MINUTES
Baltimore County Planning Board Meeting
July 18, 2019

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   c. Resolution 74-19 Baltimore County Bicycle and Pedestrian Advisory Committee – Expanding bicycle parking requirements

Adjournment of the Board Meeting

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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
1. Cycle 37 Water Supply and Sewerage Master Plan Amendments**

2. Country Club Estates Planned Unit Development (PAI# 15-1013), Variation of Standards of the Chesapeake Bay Critical Area**

**Comments by citizens

Adjournment of Public Hearing
Meeting of the Baltimore County Planning Board

Items for Discussion and Possible Vote

3. Country Club Estates Planned Unit Development (PAI# 15-1013), Variation of Standards of the Chesapeake Bay Critical Area

Adjournment of the Board Meeting

Appendices

Appendix A Cycle 37 Water and Sewer Amendments Report
Appendix B Valleys Planning Council’s Letter on the Cycle 37 Water and Sewer Amendments Report
Appendix C Perry Hall Improvement Association’s Letter on the Cycle 37 Water and Sewer Amendments Report
Appendix D Essex Middle River Civic Council’s Letter on the Cycle 37 Water and Sewer Amendments Report
Appendix E Chesapeake Bay Critical Area Variation of Standards - Department of Environmental Protection and Sustainability Staff Report

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

Minutes
July 18, 2019

Call to Order, Introduction of Board Members

Chairman Phillips called the meeting to order at 4:29 p.m. The following members were:

<table>
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<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. Paul Hartman</td>
<td>13. Mr. Howard Perlow</td>
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<td>5. Mr. C. Scott Holupka</td>
<td>14. Ms. Christina Berzins</td>
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<td>6. Ms. Nancy Hafford</td>
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<td>7. Ms. Cathy Wolfson</td>
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<td>8. Mr. Mark Heckman</td>
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<td>9. Mr. Steven Heinl</td>
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<td>1. Mr. Todd Warren</td>
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County staff present included Pete Gutwald, Jeff Mayhew, Jenifer Nugent, Lloyd Moxley, Krystle Patchak and Myles Muehlberger from the Department of Planning, Bryan Bokey from the Department of Public Works (DPW), and Regina Esslinger from the Department of Environmental Protection and Sustainability (DEPS).

Review of Today’s Agenda

Chairman Phillips asked staff if any changes were made to the agenda. Mr. Muehlberger indicated that to allow for public comment the “Country Club Estates Planned Unit Development – Chesapeake Bay Critical Area - Variation of Standards” has been moved from the Board Meeting and included in the Public Hearing.

Minutes of the June 20, 2019 Meeting

Chairman Phillips asked the Planning Board members if they had any questions regarding the minutes from the June 20th, 2019 meeting. No questions were posed and the Chair entertained a motion to accept the draft minutes. Mr. Schweitzer made the motion and Ms. Wolfson seconded the motion, which passed unanimously at 4:31 p.m. Absent for the vote was Mr. Warren.

Other Business

1. Report from the July 11th, 2019 meetings of the Landmarks Preservation Commission

   Ms. Pinheiro reported on the July 11th, 2019 meeting of the LPC. The LPC voted to issue 11 Certificates of Appropriateness (COA).

2. Recent County Council Legislation of Interest to the Board

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

   c. Resolution 74-19 Baltimore County Bicycle and Pedestrian Advisory Committee – Expanding bicycle parking requirements

   Chairman Phillips entertained a motion, based on Resolution 73-19, to refer County Council Resolution 73-19 to the Administrative Officer of Baltimore County, for consideration and authorization that the Department of Planning and/or any other Department or Bureau deemed appropriate by the Administrative Officer, to move forward with the review of relevant County laws and regulations relating to the conversion of commercial space within a condominium or apartment-style building into residential units, such as dormitories, when other floors in the building are already residentially used. And to review the laws and policies of other jurisdictions relating to the conversion of commercial space-condominium/apt. style buildings and how such a conversion should be regulated by the County Code, and to report their findings and recommendations to the County Council. Ms. Berzins made the motion and Ms. Hafford seconded the motion which passed at 4:36 p.m.
Adjournment of the Board Meeting

Chairman Phillips called for a recess of the Board meeting, to allow the Public Hearing to occur, at 4:38 p.m.

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

1. Cycle 37 Water Supply and Sewerage Master Plan Amendments

   Mr. Bryan Bokey from Baltimore County Department of Public Works provided a brief review of the Cycle 37 Water Supply and Sewerage Master Plan Amendments which was introduced on June 20, 2019. The amendments are available in the official Planning Board file.

   Mr. Holupka inquired whether the listed properties, being within the Metro District, are connected to existing water and sewer lines or if they would require new lines to be built.

