

**MINUTES**

**Baltimore County Planning Board Meeting**

**January 19, 2017**

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**Adjournment of the Board Meeting**

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***Note:*** A copy of the appendices is located in the official Planning Board file.

Minutes  
January 19, 2017

**Call to Order, Introduction of Board Members**

Chairman Phillips called the meeting to order at 4:10 p.m. The following members were:

**Present**

Mr. N. Scott Phillips  
Ms. Christina Berzins  
Mr. Rick Yaffe  
Ms. Nancy Hafford  
Mr. Todd Warren  
Mr. Scott Jenkins  
Mr. Jon Herbst  
Mr. Howard Perlow  
Mr. Wayne McGinnis  
Dr. Chris Haffer  
Ms. Cathy Wolfson

**Absent**

Mr. Jeffrey Gordon  
Ms. Lori Graf  
Ms. Michelle Lipkowitz  
Mr. Mark Schlossberg

County staff present included Andrea Van Arsdale, Jeff Mayhew, Jeff DelMonico, Kathy Schlabach, Teri Rising, Jen Meacham, Amy Mantay, Brett Williams, Dennis Wertz and Janice Graves from the Department of Planning. Mr. Warren arrived late at 4:35 p.m.

**Review of Today's Agenda**

There were no changes to the agenda.

**Minutes of the October 20, 2016 meeting**

Chairman Phillips asked the Planning Board members if they had any questions regarding the minutes from the October 20<sup>th</sup>, 2016 meeting. No questions were posed and the Chair entertained a motion to accept the draft minutes. Ms. Berzins made the motion and Mr. Herbst seconded the motion, which passed unanimously at 4:11 p.m. Absent were Mr. Schlossberg, Ms. Lipkowitz, Ms. Graf, and Mr. Gordon.

**Presentation**

*A Special Presentation by County Executive Kevin Kamenetz –  
Introducing the FY 2018-2023 Capital Improvement Program Process*

The Honorable County Executive, Kevin Kamenetz, apprised the Planning Board on the Capital Improvement Process and outlining his priorities for the fiscal year 2018-2023. The County Executive began by acknowledging the Planning Board's hard efforts and advice to the County Council in working on the Comprehensive Zoning Map Process (CZMP) for 2016.

The County Executive noted that the citizens of Baltimore County approved the bond referendum which is essentially a line of credit for the County. It is typical that approved bonds in the referendum are included in the following fiscal year. The time sensitive nature of road and school related projects required access to those bond funds before the normal July 1, 2018 period. A supplemental appropriation of bond funding totaling \$9.4 million was approved by the County Council last December and that allows the County to provide funding for key projects, notably school construction. This also allows the County to take advantage of the low interest rates before they continue to rise.

In 2011, the County embarked on its \$1.3 billion Schools for Our Future program. This will build 15 new schools, 11 additions, 8 full renovations and provide central air in all classrooms. To date, four of those new schools have opened. The recently approved supplemental appropriation provides the necessary funding for three additional new schools with completion dates in the fall of 2018. Seven of the eleven additions included within the program are currently in use.

In 2011, the County had 90 schools without air conditioning; this fall the County will be down to 13 schools. The supplemental appropriation also includes \$10 million for road resurfacing of the 6,600 lane miles that the County maintains. Public Works plans to resurface an additional 42 miles of County roads by the end of this fiscal year.

Finally, the capital budget reflects the impact of the supplemental appropriations and the program bond levels for fiscal years 2020 and 2022, \$315 million and \$265 million, respectively. This is intended to keep debt levels within debt affordability parameters and allow Baltimore County to continue to maintain a triple A bond rating from all three rating agencies. Baltimore County is just one of 42 counties across the more than 3,000 counties that have the coveted triple triple A bond rating, meaning that the County is fiscally well managed and has the highest credit rating in the country. The County Executive thanked the Planning Board members for their service and expressed his gratitude for allowing him to address the Board on the CIP.

