

MINUTES

Baltimore County Planning Board Meeting

September 21, 2023

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

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**Reconvene Public Meeting of the
Baltimore County Planning Board**

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

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1. Greater Middle River Design Guidelines

Adjournment of the Board Meeting

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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
September 21, 2023**

Call to Order, Introduction of Board Members

Chairwoman Hafford called the meeting to order at 4:15 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. Ms. Beverly German 5. Mr. S. Chris Haffer 6. Mr. Mark Heckman 7. Mr. Shafiyq Hinton 8. Mr. C. Scott Holupka 9. Mr. Derick Johnson 10. Mr. Wayne McGinnis 11. Mr. Howard Perlow 12. Mr. Todd Warren 13. Ms. Cathy Wolfson 	<ol style="list-style-type: none"> 1. Ms. Cathryn Pinheiro 2. Mr. Steven Heinl

Attending County staff included: Mr. Steve Lafferty, Ms. Amy Mantay, Ms. Ngone Seye Diop, Mr. David Birkenthal, Ms. Krystle Patchak, Ms. Courtney Rachuba, and Ms. Taylor Bensley, all of the Department of Planning; Ms. Sally Nash of the Department of Permits, Approvals, and Inspections; Ms.

D’Andrea Walker, Ms. Lisa Eicholtz, and Ms. Jeanette Applauso of the Department of Public Works and Transportation; and Mr. Seth Blumen of the Sustainability Office.

Review of Today’s Agenda

Ms. Bensley reported there were no changes to the Tentative Agenda published September 14, 2023.

Minutes of the September 7, 2023 Meeting

Chairwoman Hafford asked the Planning Board members if they had any changes to the September 7, 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. Mr. Warren seconded the motion, which passed at 4:17 PM with affirmative votes being cast by Mr. Arrey, Ms. Brophy, Ms. German, Mr. Haffer, Mr. Heckman, Mr. Hinton, Mr. Holupka, Mr. Johnson, Mr. McGinnis, Mr. Perlow, Mr. Warren, and Ms. Wolfson. There were no dissenting votes.

Items for Introduction

1. Electric Vehicles (EV) Charging Stations Report (Council Resolution 14-23)

Chairwoman Hafford informed the Board that the first item on the agenda was a presentation by Mr. Steve Lafferty of the Department of Planning and Ms. Sally Nash of the Department of Permits, Approvals, and Inspections on the introduction of the Electric Vehicles (EV) Charging Stations Report. She continued that the matter was before the Planning Board as a result of Council Resolution 14-23, which asked the Board to review public electric vehicle charging stations and consider recommendations for possible legislation to integrate the relatively new technology as a permitted use in the Baltimore County Zoning Regulations. She concluded her remarks by stating that after the presentation, she would call for a motion to set a public hearing on the matter. Chairwoman Hafford then welcomed Mr. Lafferty and Ms. Nash.

Mr. Lafferty thanked Chairwoman Hafford and introduced himself as the Department of Planning Director. He explained that Council Resolution 14-23 requested that the Planning Board review public Electric Vehicle Charging Stations and consider recommendations to integrate them as permitted uses in the Zoning Regulations. Mr. Lafferty continued that Resolution 14-23 asked that the Board review include laws, policies, and best practices of other Maryland entities, and recommendations for safety and siting standards. He then gave a brief background, explaining that electric vehicle (EV) sales had tripled in the United States since January of 2021, and that the number of available public charging ports grew by 40%. Mr. Lafferty then provided definitions for commonly used terms and explained the difference between Level One (electrical source from a regular home outlet), Level Two (electrical source from a regular home dryer outlet, home hardwire, or public stations), and DC Fast Charge (electrical source from a public station) charging equipment.

Mr. Lafferty then explained current policies and practices, explaining that installing Electric Vehicle Supply Equipment (EVSE) requires an electrical permit; that if located in a public right-of-way, County approval is by Permits, Approvals, and Inspections via a franchise agreement is a requirement; that multiple EVSE’s at the same location are not considered to be a fuel service station; and that EVSE’s are considered an accessory use in all zones. Mr. Lafferty then turned the presentation over to Ms. Nash for key recommendations.

