

MINUTES
Baltimore County Planning Board Meeting
and Hearing on Vandermast Property
May 15, 2008

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Public Hearing**
by the
Baltimore County Planning Board
5 p.m.
Edward J. Gilliss, Chairman

Vandermast Property: Request for Chesapeake Bay Critical Area
Growth Allocation

Call to order, introduction of Board members, and remarks on procedures by Chairman Gilliss

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Adjournment of the Board meeting

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Minutes
May 15, 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 4:30 p.m. The following members were:

Present
Mr. Paul Miller
Mr. Wayne C. McGinnis
Mr. Dennis P. Hoover
Dr. Robert Gregory
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. Aaron Dock

Absent
Mr. Edward Parker
Ms. Nellie Grinage

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

Review of today's Agenda

There were no changes to the Agenda as published. It is filed as Appendix A.

Minutes of the May 1, and April 17, 2008 meetings

Mr. Miller moved the acceptance of the May 1, 2008 Minutes as circulated. Ms. Foos seconded the Motion, which passed by acclamation. The approved Minutes of the May 1, 2008 meeting are filed as Appendix B. Absent were Ms. Grinage and Mr. Parker.

It was noted that there was an omission to the Minutes of the April 17, 2008 meeting. Dr. Gregory moved that the insertion be made on Pages 4-5, No. 3, Update on Towson Walkable District, last paragraph of that section in those Minutes, as follows:

Dr. Gregory moved that the Baltimore County Planning Board affirms the March 1, 2007 Resolution designating the Towson Walkable District and extends the timeframe to March 1, 2009 as planning work continues. The Motion was seconded by Mr. Dennis Hoover and passed by acclamation. Absent were Messrs. Dock and Miller.

Mr. Miller seconded the Motion, which was passed by acclamation. The Amended Approved Minutes of the April 17, 2008 meeting are filed as Appendix C. Absent were Ms. Grinage and Mr. Parker.

Items for continued discussion and vote

1. Rural Roads Standards

Mr. McGinnis, Chair of the Rural Roads Committee, brought the Board up to date on the work of the Committee. He highlighted:

- The work of the Valleys Planning Council Study
- Testimony from diverse members of the community, including farmers, County and State officials and agencies

He noted that the rural roads standards are being updated in an effort to preserve the rural character of both the roads and the communities.

Mr. McGinnis moved that the Board adopt the Rural Roads Standards—Design Standards and Policies for Rural Baltimore County Roads Report, dated May 15, 2008, and forward it to the County Council. Mr. Sampson seconded the Motion. In the discussion that followed, Dr. Gregory sought to clarify some of the bullet points relative to cost. After more discussion, Dr. Gregory moved to amend the Motion to include the following statement in a cover letter to the County Council.

Consider the priority and necessity of a Rural Road project in respect to Capital Budget allocations and in consideration of community input, established best practices in the industry with particular emphasis on need, public safety, maintenance cost and the overall economic feasibility of the project.

Mr. McGinnis seconded the Motion, which passed by acclamation. Absent were Ms. Grinage and Mr. Parker.

Returning to the Main Motion, the Board voted unanimously to adopt the Report with the amendment as presented. Absent were Ms. Grinage and Mr. Parker.

2. Vanderkast Property: Request for Chesapeake Bay Critical Area Growth Allocation (To be voted on by Board after Public Hearing)

As Ms. Farr, representing DEPRM, explained, the request in a nutshell is to reclassify 18 acres from Resource Conservation Area (RCA) to Limited Development Area (LDA) along with restoring shorelines, buffers, and more. She summarized her comments from the introduction on May 1, 2008 and affirmed that the Growth Allocation Review Committee recommends approval of the request with conditions as spelled out in the Staff Report. (Copy filed as Appendix E.)

Lawrence Schmidt, Esq., representing the property owners, addressed several issues that were raised on May 1.

- Bill 128-05. This Bill changed the RC5 zoning multiplier, but did not affect this area.
- Area in the southwest portion of the property that is already classified LDA is unusable due to tidal marsh.
- Request to move location of cul-de-sac by Mr. Novak. Mr. Schmidt asks Board to defer any consideration until development stage of the project when all county agencies will have an opportunity to review.