Mr. McGinnis noted that within the last several years, the agricultural preservation budget has been cut and asked if there's the possibility that some of the funding will be restored especially for sensitive areas like the watershed regions. The County Executive replied by explaining that the County is a great steward of land preservation, given the County's number one ranking for donated easements from the Maryland Environmental Trust, number three in rural conservation and number four in farm easements. As a leader in these areas, the County has had flat funding for preservation in the capital budget, but the County Executive was hopeful to be able to move in an upward direction to previous levels. Mr. McGinnis commended the County for being a leader in this area. The County Executive followed up by stating that 67,000 acres have been preserved so far out of a total objective of 80,000. Most recently, the County agreed to move forward with the Price farm property which is about 500 acres.

Mr. McGinnis asked a follow up question about the agricultural center. He explained that about three years ago, the Planning Board requested some funds be set aside for an agricultural arena which was included in the budget two years ago. This was a multipurpose arena to be used by many different aspects of agriculture and also included a therapeutic riding arena. Mr. McGinnis asked for an explanation as to why the smaller arena has been pushed ahead with proposed funding from both state and local governments, whereas the larger arena is being asked to fund half of it with private funds. The County Executive reminded the Board that he had announced earlier in the day that the administration will not pursue a regional lawn maintenance facility at the agricultural center site and will instead expand upon already existing sites to handle that workload. The County remains interested in providing a riding center with the understanding that the community would come up with half the funding for that amount. The community has not been able to fulfill the requirements to answer the funding needs. With this being the case, the administration decided to move forward with the smaller facility and request Program Open Space funding to help cover the cost of this smaller arena. The facility will provide equestrian activity at

the agricultural center and the County will refurbish the existing stables and turn them into workhorse use. There will also be a therapeutic riding program run by Saratoga Warhorse which provides therapeutic riding for returning military veterans who are suffering from post-traumatic stress syndrome. This non-profit entity agreed to run this program at no cost to the County and the added economic benefits from veterans coming from out of town is supportive for this area of the County. It makes sense for the County to provide this service as Baltimore County is one of the horse breeding leaders of the state. The center received all approvals from the Department of Natural Resources and other state agencies. Program Open Space is proceeding before the Board of Public Works. Since the inception of Program Open Space in 1987, every single Baltimore County project has been approved by every governor in the Board of Public Works. Now, with this Board of Public Works, Mr. Hogan and Mr. Franchot have dissented and voted to pull the project from the agenda. The County Executive explained that while Mr. Hogan and Mr. Franchot have both acknowledged that they had no opposition in theory to the equestrian center, they indicated that they wanted responses to issues about Dundalk. The County Executive expressed his disappointment in that decision and reiterated Treasurer Kopp's belief that they were holding the project hostage. Mr. McGinnis asked if Program Open Space could adequately fund the larger arena. The County Executive replied by saying that it would require more money and that additional funding would have to be removed from other projects.

Mr. Jenkins addressed the County Executive by thanking him for his leadership on the air conditioning issue. As a parent, Mr. Jenkins was appreciative for the action the Administration took to correct this problem. Mr. Perlow also expressed the same sentiments on the County Executive's leadership on the air conditioning challenges and for keeping Baltimore County fiscally responsible. Mr. McGinnis shared that he has gotten to know and been able to question many County Executives over the years and thanked County Executive Kamenetz for being very approachable during his many years of service with the County. The County Executive shared his appreciation for the residents of Baltimore County as they maintain a small town friendliness despite the fact that the County is larger than four states.

Chairman Phillips thanked the County Executive for entrusting the appointees of the Planning Board to be stewards for the people of Baltimore County. Mr. Phillips also showed appreciation for the Administration's willingness to answer further questions from the Planning Board as the Capital Improvement Process continues.