   Mr. Bokey explained that it is evaluated on a case to case basis. For the La Farge property there are currently no services being run to the property and water and sewer lines would need to be installed. There was also a discussion of closing the water main. The McBride Farm property sewer and water services are relatively close. The Padonia Park Club property is close to water and sewer lines but require more work to cross Padonia Road. The St. Paul’s School is requesting a change in the status to allow approval of an on-site multiuse system and will not require services be installed on the property.

   Mr. McGinnis asked if there have been a number of services added to the Padonia Park Club property that may not be appropriate under the property’s existing zoning. He also asked if this legitimizes their request to extend the water and sewer line to their property, even if the services were added illegally.

   Mr. Bokey replied that currently there is no public water or sewer lines serving the Padonia Park Club property and that they are addressing problems that they are currently having with wells and septic systems with an on-site system.

   Mr. McGinnis asked whether the Club added any services that were not allowed at the time when the Padonia Park Club had received its original zoning.

   Mr. Bokey replied that he cannot comment on the question and the Mr. Musgroves is in attendance and could possibly answer.

   Mr. Perlow asked if a property that is outside the Urban Rural Demarcation Line (URDL) but inside the Metro District is approved would this property have to go to the Baltimore City government to secure approval to expand the URDL.
Mr. Mayhew explained that the URDL is under the authority of the Baltimore County Planning Board. For water and sewer designation, the Planning Board makes a recommendation to the Baltimore County Council which then passes a bill changing the water and sewer designation. The bill then is reviewed by the Maryland Department of the Environment.

Mr. Perlow asked for additional clarification as to Baltimore City’s involvement in regards to the expansion of water and sewer service based on a need to make changes to the URDL.

Chairman Phillips clarified that the Board will not be voting on the Cycle 37 Water & Sewer Amendments at the current meeting.

Ms. Berzins asked what the reasoning was for the requests for the Water and Sewer amendments in the current cycle.

Mr. Bokey responded that the Department of Planning commented that the water and sewer should remain current until the County Council has made comment on the zoning of the Southern portion of the property for the La Farge Quarry and that the other amendments did not require a zoning change.

Mr. Perlow asked if the Cycle 37 plan is approved, is the Board also approving of changes to the URDL.

Mr. Mayhew responded that in the past applicants for the Water & Sewer amendments have asked for a complimentary change in the URDL so that their request for amendment would align with the URDL and the State of Maryland’s Priority Funding Area.

Chairman Phillips clarified that for the Cycle 37 Plan there are no requests to change the URDL.

Mr. Hartman asked to clarify if the La Farge property was requesting a change to the URDL in its application letter from its representative.

Mr. Herbst asked the staff to clarify the reason why a property owner would go through the Comprehensive Zoning Map Process (CZMP) if they are not guaranteed to have a water and sewer after completing the process and being rezoned.

Mr. Mayhew responded that the properties zoned RC-3 allows it to act as a holding zone until a zoning decision has been made.

Mr. Perlow asked the Planning staff for more information about the reasoning that led to the Department’s recommendations on the amendments.

Ms. Wolfson stated that in the 2008 CZMP 160 acres zoned RC-6 was upzoned to DR-10 prior to a request for amending the water and sewer on the site to explain that the order of rezoning and changing the water and sewer did not matter.

Chairman Phillips asked the Planning Staff to ensure that the Board members questions were answered prior to the vote on the Cycle 37 Amendment Plan.

Mr. Mayhew asked the Board to keep in mind while hearing public comments that the representative for the La Farge property had asked in their letter attached to the water and sewer request that the site be located within the URDL.
Ira Bigger, speaking on behalf of the Padonia Park Club, stated that the Club has served the community for 60 years and has recently had trouble with its water and sewer. They are asking only for amendments to the water and sewer on the property and not zoning or the URDL.

Matt Musgrove, the president and CEO of the Padonia Park Club, stated that the Club now has six pools that hold over a million gallons of water and a childcare center that services over 100 children. Mr. Musgrove responded to Mr. McGinnis’ earlier question of whether the club has added services not within the Water & Sewerage Master Plan that the Swim Club/Country Club and childcare center use of the property are currently permissible within the RC-5 zoning. Mr. Musgrove explained that the property had recently added $50,000 worth of pumping tanks to the property and understands that the process of extending the water and sewer to the property will cost several hundred-thousand dollars, noting that one of the wells for the property ran dry.

