

MINUTES

Baltimore County Planning Board Meeting

July 21, 2022

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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 Digital Planning Board files.

Minutes
July 21, 2022

Call to Order, Introduction of Board Members

Chairwoman Hafford called the meeting to order at 4:30 p.m. and welcomed everyone. A roll call to account for the members of the Board was called and the following members were:

<u>Present</u>	<u>Absent</u>
1. Ms. Nancy Hafford, Chair	1. Ms. Cathryn Pinheiro
2. Mr. Robert Schweitzer	2. Mr. Derick Johnson
3. Mr. C. Scott Holupka	3. Mr. Todd Warren
4. Ms. Cathy Wolfson	4. Mr. George Fotis
5. Mr. Wayne McGinnis	5. Mr. Steven Heintl
6. Mr. Mark Heckman	
7. Mr. Howard Perlow	
8. Mr. Henry Callegary	
9. Mr. Peter Arrey	
10. Ms. Beverly German	

County staff present included Steve Lafferty, Amy Mantay, Jenifer Nugent, Emery Huang, Taylor Bensley and Marsha Tracey from the Department of Planning. Representing the Baltimore County Department of Public Works and Transportation was Richard Keller, Erin McKenna-Streytle, Amy Bley and Jeanette Applauso.

Review of Today’s Agenda

Chairwoman Hafford asked staff if any changes were made to the agenda. Ms. Tracey advised there were no changes to the agenda.

Minutes of the June 16th, 2022 Meeting

Chairwoman Hafford asked the Planning Board members if they had any changes regarding the minutes from the June 16th, 2022 meeting. No changes were proposed and the Chair entertained a motion to accept

the draft minutes. Mr. Arrey moved to accept the June 16th, 2022 minutes as drafted. Mr. Schweitzer seconded the motion, which passed unanimously at 4:32 p.m.

Item for Introduction

1. New Facility Amendment to the Solid Waste Management Plan – Daniels Sharpsmart, Inc.-1201 6th Street, Rosedale 21237 (Medical Waste)

Chairwoman Hafford introduced Mr. Richard Keller of the Baltimore County Department of Public Works and Transportation (DPWT) to present on the New Facility Amendment to the Solid Waste Management Plan – Daniels Sharpsmart, Inc.-1201 6th Street, Rosedale, MD 21237 (Medical Waste)

Mr. Keller advised he was presenting on behalf of the Baltimore County Department of Public Works and Transportation (DPWT) on the Daniels Sharpsmart proposal. DPWT is proposing an amendment to the County's Ten Year Solid Waste Management Plan. His purpose at this meeting is to introduce the project and ask for a public hearing. This project is an existing project in Baltimore City that is moving to Baltimore County. This will be a privately financed medical waste facility that will process, clean and then distribute back material back to healthcare facilities in accordance with Section 9-503 of the Environmental Article, Annotated Code of Maryland.

Baltimore County Environmental Protection and Sustainability (EPS) has requested a joint hearing on the proposal so they can hear the public comments and answer questions regarding the application. EPS will clarify that the public hearing is intended to satisfy the requirement in 12-4-302 of the county code.

Mr. Keller concluded his presentation thanking the Board.

Ms. Hafford thanked Mr. Keller for his presentation and requested questions from the Board.

Mr. Schweitzer: Are there regulations that require monthly or yearly health inspections for the facility?

Mr. Keller: Will find out and provide an answer to your question.

With no further questions, Chairwoman Hafford called for a Motion to set a public hearing.

Mr. Holupka: **Be It Moved**, that the Baltimore County Planning Board set a public hearing regarding the New Facility Amendment to the 10 Year Solid Waste Management Plan for Thursday, September 1, 2022 at 5 p.m. The Motion was seconded by Mr. Heckman and passed unanimously at 4:37 p.m.

Other Business

1. Report from the July 14, 2022 meeting of the Landmarks Preservation Commission was provided by Ms. Bensley. Following the report, Chairwoman Hafford thanked Ms. Bensley.
2. Recent County Council legislation of interest to the Board: Ms. Tracey gave a report on the recent legislation passed by the County Council, of interest to the Board.
 - a. Bill 41-22 Notification of Development Fee Waiver for Government-Funded Qualifying Projects
 - b. Bill 47-22 Zoning Regulations – Uses Permitted in the Business, Major (B.M.) Zone

Following the report, Chairwoman Hafford thanked Ms. Tracey.

Adjournment of the Board Meeting

Chairwoman Hafford called for adjournment of the Board Meeting. A motion was offered by Ms. Wolfson, seconded by Mr. Arrey, and passed unanimously, ending the meeting at 4:40 p.m.

