

MINUTES

Baltimore County Planning Board Meeting

March 30, 2023

Contents

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

Review of Today’s Agenda

Minutes of the March 16, 2023 Meeting

Item for Introduction

- 1. Bedford Property Major Subdivision, PAI # 08-0904 – Growth Tier III

Other Business

- 2. Recent County Council legislation of interest to the Board:
 - a. Bill 10-23 – Zoning Regulations – Uses Permitted in the R.C. 2 Zone – Catering Halls
Converted from Dwellings

Adjournment of the Board Meeting

Appendices

Appendix A Bedford Property Development Plan and Presentations

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

Baltimore County Planning Board Meeting Minutes

March 30, 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. Through the meeting, the following Board members were:

Present	Absent
<ol style="list-style-type: none"> 1. Ms. Nancy Hafford, Chair 2. Mr. Peter Arrey 3. Ms. Emily Brophy 4. Mr. S. Chris Haffer 5. Mr. Mark Heckman 6. Mr. Steven Heintl (Arrived at 4:12 PM) 7. Mr. Shafiq Hinton 8. Mr. C. Scott Holupka 9. Mr. Derick Johnson 10. Mr. Howard Perlow 11. Mr. Todd Warren (Arrived at 4:11 PM) 12. Ms. Cathy Wolfson 	<ol style="list-style-type: none"> 1. Ms. Beverly German 2. Mr. Wayne McGinnis 3. Ms. Cathryn Pinheiro

Attending County staff included: Mr. Steve Lafferty, Ms. Amy Mantay, Ms. Ngone Diop, Ms. Jenifer Nugent, Ms. Krystle Patchak, Ms. Courtney Rachuba, and Ms. Taylor Bensley, all of the Department of Planning.

Review of Today’s Agenda

Ms. Bensley reported there were no changes to the Tentative Agenda published March 23, 2023.

Minutes of the March 16, 2023 Meeting

Chairwoman Hafford asked the Planning Board members if they had any changes to the March 16, 2023 Minutes. Hearing none, Chairwoman Hafford called for a motion to approve the Minutes as drafted. Mr. Arrey moved to approve the Minutes as drafted. Ms. Wolfson seconded the motion, which passed at 4:03 PM with affirmative votes being cast by Mr. Arrey, Ms. Brophy, Mr. Haffer, Mr. Heckman, Mr. Hinton, Mr. Holupka, Mr. Johnson, Mr. Perlow, and Ms. Wolfson. There were no dissenting votes.

Item for Introduction

1. Bedford Property Major Subdivision, PAI # 08-0904 – Growth Tier III

Chairwoman Hafford informed the Board that the first item on the agenda was the introduction of the Bedford Property Major Subdivision – Growth Tier III. She stated that Ms. Taylor Bensley from the Department of Planning and Mr. Chris Mudd of Venable LLP were present to explain why the item was being reviewed by the Board and to provide an overview of the development. Chairwoman Hafford welcomed Ms. Bensley.

Ms. Bensley, a Development Review Planner from the Department of Planning, stated the purpose of her presentation was to introduce the Bedford Property Major Subdivision to the Board and to provide information on why the planning Board needed to review the item, the scope of the Board’s review, a brief overview of the project and the Department of Planning’s review. She noted that following her presentation, Mr. Chris Mudd of Venable LLP would further present the project, and then the Board would be asked to schedule a Public Hearing on the matter. Ms. Bensley continued by giving an overview of the Annotated Code of Maryland, Environmental Article, Section 9-206 and the Annotated Code of

Maryland, Land Use Article, Section 5-104, which outline that any major subdivision located in a Growth Tier III area must be approved by the Planning Board prior to final approval by the County. She noted that the approval needed to come before the final County approval of the Plan. Ms. Bensley mentioned that Growth Tiers identified where major and minor residential subdivisions could develop and the type of sewage disposal system that would serve them. She then stated that a parcel divided into four or more lots was considered a Major Subdivision in Baltimore County. She continued that the County's Growth Tiers were developed in response to Maryland's Sustainable Growth and Agricultural Preservation Act of 2012. Ms. Bensley stated Growth Tier III allowed Major Subdivisions on individual on-site disposal systems, with recommendation of approval by the approving authority, which was the Planning Board. She noted that Minor Subdivisions on individual on-site disposal systems were also allowed on Growth Tier III properties.

