

MINUTES

Baltimore County Planning Board Meeting

July 20, 2017

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by the
Baltimore County Planning Board

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

Minutes
July 20, 2017

Call to Order, Introduction of Board Members

Vice Chairwoman Berzins called the meeting to order at 4:31 p.m. The following members were:

<u>Present</u>	<u>Absent</u>
1. Ms. Christina Berzins	1. Mr. N. Scott Phillips
2. Mr. Rick Yaffe	2. Ms. Michelle Lipkowitz
3. Ms. Nancy Hafford	3. Ms. Lori Graf
4. Mr. Todd Warren	
5. Mr. Howard Perlow	
6. Dr. Chris Haffer	
7. Mr. Mark Schlossberg	
8. Mr. Jon Herbst	
9. Mr. Paul Hartman	
10. Ms. Cathy Wolfson	
11. Mr. Wayne McGinnis	

County staff present included Andrea Van Arsdale, Jeff Mayhew, Lloyd Moxley, and Jeff DelMonico from the Department of Planning. Dave Thomas from the Department of Public Works was also present.

Review of Today's Agenda

Vice Chairwoman Berzins asked staff if any changes were made to the agenda. Mr. DelMonico notified the Board that no changes were made to the agenda since its publication.

Minutes of the July 6, 2017 Meeting

Vice Chairwoman Berzins asked the Planning Board members if they had any questions regarding the minutes from the July 6th, 2017 meeting. No questions were posed and the Chair entertained a motion to accept the draft minutes. Mr. Herbst made the motion and Ms. Hafford seconded the motion, which passed unanimously at 4:34 p.m. Absent for the vote were Mr. Phillips, Ms. Lipkowitz, and Ms. Graf.

Item for Presentation

4. Baltimore County Public Water Quality and Safety

Vice Chairwoman Berzins introduced Mr. Deborah Pitts from Baltimore City to present on public water quality in Baltimore County. Ms. Pitts provided the Board with information about water filtration and explained how the type of issues with the water supply in Flint, Michigan are prevented by Baltimore City. The City is diligent in maintaining water quality through extensive sampling and testing. There are two water quality laboratories for the City of Baltimore which are certified by the State of Maryland. More than 150,000 water quality analysis samples are taken per year by these facilities. Baltimore City

maintains compliance with state regulations. Residents may call the water help desk at (410) 396-5352 and report on any quality concerns that are evident. The action level for lead is 15 parts per billion (ppb) and the water must meet a 90 percentile achievement. If lead levels are higher than acceptable, the community would be notified of this testing result.

Ms. Wolfson asked why multifamily units are not included into the sampling. Ms. Pitts indicated that Baltimore City is instructed by the State as to tier 1 sampling and is targeted towards single family units. The State of Maryland collects the samples and then returns the results. Mr. Perlow asked about where water is drawn when a drought is in effect and questioned whether the water is ever recycled. Ms. Pitts confirmed that in drought conditions, water may be drawn from the Susquehanna River to avoid extreme drawdown of the local reservoirs. Ms. Pitts also explained that the City does not recycle water.

Dr. Haffer inquired about whether the City takes samples from all counties that they serve. Ms. Pitts clarified that normally samples are only taken from Baltimore City and Baltimore County. The other counties may buy the water from the City but manage and regulate the water themselves. Dr. Haffer referenced Flint, Michigan and explained that a major component to the water crisis was from a breakdown of communication between the public health professionals, public works professionals and politicians. Dr. Haffer wondered what quality assurance mechanisms are in place to minimize the potential risk of politics influencing the regulatory oversight. Ms. Pitts stated she is a professional in this field and was previously the administrator for the laboratory. The results are sent to the Maryland Department of Environment (MDE) without manipulation. Ms. Pitts opined that state oversight of the Flint water system was mishandled thereby exacerbating the problem. Dr. Haffer asked where the lowest ranking political appointee is located within Baltimore City's Department of Public Works. Ms. Pitts stated that the Director for the City's Department of Public Works, a Mayoral appointee, appoints a chief to oversee the Office of Compliance and Laboratories (OCAL). The administrator of the laboratories reports to this chief.

Vice Chairwoman Berzins thanked Ms. Pitts for addressing the Board. Mr. Pitts concluded by stating that the water filtration plants do offer tours of the facilities and welcomes the Board members to attend and see the process first hand.

Other Business

5. Report from the July 13th, 2017 meeting of the Landmarks Preservation Commission

Mr. Yaffe reported that on July 13th, 2017 the LPC voted to issue 7 Certificates of Appropriateness (COA).

6. Recent County Council Legislation of Interest to the Board

Mr. DelMonico gave a report on the recent County Council legislation. These are listed below.

- a. Bill 34-17 – Breweries
- b. Bill 35-17 – Public Ethics – Ethics Training
- c. Bill 37-17 – Solar Facilities

Adjournment of the Board Meeting

Vice Chairwoman Berzins called for a motion to adjourn the Board meeting. Ms. Wolfson made the motion and Mr. McGinnis seconded the motion, which passed unanimously at 4:54 p.m. Absent for the vote were Mr. Phillips, Ms. Lipkowitz, and Ms. Graf.

