

**MINUTES**  
**Baltimore County Planning Board Meeting,**  
**and Public Hearings**  
**January 7, 2010**

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**by the**  
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Minutes  
January 7, 2010

**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 4:00 p.m. The following members were:

Present

Mr. Wayne C. McGinnis  
Mr. Robert J. Palmer  
Mr. William Moore  
Mr. Dean Hoover  
Mr. Gerard J. Wit  
Ms. Nellie Grinage (arrived 4:15 p.m.)  
Ms. Dorothy Foos  
Dr. Robert Gregory  
Mr. Paul Miller  
Mr. Adam T. Sampson  
Dennis P. Hoover

Absent

Mr. Aaron Dock

County staff present included Pat Keller, Curtis Murray, Barbara Weaver, Krystle Patchak, Lynn Lanham, Jeffrey Mayhew, Kathy Schlabach, Bruce Seeley, Dennis Wertz, Lloyd Moxley, and Donnell Zeigler from the Office of Planning.

Mr. Gilliss announced that Board Member Gordon Harden had resigned and commended Mr. Harden for his thirteen years of service to the Board and Baltimore County.

**Review of today's Agenda**

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

**Minutes of the November 19, 2009 meeting**

Ms. Foos moved that the Minutes of the November 19, 2009 Baltimore County Planning Board be accepted as circulated. Mr. Dennis Hoover seconded the Motion, which passed unanimously at 4:03 p.m. Mr. Dock and Ms. Grinage were absent. A copy of the Minutes of the November 19, 2009 meeting is filed as Appendix B.

## **Items for deliberation**

### 1. COPT, Nottingham Ridge, Planned Unit Development (PUD), PDM No. XI-1091

Ms. Debra Beaty, spokesperson for the Perry Hall Improvement Association, recognizing the long term nature of the PUD plan, advised that the community wants to see stipulations in the Plan and Pattern Book that will assure that the community benefit and other agreements will still be in place when future portions of the project are being built. She also outlined six points, which included supporting a reduced number of apartments and inclusion of some on-site open space. Ms. Beaty's comments are filed as Appendix C.

Board members' comments during deliberation included the following: Mr. Moore stated that since only the nine office buildings will be LEED certified, and not the entire project, then, perhaps, there should still be a "community benefit" portion added. Due to the magnitude of the project, he also felt there should be greater detail than currently offered, and that it would be important for any modifications to come back before the Board for approval. Mr. Miller agrees with Mr. Moore's comments, as does Mr. Dennis Hoover, who emphasized that assurances are needed that details will be addressed closely. Dr. Gregory noted that in speaking with Planning Staff, he was assured that there were parameters for reviewing material changes through the Design Review Panel. Mr. Keller clarified that if a proposed change steps out of the "concept" area, it would then have to come back before the Planning Board.

Mr. Wit does not perceive that the LEED Silver Certification on nine office buildings equals a "community benefit" since, as stated on COPT's own website, COPT has been building to LEED Silver since 2003. He recommends that the Board establish a meaningful community benefit, for instance, \$5,000,000 on the 1,600,000 sq. ft. office and retail space (which only adds \$.25 to the \$30.00 per square ft. rental rate) and an additional \$1,000,000 per year for six years on the 1000 residential units, whether they be rental or condo. Mr. Wit's written remarks are filed as Appendix C.

Other members offered comments similar to those of their colleagues. Mr. Gilliss suggested that Scott Barhight, Esquire, attorney for the developer, be invited to speak at the next meeting regarding the LEED certification project-wide and addressing changes going forward.

### 2. Randallstown III, Planned Unit Development (PUD), PDM No. II-615

Mr. Moore recused himself from the deliberations. Mr. Moxley was available to answer any questions that should arise. Dr. Gregory praised the PUD, commenting that it was the best he's ever seen with a great community benefit that satisfies community needs.

## **Items for Deliberation and Vote**

### 3. Bristol Green Planned Unit Development (PUD), PDM No. I-560

Mr. Moxley referred the Board to two letters that were included in their notebooks today. One, dated December 7, 2009, referenced the \$60,000 monetary contribution that the applicant has committed to make to Baltimore County's Department of Recreation and Parks; the other stipulated that some color variation in vinyl siding will be provided.