Ms. Nash explained that the workgroup came up with five key recommendations. Key Recommendation #1 was that Level 1 and Level 2 EVSE should be considered an accessory use in all residential,

commercial, and industrial zoning classifications; Level 3 EVSE should be considered a principal use allowable in conjunction with other principal uses on the same site. An example of this would be EV charging plus a convenience store. Key Recommendation #2 was that the County create a public space permit for publicly available chargers at curbside spaces in dense residential blocks, business corridors, and mixed-use zones in efforts to streamline permitting. Key Recommendation #3 was to establish design, installation, and usage standards for setbacks, signage, operational life, and lighting; to require that charging stations be in operation for no less than five continuous years; and to require signage restricting the use of spaces to EV's for the purpose of charging. Key Recommendation #4 was to incorporate EVSE into minimum parking requirements and to consider requiring EV-installed and EV-ready parking spaces in new construction. Key Recommendation #5 was to require at least one ADA-accessible port when multiple ports are installed, and to count ADA-accessible EV parking spaces as part of any minimum parking standard.

Ms. Nash concluded the presentation by stating that multiple County agencies worked on the report, including the Department of Planning; the Department of Permits, Approvals, and Inspections; the Office of Government Affairs; and the Office of Sustainability. She then thanked the Board for their time, and advised she and Mr. Lafferty were available for any questions.

Chairwoman Hafford thanked Mr. Lafferty and Ms. Nash for their presentations and opened the floor for questions or comments from the Board.

Mr. Arrey questioned if the requirement would be included in permitting for residential construction. Ms. Nash responded that it could be required in the future for multi-family homes.

Ms. Brophy asked if Level 3 chargers would require a new Zoning overlay or district. Ms. Nash stated there was discussions about adding it as a permitted use in certain existing zones and districts.

Mr. McGinnis asked what supplied the electricity to run the EV Chargers. Ms. Nash replied it was the same power used to charge the home, usually fossil fuels.

Mr. McGinnis asked how users paid for the charging stations. Ms. Nash replied that it was usually paid with a credit card.

Mr. McGinnis asked how the County expected to have enough chargers available in rural areas, and Ms. Nash stated that the infrastructure was not present, however they would need to build it out. Mr. McGinnis questioned if it would be possible in the rural areas. Ms. Nash stated that the County had a lot of work to do, and compared the installation to wireless broadband and how it wasn't deployed to everyone in rural areas all at once.

Mr. Perlow asked if a resident would need to comply with residential zoning and pay for permits and fees if they wanted a Level 3 charger for their home. Ms. Nash responded that it was a good question, and that the workgroup could regroup and discuss that before the Public Hearing. She continued that it could be approved via a Special Exception, but that the process may be too restrictive. Mr. Perlow reiterated that residents who could afford the bigger charger, would most likely prefer that one. Ms. Nash stated that the workgroup had discussed the idea of a maximum number of chargers permitted before a property owner needed a Special Exception. She referenced gas stations that were equipped with EV charging stations, explaining that they were not treated like gas stations, but had the same impact. She stated they had questioned whether the County would want to regulate that in some way, but they had not found another jurisdiction with a specific number because of this being new technology.

Mr. Perlow asked if the County had plans to put EV charging stations on the sidewalks outside of County buildings and, if so, who would benefit from the fees. He was concerned that someone other than the County would benefit in providing the charging stations to the community. Ms. Nash agreed with Mr. Perlow and stated they would have to plan for that.

Ms. Wolfson questioned if charging stations in the public right-of-way would generate income for Baltimore County. Ms. Nash explained that charging stations were already installed at senior centers and libraries; the chargers were publicly available and managed by BGE, not the County.

Ms. Wolfson asked if there was a plan for County-installed chargers to be distributed evenly throughout districts. Ms. Nash replied yes, the County Executive was very concerned with making sure they were equitably disbursed. Mr. Seth Blumen with the County's Office of Sustainability explained that equity was considered when applying for grant funding for the EV chargers. He continued that the County did not have specific analysis at that time, but he assured the Board they were working on it. Mr. Blumen noted that BGE was trying to spread chargers across the area as evenly as possible.

