

MINUTES

Baltimore County Planning Board Meeting

February 2, 2023

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

**Baltimore County Planning Board Meeting Minutes
February 2, 2023**

Call to Order, Introduction of Board Members

Chairwoman Hafford called the meeting to order at 4:00 PM and welcomed everyone. A roll call to account for the members of the Board was conducted and the following members were:

Present	Absent
<ol style="list-style-type: none"> 1. Ms. Nancy Hafford, Chair 2. Mr. Peter Arrey 3. Ms. Emily Brophy 4. Ms. Beverly German 5. Mr. Derick Johnson 6. Mr. Mark Heckman 7. Mr. C. Scott Holupka 8. Mr. Wayne McGinnis 9. Mr. Todd Warren 10. Ms. Cathy Wolfson 	<ol style="list-style-type: none"> 1. Mr. George Fotis 2. Mr. Steven Heintl 3. Mr. Howard Perlow 4. Ms. Cathryn Pinheiro

Attending County staff included: Ms. Amy Mantay, Ms. Jenifer Nugent, Ms. Jennifer Meacham, Mr. Kristopher Weaver, Ms. Courtney Rachuba, Ms. Laura Wolfe, and Ms. Taylor Bensley, all of the Department of Planning; Ms. Lisa Eicholtz, Ms. Jeannette Applauso, Mr. Kristoffer Nebre, and Dave Bayer from the Department of Public Works and Transportation; and Ms. Sally Nash from the Department of Permits, Approvals, and Inspections (PAI).

Review of Today’s Agenda

Ms. Bensley reported no changes to the Tentative Agenda published January 26, 2023.

Minutes of the January 19, 2023 Meeting

Chairwoman Hafford asked the Planning Board members if they had any changes to the January 19, 2023 Minutes. Hearing none, Chairwoman Hafford called for a motion to approve the Minutes as drafted. Mr. Warren moved to approve the Minutes as drafted. Mr. Arrey seconded the motion, which passed at 4:02 PM with affirmative votes being cast by Mr. Arrey, Ms. Brophy, Ms. German, Mr. Johnson, Mr. Heckman, Mr. Holupka, Mr. McGinnis, Mr. Warren, and Ms. Wolfson. There were no dissenting votes.

Items for Introduction

1. Baltimore County Zoning Regulations Section 1B01.3.A.4 Form

Chairwoman Hafford introduced Ms. Sally Nash from the Department of Permits, Approvals, and Inspections (PAI) to present the Baltimore County Zoning Regulations Section 1B01.3.A.4 Form.

Ms. Nash introduced herself and said she was the Deputy Director of PAI. She explained that Section 1B01.3.A.4 of the Baltimore County Zoning Regulations stated that “any party who sells an interest in real property within an area covered by an approved partial or final development plan shall attach to the instrument of sale a notice directing the buyer's attention to the plan and listing the location of the various certified copies which may be publicly inspected.” Ms. Nash continued that the form was to be issued by the County and approved by the Office of Law, the Zoning Commissioner, and the Planning Board as being clear and sufficient for the purpose, noting that the Office of Law and the Zoning Commissioner had already approved the form. She noted that a copy of the form and the approval from the Zoning Commissioner had previously been shared with the Board. Ms. Nash concluded her presentation by thanking the Board for their time on the matter.

Chairwoman Hafford thanked Ms. Nash for her presentation, and opened up the floor for questions or comments from the Board.

Ms. Wolfson noted that the form stated buyers could view development plans at PAI’s office in Towson and asked if there was a reason why plans were not available electronically. Ms. Nash responded that PAI was working on scanning all documents for future electronic usage.

Mr. Holupka questioned if there were any other forms required by the County. Ms. Nash stated no forms were required, only notices for final development such as front foot fees for water and sewer which had to go on the plat itself. Mr. Holupka clarified he wanted to know if historic designation needed to be disclosed. Ms. Bensley responded that all sellers/buyers were required to fill out a Notices and Disclosures Form and that historic designation was one of the questions.