Dr. Gregory moved that the Baltimore County Planning Board, as a result of the inter-agency and public comments on the proposed Bristol Green Alternative Planned Unit Development (PUD), PDM # I-560, recommendations from the Office of Planning, input from the public hearing on November 5, 2009 and further deliberations on November 19, 2009, APPROVES the Bristol Green Alternative PUD and the requested Modifications of Standards and commitment to the public benefit as fully articulated in the Staff Recommendations, Planned Unit Development Findings document (DRAFT) for the Bristol Green Alternative PUD in accordance with Section 32-4-245 of the Baltimore County Code. Mr. Miller seconded the Motion which passed unanimously at 4:58 p.m. Mr. Dock was absent. A copy of the Staff Recommendations, along with the two letters, is filed as Appendix E.

4. Amendment Master Plan 2010 – Rural Areas

Mr. Seeley read into the record additional suggested changes to the Requested Revisions to Rural Areas Amendment Draft dated December 9, 2009. (Draft is posted on the Office of Planning web page.) He highlighted the requested changes to the draft wording and the corresponding agency responses. The document is filed as Appendix F. Board members concurred that there was a need for additional clarification and discussion on the suggested revisions. Therefore, Mr. Gilliss deferred further deliberation and vote on the issue until the next meeting, January 21, 2010.

**Adjournment of Board Meeting**

Mr. Palmer moved the adjournment of the January 7, 2010 meeting of the Baltimore County Planning Board. Mr. Moore seconded the Motion, which passed unanimously at 5:25 p.m. Mr. Dock was absent.

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**Public Hearing\*\***  
**by the**  
**Baltimore County Planning Board**

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

The Public Hearing was called to order at 5:26 p.m. by Chairman Gilliss.

Comments were heard on the following:

Amendment to the Baltimore County Zoning Regulations - Wind Turbines

Andrew Marani supports wind turbines on small properties of 1/3 acre, which would be particularly beneficial to residents living on the water. Mike Pierce, North County Preservation, finds the current draft incomplete as it does not address building-mounted turbines. He recommends that anyone within 1000 feet of property be able to address the issue at a hearing and stressed the importance of enacting legislation. Larry Wilt is pleased with the support of sustainability; however, he finds restrictions are counter productive and suggests allowing sale of excess power and more than one wind turbine on a property. “Adverse visual impact” is vague. Sharon Bailey, Esquire, Chair Wind Turbine Legislation Committee, Sparks-Glencoe, set out recommended parameters including limit of lot size (3 acres), set back (150% of height of wind turbine), and view shed protections as outlined in her written submission, which is made part of the Minutes as Appendix G. Laurie Deering supports Ms. Bailey’s comments. Stuart Stainman applauds the consistency with what County Executive Smith is trying to do with sustainability. However, he would like to see legislation expanded to include non-residential areas. Stuart Kaplow, resident and small business owner, recommends rejecting the proposed current draft. Instead he would like the Board to go back to the original staff report. Chris Yoder, Chairman, Greater Baltimore Group, Sierra Club, stated that the draft is a step backward in facilitating renewable energy as it limits wind turbines to residential use, prohibits sale of energy and restricts wind turbines to one per property. Ilsa Christenbury, President, Greater Kingsville Civic Association, outlined recommended specific limitations, such as wind turbines within a certain distance of historic viewsheds and scenic byways viewsheds, as contained in her written submission filed as Appendix G. John Reistrup, a member of Team Smart, strongly supports renewable energy technologies and advocates a comprehensive energy policy for Baltimore County that promotes conservation while maintaining environmental and neighborhood integrity. He presented Board members with the Team Smart proposal, which is filed as Appendix G.