### **Items for Introduction**

#### 1. Ballard Green Planned Unit Development, Involvement of a Historic Structure

Chairman Phillips introduced Ms. Jen Nugent from the Department of Planning for Baltimore County to address the Planning Board on the Ballard Green PUD. Ms. Nugent explained to the Board the background pertaining to this specific Planned Unit Development. She stated that the developer has purposed changes to the PUD which were considered material by the Development Review Committee (DRC). This material designation requires it to go back through an approval process which is why it is before the Board this evening. The changes primarily involve the design, number of units purposed and configurations of buildings. The PUD will have to go before the Administrative Law Judge for another round of approval for these changes. Additionally, since this development plan involves a property on the Final Landmarks List, it is subject for review from the Landmarks Preservation Committee (LPC). At the development plan's original submission in 2010, the LPC voted to support the PUD. With the new changes, the LPC provided recommended revisions to better accommodate the historic property on the site. Ms. Nugent then introduced Sean Davis who represented the developer of this project.

Mr. McGinnis asked where the area of recreation will be. Mr. Davis explained that the focus is mainly on Parcel A of the development and that the areas of recreation would be a pocket park that will provide open space for the residents. The developer made buffer changes around the Plinlimmon farmhouse to expand the green area north and south which would help to keep trees that would have otherwise been taken down. As a side effect, the west side frontage of the property was reduced to accommodate the rearrangement of the residential buildings. The LPC commented about the closer proximity of the architecture for the back-to-back units to the historic structure. The LPC suggested removing the two end units of the back-to-back sticks and expand the curve of the road around the historic Plinlimmon farmhouse. Mr. Davis stated that the repositioned unit, which the LPC suggested, was not ideally located due to the front facing the side of another unit and the garage driveway coming out at the entrance of the street. It would also reduce the open space of the corner area. Mr. Davis also stated that the suggested added curvature of the road from the LPC around the historic house would not be achievable due to the turning radius and tangent restrictions.

Ms. Wolfson stated that she is disappointed to see that the retail residential units were not included into this new rendition of Ballard Green. Ms. Wolfson asked how the density differs from the original plan. Mr. Davis replied by saying that it is about 12 units more than the original plan. Ms. Wolfson expressed her concerns about the loss of focus in the plan to center the new community around the historic Plinlimmon farmhouse which dates back to the early 1800's. Ms. Wolfson also asked where the parking would be for a proposed office in the Plinlimmon house. Mr. Davis stated that the office would be more suitable for a law or accountant's office and that there is an area just south of the property that would accommodate the parking. Mr. Haffer asked what kind of feedback that the revised PUD was getting from the neighboring community associations. Mr. Davis indicated that they had met with these associations during the original PUD process. Mr. Haffer replied by saying that was 6 years ago before the revisions were made. Mr. Perlow stated that he feels as though the back-to-back homes were appropriate and that he prefers to not have the historic home so prominently visible for added privacy to the property. Mr. Warren asked the Department of Planning if this area is within the opportunity area for the Affordable Housing Conciliation Agreement. Ms. Van Arsdale, Director of Planning, said the department could look into that specific question and let the Board know at a later date. However, since the proposed units were not rental, they would not be eligible as affordable housing under the voluntary compliance agreement.

## 2. Basic Services

Mr. Dave Thomas from the Department of Public Works was introduced to present Basic Services to the Planning Board. Mr. Thomas indicated that there are no water deficient areas in the County for 2017. Mr. Thomas pointed out that there is a waste water treatment facility that is located in a sewer deficient area near Richlyn Manor on the east side of the County. Considerable work has been done to determine where the leaks are to seal them and then turn that plant into a pump station. There were more areas of concerns across the County where the sanitary systems can have overflows. In accordance with the consent decree with the EPA, the overflows are being taken care of and the sewer lines are being cleaned and repaired. There were three areas from last year's map have been removed. Mr. Phillips asked if the piping technology that the county is using is up to date. Mr. Thomas stated that the areas that have the most concern are mainly older areas. Mr. Thomas shared the transportation map and stated that two commuter sheds that were deficient last year are now considered passing. With increases in population and an economic recovery, the number of deficient traffic patterns have become more prominent. There are a total of seven failing intersections where permits could be impacted.