Mr. Warren inquired who was responsible for knowing the form needed to be completed, if it would be the responsibility of the mortgage or title company, and if a representative needed to visit the County for every home purchase. Ms. Nash stated that the question of who would enforce the form was an internal debate, but that their outreach plan was to reach out to realtors and title companies to make them aware the form was required. She noted that almost every property had a development plan, but that interested parties could call her office to confirm. Ms. Nash concluded by stating that review was not required, simply notice of the plan.

Mr. Johnson asked what changed between the current form and the previous one. Ms. Nash replied that no form had previously existed. She explained that PAI was going through the Zoning Regulations and updating their policy manuals to address issues they were unaware of and they discovered this form did not exist.

There were no other questions or comments from the board.

Chairwoman Hafford called for a motion to set a Public Hearing. Mr. Holupka moved that a Public Hearing be set for Thursday, February 16, 2023 at 5:00 PM regarding the Baltimore County Zoning Regulations Section 1B01.3.A.4 Form. Mr. Heckman seconded the motion, which passed at 4:08 PM with affirmative votes being cast by Mr. Arrey, Ms. Brophy, Ms. German, Mr. Johnson, Mr. Heckman, Mr. Holupka, Mr. McGinnis, Mr. Warren, and Ms. Wolfson. There were no dissenting votes.

Chairwoman Hafford reminded the Board that the hearing would be held in person.

Items for Discussion and Vote

- 2. Updates to the Comprehensive Manual of Development Policies, Section III: Commercial Development within the Urban-Rural Demarcation Line

Chairwoman Hafford stated the Board had the opportunity to further discuss, then vote, on the Updates to the Comprehensive Manual of Development Policies, Section III: Commercial Development within the Urban-Rural Demarcation Line. She noted that the item was first introduced to the Board on January 5, 2023, and a Public Hearing was conducted on January 19, 2023. Chairwoman Hafford then welcomed Ms. Jen Nugent of the Department of Planning to make any comments prior to the Board’s discussion.

Ms. Nugent noted that she had written a letter to the Board responding to community testimony. She stated she was available for any questions.

Chairwoman Hafford opened up the floor for discussion amongst the Board members.

There were no questions or comments from the board.

With no further discussion or questions, Chairwoman Hafford called for a motion on the CMDP update. Mr. Holupka moved that the Planning Board recommend the adoption by the County Council of the Comprehensive Manual of Development Policies (CMDP), Section III: Commercial Development within the Urban-Rural Demarcation Line as submitted by the Department of Planning. Ms. Wolfson seconded the motion, which passed at 4:11 PM with affirmative votes being cast by Mr. Arrey, Ms. Brophy, Ms. German, Mr. Johnson, Mr. Heckman, Mr. Holupka, Mr. McGinnis, and Ms. Wolfson. Mr. Warren voted against the motion.

Other Business

- 3. Recent County Council legislation of interest to the Board:

Ms. Bensley gave a report on the recent legislation passed by the County Council of interest to the Board, which included:

- a. Resolution 1-23 – BCPS – Review of Proposed Land Dedication

Adjournment of the Board Meeting

Chairwoman Hafford called for a motion to adjourn the meeting. Ms. Wolfson moved to adjourn the meeting. Mr. Arrey seconded the motion, which passed at 4:13 PM with affirmative votes being cast by Mr. Arrey, Ms. Brophy, Ms. German, Mr. Johnson, Mr. Heckman, Mr. Holupka, Mr. McGinnis, Mr. Warren, and Ms. Wolfson. There were no dissenting votes.

The meeting adjourned at 4:13 PM.

**Baltimore County Planning Board Public Hearing Minutes
January 19, 2023**

Call to Order, Introduction of Board Members

Chairwoman Hafford called the Public Hearing to order at 4:30 PM and welcomed everyone. A roll call to account for the members of the Board was conducted and the following members were:

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

Attending County staff included: Ms. Amy Mantay, Ms. Jenifer Nugent, Ms. Ngone Seye Diop, Ms. Jennifer Meacham, Mr. Kristopher Weaver, Ms. Courtney Rachuba, Ms. Laura Wolfe, and Ms. Taylor Bensley, all of the Department of Planning; and Ms. Lisa Eicholtz, Ms. Jeannette Applauso, Mr. Kristoffer Nebre, and Dave Bayer from the Department of Public Works and Transportation.

