

MINUTES

Baltimore County Planning Board Meeting

March 1, 2018

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

Minutes
March 1, 2018

Call to Order, Introduction of Board Members

Chairman Phillips called the meeting to order at 4:01 p.m. The following members were:

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

County staff present included Andrea Van Arsdale, Jeff Mayhew, Lloyd Moxley, Jeff DelMonico, Jen Nugent, Kris Weaver, and Jessie Bialek from the Department of Planning. Pat Farr and Regina Esslinger from the Department of Environmental Protection and Sustainability were also present.

Review of Today's Agenda

Vice Chairwoman Berzins asked staff if any changes were made to the agenda. Mr. DelMonico indicated that no modifications to the agenda were made.

Minutes of the February 15, 2018 Meeting

Vice Chairwoman Berzins asked the Planning Board members if they had any questions regarding the minutes from the February 15th, 2018 meeting. No questions were posed and the Vice Chair entertained a motion to accept the draft minutes. Ms. Wolfson made the motion and Mr. Schlossberg seconded the motion, which passed unanimously at 4:02 p.m. Absent for the vote were Mr. Phillips, Mr. Warren, Mr. Herbst, Mr. Perlow, and Ms. Lipkowitz.

Introduction

4. Water's Landing at Middle River, Planned Unit Development (PAI#: 15-0966)

Vice Chairwoman Berzins welcomed Mr. Moxley to apprise the Board on the general overview of the functions of the Board in considering the Baltimore County Growth Allocation Review Committee (GARC) recommendation. The Baltimore County Code requires that the Department of Environmental Protection and Sustainability (EPS) forward to the Planning Board, the GARC's recommendation and the Board to make a recommendation. The Water's Landing Planned Unit Development (PUD) also requires certain Critical Area Variation of Standards relief as part of the development proposal. The Variation of Standards was referred by the Administrative Law Judge (ALJ) as part of the Office of Administrative Hearing's proceedings on the PUD. After the Public Hearing, two separate votes will be taken by the Board, on the recommendations for the Growth Allocation and the Variation of Standards.

Pat Farr, EPS, detailed the three land use Critical Area designations. Intensely Developed Areas (IDA) are for commercial or high density usage. Resource Conservation Areas (RCA) are intended to preserve the land and remain either undeveloped or contain light amounts of density. Limited Development Areas (LDA) combine moderate development build out with open space.

Ms. Farr, the role of the Board is to consider the Growth Allocation Review Committee report and make a recommendation to the Board of Appeals. Ms. Farr indicated that the GARC recommends the Planning Board approve the report.

Jason Vettori, Esquire representing the developer, presented the proposed PUD and its development history to this point. Mr. Vettori also explained the geographical environment which this development is in. The next step is for the Planning Board to hold a public hearing and vote on its recommendation.

Eric Hadaway of Daft McCune Walker, representing the developer, presented the Board with the objectives that must be met in addressing the Chesapeake Bay Critical Area Growth Allocation application. According to Mr. Hadaway, these requirements are satisfied by the project proposal. Mr. Hadaway indicated how the developer is planning to achieve the goals for resource conservation, community improvements, and high quality design. Benefits for the community were also explained from water quality enhancements with reforestation to a new storm water management system for Chase Elementary School.

Mr. Paul Hartman inquired about who will maintain the forestation. Mr. Hadaway indicated that the property owner would be responsible for conserving the forests which will be located on an easement for legal protection.

Mr. McGinnis asked if the farms upon which forestation mitigation is being proposed, are currently yielding produce. Mr. Hadaway was unsure if active agriculture was occurring on site but indicated that the water quality and wildlife habitat improvements are a required benefit. Mr. McGinnis asked if there is other land more suitable for forestation to avoid the loss of agriculturally productive farms. Mr. Hadaway stated that there are limited options for off-site mitigation in the Chesapeake Bay Critical Areas.

Mr. McGinnis inquired about how many seats would be added by this development. Mr. Hadaway was unsure of the exact number but indicated that a school impact analysis was submitted. Mr. McGinnis wondered if the traffic impact analysis included the expected added congestion from the new development. Mr. Hadaway confirmed that this assessment includes the added commuters.

Ms. Andrea Van Arsdale, Director for the Department of Planning, stated to the Board that the Committee determined the development will comply with current County adequate public facilities requirements.

There was one citizen who spoke on the topic. Mr. Kurt Hubbert, a Middle River resident, argued that the improvements provided by this development should also be located on the Middle River. Mr. Hubbert indicated opportunities for storm water enhancements in the community to deal with discharge from roads and parking lots exist on the Middle River peninsula.

Mr. Hadaway presented the Variation of Standards request. There are wetland impacts related to access into the site. These wetlands are being impacted by the proposed road construction. The existing Hopkins Landing Dr. is also being widened, contributing to non-impervious surface increases.

