

MINUTES

Baltimore County Planning Board Meeting

July 20, 2023

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**Public Hearing by the  
Baltimore County Planning Board**

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

Item for Public Hearing

- 1. Cycle 41 Water Supply and Sewerage Master Plan Amendments \*\*

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

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**Baltimore County Planning Board Meeting Minutes  
July 20, 2023**

**Call to Order, Introduction of Board Members**

Chairwoman Hafford called the meeting to order at 4:30 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
1. Ms. Nancy Hafford, Chair	1. Mr. S. Chris Haffer
2. Mr. Peter Arrey	2. Mr. Steven Heintz
3. Ms. Emily Brophy	3. Mr. C. Scott Holupka
4. Ms. Beverly German	4. Mr. Todd Warren
5. Mr. Mark Heckman	
6. Mr. Shafiq Hinton	
7. Mr. Derick Johnson	
8. Mr. Wayne McGinnis	
9. Mr. Howard Perlow	
10. Ms. Cathryn Pinheiro	
11. Ms. Cathy Wolfson	

Attending County staff included: Ms. Amy Mantay, Ms. Jenifer Nugent, Ms. Krystle Patchak, Ms. Laura Wolfe, and Ms. Taylor Bensley, all of the Department of Planning; and Ms. Sally Nash and Mr. Mitch Kellman, both of the Department of Permits, Approvals, and Inspections (PAI).

**Review of Today’s Agenda**

Ms. Bensley reported there were no changes to the Tentative Agenda published July 13, 2023.

**Minutes of the June 15, 2023 Meeting**

Chairwoman Hafford asked the Planning Board members if they had any changes to the June 15, 2023 Minutes. Hearing none, Chairwoman Hafford called for a motion to approve the Minutes as drafted. Ms. Brophy moved to approve the Minutes as drafted. Mr. McGinnis seconded the motion, which passed at 4:31 PM with affirmative votes being cast by Mr. Arrey, Ms. Brophy, Ms. German, Mr. Heckman, Mr.

Hinton, Mr. Johnson, Mr. McGinnis, Mr. Perlow, Ms. Pinheiro, and Ms. Wolfson. There were no dissenting votes.

### **Items for Introduction**

1. Department of Permits, Approvals, and Inspections (PAI) Policy Manual Updates: *Development Management and Plan Review Policy Manual* and *Zoning Policy Manual*

Chairwoman Hafford informed the Board that the first item on the agenda was a presentation by Ms. Sally Nash, Deputy Director of the Department of Permits, Approvals, and Inspections, on the Department's Policy Manual Updates. She continued that after the presentation, she would call for a motion to set a public hearing on the matter. Chairwoman Hafford then welcomed Ms. Sally Nash.

Ms. Nash stated that the current PAI Policy Manuals were adopted between 1992 and 2002 and were in need of update. She explained that the goals of the update were to establish clarity, direction, and expectations for the review process; to bring policies into alignment with current practices; to eliminate reference to processes that no longer existed; to recognize existing codified processes and remove duplicative language; to provide a technical and practical approach to the reader; to research and incorporate best practices; and to complete a comparative analysis with other regulations and manuals, both inside and outside the agency. Ms. Nash then provided the timeline of the manual updates – work began in July 2022 with research and analysis, followed by drafting of the documents from September to October of 2022, internal County review from November to December of 2022, and review by an external policy committee from January to May of 2023. She continued that the Planning Board review would take place from July to September of 2023 and then the manuals would move on to County Council for adoption hopefully by the end of the year. She then listed the internal and external reviewers of the updated manuals: Permits, Approvals, and Inspections; Environmental Protection and Sustainability; Planning; Public Works and Transportation; the Law Office; a County Council member; attorneys; developers; engineers; and community members. Ms. Nash concluded her presentation by thanking the Board for their time and advising she was available for any questions.