Item for Public Hearing

1. Basic Services Maps

Chairwoman Hafford welcomed everyone and explained that, on January 19, 2023, Ms. Jeannette Applauso of the Department of Public Works and Transportation introduced the annual Basic Services Maps, and that she was present to further present the maps. Chairwoman Hafford explained that, following Ms. Applauso’s presentation, the Board would have the opportunity to hear from the members of the public.

Ms. Applauso delivered a presentation on the 2023 Basic Services Maps. She explained that the Draft Basic Services Maps were a part of the County-wide Master Plan and were updated annually per County Zoning Regulations to show areas that were deficient. This year’s Basic Services Maps had no deficiency in public water system, there were no changes to sewer deficient areas and areas of concern from 2022 and 2023, and transportation had the same number of deficiencies (13) from 2022 to 2023. Ms. Applauso explained that deficient areas are defined for each basic service as follows: a deficiency in the water system is defined as a failing fire flow test that measures the residual water pressure at the nearest public fire hydrant; a deficiency in the public sewer system is determined by a lack of capacity to convey existing sewage flows; and a deficiency in the transportation system is determined by a lack of capacity to provide a standard level of service within arterial and arterial collector intersections. Ms. Applauso then stated her team would introduce each section of deficiencies. Ms. Applauso concluded her presentation by thanking the Board for their time on the matter and introduced Mr. Dave Bayer from the Sewer and Design Section of DPWT.

There were no questions from the board for Ms. Applauso.

Mr. Bayer explained the areas of special concern. He stated that the Waste Water Plant would become overwhelmed during periods of heavy rain and the rehabilitation projects were not as successful as they hoped. He then highlighted some of the areas of concern and explained how DPWT had tried to address the issues in the past. Issues discussed were located in the Brooklynville area, the Parkville area, the Pikesville area, and the Pikesville area near the City/County line; all issues were shown on the map.

Chairwoman Hafford thanked Mr. Bayer and for his presentation, and opened up the floor for questions or comments from the Board.

Mr. Holupka asked for clarification on the map colors and dots. Mr. Bayer explained that the dots indicated locations of concern and the purple coloring indicated associated areas of overflow.

Mr. Warren asked how DPWT could force the City to comply with addressing issues on the City/County line. Mr. Bayer explained that the City was under the same consent order as the County and that State and Federal agencies, such as Maryland Department of the Environment and the Department of Justice, required the City to address issues.

Mr. Heckman indicated that there seemed to be a broken sewer line on Lake Roland but that it was not included on the maps. Mr. Bayer specified that the issue was not related to an area of special concern and was more of a maintenance issue.

Ms. Wolfson stated that, in the presentation, it was repeated that the patches were unsuccessful and questioned why this was the case. Mr. Bayer responded that sometimes DPWT was unable to target the direct issue if the issue was on a private residence. Ms. Wolfson asked how thick the liners that were being used. Mr. Bayer indicated the liners were a few millimeters. Ms. Wolfson questioned if they impacted flow. Mr. Bayer responded that they did not, and that it was possible that they made the lines more slippery.

Mr. Holupka asked was there a comparable map to see how far along the City was in correcting their issues. Mr. Bayer responded that he did not think the City had a map of deficiencies and special areas of concern.

Mr. Johnson questioned how DPWT determined where the areas of special concern were. Mr. Bayer stated that there were a series of tests and that the issues presented were discovered over the years, as DPWT was constantly evaluating. Mr. Johnson asked if DPWT saw repeated issues in these areas. Mr. Bayer responded that DPWT would begin a test in a specific area and then do more intense testing to determine a definitive issue if results were found. He noted that DPWT did flow monitoring throughout the County.

Mr. Arrey asked if the only way to solve an issue with the City was with the Department of Justice. Mr. Bayer stated that DPWT had always coordinated with the City and that there were usually no difficulties. He noted there were sometimes disagreements of what improvements were necessary and that cost had always been a factor.

Chairwoman Hafford questioned how often the sewers overflowed. Mr. Bayer indicated that it depended on the amount of rainfall.

There were no other questions for Mr. Bayer.

With no further comments or questions from the Board, Mr. Bayer handed off the presentation to Kristoffer Nebre for an update on Transportation Deficiencies.