Ms. Wolfson made a motion to set a Public Hearing for February 2, 2017. Ms. Hafford seconded the motion, which passed at 5:42 p.m. Absent were Ms. Lipkowitz, Ms. Graf, Mr. Schlossberg and Mr. Gordon.

## **Items for Vote**

### 3. Bill 73-16 – Open Space

Mr. Phillips provided a brief overview on bill 73-16 and explained the Board's role at this time. Mr. Phillips explained that this bill repeals the current provisions regarding Open Space and enacts new requirements. It further directs this Board and the Department of Planning to revise the Baltimore County Open Space Manual to conform to the requirements of the bill. At this time the Planning Board is voting to request approval from the Baltimore County Administrative Officer for assistance by other departments or bureaus in revising the Open Space Manual.

Ms. Berzins made a motion to refer County Council Bill 73-16 to the Administrative Officer for approval of assistance by any other County department or bureau. Ms. Hafford seconded the motion, which passed at 5:44 p.m. Absent were Ms. Lipkowitz, Ms. Graf, Mr. Schlossberg and Mr. Gordon.

### 4. Res. 124-16 – Planning Board – Community Development Corporations

Mr. Phillips explained that this resolution requests the Planning Board to develop a strategy that would assist Baltimore County communities with investigating the possibility of creating Community Development Corporations. At this time the Planning Board is voting to refer the resolution to the Baltimore County Administrative Officer for approval of assistance by other departments or bureaus in developing a strategy on Community Development Corporations. No comments or questions were made before the motion.

Ms. Berzins made a motion to refer County Council resolution 124-16 to the Administrative Officer for approval of assistance by any other County department or bureau. Ms. Wolfson seconded the motion, which passed at 5:46 p.m. Absent were Ms. Lipkowitz, Ms. Graf, Mr. Schlossberg and Mr. Gordon.

## **Other Business**

### 5. Report from the November 10<sup>th</sup>, 2016 and January 9<sup>th</sup>, 2017 meetings of the Landmarks Preservation Commission

Mr. Yaffe apprised the Planning Board on the Landmarks Preservation Commission report. At the November 10, 2016 meeting, the LPC voted to issue six Certificates of Appropriateness, recommended support of the Lime Kiln Bottom Historic District to the National Register of Historic Places and placed Cherry Hill A.U.M.P. Church on the Baltimore County Preliminary Landmarks list.

At the January 12, 2017 LPC meeting, the Commission voted to issue four Certificates of Appropriateness, re-elected the current chair and vice chair, placed Mount Prospect on the Baltimore County Preliminary Landmarks List and provided comments to the Planning Board on the Ballard Green PUD. Mr. Yaffe shared his perspective that the new plan for the Ballard Green PUD was a better design given the relief on the north and south portion of the property and also stressed the point that there is no required historic environmental setting.

### 6. Recent County Council Legislation of Interest to the Board

Mr. DelMonico gave a report on the recent County Council legislation. There were nine pieces of legislation highlighted for the Board members. They were:

- a. Bill 73-16 – Open Space
- b. Bill 76-16 – Zoning Regulation – Riding Stables

- c. Bill 83-16 – Open Space
- d. Bill 86-16 – D.T. Towson Overlay District
- e. Bill 87-16 – Convenience Stores
- f. Bill 88-16 – Zoning Regulation – General Use Regulation in D.R. Zones
- g. Res. 113-16 – PUD – Towson Station
- h. Res. 124-16 – Planning Board – Community Development Corporations
- i. Res. 126-16 – RISE Zone - UMBC

**Adjournment of the Board Meeting**

Chairman Phillips called for a motion to adjourn the Board meeting. Mr. Yaffe made the motion and Mr. Warren seconded the motion, which passed unanimously at 5:58 p.m. Absent were Ms. Lipkowitz, Ms. Graf, Mr. Schlossberg and Mr. Gordon.

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