5:08 p.m. Absent were Mr. Dennis Hoover and Dr. Gregory.

bw

Approved 5/15/08