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

Mr. Perlow stated that he appreciated the updated manuals but had a question related to permit applications. He explained that he continued to hear about issues relating to the online permitting system and asked Ms. Nash what was being done to better it. Ms. Nash explained that Cityworks, the online permitting system, was launched approximately 18 months prior and that it had not been smooth sailing. She continued that PAI was working every day to improve the system and that the new Director of the Office of Information Technology had outlined new ways to improve the system, which were to be implemented by August 1<sup>st</sup>. She then noted that PAI was also looking at long-term improvements and that the issues were being taken seriously by the Department. Mr. Perlow asked how long it would take to get a residential or commercial construction permit. Ms. Nash advised that it significantly depended on the quality of the permit application – permit applications that had all necessary details could be issued in approximately two weeks, whereas permit applications without all required submittal components would take longer.

There were no further questions or comments from the Board.

With no further comments or questions from the Board, Chairwoman Hafford called for a motion to set a Public Hearing. Ms. Brophy moved that the Baltimore County Planning Board set a Public Hearing for Thursday, September 7, 2023 at 5:00 PM regarding the Department of Permits, Approvals, and

Inspections (PAI) Policy Manual Updates on the *Development Management and Plan Review Policy Manual* and the *Zoning Policy Manual*. Mr. Johnson seconded the motion, which passed at 4:38 PM with affirmative votes being cast by Mr. Arrey, Ms. Brophy, Ms. German, Mr. Heckman, Mr. Hinton, Mr. Johnson, Mr. McGinnis, Mr. Perlow, Ms. Pinheiro, and Ms. Wolfson. There were no dissenting votes.

Chairwoman Hafford reminded the Board that the Public Hearing would be held in-person on September 7, 2023, and noted that the Board was tentatively scheduled to vote on the matter immediately following the Public Hearing.

**Other Business**

- 2. Report from the July 13, 2023 meeting of the Landmarks Preservation Commission

Ms. Bensley gave a report on the major actions of the July 13, 2023 Landmarks Preservation Commission meeting.

- 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. Bill 37-23 – Board Compensation
- b. Bill 40-23 – West Baltimore County Redevelopment Authority

**Adjournment of the Board Meeting**

Chairwoman Hafford called for a motion to adjourn the meeting. Ms. Pinheiro moved to adjourn the meeting. Mr. McGinnis seconded the motion, which passed at 4:41 PM with affirmative votes being cast by Mr. Arrey, Ms. Brophy, Ms. German, Mr. Heckman, Mr. Hinton, Mr. Johnson, Mr. McGinnis, Mr. Perlow, Ms. Pinheiro, and Ms. Wolfson. There were no dissenting votes.

The meeting adjourned at 4:41 PM.

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**Baltimore County Planning Board Public Hearing Minutes  
July 20, 2023**

**Call to Order, Introduction of Board Members**

Chairwoman Hafford called the Public Hearing to order at 5:00 PM and welcomed everyone. A roll call to account for the members of the Board was conducted. Through the Hearing, the following members were:

Present	Absent
1. Ms. Nancy Hafford, Chair	1. Mr. S. Chris Haffer
2. Mr. Peter Arrey	2. Mr. C. Scott Holupka
3. Ms. Emily Brophy	3. Mr. Todd Warren
4. Ms. Beverly German	
5. Mr. Mark Heckman	

6. Mr. Steve Heintl 7. Mr. Shafiyq Hinton 8. Mr. Derick Johnson 9. Mr. Wayne McGinnis 10. Mr. Howard Perlow 11. Ms. Cathryn Pinheiro 12. Ms. Cathy Wolfson	
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Attending County staff included: Ms. Amy Mantay, Ms. Jenifer Nugent, Ms. Krystle Patchak, Ms. Laura Wolfe, and Ms. Taylor Bensley, all of the Department of Planning; and Ms. Jeanette Applauso from the Department of Public Works and Transportation.

**Item for Public Hearing**

1. Cycle 41 Water Supply and Sewerage Master Plan Amendments \*\*

Chairwoman Hafford welcomed everyone and explained that, on June 15, 2023, Ms. Jeanette Applauso of the Department of Public Works and Transportation introduced the Cycle 41 Water Supply and Sewerage Master Plan Amendments to the Board. She continued that Ms. Applauso was in attendance to further present the one amendment, Petition 23-01, to the Board. She noted that following the presentation, the Board would have the chance to ask questions and then members of the public would have an opportunity to speak on the matter. She then welcomed Ms. Applauso.