Mr. Warren commented that there was a demand for EV charging stations with some of his clients, but that they were having issues with the amount of time patrons were parking in the charging stations. He explained that drivers would park their car in a spot and stay there all day. Ms. Nash replied that shopping center or store owners could set restrictions on the length of time patrons were allowed to park their cars in charging station spots. Mr. Warren replied that he wanted to change the restrictions to place limits on parking and how long someone could be in an EV charging spot. To Mr. Warren's point on parking requirements, Ms. Nash explained that an EV charging spot counted towards the total number of parking spots required, as far as Zoning was concerned. Mr. Hinton asked if it was possible to put a time limit for Level 3 charges so they would automatically cut off after two hours of running time. Ms. Nash replied yes and that there were also restrictions from the mobile app.

Mr. Perlow raised concerns about BGE raising the prices for charging without notice. Mr. Lafferty explained that in the agreement with BGE and the County, the Public Service Commission set the rate. Mr. Lafferty then reminded the Board that the presented report was a report to the Board; the Board would be the ones approving and sending to Council, and they could make any recommendations they felt necessary to confirm the report was satisfactory.

Mr. McGinnis asked where the electricity to power the chargers came from. Mr. Lafferty replied that Maryland was under the PJM Grid and the primary source was coal, which he mentioned was where most of the electrical power came from. Mr. McGinnis commented that several years ago, he looked into windmill energy and found it wasn't a great source.

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. Mr. Holupka moved that the Planning Board set an in person public hearing regarding the Electric Vehicles (EV) Charging Stations Report (Council Resolution 14-23) for Thursday, October 5th, 2023 at 5:00 PM. Mr. Arrey seconded the motion, which passed at 4:43 PM with affirmative votes being cast by Mr. Arrey, Ms. Brophy, Ms. German, Mr. Haffer, Mr. Heckman, Mr. Hinton, Mr. Holupka, Mr. Johnson, Mr. McGinnis, Mr. Perlow, Mr. Warren, and Ms. Wolfson. There were no dissenting votes.

2. Baltimore County Water Supply and Sewerage Plan 2023 Triennial Review

Chairwoman Hafford informed the Board that the next item on the agenda was a presentation by Ms. Jeannette Applauso on the introduction of the Baltimore County Water Supply and Sewerage Plan 2023 Triennial Review. She continued by stating that after the presentation, she would call for a motion to set a public hearing on the matter. Chairwoman Hafford 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 the Triennial Review is required by the Maryland Environmental Code (Section 9-503) to ensure adequate water supply and sewerage throughout Baltimore County. She continued that the review must take place once every three years, must be consistent with the Land Use Master Plan, and must be presented to the public. Ms. Applauso then explained that the Triennial Review examines current flow data, as well as the current and future water and sewer needs based on population projections provided by the Department of Planning. Ms. Applauso concluded her presentation by noting that a more in-depth presentation would be delivered at the October 5th Public Hearing, and stated she was available for any questions.

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

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. Mr. Holupka moved that the Planning Board set an in person public hearing regarding the Baltimore County Water Supply and Sewerage Plan 2023 Triennial Review for Thursday, October 5th, 2023, immediately following the conclusion of the EV Charging Station Report Public Hearing. Mr. Arrey seconded the motion, which passed at 4:46 PM with affirmative votes being cast by Mr. Arrey, Ms. Brophy, Ms. German, Mr. Haffer, Mr. Heckman, Mr. Hinton, Mr. Holupka, Mr. Johnson, Mr. McGinnis, Mr. Perlow, Mr. Warren, and Ms. Wolfson. There were no dissenting votes.

Other Business

3. Report from the September 14, 2023 meeting of the Landmarks Preservation Commission

Ms. Bensley gave a report on the major actions of the September 14th, 2023 Landmarks Preservation Commission meeting.

4. 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 23-23 – Amending the Boundary of the Baltimore National Pike Commercial Revitalization District
- b. Resolution 24-23 – Amending the Boundary of the Catonsville Commercial Revitalization District

Adjournment of the Board Meeting

Chairwoman Hafford called for a motion to adjourn the meeting and noted that the Board would reconvene for a Public Hearing on the Greater Middle River Design Guidelines at 5:00 PM. Mr. Warren moved to adjourn the meeting. Mr. Arrey seconded the motion, which passed at 4:47 PM with affirmative votes being cast by Mr. Arrey, Ms. Brophy, Ms. German, Mr. Haffer, Mr. Heckman, Mr. Hinton, Mr. Holupka, Mr. Johnson, Mr. McGinnis, Mr. Perlow, Mr. Warren, and Ms. Wolfson. There were no dissenting votes.