Ms. Bensley continued her presentation and spoke to the Annotated Code of Maryland, Land Use Article, Sections 5-104(d) and (f) which outlined the requirements of the Planning Board review, which stated that the Board must hold at least one Public Hearing on the matter and make a recommendation by Resolution. She noted that Section 5-104 outlined the scope of the Planning Board's review which included, the cost of providing local governmental services to the residential Major Subdivision unless local jurisdiction's adequate public facilities law already had required a review of government services; and the potential environmental issues or natural resources inventory related to the proposed residential Major Subdivision. Ms. Bensley reminded the Board of the document sent to them on March 23rd, 2023 which broke down the review items. She noted that the Bedford Property site was a proposed Major Subdivision on approximately 21.5 acres located at West Seminary Avenue between Falls Road and Mays Chapel Road, outside the URDL. She continued by showing maps of the growth tier designation, the existing zoning classification, the existing conditions, and a map of the proposed development.

When showing the proposed development plan, Ms. Bensley stated that the applicants were proposing six single family detached dwellings. She noted the dwellings were to be accessed via a private road, and that each dwelling would have to meet certain architectural performance standards. She then discussed that the developer had already completed the Concept Plan Conference, the Community Input Meeting, and the Development Plan Conference, and now the developer was seeking review by the Planning Board due to the property being Growth Tier III. She continued that the development would have a Hearing before the Administrative Law Judge (ALJ) on May 18, 2023, and the Planning Board's recommendation on the plan would be sent to the ALJ prior to that Hearing. She noted that following that Hearing, the ALJ would issue an Opinion and Order, which would approve or deny the project. She mentioned the Department of Planning commented on the project during the Concept Plan and Development Plan stages, would offer written comments ahead of the ALJ Hearing, and would testify at the Hearing. She stated that when a Major Development Plan was being reviewed, the Department of Planning commented on: the appropriateness of the project in terms of Master Plan 2020 and any adopted Community Plans; any waiver or Variance requests; School Impact; architecture; site layout/design; amenities; open space; signage; lighting; etc. She stated the Department of Planning was in support of the development, however there were a few outstanding comments at the time of their last review. Ms. Bensley stated those comments included technical corrections to the School Impact Analysis; a note that the project still needed Planning Board review/approval; requested additional information on the trash and mail collection areas, the entry gate and pillars, and the stormwater management plantings and fencing. She thanked the Board for their time and turned the presentation over to Mr. Chris Mudd of Venable LLP.

Chairwoman Hafford thanked Ms. Bensley for her presentation and welcomed Mr. Mudd.

Mr. Mudd, a Land Use and Zoning Attorney from Venable LLP, thanked Ms. Bensley for her explanation of the project. He stated his two clients were in attendance; they owned the property and would own two of the lots once completed. Mr. Mudd also stated that colleagues from Morris and Ritchie Associates were

also in attendance. He then shared the map of the subject property and explained the surrounding area. He stated that the owners were seeking to build six residential lots on the 21.2-acre site. He explained that the property was Growth Tier III and that was why it was coming before Planning Board for review. He continued that the proposed six homes would not impact traffic, as the Peak Hour Study generated six total trips in the morning and seven total trips in the evening. He explained that the proposed development would not cause the County any extra expenses because the development would be serviced by private water and sewer, located on a private road which would be maintained by the development, would not impact school capacity levels, and trash and recycling would be picked up in a central location. He continued that 42.7% of the site was covered by proposed Perpetual Forest Conservation and Forest Buffer Easements. He stated there would be no impact to streams or other Natural Resources located on the property. He explained a modern storm water management system would be placed on site that would meet all regulations and requirements from the county. Mr. Mudd, noted that private roadways would reduce the impervious service area. He concluded his presentation and stated he was available for questions from the Board.