Brian Childress from DS Thaler and Associates, speaking on behalf of the La Farge Quarry, clarified that the intention of the letter attached to the request for water and sewer amendment was to support a water and sewer designation that is commensurate to the Manufacturing zoning that overlays part of the property not the portion of the property that is zoned RC-5. Mr. Childress noted that there are public water and sewer services near the property on Eastern Avenue and on Ebenezer Road and that the site is bordered by the Amtrak Light-rail and is close to Port of Baltimore making it feasible for manufacturing use. Mr. Childress stated that DPW reported that it is feasible to run the water and sewer services to the property and that the County has had two successful Quarry reclamation projects. Childress indicated that the applicants had no desire to amend the URDL.

Bob Bendler, president of the Essex Middle River Civic Council, spoke on the McBride and La Farge property stating that copies of the Civic Council’s position have been delivered to the Board. Mr. Bendler explains that their concerns include allowing sewer and water to be changed before determining what zoning changes may occur after CZMP and the considerations of the future MD 2030 designations, the plans to turn the La Farge property into a mixed-use development as suggested by the Master Plan 2020 of which the Council is apprehensive as there have been changes in the area surrounding the property, and inconsistencies with the zoning regulations for RC-3 as they are inside the URDL but regulations state they must be outside.

David Gildea spoke on behalf of the McBride farm property stating that the only the southern portion that is within the URDL will be affected by the requested water and sewer amendment. Mr. Gildea stated that the State applied a “Bright Line” test as to whether a property was in or out of the URDL. Mr. Gildea also explained to Mr. Perlow that the State approves changes to the water and sewer plan for proposals inside the URDL and that one must apply through Baltimore City as the Metropolitan District Line is controlled by the Baltimore City Code.

Larry Schmidt, the attorney for the La Farge property, stated that the 425 acre property was formerly a quarry mining sand and it is in the midst of a reclamation project, also 418 of the 425 acres are within the URDL and zoned Manufacturing. Mr. Schmidt expounded that the water and sewer amendment is only for the 418 acres located within the URDL which is recommended to be approved within the Staff Report. Mr. Schmidt also mentioned a DPW is considering extending an alternate sewer and water line along Ebenezer Road as a capital improvement. In Mr. Schmidt’s opinion, to do this the DPW would have to ask for a change to the RC-3 zone but at this time this is not part of the applicant’s request.

Chris Mudd of Venable, representing the St. Paul’s School, explained that the purpose of the request is to take the sewer rating from S-7 to S-7 MU, which designates it as a multi-use system. Mr. Mudd stated that the request is being made as a record-keeping by the Baltimore County Department of Environmental Protection and Sustainability as well as the MDE. He continued that many institutions in
the County outside the URDL are labeled as S-7 MU because they draw more than 5,000 gallons of water per day. Mr. Mudd stated that the MDE prefers to take jurisdiction over properties that draw this much water with a groundwater-discharge permit, which allows them to monitor these properties. To issue this permit the sewer rating must be S-7 MU.

Mr. Perlow asked Mr. Bokey who pays for the extension of the water and sewer lines. Mr. Bokey replied that the County generally does not pay and it is the responsibility of the developer or builder.

Mr. Holupka asked Mr. Bokey who would maintain the water and sewer lines in the future should there be any need for repairs and he replied that when the property goes through the planned development process the lines are designated as public or private.

Mr. McGinnis asked whether any plan has been implemented to expand the sewer disposal at the Padonia property. Mr. Musgrove responded that after working with DEPS they found they have limited space due to the childcare center on the property.

2. Country Club Estates Planned Unit Development (PAI# 15-1013), Variation of Standards of the Chesapeake Bay Critical Area**

Regina Esslinger gave a brief overview of the Variation of Standards staff report from DEPS, which stated that the 10 standards/criteria have been met and has been recommended to be approved with the listed conditions.

Ron Belbott, president of the Sparrows Point Country Club, spoke on the history of the Club noting that to sustain the Club they have had to embark on a joint venture with Craftsman Developers. He also noted the aging condition of the facilities for the Club.

Chairman Phillips asked Mr. Belbott to submit to the Board any additional comments on the project in a written format.

Adjournment of the Board Meeting

Chairman Phillips called for an adjournment of the Public Hearing and entertained a motion to reconvene the meeting of the Planning Board. The motion was moved by Ms. Berzins, seconded by Ms. Graf, and passed unanimously at 5:31 p.m.

Meeting of the Baltimore County Planning Board

Items for Discussion and Possible Vote

1. Country Club Estates Planned Unit Development (PAI# 15-1013), Variation of Standards of the Chesapeake Bay Critical Area

The Chair entertained a motion to approve the Country Club Estates Planned Unit Development, Variation of Standards with the listed conditions from the DEPS Staff Report. The motion was made by Ms. Berzins, seconded by Ms. Graf, and passed unanimously at 5:36 p.m.

Adjournment of the Board Meeting