3. Legislation of interest to the Board:

Ms. Haskins outlined details of the following legislation

- Bill No. 23-08: Prohibits future residential development in certain areas of the county that are rezoned for maritime use after a certain date; and generally relating to development in maritime zones.
- Bill No. 24-08: Clarifies the effect of a request to amend an approved residential development plan or plat if the amendment results in a density increase; and generally relating to amendments to development plans.

Copies of the legislation outlined are filed as Appendix F.

Report of Landmarks Preservation Commission Meeting – May 8, 2008

Ms. Weaver presented a brief summary of the Major Actions at the May 8, 2008 meeting of the Landmarks Preservation Commission. She noted that one item was placed on the Preliminary Landmarks List—Bacon Hall, including house, barn, springhouse and stone building. Five properties in County Historic Districts or Landmarks structures were issued “notices to proceed” for alterations. The LPC approved one tax credit application. A copy of the May 8, 2008 LPC Report is filed as Appendix G.

Recess the Board meeting for the public hearing

Mr. Palmer moved to recess the Board meeting for the public hearing. The Motion was seconded by Mr. Dean Hoover and passed by acclamation. Absent were Ms. Grinage and Mr. Parker.

Public Hearing

Vanderkast Property: Request for Chesapeake Bay Critical Area Growth Allocation

Michael Tanczyn, Esq., spoke on behalf of his client, Mr. Michael Novak. The Novak family has been involved with the issue since the concept plan meeting late last year. They are taking issue with the cul-de-sac as it is presented. They feel that the dead end cul-de-sac presents opportunities for crime, which threatens the Novak family. Counsel

demonstrated a particular instance of crime with photos. Furthermore, Counsel asserted that the professionally prepared proposed redesign would be an environmental improvement to the current plan. The Novaks are not against the overall proposal, but would like the Board to consider this issue. Mr. Novak acknowledged that Mr. Tanczyn was speaking for him.

Mr. Sampson clarified, and Mr. Tanczyn agreed, that the crime incident had been perpetrated by two men who rented a house on the peninsula that will be razed under the development plan. There were no other speakers on the issue. The public hearing was adjourned at 5:15 p.m.

The Board meeting was reconvened at 5:15 p.m.

Item for discussion and vote: Vandermast Property - Request for Chesapeake Bay Critical Area Growth Allocation

Dr. Gregory moved that the Planning Board recommend approval of the Growth Allocation for the Vandermast Property with the following conditions as recommended by the Growth Allocation Review Committee:

1. A maximum of 18.0 acres of Growth Allocation conversion from RCA to LDA shall be reserved for the Vandermast project. The portions of the property south of Vandermast Lane shall remain RCA. The final Growth Allocation acreage shall be determined by DEPRM at the time of record plat review.
2. No more than 15 dwelling units shall be constructed on the Vandermast Property in association with this Growth Allocation request, all of which shall be single-family dwellings.
3. Development of the property shall generally conform to the "Growth Allocation Request Plan: Site Proposal Map" dated January 2008 and to information contained in both the Growth Allocation Request document dated January 2008, and the Pattern Book dated January 2008. However, it is recognized that the referenced Site Proposal Map and documents are conceptual, and that variations will occur as the project proceeds through the County's development process.
4. Development of the property shall meet all Chesapeake Bay Critical Area LDA requirements outlined in the Baltimore County Code and the State Critical Area law and criteria.
5. All mitigation shown on the plan entitled "Chesapeake Bay Critical Area Management Plan" (CBCAM plan) shall be implemented by the developer within a timeframe established by DEPRM. A final mitigation plan shall be submitted to DEPRM for review and approval prior to any grading plan approval for the site. Any changes to the CBCAM plan will require prior written permission from DEPRM. At the discretion of DEPRM, the three-year monitoring requirement for mitigation plantings may be extended up to an additional two years to ensure establishment of a functioning forest or buffer.
6. A cost estimate for implementing the CBCAM plan shall be submitted to DEPRM for approval prior to grading plan approval for the project. A CBCAM security shall be posted with DEPRM via an Environmental Agreement prior to issuance of any grading or building permits.
7. All State, Federal, and County permits shall be obtained prior to implementing the tidal wetland/stream restoration and shore erosion protection portions of the CBCAM. Additionally,

the applicants shall comply with all time of year restrictions for construction in tidal waters and streams.