**Baltimore County Planning Board Public Hearing
July 21, 2022**

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

Chairwoman Hafford called the meeting to order at 5:00 p.m. The following members were:

<u>Present</u>	<u>Absent</u>
1. Ms. Nancy Hafford, Chair	1. Ms. Cathryn Pinheiro
2. Mr. Robert Schweitzer	2. Mr. Derick Johnson
3. Mr. C. Scott Holupka	3. Mr. Todd Warren
4. Ms. Cathy Wolfson	4. Mr. George Fotis
5. Mr. Wayne McGinnis	
6. Mr. Mark Heckman	
7. Mr. Steven Heint	
8. Mr. Howard Perlow	
9. Mr. Henry Callegary	
10. Mr. Peter Arrey	
11. Ms. Beverly German	

County staff present included Steve Lafferty, Amy Mantay, Jenifer Nugent, Emery Huang, Taylor Bensley and Marsha Tracey from the Department of Planning. Representing the Baltimore County Department of Public Works and Transportation was Erin McKenna-Streyle, Amy Bley and Jeanette Applauso.

Item for Public Hearing

3. Cycle 40 Water Supply and Sewerage Master Plan Amendments

Chairwoman Hafford welcomed everyone and introduced Ms. Erin McKenna-Streyle, Chief, Water Design, Baltimore County Department of Public Works and Transportation (DPWT). On June 16, 2022, Mr. McKenna-Streyle introduced the Cycle 40 Water Supply and Sewerage Master Plan Amendments to the Board and is here today to further present the Cycle 40 Water Supply and Sewerage Master Plan Amendments.

Ms. McKenna-Streyle began her presentation advising DPWT received five (5) petitions this cycle. Public notice was posted in the Jeffersonian, Daily Record and on the DPWT website, in compliance with the Executive Order. Definitions for the master planning designations were provided. The LaFarge petition 22-05 was withdrawn from consideration leaving four (4) remaining projects.

Projects include:

- 22-01 Todd's Inheritance Historic Site, 9000 North Point Road, Edgemere, Inside URDL and Metropolitan District. Petitioner is requesting change to existing service area and capital facilities area. Current map designation is W5, S5 and request is for change to W1, S3. Petitioner currently has water service in need of upgrades. Would like to upgrade indoor facilities. Recommendations: EPS- No objection to requested map designation changes. Planning – Supports the requested map change. Public Works – W-1, S-3.
- 22-02 CP Crane Station, 1021 Carroll Island Road, Middle River. Outside the URDL, Inside the Metropolitan District. Current map designations W7, S7, no planned community or multi-use service. Petitioner is requesting changes to W1, S1 existing service areas and an adjustment to the URDL. Currently has water and sewer service. The petitioner is requesting map designation changes due to the property being designated as an intensely developed area, in the Chesapeake Bay critical area and due to substantial changes in the character of the neighborhood and a danger to public health. Recommendations: EPS – No objection to providing water & sewer to the existing power plant (IDA) in parcels 140 & 141. Planning – No change to the requested map designation. Public Works – W-1/S1: Parcel 154 (between Parcel 155 and Parcel 141), and Parcel 141. W-3/S-3: Parcel 154 (above Parcel 155), Parcel 140 Part 1 and Parcel 140 Part 2. URDL adjustment deferred to Planning.
- 22-03 Rocky Point Golf Course, 1935 Back River Neck Road, Essex. Outside the URDL, Inside the Metropolitan District. Current map designations are W7, S7, no planned community or multi-use service. Petitioner is requesting map designation changes to W3, S3, capital facilities areas and adjustment to the URDL. Has private wells and failing septic system. Will reduce high nutrient discharge to the bay. The proposed use of the facility is an expansion of the original clubhouse to include a commercial grade kitchen, 24-30 seat grill for golf patrons and construct an 180 seat enclosed structure for food/beverage service. Recommendations: EPS – No objection to providing water & sewer to the existing facilities at the park and golf course. Planning – W-3, S-3. Other parcels and properties with development potential should be precluded from connecting to public water and sewer. Public Works – W-3, S-3. URDL Adjustment deferred to Planning.
- 22-04 Eastern Sanitary Landfill, 6259 Days Cove Road, White Marsh. Inside and Outside the URDL, Inside the Metropolitan District. Current map designations are W3, S3 Capital Facilities areas. No map designation changes being requested, but the Petitioner is requesting an URDL exemption. Private well/Connection Public Sewer. Low levels of mercury and chloroform detected in well. Concern for fire protection. Bottle water for drinking has to be provided. Recommendations: EPS – Approval of requested change. Planning – Approval of URDL exemption. Public Works – URDL exemption deferred to Planning.