The meeting adjourned at 4:47 PM.

**Baltimore County Planning Board Public Hearing Minutes
September 21, 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
<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. S. Chris Haffer 6. Mr. Mark Heckman 7. Mr. Shafiyq Hinton 8. Mr. C. Scott Holupka 9. Mr. Derick Johnson 10. Mr. Wayne McGinnis 11. Mr. Howard Perlow 12. Mr. Todd Warren 13. Ms. Cathy Wolfson 	<ol style="list-style-type: none"> 1. Mr. Steve Heint 2. Ms. Cathryn Pinheiro

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

Item for Public Hearing

1. Greater Middle River Design Guidelines**

Chairwoman Hafford welcomed everyone and explained that, on September 7th, 2023, Mr. David Birkenthal of the Department of Planning introduced the Greater Middle River Design Guidelines to the Board. She explained that Mr. Birkenthal and members of the community were in attendance to further present the guidelines to the Board. She continued that following their presentations, Board members would have the opportunity to ask questions, and then members of the public would have the chance to speak. She noted that immediately following the Public Hearing, the Board would reconvene for a discussion and vote on the matter. She then welcomed Mr. Birkenthal.

Mr. Birkenthal introduced himself as the Eastern Sector Lead Planner in the Community Planning Division of the Department of Planning. He stated that he would be presenting an overview of the Greater Middle River Design Guidelines (GMRDG); after his presentation, he would turn the floor over to Ms. Cecily Bedwell from Design Collective for testimony and to answer any questions from the Board. Mr. Birkenthal began his presentation with a quick overview of the guidelines, which would be incorporated into the Comprehensive Manual of Development Policies (CMDP). He spoke to Council Resolution 2-23, which was passed by the Council on February 21, 2023 and authorized the creation of the new guidelines, and allowed the Essex Middle River Civic Council (EMRCC) to lead the effort. He continued his presentation with the timeline and process of the guidelines and moved on to the purpose of the GMRDG. The guidelines were to serve as a guide for all new development as well as major renovations within the Greater Middle River area, and to provide a basis from which the Department of Planning would evaluate development and improvement proposals for compliance. He concluded his part of the presentation and turned the floor over to Ms. Cecily Bedwell.

Ms. Bedwell introduced herself as the Director of the Urban Design Studio at Design Collective. She stated she was brought on by EMRCC to put together design guidelines after the community saw the quality of the Greenleigh development. She noted that her involvement was driven by and advocated for by the community. She began reviewing the table of contents and the key components that were discussed in the guidelines. She mentioned that the guidelines were geared towards new construction, however the community wanted the guidelines, not standards, to be available for all major renovations. She noted that the guidelines were not mandatory development standards, but what the community would like to see. She explained that major renovations were considered more than 50% of the primary structure being altered. Ms. Bedwell clarified that the community was not trying to unduly burden the population, and referenced questions previously brought up by the Board, starting with affordability. She spoke to the Greenleigh development, mentioning the bar was set higher, which drove up costs, but that even with the price increase, Greenleigh had prospered. She discussed that she had been involved in affordable housing design and the developments were beautiful and affordable, and noted that the guidelines did not impact affordability of the units. Ms. Bedwell explained that the EMRCC wanted to see new development geared towards middle and higher income and using quality materials. She then welcomed Mr. Neil Greenberg.

Mr. Greenberg introduced himself as a developer of mixed-use from the Somerset Companies, currently developing Greenleigh in Middle River. He mentioned that everyone in the room was trying to do good and make a better world and community. He noted that people could have different tastes, but all could agree on what was good architecture and development, and mentioned that they were trying to move towards good architecture and good materials. Mr. Greenberg explained that the community approached him after seeing the homes at Greenleigh, and that they expressed interest in the other communities benefiting from what Greenleigh had accomplished with their home designs. He explained that the guidelines were similar to those of Greenleigh's, but were very watered down. Mr. Greenberg explained that the cost to build a home that met the guidelines would be about \$5,000-\$10,000 more, versus the cost to build a home that met the Greenleigh guidelines was about \$20,000 more.