Mr. Nebre, Division Chief of Transportation in DPWT stated the map showed signalized intersections in Baltimore County. He explained that intersections in the D-E category were reviewed yearly and all other intersections were reviewed every 3 years. Mr. Nebre explained that the criteria for grading was based off of load factor analysis; the load factor for the intersection was determined by looking at the approach with the highest load factor in the morning and the same in the afternoon. In peak hours, more failed cycles meant a lower the grade. In comparison from last year, Mr. Nebre explained that one intersection had improved – last year the intersection was a F and this year it had improved to a D. He noted that developments in an E-level of service must not add to traffic and F-level of service had a moratorium on building permits with some very limited exceptions.

Chairwoman Hafford opened the floor for any questions or comments from the Board.

Ms. Brophy questioned if there were any other factors for grading an intersection other than confirming if the last car in the queue made it through the light. Mr. Nebre stated that the letter grade was just for cars getting through the green cycle, however when inspectors were at the intersection, they looked at volumes and vehicles passing through the intersections.

Ms. Brophy asked what kind of improvements DPWT had used to improve the intersection that went from an F to a D. Mr. Nebre explained that DPWT increased capacity by adding a new turn lane.

Ms. Wolfson stated that Route 40 and Rolling Road had been on the list for a long time and asked if any improvements been suggested, Mr. Nebre responded that it was a State intersection, and therefore DPWT had to coordinate with the State on any work. Ms. Wolfson asked how closely DPWT worked with the State for issues like this. Mr. Nebre stated that the current Director was trying to be more proactive in that relationship.

Mr. Warren indicated we had not built new roads in many decades and questioned whether there were any additional plans for roads. Mr. Nebre was not aware of such plans.

Mr. Arrey asked if F-level intersections were given high priority for funding to improve the intersection. Mr. Nebre replied that this was not the current policy, but that they could look into it. Mr. Nebre noted that properties in Commercial Revitalization Districts were exempt from failing traffic shed restrictions.

With no further comments or questions from the Board, Chairwoman Hafford began calling on members of the public who had signed up to speak on the topic.

Ms. Winnie Carpenter, who was representing herself, explained that, as a District 1 resident, she had been impacted by 3 F-level intersections. In May 2022, a property was carved out by County Council to remove it from the Basic Services Maps. This property was the entire boundary of Ellicott Mills. She indicated that there had been an increase in traffic on Frederick Road and travelers were seeking routes through neighborhoods. She suggested the maps needed to include Oella, which had winding and narrow roads, a one lane bridge, and runners and cyclists. Ms. Carpenter encouraged the Board to approve the draft 2023 Transportation Map.

Renee Hamidi, Executive Director of Valley Planning Council, stated she had reviewed the areas of special concern in the Brooklynville area on the draft Basic Services Map 2023. She explained that in 2022, Mr. Bayer stated improvements were being designed, but that no improvements had been made to date. She also noted that two developments were in the areas of special concern – one of 31 homes and

one of 90 homes – but that they were being reviewed by the County or had been approved. Ms. Hamidi concluded her comments by stating that the maps did not limit development.

There were no other speakers.

Mr. Heckman asked for clarity on sewerage backups – was it because of the sanitary sewers or because of rain? Mr. Bayer responded that when there were periods of heavy rain, the water infiltrated sewer systems and it then could cause sewage backups.

With no further speakers, Chairwoman Hafford thanked Ms. Applauso, Mr. Bayer, Mr. Nebre, and members of the public for their participation. She advised that the matter was tentatively scheduled for vote at the February 16, 2023 Planning Board meeting.

Adjournment of the Public Hearing

Chairwoman Hafford called for a motion to adjourn the Public Hearing. Mr. Warren moved to adjourn the Public Hearing. Mr. Arrey seconded the motion, which passed at 5:01 PM with affirmative votes being cast by Mr. Arrey, Ms. Brophy, Ms. German, Mr. Johnson, Mr. Heckman, Mr. Holupka, Mr. McGinnis, Mr. Warren, and Ms. Wolfson. There were no dissenting votes.

The Public Hearing adjourned at 5:01 PM.