

MINUTES

**Baltimore County Planning Board Meeting,
June 2, 2011**

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Minutes
June 2, 2011

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

Chair, Mr. Edward Gilliss, called the meeting of the Baltimore County Planning Board to order at 4:05 p.m. The following members were:

Present

Mr. Paul Miller
Mr. Howard Perlow
Mr. John Polek
Mr. C. Scott Holupka
Mr. Robert E. Latshaw, Jr.
Mr. Gerard J. Wit
Mr. William Moore
Mr. Wayne C. McGinnis
Dr. Robert Gregory
Mr. Edward J. Gilliss

Absent

Mr. Albert Zawicki
Mr. Dennis P. Hoover
Ms. Nellie Grinage
Mr. Mark Schlossberg
Mr. Randy Thompson

County staff present included Andrea Van Arsdale, Jeff Mayhew, Lynn Lanham, Curtis Murray, Krystle Patchak, and Barbara Weaver, from the Office of Planning, Patricia Farr from Environmental Protection and Sustainability; and, David Thomas from the Department of Public Works.

Review of today's Agenda

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

Minutes of the May 19, 2011 meeting

Mr. Latshaw moved that the Minutes of the May 19, 2011 meeting of the Baltimore County Planning Board be approved as circulated. Mr. Miller noted that there was a double reference to Dr. Gregory in the attendance that should be deleted. Mr. Polek seconded the Motion, with the amendment as noted. The Motion carried unanimously at 4:08 p.m. Messrs. Zawicki, Hoover, Schlossberg, Thompson, and Ms. Grinage were absent. A copy of the approved Minutes is filed as Appendix B.

Item for Introduction

1. Cycle 29, Water and Sewerage Amendment

Mr. David Thomas, Assistant to the Director of the Department of Public Works, briefed the Board on what is involved in Water and Sewerage Planning. Specifically, there are three items that need to be addressed:

- The Water and Sewerage Master Plan. As required by state law, the County to receives petitions for changes.
- Metropolitan District. Subject to City, not County, approval, the District was established in 1924 and has been modified multiple times.
- Urban Rural Demarcation Line (URDL). This Line is under the Planning Board's purview.

The detailed report of this year's four petitions for changes will be sent to the Board later in June or in early July. Tonight, the Board is being asked to set a Public Hearing for Thursday, July 21, 2011.

In response to Mr. Moore's request for clarification on the "Acorn Property" that has changed owners, Mr. Thomas advised that the Petition for change has to be filed by the property owner. The Law Office may have to opine to rule on the matter.

Dr. Gregory moved that a Public Hearing be set for Thursday, July 21, 2011 at 5 p.m. regarding the Water & Sewer Plan, Amendment Cycle 29. Mr. Latshaw seconded the Motion, which passed unanimously at 4:19 p.m. Messrs. Zawicki, Hoover, Schlossberg, Thompson, and Ms. Grinage were absent.

Reference disks of Water & Sewerage Cycle 28 Amendment and introduction to Water & Sewerage Cycle 29 are filed as Appendix C.

Item for Discussion and Vote

2. Bear Creek Overlook, PDM #12-140 – Request for Variation of Standards to the Chesapeake Bay Critical Area Regulations

As introduced at the May 19, 2011 Planning Board meeting, Ms. Farr, Environmental Protection and Sustainability (EPS), stated that this Variation of Standards Request is coming before the Board in compliance with State mandated critical area variance criteria. Specifically, the applicant is proposing impacts to 11,078 square feet of buffer in order to provide continued use of off-street parking for the adjacent rowhouses and passive open space for a neighborhood park.

The role of the Planning Board in a variation of standards case is to evaluate the application for compliance with all the criteria.

Ms. Farr referred the Board to the EPS' Staff Report, dated May 19, 2011, which opines that all criteria have been met and recommends adoption with conditions. She suggests adding a condition that the area of continued off-street parking in the buffer may not be paved.

Mr. Latshaw moved that the Baltimore County Planning Board finds that the request to impact Chesapeake Bay Critical Area buffers as outlined in the Application in regard to the Bear Creek Overlook project meets all the criteria as described by law and approves the request with the following conditions:

- a. All buffer impacts associated with this variation of standards request shall be mitigated on the development site. Buffer impacts total 10,100 square feet. At the required 3-1 mitigation ratio, mitigation of 30,300 square feet shall occur. A Critical Area Major Buffer Management Plan as specified in COMAR 27.01.09.01-3 must be provided and approved.
- b. All mitigation shall be completed within a timeframe established by EPS, but no later than two years from grading permit issuance for the development. A final Critical Area Major Buffer Management Plan shall be submitted to EPS for review and approval prior to grading plan approval for the site. Any changes to this plan will require prior written permission from EPS. Additionally, a cost estimate shall be provided to EPS for review along with the Critical Area Buffer Management Plan, detailing the cost of installing and maintaining the mitigation plantings.
- c. Once the final Critical Area Buffer Management Plan has been approved, and prior to grading permit issuance, the applicant shall sign an Environmental Agreement, and shall post a Critical Area Management Security with EPS equal to 110% of the cost of implementing the Plan. At a minimum, the security amount for the planting portion of the Plan shall equal at least \$0.25 per square foot of planting.
- d. Release of the Critical Area Buffer Management Plan security shall generally be in accordance with EPS's established Environmental Agreement policy. As required by the policy, the applicant is responsible for submitting inspection reports to EPS for approval in accordance with the plan requirements.
- e. Any proposed changes to the site layout or proposed site uses may require an amended variation of standards request as determined by EPS.
- f. In order to minimize water quality impacts, the area of continued off-street parking in the buffer along the alley between Sandy Plains Road and Lynch Road may not be paved. A note stating this condition of variation of standards approval shall be added to the Development Plan for the project.

Dr. Gregory seconded the Motion, which passed unanimously at 4:25 p.m. Messrs. Zawicki, Hoover, Schlossberg, Thompson, and Ms. Grinage were absent.

Supporting materials, including the Application for Variation of Standards and Staff Reports, are filed as Appendix D.

Other Business

3. Legislation: Mr. Murray highlighted the following legislation:

a. Bill No. 22-11, Required Development Plan Information

This legislation removes the requirement for certain background information for a Development Plan. It has been determined that previously required information related to subsewershed is now obsolete and impractical in light of a more sophisticated geographic information system (GIS) for tracking and mapping sewer capacity.

b. Resolution No. 37-11, Perry Hall Marketplace Senior Housing, PUD

This Resolution approves moving forward with the review of a Planned Unit Development proposed by Iron Horse Properties, LLP, known as Perry Hall Marketplace Senior Housing. The “community benefit” is the PUD itself in that it will provide 132 senior rental units as well as expand the parking at a nearby County-owned Senior Center.

Copies of Legislation are filed as Appendix E.

Adjournment of the Board Meeting

Mr. Latshaw moved the adjournment of the June 2, 2011 Planning Board meeting. Mr. Polek seconded the Motion, which passed unanimously at 4:30 p.m. Messrs. Zawicki, Hoover, Schlossberg, Thompson, and Ms. Grinage were absent.

bw

Approved 6/16/11