Ruth Goldstein, Leslie Reistrup, and Noel Levy, also members of Team Smart offered additional comments, including that the first place to start before any legislation is passed is with a wind study to determine if wind turbines are worthwhile. Lisa Viscuso, who has voiced her concerns in the past, stressed that the current proposal does not address health issues as well as declining property values. Andrew Gohn, Maryland Energy Commission, who participated in the prior hearings on wind turbines, would like to see more flexibility and the inclusion of non-residential properties. Rex Wright is in favor of small scale (micro) generation of wind power. Jennifer Kelly, a small business owner, also expressed her support of micro generation of wind power. Doug Harbit is a member of St. James Church, which is studying ways of using renewable energy. As the proposed legislation is currently written, it would not allow the church to continue their study and demonstration of wind turbines. He recommends allowing wind turbines in all zones and on smaller and historic properties. Nate Robb supports viable economic alternative sources of energy. George Harman, who is supportive of Team Smart, commented on noise levels. Although a 55 decibel limit is acceptable in an urban area, it is not in rural. The proposed legislation should reconsider the noise factor. Max Ryan, Development Manager for Corporate Office Properties Trust, urged expanding proposed legislation to include all zoning. Chuck Cooper, architect, supports small wind turbines and asks that

they be included on all lots. Chris Parts, resident and architect, states that a bad precedent would be set by not allowing use in non-residential areas. Allen Robertson, Bowleys Quarters Community Association, in general supports personal wind turbines, but feels that legislation needs to be clear as to minimum lot size, maximum power generation, and restrictions on numbers. Will Phillips and David Bell, Maryland Chapter U.S. Green Building Council, support wind turbines in all zones on all lots. Brad Jones was in favor of wind turbines on non-residential as well as residential properties and in all zones. Carol Sildorf, One Less Car, urged broadening environmental sustainability. Brian Smith urged the Board to go back and review the proposal, making it less restrictive and more responsive to the will of the people. Neville Jacobs addressed noise concerns. Fifty-five decibels is bothersome. A more reasonable level would be 49 decibels. He would also like to see the welfare of birds and bats taken into consideration. All written comments submitted at the hearing along with a summary of previous comments are filed as Appendix G.

#### Hillendale Community Plan

Suzanne Billman, Hillendale Improvement Association, spoke in support of the Plan. Much time has been spent in coming up with this worthwhile plan to improve the community. Susie Watkins, representing the greater Hillendale community highlighted some of the areas addressed by the Plan, including the Resource Center, streetscape, and improvements to the PAL center. Obinna Chinemere, who described himself as a 19-year-old who grew up in Hillendale, commends the Plan for providing safer streets, better places to work and play and an overall better community.

#### Carney/ Cub Hill/ Parkville Community Plan

Mr. Wertz briefed the Board on key points of the Carney/ Cub Hill/ Parkville Community Plan, which covers a 9-square-mile area in the Northeast part of the County and is home to 36,000 residents. Major concerns focused on insufficient regulation of development and the ability of existing infrastructure to support the current and future population. A copy of the Community Vision and other details of the Plan are included in the PowerPoint presentation, which is filed as Appendix H.

Ruth Baisden, a member of the Advisory Group, and President of the Greater Parkville Community Council, recounted the history of the area with its lack of planning, failing infrastructure, schools nearing overcrowding and inconsistent zoning. She supports the Plan as a timely effort to help guide development. She does not support development in the area using PUD's. Fran Kriston, Eldora Kunkel, and Meg O'Hare expressed support for the Plan; however, they would like to have the zoning maps added back to it. Janet Keplinger, Wilson Avenue resident, outlined the problems that residents on her street experience with access to their homes, on a street that should be a cul-de-sac, but is treated as a thoroughfare. She feels the problems could be corrected by enforcement of regulations. Copies of Amendments to the 2008 Zoning Map Recommended by the Citizen Advisory Committee, Carney-Cub Hill-Parkville Area Plan, maps and descriptions, along with Ms. Keplinger's written comments, are included in Appendix H.

**Adjournment of the public hearings**

Mr. Moore moved the adjournment of the January 7, 2010 public hearing of the Baltimore County Planning Board. Mr. Dennis Hoover seconded the Motion, which passed unanimously at 7:00 p.m. Mr. Dock was absent.

bw

Approved as corrected January 21, 2010