Public Hearing**
by the
Baltimore County Planning Board

Call to Order, Introduction of Board Members, and Remarks on Procedure by Chairman

Items for Public Hearing

4. Cycle 35 Water Supply and Sewerage Master Plan Amendments**
5. Water Supply and Sewerage Master Plan Triennial Review**

Mr. Dave Thomas from Baltimore County Department of Public Works provided a brief review of the Cycle 35 Water Supply and Sewerage Master Plan Amendments as well as the Water Supply and Sewerage Master Plan Triennial Review which were both introduced on June 15, 2017. These plans are available for download on the County website.

Mr. Thomas responded to a question raised at the June 15, 2017 meeting by Mr. Perlow inquiring whether the County's future water and sewer plans will be extended beyond the Urban Rural Demarcation Line (URDL). Mr. Thomas asserted that the County has no plans to do so and provided limited examples of when it had been necessary to expand the URDL, such as failing septic systems adjacent to the Chesapeake Bay. The Planning Board may revise the URDL where needed upon consideration of various factors including zoning and the Master Plan.

Mr. Thomas indicated that the Triennial Review included updated population projections. Mr. Haffer asked if the Triennial Review has an executive summary within it. Mr. Thomas indicated that there is one in Chapter 1 of the report.

Ms. Berzins called on those who signed up to speak on both the Cycle 35 Water Supply and Sewerage Master Plan Amendments and the Water Supply and Sewerage Master Plan Triennial Review. Dr. Parbodh Sharma stated that he is the owner of a property being the subject of the Cycle 35 amendments and wanted to affirm his presence at the meeting with no comment.

Mr. Chris Mudd of Venable LLP was present as a representative for the petitioner, Associated Jewish Charities (Associated). Associated obtained these properties in 1964, the land is approximately 150 acres zoned RC-2 and RC-4 outside of the URDL. For decades, Associated ran a camp known as Camp Milldale and hosted other camp related activities there. In the late 1990's, they opened the Pearlstone Center which added a retreat and conference space. The Associated has been undergoing a master plan review for future development. The applicants' consultants recommended a Cycle 35 Water and Sewer Master Plan amendment. The Department of Environmental Protection and Sustainability (DEPS), Department of Planning and Department of Public Works (DPW) have recommended in favor of the request. If approved, Associated would continue to revise its master plan to make improvements to the Pearlstone Conference Center. Approving this amendment would allow their master plan to have flexibility with improvements in the future.

Mr. Joe La Bella, president of the Towson Manor Village Community Association, was present on behalf of the Green Towson Alliance. Mr. La Bella stated that the Towson Alliance had conducted a yearlong investigation into the planned Towson Run relief sewer and downstream connection of the Towson Run interceptor with the Jones Falls sewer shed. The Towson Alliance seeks a demonstration of compliance with the 2005 Baltimore County consent decree with the EPA and MDE that prevents violation of the Clean Water Act and State pollution control laws. The 2005 consent decree tasks Baltimore County with eliminating all sanitary sewer overflows. Three existing sanitary sewer

interceptors, Towson Run, Roland Run, and Upper Jones Falls, all flow into one existing pipe, the Lake Roland Interceptor. The Lake Roland Interceptor is a 60 year old, 3,000 foot long pipe located under Lake Roland. A planned Upper Jones Relief sewer plus the Towson Run Relief sewer brings a total of five pipes converging and flowing under Lake Roland. Mr. La Bella asserts the current wet flow capacity for this interceptor is well over 100% without accounting for any Towson growth. Mr. La Bella stated that their investigation indicates there is an overloading of Baltimore County's sewer system at Lake Roland which leads to pollution in the waterways.

Mr. Larry Fogelson provided the Board with a written statement (included in the official Planning Board file). Mr. Fogelson vocally indicated support for the Green Towson Alliance investigation. Mr. Fogelson believes that the updates fall short of meeting many of the detailed requirements of the state law and regulations which govern it.

Mr. Rodger Gookin provided the Board with a written statement (included in the official Planning Board file). Mr. Gookin vocally indicated support for the Green Towson Alliance investigation.

Mr. Robert Macht resides in the Jones Falls Water and Sewer Shed. Mr. Macht is a member of the Lake Roland Nature Council, the Ruxton/Riderwood Area Improvement Association, and the Save Lake Roland Committee. Mr. Macht is very concerned about the water quality of the waterways. In particular, he states three interceptors and two relief sewers all flow into one interceptor at the north end of Lake Roland. The predicted Lake Roland interceptor peak flow is at 140% capacity according to the Department of Public Works. After raining, the turbidity of the water is terrible due to the containments that flow into the lake. Mr. Macht stated that he would like independent and expert assurances that there will be no sanitary sewer overflows into the streams and Lake Roland.