Mr. Warren asked the average price of a home in Greenleigh. Mr. Greenberg replied that the single family detached homes sold for \$800,000 to \$1,000,000, and that townhomes were priced anywhere from \$600,000 to \$800,000. Mr. Warren stated that those numbers were unattainable for many Baltimore County residents. Mr. Greenberg replied that Greenleigh was not for everyone, and that it did not have housing for all demographics whereas Middle River, as a whole, did. He noted that the guidelines sought to improve even the bottom level of the scale, and would give someone a maintenance free exterior that would remain in quality condition for longer. He agreed affordable housing was a major problem, but stated that the community just wanted to raise the bar.

Mr. Holupka stated that Ms. Bedwell had talked about the guidelines being geared towards new development, and questioned how much land was developable within the plan boundary. He stated that the guidelines sounded similar to a retroactive Homeowners Association (HOA), and wanted to know if this would be enforced for existing homes. Mr. Greenberg reiterated that he was present at the request of the community. It was not meant to apply to existing homes, but hoped new homes would meet the proposed standards. Ms. Bedwell stated that there was a clause in the guidelines that mentioned it would not impact someone with an existing home unless they were performing a major renovation. She noted that she would hope that a person would want to follow the guidelines, but since they were just guidelines, they wouldn't be required to adhere to them. She continued that the guidelines said vinyl siding was allowed, and the ideas on affordability were misconstrued. Ms. Bedwell noted that masonry, for example was not required, and the resident would be able to do a stamped foundation. The only requirement was architectural shingles, which was the only large cost implication.

Mr. Heckman stated he was confused on the area of the proposed guidelines. Ms. Bedwell brought up the map that Mr. Heckman was referencing. Ms. Bedwell stated the background page referred to another study with a graphic and might have been the cause for confusion. She confirmed that the map on page 5 of the guidelines was the complete plan area. Mr. Greenberg mentioned that the map shown was the area within the Essex Middle River Civic Council, and that the guidelines were presented and unanimously approved by the Civic Council.

Mr. Heckman stated he was concerned about the way the guidelines could be interpreted. He continued that when he read it, it did not sound like a just a guideline, but rather a requirement. Mr. Greenberg agreed and stated that Ms. Bedwell and himself were on a different page of that argument. He continued that in his opinion, if the guidelines were not mandatory, they were useless. Mr. Heckman mentioned it was not clear on whether or not it was a requirement. He continued that it was saying that it was to be used by Planning when a development would come in, but if someone said they did not want to comply because they thought they were building something appropriate, there was nothing in the guidelines that could hold them to that responsibility. Mr. Greenberg noted that Ms. Bedwell intended for it to be a guideline, but the community groups appeared to be in favor of it being mandatory. Mr. Heckman mentioned that the CDA Tax Credits for low-income housing already required higher quality materials because they were less maintenance.

Mr. Haffer noted that the map was not correct according to the text on page 2. Ms. Bedwell explained that the area on page 2 was a past Planning project, and the map on page 5 was the correct plan area.

Mr. Arrey noted that it had been stated many times that the document was just guidelines, and he questioned who homeowners could petition to if they did not want to comply. Ms. Bedwell replied that the Department of Planning would make the determination.

Mr. Arrey then questioned what major renovations would fall in the guidelines. Ms. Bedwell answered that a resident with a single-family home who wanted to add an addition that was greater than 51% of the current square footage. She gave examples of an in-law suite or complete second story of a home.

Chairwoman Hafford thanked Mr. Birkenthal, Ms. Bedwell, and Mr. Greenberg for their presentations.

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

Mr. Isaac Ambruso from the Maryland Building Industry Association (MBIA) spoke in opposition to the guidelines. He stated that the guidelines were based on style and preferences of only a select few. He

requested they not be approved, and furthermore that any future proposed guidelines be more thoroughly vetted.

Mr. Johnson stated that the Board had been told the community approved of the guidelines. Mr. Ambruso replied that MBIA was not involved with the review of the guidelines.

