

MINUTES

Baltimore County Planning Board Meeting

September 4, 2014

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Minutes

September 4, 2014

Call to order, introduction of Board members, pledge of allegiance to the Flag, and announcements

Chairman Scott Phillips called the meeting of the Baltimore County Planning Board to order at 4:00. The following members were:

Present

Mr. N. Scott Phillips

Mr. Paul Miller

Ms. Nancy Hafford

Mr. Wayne McGinnis

Mr. Mark Schlossberg

Mr. Jonathan Herbst

Mr. Howard Perlow

Mr. Eric Lamb

Absent

Mr. Scott Holupka

Ms. Christina Berzins

Mr. Scott Jenkins

Mr. Lawrence Vincent

Mr. Randy Thompson

Mr. Jeffrey Gordon

Mr. Rainier Harvey

County staff present included Andrea Van Arsdale (AVA), Jeff Mayhew, Lynn Lanham, Dave Green, Joe Wiley, and Janice Graves. Dave Thomas from the Department of Public Works was present as well.

Review of Today's Agenda

Chairman Phillips asked if there were any changes to the tentative Agenda previously published. Ms. Lanham indicated that there were no changes to the Agenda.

Minutes of the June 19, 2014 meeting

Chairman Phillips moved to accept the Minutes of the July 17, 2014 meeting as circulated. Mr. Herbst seconded the motion, which unanimously passed at 4:06 p.m. Absent were Messrs. Holupka, Jenkins, Vincent, Thompson, Gordon and Harvey as well as Ms. Berzins.

Items for Discussion and Vote

1. Patapsco Heritage Area Management Plan

Chairman Phillips introduced Mr. Dave Green of the Baltimore County Planning Department. Mr. Green provided an update regarding the plan. He noted that 18 speakers were present at the public hearing for the Patapsco Heritage Plan on July 17, 2014. Specific questions were asked by the Planning Board at the July 17, 2014 meeting as well. Mr. Green stated that the purpose of the plan was to increase economic vitality of the management area, encourage preservation of the local environment and historic structures, enable greater visitor access, and balance the impact of tourism without compromising the quality of life of local residents, and to accomplish all of this through partnerships with local and regional leaders, non-profits and the state.

Mr. Green noted that specific issues the Planning Board members had about the impact of the plan focused on development rights. The Planning Department reached out to the Patapsco Heritage Greenway as well as the Howard County Planning Department and the Maryland Department of Natural Resources to discuss the issue of development rights within the proposed Management Area. Mr. Green stated that the plan clearly recognizes the goals of Baltimore County by including language from the adopted 2020 County Master Plan. This includes language from the County's land use plan, the land management plan and the approved recreation and parks plan. He stated further that these are the primary guides for development within the plan boundaries and there that is little concern that this plan will become a land use plan. It is a financial plan to provide funding opportunities (loans/grants) for local entities, businesses, non-profits, etc to improve properties within the Management Plan area. Since the conclusion of the Public Hearing the Planning Department has received letters via the Patapsco Heritage Greenway from the Maryland Department of Natural Resources and the Office of the Attorney General of the State of Maryland. The Attorney General's letter specifically stated that there is no legal effect to direct development within Patapsco Valley State Park if the plan is certified. The PHG has no control over land in plan (land owned privately or in the park).

Mr. Green then stated that the Department of Planning recommends approval of Patapsco Heritage Area Management Plan with the following amendments. On page 2-6, paragraph 4.2, insert "*while respecting the ecosystem in the valley*", and page 9-4, the paragraph under Heritage Area Committee insert after third sentence, "*In general, corporate or government entities that express interest in the Management Plan will be offered a membership at the advisory committee*".

Mr. Lamb stated that non-profits and environmental groups should have representation as well. Mr. Slater, President of the Patapsco Heritage Greenway, responded that the cited text was added to demonstrate to those concerned that they (PHG) will make an active effort to include anybody who shows interest and wants to be represented.

Mr. Perlow stated that he still has a problem with the regulatory control that the PHG might have. He specifically asked what kind of budget the MHAA has? Mr. Slater responded that there

is up to \$100,000/year available. Furthermore, Mr. Perlow had an issue with the level of regulatory advocacy being placed in the hands of the PHG. For example, in the future the PHG could advocate for or against specific projects as a state funded group.

Mr. Perlow continued that if the PHG agrees not to be an advocacy group and not testify as an advocacy group he would have less of a concern. Mr. Slater responded that they are concerned with improving the quality of life and that they will testify when that is the primary concern.

Mr. Perlow maintained that his concern is that the PHG, once certified, would use authority to advocate against certain development.

Mr. Phillips stressed that state funding should not be used for advocacy purposes. Mr. Slater responded that they have priorities that are in line with the historical and environmental aspects and that they will advocate for issues of that nature.

Mr. Lamb questioned whether the state funds could be used for whatever the PHG sees fit, and don't they have to be dedicated to a specific project? Mr. Slater responded that they have to submit a plan and report on that plan with updates each year, but outside of those parameters they can use state funds for whatever they see fit.