Ms. Tatyana North stated that a 42" sewer pipe should be looked at as a major issue. The pipe is 60 years old with more connections being made. Ms. North met with Baltimore County regarding a new development called the Village of Lake Roland which will be using the same 42" pipe. This development purposes 150 residential units. Ms. North wants confirmation of the development calculations.

Dr. Haffer asked Mr. Thomas to clarify the difference between a sanitary sewer and a storm drain. Storm drains receive storm run-off while sanitary sewer receives domestic and industrial sewage. Dr. Haffer asked why rainfall would impact a sewer system if it is separate from the storm drain. Mr. Thomas indicated that with a sanitary sewer, infiltration and in-flow do occur, a small portion of this does get into the main pipe but the majority comes in from service connections as tree roots may cause cracks in the pipes. Mr. Thomas stated that the County's system operates adequately at this time.

Mr. Hartman asked Mr. Thomas if the Department of Public Works has any comments about the capacity of the sewer under Lake Roland. Mr. Thomas stated that all development approved through the development process is reviewed by the Bureau of Engineering and Construction. This Bureau has determined that there is sufficient sewer capacity and will perform adequately for all development currently going through the approval process. Mr. Hartman inquired if the County considers calculations of all new developments collectively rather than reviewing a single development in a vacuum. Mr. Thomas affirmed that the Sewer Design Section for the Bureau of Engineering and Construction uses a sophisticated computer model which accurately tracks actual connections and projects the flow from new developments. If the model predicts that safe capacity is exceeded, the County would work with the developer to reinforce the sewer system at the developer's expense. If the system serves a large geographic area, it can be dedicated as a major facility and there can be cost sharing involved. Negotiating the utility agreements is part of the development process. No plats are recorded and no permits are issued until the capacity is addressed.

Vice Chairwoman Berzins asked, in light of the commentary expressed during the public hearing, that Mr. Thomas prepare an executive summary in response to the concerns that were raised. This executive summary should be prepared in time to allow the Board to review the data before taking a vote.

Mr. McGinnis inquired if the pipe under Lake Roland is being considered in the near future for upgrade. Mr. Thomas pointed out that on page 4-26 in Chapter 4, there is a new sewer proposal which will relieve future demand. This is not necessary for the development that is currently approved.

6. Castanea Phase 1, 2, & 3, PAI #: 8-886, Growth Tier III, Major Subdivision Review**

Ms. Patsy Malone from Venable LLP was present to represent CR Golf Club LLC. Ms. Malone provided an overview of the development plan which was first introduced by Mr. Jeff DelMonico, Department of Planning, on July 6, 2017. This site was formerly called Chestnut Ridge Golf Club and is now being referred to as Castanea. The Annotated Code of Maryland directs this Planning Board to make a recommendation to the Administrative Law Judge on major subdivisions in the Growth Tier III that propose individual on-site disposal systems. The review by this Board is focused on the environmental impact of this plan.

Ms. Malone explained that the golf club closed in 2011 and consists of a total 229 acres. In 2012, this property came before the Planning Board as a Comprehensive Zoning Map Process (CZMP) issue. This plan is consistent with the RC-5 zoning. There are protective environmental easements which will remain. This plan is purposing 32 new lots surrounding 8 previously approved lots.

Mr. Yaffe asked where the open space for the property would be. Ms. Malone indicated that the 32 lots would require 30,000 square feet of open space yet this development proposes over 5 acres. The golf trails which currently exist are being removed to lessen the impervious surfaces.

Mr. Schlossberg asked what the Board should be looking at from a technical environmental perspective. Ms. Malone indicated that the State Code only broadly requires the review of environmental impact. As the development plan progresses, the County's agencies will further inspect the environmental impacts to comply with regulations. Mr. Matthew Sichel, P.E., KCI Technologies, shared that the Department of Environmental Protection will review the final storm water management plans along with well and septic locations.

Mr. Perlow shared his view that there is a need for high end employee housing in the County which this development would be aimed towards. Mr. Perlow asked if there are projections on what the property taxes would be like for these properties. Ms. Malone stated that the calculations are based on the assumption that the assessments by SDAT would be \$1-2 million, and that the math came out to be between \$700,000 and \$1 million a year in County property taxes for the 40 lots.

Ms. Wolfson asked of the 248 specimen trees which are expected to remain, how many will be maintained by the property owners. Mr. Sichel stated that most of the trees are located in the environmental easements and the developer has attempted to create lots and roadways that run up the existing fairways.

Vice Chairwoman Berzins called for a motion to approve the Castanea Phase 1, 2, & 3 Residential Major Subdivision. Mr. Herbst made the motion and Ms. Hafford seconded the motion, which passed at 5:58 p.m. Mr. Warren abstained from the vote; all other members voted in the affirmative. Absent for the vote were Mr. Phillips, Ms. Lipkowitz, and Ms. Graf.

Adjournment of Public Hearing