Ms. Applauso introduced herself as a Project Manager in the Sewer Design Section of the Department of Public Works and Transportation (DPWT). She explained that DPWT received one petition for the Water Supply and Sewerage Master Plan Amendment Cycle 41. The petition, Reference Number 23-01, was for the CP Crane Generating Station located at 1021 Carroll Island Road in Middle River. Ms. Applauso reminded the Board of the definitions for the designations and explained the W-7 and S-7 designations were for No Planned Community or Multi-Use Service; W-1 and S-1 designations were for Existing Service Areas; and W-3 and S-3 designations were for Capital Facilities Areas.

Ms. Applauso then began providing detail on the petition. She explained that the site was outside of the Urban-Rural Demarcation Line, inside the Metropolitan District Area, and had W-7, S-7 water and sewer designations. The petitioners were requesting W-1, W-3, S-1, and S-3 designations due to substantial changes in the character of the neighborhood and a danger to public health. Ms. Applauso then provided the staff recommendations from Environmental Protection and Sustainability, the Department of Planning, and DPWT on the petition. They were as follows:

- Environmental Protection and Sustainability: Approval of the requested change with the understanding that any redevelopment of the properties will be required to comply with all Critical area requirements.
- Planning: No change to the designations due to the current zoning classification, the lack of clarity and appropriate documentation regarding the proposed use of the site, and the guidance of the relevant planning documentation.
- Public Works: W-1/S-1 for Parcel 155, Parcel 154 (between Parcel 155 and Parcel 141), and Parcel 141; and W-3/S-3 for Parcel 154 (above Parcel 155), Parcel 140 Part 1 and Parcel 140 Part 2.

Ms. Applauso concluded her presentation by thanking the Board for their time and stating that she was available for any questions.

Chairwoman Hafford thanked Ms. Applauso and opened the floor for comments and questions from the Board. There were none. Chairwoman Hafford then stated that the applicant's representative would have five minutes to speak on the project. She then welcomed Mr. Jason Vettori.

Mr. Vettori thanked the Board for having him and reminded the Board that he came before them for a similar request last year. He explained that the site was a former power plant and reiterated that the request was only for new water and sewer designations, not for development approval or a zoning change. Mr. Vettori then explained the amendment process, which included amendment filing, internal County agency review, Planning Board review, County Executive review, County Council review, and then ultimately a decision would be made by the Maryland Department of the Environment (MDE) approving or denying the petition. Mr. Vettori noted that County Council's decision for the site during Cycle 40 was never forwarded to MDE, so the petitioners were again requesting a change rather than filing a lawsuit against the County. He then explained that he was told there were potentially County, State, and Federal funds earmarked to turn a portion of the site into a County park. Mr. Vettori then explained that the other portion of the site was an optimal place in the County for a battery storage facility so the County would not experience black and brown outs with the move to green energy. He noted that the zoning did not allow the use, but that they would explore possibilities following the water and sewer designation decision. Mr. Vettori then explained that the water and sewer designation was to be made in a vacuum, not based on zoning or possible future development, and that the site qualified for the following reasons: there were significant changes to the neighborhood with the power plant being decommissioned, and there was a danger to public health because homes to the north had failing private systems; extension to the site would allow those homes to tie into public water and sewer. He then thanked the Board for their time and advised that he was available for any questions.

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

Ms. Pinheiro questioned if water and sewer would be extended to Beach Drive and Asher Road if the designations were approved for the CP Crane site. Mr. Vettori explained that the existing services were 3,000+ feet away and if the CP Crane property was developed, it would be a cluster development so more of the property could be preserved. He continued that, if developed, the sewer line would run along Carroll Island Road, making it closer to Beach Drive and Asher Road and therefore easier for tie in. Mr. Vettori noted that the County would likely want water and sewer for a public park, as well.