Ms. Farr spoke to the Variation of Standards and stated that the property is very narrow in configuration making site layout more difficult. The applicants studied multiple layouts to minimize impact. Ms. Farr indicated that the impacts are unavoidable. The developer will be providing off-site

mitigation, for every square foot of impact that the project has, there will be three square feet of mitigation. EPS is recommending approval for the Variation of Standards with conditions.

Mr. Yaffe asked if the Chase Elementary School mitigation project has been approved yet. Ms. Farr indicated no, but if the site is not available than the applicant must still provide mitigation. Mr. Yaffe asked if the mitigation benefit could be moved back to the Middle River peninsula. Ms. Farr indicated that Middle River was assessed and found that retrofits had already been addressed. Ms. Farr indicated that EPS will assist in finding other mitigation locations within the Critical Area should Chase Elementary no longer be viable.

Vice Chairwoman Berzins called for a motion. Ms. Hafford made the motion that a public hearing be set for March 15, 2018 at 5:00 p.m. for the purpose of reviewing the recommendation of the Growth Allocation Review Committee on the Water's Landing at Middle River Planned Unit Development pursuant to BCC §32-9-112 and to allow opportunity for public comment concerning the Critical Area Variation of Standards submitted for the Water's Landing at Middle River Planned Unit Development pursuant to BCC §32-4-232(a). Mr. Yaffe seconded the motion, which passed unanimously at 5:03 p.m. Absent for the vote were Mr. Phillips, Mr. Warren, Mr. Herbst, Mr. Perlow, and Ms. Lipkowitz.

Discussion and Vote

5. Capital Improvement Program Committee Recommendation

The Planning Board Capital Improvement Budget and Program process for FY 2019 to FY 2024 began on October 19, 2017 with the Citizen Input Meeting held before the Planning Board. The Board heard from 15 citizens, verbally and in writing, who expressed their concerns relating to capital improvements for their communities.

County Executive Kevin Kamenetz made a presentation to the Planning Board on January 18, 2018. In his remarks, Mr. Kamenetz noted that the county's fiscal priorities continue to be schools as well as the Community College of Baltimore County.

The Planning Board Committee on the Capital Budget and Program held two work sessions, the first on February 1, 2018, during which representatives from the Department of Public Works, Department of Environmental Protection and Sustainability, Department of Planning, and the Department of Recreation and Parks presented their capital budget requests. The second work session was held on February 13, 2018, during which representatives from the Baltimore County Public Schools, the Community College of Baltimore County, and the Department of Library presented their capital budget requests.

The Department of Planning presented the staff's CIP recommendations to the committee on February 20, 2018. After discussion, the CIP Committee accepted the staff recommendations for the FY 2019 Capital Budget and Five-year Program, and suggested recommendations to be included in the board's cover letter to the director of the Office of Budget and Finance.

The letter strongly requests that additional funds be added to the capital program for an additional gym at Hereford High School, to address modernization of the schools, CCBC, expansion of the Woodlawn Senior Center, provide additional parking at the Hereford Library, and the Six Bridges Trail.

Ms. Berzins made the following motion, "as Chair of the Committee on the Capital Budget and Program, I now request that the recommendations for the FY 2019 Capital Budget and Five Year Plan, as contained in the committee report and the draft cover letter before you, be adopted by the full Planning Board". Ms. Hafford seconded the motion, which passed unanimously at 5:07 p.m. Absent for the vote were Mr. Phillips, Mr. Warren, Mr. Herbst, Mr. Perlow, and Ms. Lipkowitz.

Mr. McGinnis indicated that residents in the north of the County are disappointed in the lack of recreational facilities. This community must rent facilities in other Counties to carry out their events. Mr. McGinnis believes that the density criteria for assessing where public facilities be located should be negated when considering the north County due to travel distances. Mr. McGinnis also expressed his concern of certain budget priorities. The Agriculture Center has seen over three million dollars of capital improvements which the agricultural community did not ask for. Mr. McGinnis asked where the funding for the program is taken from. Deputy Director Jeff Mayhew indicated that the horse arena funding went through the Recreation and Parks budget while the greenhouse was funded by the general government buildings budget.

Other Business

6. Recent County Council Legislation of Interest to the Board
 - c) Bill 2-18 – Animals – Holding Facilities – Noise and Excessive Lighting
 - d) Resolution 14-18 – Approval of PUD – Bosley Estates

Mr. DelMonico provided a brief report on the recently passed County Council legislation which is listed above.

Adjournment of the Board Meeting

Vice Chairwoman Berzins called for a motion to adjourn the Board meeting. Ms. Hafford made the motion and Mr. Hartman seconded the motion, which passed unanimously at 5:21 p.m. Absent for the vote were Mr. Phillips, Mr. Warren, Mr. Herbst, Mr. Perlow, and Ms. Lipkowitz.