8. No forest clearing or grading activities associated with widening Goff Road may occur within the Forest Interior Dwelling Bird habitat during the April through August breeding season for these birds.
9. All wetlands, buffers, forests, Habitat Protection Areas, and mitigation planting areas shall be protected via a perpetual Critical Area Easement. The limits of this easement shall be shown on the record plat for the project, and recorded in the Land Records of Baltimore County along with an associated Declaration of Protective Covenants.
10. The applicants shall install permanent underground monuments and non-disturbance Critical Area Easement signs along the limits of all Critical Area Easements on the property within a timeframe determined by DEPRM. Prospective residents of the Vandermast site shall be notified in writing by the applicants about the presence and purpose of these monuments and signs, and that they shall not be removed. Additionally, a note to this effect shall be included on the record plat for the project. The location of these monuments and signs shall also be shown on the final CBCAM plan. DEPRM may require reference to the signs and monuments within the Critical Area Easement Declaration of Protective Covenants.
11. Given the shoreline protection concerns on the property, there shall be no piers and no walkways to Sue Creek permitted in association with Lots 13-15. A note regarding the restrictions shall be included on the record plat for the property. Additionally, prior to record plat approval, the applicants shall prepare deed language regarding these restrictions, and submit this information to DEPRM for review and approval. These restrictions shall be recorded with the deeds for lots in the Land Records of Baltimore County prior to the sale of the lots. Evidence of this recordation shall be provided to DEPRM prior to building permit issuance for Lots 13-15.
12. Details of proposed pier access paths for Lots 1-12, including path locations, cross-sections, and substrates shall be shown on the grading plan, grading permits, or building permits for the Vandermast Property, as determined by DEPRM. In order to ensure that buffer impacts associated with the paths are minimized, DEPRM may require that the paths be flagged in the field prior to approval of any of these plans.
13. Maintenance of the Critical Area Easement, shoreline protection measures, private drives and access roads, fencing, permanent underground monuments, and non-disturbance signs on the property shall be the responsibility of the applicants or their assigns, rather than Baltimore County. Prior to record plat approval, the applicants shall receive approval of a plan from DEPRM outlining long-term maintenance measures for these items.
14. Any proposed Homeowners Association Covenants shall receive approval by one or more of the Growth Allocation Review Committee members prior to the release of any building permits.
15. Pursuant to Section 32-9-109 of the Code, the Hearing Officer shall condition any approval of the Development Plan upon receipt of Growth Allocation approval by both the Baltimore County Council and the State Critical Area Commission.
16. Any proposed significant changes to the site layout or proposed site uses will require written permission from one or more agencies on the Growth Allocation Review Committee, at the discretion of DEPRM. Any proposed changes to the Growth Allocation acreage or location of the LDA or RCA on the property may require approval from the State Critical Area Commission.

Mr. Miller seconded the Motion. In the discussion that followed, Mr. Moore asked for clarification on the issue involving the location of the cul-de-sac. In Mr. Keller's

opinion, the Board could choose to address the issue as part of the growth allocation process or this issue could be addressed during the Development Review process. Ms. Farr commented that GARC reviewed the cul-de-sac issue and determined not to take a position. There would be concern if fencing precludes County access and causes restrictions to habitat. Mr. Miller moved to amend the Motion to indicate that the Board is neutral on the question of the cul-de-sac. Dr. Gregory seconded the Motion, which passed by acclamation. Absent were Ms. Grinage and Mr. Parker.

Returning to the main Motion, the Board voted unanimously to adopt the Motion with the amendment as presented. Absent were Ms. Grinage and Mr. Parker.

Adjournment of the Board meeting

Dr. Gregory moved the adjournment of the meeting. The motion was seconded by Mr. Miller and passed by acclamation at 5:24 p.m. Absent were Ms. Grinage and Mr. Parker.

Bw

Approved 6/19/08