Chairwoman Hafford thanked Ms. McKenna-Streyle for her presentation and asked for questions from the Board.

Board Questions:

Mr. Perlow: How many holes at Rocky Point Golf Course and why are you including the full 400 acre's when most golf courses are 125-150 acre's?

Ms. Streyle: 18 holes at Rocky Point.

Mr. Heckman: Is an URDL expansion required to expand water and sewer for Rocky Point Golf Course?

Ms. Streyle: Unlikely to pass state without URDL change.

Mr. Heckman: Will Planning Board weigh in on URDL change?

Mr. Lafferty: We will take up the URDL expansion request after the September 1, 2022 vote on the petitions before you.

Chairwoman Hafford called on the Petitioners to begin their presentation beginning with Mr. Fran Taylor on Petition 22-01.

Presentations by Petitioners:

Petition 22-01, 9000 North Point Road, Todd's Inheritance. Mr. Fran Taylor provided the following information: National Historic Landmark. Located along the Star-Spangled Banner Historic Trail. House purchased by DNR, Todd's Inheritance has a 4 acre lease on property and is responsible for: water, stabilization, renovations, sewage and maintenance (inside and outside). House has exterior hose bib for water. Bathrooms not hooked up due to Septic failure – rely on spot-a-pots.

They rely on volunteers for work on house. Opened in 2017 as museum (1 weekend per month). Offer private tours, partner with Boy Scouts for work done as Eagle projects, Partner with community and Ft. McHenry, War 1812 Reenactments.

Chairwoman Hafford thanked Mr. Taylor and asked for questions from the Board.

Questions from the Board:

Ms. Wolfson: Admire what you do. Who pays to extend the Water and Sewer to facility?

Mr. Taylor: Estimate to hook up water was very expensive. Currently we have \$27,000. We fundraise, partner with DNR and Maryland programs offering funding for failing septic.

Ms. Wolfson: Water drinkable?

Mr. Taylor: Not the well water, faucet outside is from the meter and can be used.

Mr. Holupka: This property is direct waterfront and it has a failed septic. Probably not an option to put in a new septic system.

Mr. Schweitzer: Shame for Baltimore County to let this site fail. They have done great work. The history is very important.

With no further questions, Chairwoman Hafford called on Mr. Ryan Ford on Petition 22-02.

Petition 22-02, 1021 Carroll Island Road, CP Crane Generating Station. Mr. Ryan Ford, Forsite Development provided the following information:

Forsite acquires and remediates industrial real estate including coal-fired plants. Forsite acquired the CP Crane site in September 2021 and clean up includes asbestos in building, remediation of environmental conditions on site such as; coal yard, ash, and under-ground storage tanks. Goal is to clean sites and put back into productive use for community.

Demolition occurring at site which created a dust issue for the neighboring community. Working with community on this issue. Working with MDE to test all areas needed for redevelopment. Estimate cost \$4 million to clean up.

Community was not interested in replacing this site with industrial so they looked at residential. Talking with community on compromise on number of units and layout. Reduced density 40%. Asking for Water and Sewer amendment. Currently water and sewer on site is W7/S7 wants W1/S1 and W3/S3. Currently site is RC5 and RC20 allowing septic tanks and fields.

Chairwoman Hafford thanked Mr. Ford and asked for questions from the Board.

Questions from the Board:

Ms. Wolfson: Are you increasing density by 400% ?

Mr. Ford: Yes

With no further questions, Chairwoman Hafford called on Mr. Ken Mills on Petition 22-03.

Petition 22-03, 1935 Back River Neck Road, Rocky Point Golf Course. Mr. Ken Mills, Baltimore County Revenue Authority presenting on Petition 22-03. Rocky Point Golf Course was built in 1971 on 165 acres of the nearly 400 acres of the Rocky Point Park. The Golf Course was originally run by Baltimore County Recreation and Parks and the Revenue Authority began operations there in the 1990's under a 75 year lease. The Golf Course is self-supporting and does not receive operating funds, only contributions of capital funds from Baltimore County. The Course does about 40,000 rounds of golf a year.

The property is serviced by private well and septic system and is located within 1,000 feet of Back River in the Chesapeake Bay critical area. The septic system is failing and non-conforming. Currently food and beverage is catered from an outside vendor. To improve the customer experience the following improvements are needed: Commercial kitchen and small grill area to serve the customers within on-site food preparation.

There are three options to deal with the septic system; repair the existing system, build a new septic field or public water and sewer connection. We are reviewing the cost of water and sewer connection versus doing septic improvements due to concerns about critical areas and nitrogen contribution into the bay and waterways.