Mr. Heckman questioned why water and sewer designations were needed for all of the parcels if any development would be clustered. Mr. Vettori showed a map of the parcels (page 19 of the [Cycle 41 Staff Report](#)) and explained that the infrastructure would be helpful for the whole site. He again reiterated that having water and sewer designations did not approve a development plan or change zoning.

With no further questions and comments, Chairwoman Hafford stated they would begin calling on members of the Public who signed up to speak on the matter.

Mr. Norm Crouse spoke in opposition to the petition. He explained that one of the provisions of the Chesapeake Bay Critical Area Regulations stated that if three-fifths of the owners petitioned against the amendment, it could be denied. He questioned the Board as to what communities would need to be involved for that to occur. The Board did not have an answer. He then explained that the amendment was based on two main factors, one of which being that there was a critical issue with the wells and septic's in the area. Mr. Crouse continued that he was not aware of where this information came from. He concluded

his comments by stating he was surprised Baltimore County did not have a process in place to help its citizens on these issues.

Ms. Chris Key spoke in opposition to the petition. She explained that she lived directly across the water from where the power plant was and questioned how the County could approve the petition without a concrete plan for the property, as there was no way to know if it would be detrimental to the community. She raised concerns about traffic and environmental impact, neither of which had been addressed by the developer. Ms. Key stated that another concern was that Seneca Park Road had a small pumping station and she questioned if the station would be expected to absorb the two-hundred new homes. She concluded her comments by stating that there were many unresolved issues for the community and encouraged the Board to vote against the petition.

Ms. Bonnie Jasinsky spoke in opposition to the petition, citing that zoning should drive the use of the property. She explained that the property owner requested a zoning change during the 2020 Comprehensive Zoning Map Process (CZMP), however, it was denied by the Department of Planning, Planning Board, and County Council, so the RC 5 and RC 20 zoning classifications remained in place. She continued that there had also been requests to move the Urban-Rural Demarcation Line (URDL) so the site was inside the boundary, however, this had also been denied. Ms. Jasinsky stated she believed approval of the petition would be a backdoor approach and would strengthen the developers hand when requesting a zoning change during the 2024 CZMP. She continued that the community was working with the County to secure funds to turn the site into a park and approval of the petition would be premature and would create unintended consequences. She encouraged the Board to consider traffic and environmental concerns during their review of the petition.

Mr. Jim Hock spoke in opposition to the petition. He stated that the community opposed CP Crane when it was constructed and that part of the agreement for the site was that if CP Crane was ever shut down, the property would go back to its natural state. He explained that the site is zoned RC 5 and RC 20, that the developer's original plan was for 400 homes, and that the updated proposal was for 198 homes; of the 198 homes, 90% were proposed to be townhomes, which were not permitted in the RC 5 and RC 20 zones. Mr. Hock expressed that he understood the petition was only for water and sewer, but stated that the community knew approval would mean development that they could not handle with the current infrastructure. He noted that the petitioners had already threatened to sue the community and Councilman Marks, and that former Councilwoman Bevins had informed the property owners they were making a bad deal when they purchased the site. He encouraged the Board to look at the petition closely and reminded the Board that the site crossed the URDL and would create future problems for the community and County.

Mr. Nick Spalt spoke in opposition to the petition. He stated that approval of water and sewer extensions would be outside the URDL and not in compliance with Master Plan 2020. He continued that approval of water and sewer would drive up the price for the County and Federal government to purchase the land for a park, as the property owner would be more inclined to keep the site to develop. Mr. Spalt stated that the amendment should be done after the County has purchased the site and has a more concrete plan for it. He concluded his comments by stating that the Place Types Map for Master Plan 2030 designated the site as for Resource Preservation, and the Board should vote to keep the site as such.

Ms. Amy Roueche spoke in opposition to the petition, citing that Master Plan 2030 disputed all of the applicant's claims on why the extension was needed and reiterating the Plan outlined the site as being for Resource Preservation. She explained that there was a possible proposed use as for battery storage, questioned why water and sewer was needed for the use, and raised concerns on the environmental impact of the use. Ms. Roueche then outlined other concerns she had, including traffic, school capacity and overcrowding, and negative impacts to the public health of the community. She concluded her

presentation by stating that the only change to the neighborhood was for the better with the decommissioning of the power plant and by stating there was no risk to public health unless the site was developed.

