Call to Order, Introduction of Board Members, Pledge of Allegiance, and Announcements

Review of Today’s Agenda

Minutes of the July 18, 2019 Meeting

Items for Vote

1. Cycle 37 Water Supply and Sewerage Master Plan Amendments

Other Business

2. Recent County Council Legislation of Interest to the Board
   a. Bill 34-19 – Final Historical Landmarks List
   c. Bill 37-19 – Open Space – Fees
   e. Bill 41-19 – Development Impact Surcharge and Fee
   f. Resolution 81-19 – Wastewater discharge permit - Mountain Christian Church
   g. Resolution 82-19 – Creation of a Regional Water/Sewer Management Authority

Adjournment of the Board Meeting

Appendices

Appendix A  Cycle 37 Water and Sewer Amendments Report

Appendix B  Letter to County Executive on Cycle 37 Water and Sewer Amendments

Note: A copy of the appendices is located in the official Planning Board files.
Minutes  
September 5, 2019

Call to Order, Introduction of Board Members

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

<table>
<thead>
<tr>
<th>Present</th>
<th>Absent</th>
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<tr>
<td>1. Mr. N. Scott Phillips</td>
<td>10. Mr. Wayne McGinnis</td>
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<td>2. Mr. Bob Schweitzer</td>
<td>11. Ms. Lori Graf</td>
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<td>4. Mr. Howard Perlow</td>
<td>13. Ms. Christina Berzins</td>
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<td>5. Mr. C. Scott Holupka</td>
<td>1. Ms. Nancy Hafford</td>
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<td>7. Mr. Mark Heckman</td>
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<td>8. Mr. Steven Heinl</td>
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<td>9. Mr. Todd Warren</td>
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County staff present included Pete Gutwald, Jeff Mayhew, Jenifer Nugent, Kui Zhao, and Myles Muehlberger from the Department of Planning, and Bryan Bokey and Erin McKenna from the Department of Public Works (DPW).

Review of Today's Agenda

Chairman Phillips asked staff if any changes were made to the agenda. Mr. Muehlberger indicated that the agenda was updated to include relevant legislation from the September 3rd legislative session of the Baltimore County Council.

Minutes of the July 18, 2019 Meeting

Chairman Phillips asked the Planning Board (Board) members if they had any questions regarding the minutes from the July 18th, 2019 meeting. No questions were posed and the Chair entertained a motion to accept the draft minutes. Ms. Berzins made the motion and Ms. Wolfson seconded the motion, which passed unanimously at 4:03 p.m. Absent for the vote were Ms. Hafford and Mr. Hartman.

Items for Vote

1. Cycle 37 Water Supply and Sewerage Master Plan Amendments

Chairman Phillips stated that the Planning Board held a public hearing for the Cycle 37 Water Supply and Sewer Master Plan Amendments on July 18, 2019. The Chairman asked the Board Members if there were any questions for Mr. Bryan Bokey who was present. There were no subsequent questions from the public hearing.

The Chair asked for clarification regarding Staff’s position as stated within the Water & Sewerage Amendment Plan since there were differences of opinion for recommendations to the board regarding some amendment requests. Pete Gutwald responded by stating that the Board has the option to make a
motion based on the differing opinions of Planning, DPW, and Department of Environment and Sustainability (DEPS).

Ms. Berzins asked what the different water and sewer ratings mean in the context of the plan, to which Mr. Gutwald responded that the lower number creates a higher priority in being connected and the higher number is a lower priority of connection.

Ms. Berzins made a motion to adopt Staff recommendations for the Water and Sewerage Plan Amendment Cycle 37 reference number 19-01 to designate as W-7, S-7 multiuse system (MU) and to be forwarded to the Baltimore County Council. Ms. Pinheiro seconded the motion, which passed unanimously at 4:11 p.m. Absent for the vote were Ms. Hafford, and Mr. Hartman.

Mr. Bokey made a comment on Water and Sewerage Plan Amendment Cycle 37 reference number 19-02, noting that the Padonia Park Club (PPC) property was inside the Metropolitan District Line (MDL) but outside of the URDL, there was no request to modify the URDL, and that DEPS is considering changing their stance to allow the request given that it may be a health concern but official word has not yet been given. Matt Musgrove, president of the Padonia Park Club, stated that the director of DEPS must approve the health concern designation. Ms. Berzins asked whether staff would change their recommendation based off a health concern designation and Mr. Gutwald responded that this decision has yet to be made since official word has not yet been given.

Mr. Musgrove spoke on the Padonia Park Club pumping dry wells and their process of determining what would be the best system to supply water to the Club, with a proposed solution to connect to the existing water and sewer line across Jenifer Road where the URDL lies.

Ms. Berzins inquired whether there was an alternative action drafted that adopts a change to the water and sewer status on a condition of there being a health concern. Mr. Gutwald responded that a motion could be made with the information presented at the Board meeting.

Mr. Holupka asked where the URDL was in relation to the PPC property to which Mr. Bokey shared that it was just north of the property.