Chairwoman Hafford thanked Mr. Mudd and opened the floor for questions and comments from the Board.

Mr. Heckman questioned if there would be any environmental waivers required for the on-site sanitary system. Mr. Mudd stated no, but there would likely be an Alternatives Analysis for a portion of the storm water management facility and portion of road to be within the buffer. He stated that the Alternatives Analysis was to demonstrate there was no viable alternative for that element. Colleague Mike Coughlin noted that percolation tests have been done for the septic system and all requirements were met.

Mr. Haffer questioned whether Mr. Mudd had contacted neighbors about the proposed site. Mr. Mudd responded yes. He stated that long before applications were filed, the property owners had met with neighbors and had a continued relationship. Mr. Haffer asked if there was any push back or concerns from the community. Mr. Mudd responded the general concerns from neighbors were about the view from their homes. He noted that they had been ensuring neighbors that views would be preserved as much as possible with forest buffers. He continued that there had been multiple in person meetings and emails with neighbors to keep in contact about what would be happening.

Mr. Warren questioned if St. Paul's School had public water and sewer, and stated that he believed the URDL had been moved for the property. Mr. Mudd replied that the URDL had not been moved, but that St. Paul's had public water following a Special Exception to the Master Water and Sewer Plan because there was a fire years ago and it was determined that the well service was insufficient; the property did not have public sewer and utilized a septic system.

Mr. Warren noted that a church had previously been proposed for the subject site, and asked if the County had been sued over the review of the development. Mr. Mudd replied that they had not been sued.

Mr. Warren expressed that he was surprised the subject site was outside of the URDL since it was in close proximity to the highway and other developments.

Mr. Perlow questioned about trash pick up and who would maintain the private road. Mr. Mudd explained that the developer had worked with the Department of Public Works and came to an agreement for public trash pick-up, which would be located centrally in the development. Mr. Perlow wanted to clarify that the road would indeed be privately maintained. Mr. Mudd responded yes; the only public aspect of the property would be the trash pick-up. Mr. Perlow explained he was concerned about wear and tear from the trash vehicles and how long the roads would last. Mr. Mudd clarified that any wear and tear of the road would be the developer's responsibility and not the County's.

With no further questions or comments from the Board, Chairwoman Hafford called for a motion to set a Public Hearing. Mr. Holupka moved that the Baltimore County Planning Board set a public hearing, as specified under Annotated Code of Maryland, Land Use Article Section 5-104(c) regarding the Major Subdivision Development Plan known as Bedford Property, PAI # 08-0904, for Thursday, April 20th, 2023 at 5:00 PM. Ms. Wolfson seconded the motion, which passed at 4:37 PM with affirmative votes being cast by Mr. Arrey, Ms. Brophy, Mr. Haffer, Mr. Heckman, Mr. Heidl, Mr. Hinton, Mr. Holupka, Mr. Johnson, Mr. Perlow, Mr. Warren, and Ms. Wolfson. There were no dissenting votes.

Other Business

1. 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. Bill 10-23 – Zoning Regulations – Uses Permitted in the R.C. 2 Zone – Catering Halls
Converted from Dwellings

Adjournment of the Board Meeting

Chairwoman Hafford called for a motion to adjourn the meeting. Mr. Warren moved to adjourn the meeting. Mr. Heckman seconded the motion, which passed at 4:38 PM with affirmative votes being cast by Mr. Arrey, Ms. Brophy, Mr. Haffer, Mr. Heckman, Mr. Heidl, Mr. Hinton, Mr. Holupka, Mr. Johnson, Mr. McGinnis, Mr. Perlow, Mr. Warren, and Ms. Wolfson. There were no dissenting votes.

The meeting adjourned at 4:38 PM.