There were no other speakers. Chairwoman Hafford opened the floor up for final questions or comments from the Board.

Mr. Arrey questioned why the petition needed to be approved at this time. Mr. Vettori explained that the process took at least a year and a half from initial application to decision by the Maryland Department of the Environment, and water and sewer approval would be needed before any development plan could be submitted. He explained that Foresite spent \$15 million remediating the site and needed to make some of that money back.

Mr. Arrey questioned what Mr. Vettori meant when he said they held off on suing the County. Mr. Vettori explained that the Maryland Department of the Environment has the final, binding say on approving or denying a Water Supply and Sewerage Master Plan Amendment. He continued that, approximately fifteen years ago, he was before the Planning Board for a water and sewer petition for a property in the first Council district. At that time, the Board recommended approval but then the County Council pocket-vetoed the application and never forwarded it onto the State for final review and decision. Ultimately, the Circuit Court ruled that the Council could not do what it did. Mr. Vettori continued that during Cycle 40, Council did the same thing and did not forward the CP Crane petition onto the State for review. He reiterated that instead of suing, the property owner was going through the amendment process again.

Mr. Arrey stated he had heard significant concerns from the community on issues that had not been addressed since there was not a concrete plan. He encouraged the Planning Board to consider completing a site visit to have a comprehensive picture of the site, the community, and the concerns outlined during the public hearing.

Ms. German stated she had attended a community organization meeting for the neighborhood and that she was incredibly impressed by the way the community carried themselves. She explained that the community relied on facts, not emotion, to advocate for themselves. She continued that she did not understand the urgency for the project since the developer was working with the County to possibly purchase the site or a portion thereof. She agreed with Mr. Arrey that a site visit would be beneficial. Ms. German stated the County should study the site more, determine if the money would come through to purchase the site, and not be hasty in a decision.

Mr. Perlow asked Mr. Hock if he had a copy of the agreement stating the property would have to be returned to its natural state if CP Crane was shut down. Mr. Hock stated he believed it was a recorded document but that he did not have it. He continued that former Councilwoman Bevins had informed the community of the agreement and that he would try to get it. Mr. Vettori stated he was not aware of such document. Mr. Perlow stated that if the document existed, it may change some Board members opinions, and he encouraged Mr. Hock to send it along if he could find it.

Mr. Perlow noted that everyone in Baltimore County wanted parks, but that it took money to build and maintain parks. He continued that there were only approximately 4,000 lots in Baltimore County left to be developed, meaning Baltimore County would be fully built out in approximately 6 years. Mr. Perlow explained that the Board needed to look at projects at the County-scale to confirm the County was still growing.

Chairwoman Hafford reiterated the Board would like to see the agreement if Mr. Hock could find it.



Mr. McGinnis noted that the number of lots available was very mobile, as residents would continue to move out or die and zoning could change every four years. He stated the Board should not be afraid of running out of lots in six years.

Ms. German noted school impact was also something to keep in mind. She reiterated the points made in Ms. Roueche's presentation that all of the schools in the area were approaching capacity and redistricting did not appear to be an option.

Chairwoman Hafford thanked the members of the public for their attendance and stated she appreciated their advocacy for their neighborhood. She then thanked Ms. Applauso and Mr. Vettori for their presentations and participation. She reminded the Board that the matter was set to be voted on at the September 7, 2023 Board Meeting.

**Adjournment of the Public Hearing**

Chairwoman Hafford called for a motion to adjourn the Public Hearing. Mr. Arrey moved to adjourn the Public Hearing. Mr. Hinton seconded the motion, which passed at 5:46 PM with affirmative votes being cast by Mr. Arrey, Ms. Brophy, Ms. German, Mr. Heckman, Mr. Heidl, Mr. Hinton, Mr. Johnson, Mr. McGinnis, Mr. Perlow, Ms. Pinheiro, and Ms. Wolfson. There were no dissenting votes.

The Public Hearing adjourned at 5:46 PM.

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