Mr. Miller asked whether the plan before them is the same one that the Howard County approved, and do they have to amend what they passed based on this? Mr. Slater replied that the plans are not the same and that the state looks at both plans and has a public hearing and a process as well that includes looking at both plans.

Mr. Lamb suggested including a transmittal letter to the Baltimore County Council pointing out the issues that were raised by the Planning Board.

Mr. Miller then made a motion to approve the Patapsco Heritage Area Management Plan as amended to be forwarded to the Baltimore County Council. Ms. Hafford seconded the motion. The motion was approved by 6 votes to 1. Mr. Perlow voted against. Absent were Messrs. Holupka, Jenkins, Vincent, Thompson, Gordon and Harvey as well as Ms. Berzins.

2. Cycle 32 Water and Sewer Amendments

The Planning Board had a hearing on July 17th, 2014 on amendment Cycle 32. The vote is to recommend action on the Annual Amendment Cycle for the water and sewer plan.

Mr. Miller commented that the Patapsco Waste Water Treatment Plant overflowed, adding to the existing issues including power outages and debris overflowing from the river. Mr. Miller is concerned with the extreme loss of water quality and the damage caused by repeated issues with the Patapsco Waste Water Treatment Plant.

Mr. Thomas mentioned that the treatment plant is actually run by Baltimore City, but that Mr. Miller's concerns were noted.

Mr. Miller made a motion to adopt the Cycle 32 amendments. Mr. Schlossberg seconded and the motion passed unanimously. Absent were Messrs. Holupka, Jenkins, Vincent, Thompson, Gordon and Harvey as well as Ms. Berzins.

Other Business

3. There was no Landmark Preservation Commission meeting in August
4. Recent County Council Legislation of interest to the Board

Mr. Lloyd Moxley of the Baltimore County Department of Planning reported on the recent legislation that might be of interest to the Planning Board. There were six legislative actions. Two Bills addressing signage in Baltimore County.

Bill 42-14 wherein the County Council reconsidered the impacts of code compliance with the abatement directives in the sign regulations requiring removal of all legally non-conforming signs by 2013. Bill 42-14 amends the Zoning Regulations by exempting legally non-conforming signs that were erected before 1960 along numbered routes (Fall Road, Charles Street, Mt. Carmel Road, etc.). Route 1 is the only numbered route in Baltimore County that is not exempt.

Bill 44-14 wherein the County Council revised the Zoning Regulations regarding canopy structures and how signs can be affixed to a canopy. This bill facilitates more contemporary sign designs in commercial areas.

Resolution 57-14 where on July 7 the County Council resolved the Towson Mews PUD. The PUD proposes 35 townhouses on 1.24 acres zoned DR 16. It is located on East Pennsylvania Avenue, in the 5th Councilmanic district. The County Council has determined that it is eligible for County review. The PUD proposes a community benefit of \$50,000 which is to be invested in Towson Manor Park and the Adelaide Bentley Park.

There were three other resolutions: 58-14, 65-14, and 66-14. 58-14 is a resolution to endorse a Community Legacy project in Turner Station. Resolutions 65-14 and 66-14 pertain to the Dundalk Renaissance Corporation and approval of their applications for financing of the Baltimore Regional Neighborhood Initiatives Projects (65-14) and Community Legacy projects (66-14).

Adjournment of the Board Meeting

Mr. Miller moved to adjourn the meeting at 4:55. Mr. Herbst seconded the motion, which was unanimously passed at 4:55 p.m. Absent were Messrs. Holupka, Jenkins, Vincent, Thompson, Gordon and Harvey as well as Ms. Berzins.

Items for Public Hearing

5. Baltimore County Water Supply and Sewerage Plan 2014 Triennial Review

Mr. Dave Thomas from the Baltimore County Department of Public Works presented the 2014 Water Supply and Sewerage Plan Triennial Review.

Mr. Thomas stated that a Public Hearing was requested on July 17, 2014 for this day (September 4th, 2014). After which he noted that a discussion and vote on the recommendations would occur at the next scheduled meeting of the Baltimore County Planning Board.

Mr. Thomas stated that the Triennial Review is a once every three year analysis and status report for the General Water and Sewer Plan for Baltimore County required by State Code and State Regulations.

Mr. Thomas noted that the series of maps and the document itself is very similar to the 2011 document. A series of maps illustrate the areas of planned service, future planned service or no planned service throughout the county.

The 2014 Plan covers updates over the last three years. There has been no substantial change from the 2011 plan. The main issue is to demonstrate to the State of Maryland that the County's public water and sewer systems are capable of providing service to the public service areas and that the well and septic areas outside of the URDL are not in any way overloading or causing any problems. This update demonstrates that Baltimore County is in compliance with the requirements of the State as it pertains to public health, safety and welfare regarding the water and sewerage plan of the County.