Mr. Perlow expressed concern that allowing water and sewer to run to properties outside the URDL would cause problems in the future and lead to the erasure of the URDL. Chairman Phillips confirmed with Mr. Mayhew that exceptions have been made in the past for prior applicants in a similar situation. Mr. Herbst, speaking to Mr. Perlow’s concerns, stated that precedent does not set the rule in allowing for exceptions to extending the water and sewer lines and that the Board follows a case by case basis when deciding to approve requests.

Ms. Wolfson shared reservations about approving the request due to the fact that the PPC is a for-profit club that has expanded development on the property in the past in spite of not having water and sewer. Mr. Musgrove stated that though development has expanded the operations have existed prior to new developments. Ms. Wolfson stated that compared to prior cases where homes would be uninhabitable that the current situation differs in terms of it being a business.

Ms. Pinheiro asked if the Board approved the Baltimore Country Club for water and sewer rating change. Chairman Phillips stated that it did but prior to the current Board members tenures.

Mr. Warren speaking in response to Ms. Wolfson’s comments stated that he believed there would be little difference in terms of impact on residents if the business could not operate compared to a home being uninhabitable.
Mr. Mayhew explained to the Board that there are more approvals the water and sewer amendment requests must go through after being adopted by the Planning Board effectively allowing DEPS to formally declare a health concern after the Board’s approval and still have this new information be considered by Baltimore County Council and other authorities.

Mr. Musgrove stated that Councilman Wade Kach supported the water and sewer change for the PPC.

Ms. Berzins made a motion to adopt staff recommendation and reports for the Water and Sewerage Plan Amendment Cycle 37 reference number 19-02 to designate as W-3, S-3, subject to DEPS designation of a health issue at the property, and to be forwarded to the Baltimore County Council. Mr. Hartman seconded the motion, and the motion failed to pass with a vote of four ayes and nine nays at 4:27 p.m.

Ms. Berzins made a motion to adopt staff recommendation and reports for the Water and Sewerage Plan Amendment Cycle 37 reference number 19-02 to designate as W-3, S-3, and to be forwarded to the Baltimore County Council. Mr. Herbst seconded the motion, and the motion passed with a vote of nine ayes and four nays at 4:28 p.m.

Mr. Bokey reiterated Staff’s recommendations from the report for Water and Sewerage Plan Amendment Cycle 37 reference number 19-03 and clarified that only the portion within the URDL would be modified. He also stated that DPW is interested in approving the change in designation to introduce a transmission main across Ebenezer Road.

Chairman Phillips stated that Planning has recommended a delay in status change to allow for the CZMP rezoning process to occur first, which Mr. Mayhew confirmed.

Erin McKenna from the Water Design section of DPW stated that the department has been looking to add a water transmission main to the Chase area, where the request is located, due to a lack of a looped system. Ms. McKenna explained that the looped system is beneficial when a water main break occurs in the area so that residents may continue to receive water while the break is fixed. Ms. McKenna also stated that with the current water status there are higher chances of water stagnation which have been documented.

Ms. Pinheiro clarified that the water and sewer status change would not change the URDL and that this would benefit the greater community, to which Ms. McKenna agreed. Mr. Bokey stated that DPW has the same stance for reference number 19-04 as well.

Chairman Phillips asked if there was any comment from any other agencies. Mr. Bokey replied that the change would be consistent with Baltimore County’s Master Plan according to Maryland Department of Planning.

Mr. Perlow stated that he was in favor of approving the changes in order to benefit the community and improve aging infrastructure rather than for the possibility of zoning changes, which should be considered instead during the CZMP process.

Ms. Wolfson stated that the community felt that since the CZMP process is quickly impending, the Board should wait until the process begins to change the status designation.

Ms. Berzins made a motion to adopt staff recommendation and reports for the Water and Sewerage Plan Amendment Cycle 37 reference number 19-03 to designate as W-3, S-3, and to be forwarded to the Baltimore County Council. Ms. Pinheiro seconded the motion and it passed unanimously at 4:37 p.m.
Ms. Berzins made a motion to adopt staff recommendation and reports for the Water and Sewerage Plan Amendment Cycle 37 reference number 19-04 to designate as W-3, S-3, and to be forwarded to the Baltimore County Council. Mr. Herbst seconded the motion and it passed unanimously at 4:38 p.m.

**Other Business**

2. Recent County Council Legislation of Interest to the Board

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

   a. Bill 34-19 – Final Historical Landmarks List
   c. Bill 37-19 – Open Space – Fees
   e. Bill 41-19 – Development Impact Surcharge and Fee
   f. Resolution 81-19 – Wastewater discharge permit - Mountain Christian Church
   g. Resolution 82-19 – Creation of a Regional Water/Sewer Management Authority

**Adjournment of the Board Meeting**

Chairman Phillips called for a motion to adjourn the Board meeting. Ms. Berzins made the motion and Mr. Heinl seconded the motion, which passed unanimously at 4:44 p.m. Absent for the vote were Ms. Hafford, and Mr. Hartman.