Chairwoman Hafford thanked Mr. Mills and asked for questions from the Board.

Questions from the Board

Mr. Perlow: Concern for full water and sewer to the full 400 acres of Rocky Point Golf Course. Will the irrigation system be converted?

Mr. Mills: We are only requesting service to the Golf Course and Clubhouse at this time. The Irrigation system would remain on the private well.

Ms. Wolfson: Golf courses add a lot of nutrients to the soil to keep the course fertilized and green. Is there a capture system to keep those nutrients from entering the bay?

Mr. Mills: The use of fertilizer is monitored by the Maryland Department of the Environment. We are very careful about the management and judicious issues of chemicals on our courses.

With no further questions, Chairwoman Hafford called on Ms. McKenna-Streyle on Petition 22-04.

Petition 22-04, 6259 Days Cove Road, Eastern Sanitary Landfill. Ms. McKenna –Streyle did not have anything further to add.

With no further comments by the petitioners, Chairwoman Hafford asked Ms. Bensley to call on the members of the public who signed in to speak.

Public Comments:

Speaking on Petition 22-02 CP Crane

The Honorable David Marks, Councilman, District 5, Re: Petition 22-02 CP Crane. Councilman Marks provided information on Bowleys Quarters: 6.1 square miles of land in Eastern Baltimore County, population (2010) 6,800 residents. The CP Crane site occupies 160 acres. Everyone I speak with feels the same way about this property that we need a very thoughtful and deliberative process for its future. The decisions must be done right considering quality of life, traffic, and the unique character of this area. Foresight has been a good property owner and worked with the community. The process is moving very fast, we need to slow the process down.

Jim Hock, President, Bowleys Quarters Improvement Association. Opposed. Working close with Foresight. Concerns for: Critical Bay Area, Building outside the URDL, do not want waterfront destroyed, overcrowding, failing intersections, and density. Not trying to hurt Foresight, appreciate they are upfront with the community but do not want to see waterfront destroyed.

Shannon Stallings, Member of Community and Chief Fire Officer, local Volunteer Fire Department. Opposed. Needed added Infrastructure that could greatly impact the Local Volunteer Fire Department by 8-12% increase in responses.

Kathleen Kammann, homeowner adjacent to the Crane site. Opposed due to critical area. Area should be preserved. Propose rural conservation. Issues: Traffic, accidents, only one way in/out of peninsula, failing sewer system in Back River, Schools overcrowded. Property should be preserved.

Mr. Holupka: The power plant operated up until 2018-19, how much traffic did it generate?

Ms. Kammann: Very little.

Jeffrey Kammann, 2018 Carroll Island Road, Opposed. His children are the 6th generation to live on this property. There are 18 homes in his neighborhood. Never had public utilities. The power plant was a good neighbor, very responsive and provided jobs for the community. I don't think extending water and sewer to the site will bring any benefit. According to Maryland Department of the Environment from 2010, they have over 100 well heads, permit of up to 140,000 gallons of water a day.

Bonnie Jasinski, Vice President Seneca Park. Opposed to extending the Sewer and Water to the CP Crane site. The original power plant was operating with a special exception to the RC zoning which is no longer valid. There is a forest mitigation bank, a non-tidal mitigation bank and rural legacy land along the site's perimeter. The intersection of Carroll Island Road and Bowley's Quarters Road is a failing intersection rated F according to Baltimore County. Approval would be premature due to current work on the 2030 Master Plan and the next CZMP scheduled to begin in 2023.

Nicholas Spalt, resident of Middle River, opposed to Amendment Cycle 40 Petition 22-02 citing Section (g) of the Baltimore County Water & Sewerage Plan Amendment Process, County Master Plan, and the failing Back River Wastewater Treatment Plant. Plans for this property should align with the County's Master Land Use Plan and Chesapeake Bay Critical Area Act.

Steve Hamilton, Middle River, MD, Opposed – If this petition does not pass they will need sewer and water for any use at this site.

Tim Augustine, Bowley's Quarters, Opposed – this is not the right plan for this location. Infrastructure issues with traffic, water, roads impacted by adding 280 homes that will increase daily vehicle trips.

Ms. Wolfson: What is the multiplier for average trips per day per household? No one present could confirm.

With no further speakers, Chairwoman Hafford thanked Ms. McKenna-Streyle for her presentation and advised that this item is tentatively scheduled for a vote at the next Planning Board meeting on September 1, 2022.

Chairwoman Hafford called for a motion to adjourn the public hearing. The motion was made by Mr. Arrey, seconded by Ms. Wolfson and approved by the Board and the public hearing was adjourned at 6:10 p.m.