Mr. Steve Smith of the Gaylord Brooks Development Firm spoke regarding serious concerns of the proposed guidelines. He mentioned that he had a project that could be impacted. He expressed that he felt the guidelines would discourage creativity by copying the Greenleigh guidelines, and there were only a few parcels it could be applied to. Mr. Smith stated he had seen architecture preferences change over time, and the guidelines would create a level of control. He noted that major subdivisions already had to comply with Section 260 and CDMP, so there was no need to comply with another requirement. Lastly, he noted he felt as though the guidelines would price perspective buyers out of the market.

There were no other speakers.

With no other speakers, Chairwoman Hafford thanked the members of the public for their attendance and testimony. She explained that the Board would immediately reconvene for a discussion and vote on the matter.

Adjournment of the Public Hearing

Chairwoman Hafford called for a motion to adjourn the Public Hearing. Ms. Wolfson moved to adjourn the Public Hearing. Mr. Warren seconded the motion, which passed at 5:41 PM with affirmative votes being cast by Mr. Arrey, Ms. Brophy, Ms. German, Mr. Haffer, Mr. Heckman, Mr. Hinton, Mr. Holupka, Mr. Johnson, Mr. McGinnis, Mr. Perlow, Mr. Warren, and Ms. Wolfson. There were no dissenting votes.

The Public Hearing adjourned at 5:41 PM.

**Reconvene Public Meeting of the
Baltimore County Planning Board**

Call to Order, Introduction of Board Members

Chairwoman Hafford called the meeting to order at 5:41 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 2. Mr. Peter Arrey 3. Ms. Emily Brophy 4. Ms. Beverly German 5. Mr. S. Chris Haffer 6. Mr. Mark Heckman 7. Mr. Shafiyq Hinton 8. Mr. C. Scott Holupka 9. Mr. Derick Johnson 10. Mr. Wayne McGinnis	1. Mr. Steven Heintl 2. Ms. Cathryn Pinheiro

11. Mr. Howard Perlow 12. Ms. Cathy Wolfson 13. Mr. Todd Warren	
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Attending County staff included: Mr. Steve Lafferty, Ms. Amy Mantay, Ms. Ngone Seye Diop, Mr. David Birkenthal, Ms. Krystle Patchak, Ms. Courtney Rachuba, and Ms. Taylor Bensley, all of the Department of Planning.

Item for Discussion and Vote

1. Greater Middle River Design Guidelines

Chairwoman Hafford stated that the Board would have the opportunity to discuss and then vote on the Greater Middle River Design Guidelines. She continued that Mr. Birkenthal, Ms. Bedwell, and Mr. Greenberg were present to answer any potential questions from the Board during discussion and before the vote. She then opened the floor for comments and questions from the Board.

Mr. Warren stated he was concerned a developer would not comply with the guidelines, the community would sue, and the case would end up in court, thus raising overall development costs.

Mr. Perlow questioned if the guidelines also included commercial property. Ms. Bedwell replied that they did not include commercial properties. Mr. Perlow continued that the development at Greenleigh had brought a higher level, but only if someone could afford it. He further stated he was concerned about the following: the entire community had not been involved in the discussion about the guidelines, affordable housing, and that the guidelines would stretch across the County. He specifically mentioned Pikesville, where there was a large amount of redevelopment in the Jewish community. Mr. Perlow went on to explain that every builder in Baltimore County would have to go through the Department of Planning, and Planning could make suggestions on developments. He noted that the product in Baltimore County had improved significantly over the past 45 years, and that he was concerned that the guidelines would leak over to commercial development. Continuing on, he stated that the County was old and there would be a lot of re-development. Finishing his statement, Mr. Perlow explained that he understood there are areas without Homeowner’s Associations (HOA’s), but that covenants should be left to the neighborhoods. He stated he understood a lot of time went into the development of the guidelines, and that the community leadership would like it, but that he did not think everyone would want it.

Mr. Heckman reiterated that he already had expressed concern about the guidelines. As he understood, they were guidelines, not requirements. He disagreed with the suggestion that nice design and nice neighborhoods were the purview of wealthy people. He continued that 90% of the guidelines were not about materials or colors, they are about good traditional neighborhood design planning, regardless of if people were or were not wealthy. He disagreed that the guidelines would make the entire County unaffordable.

Mr. Holupka asked if there was a reason not to apply the guidelines to the whole County. He was concerned that some of it would become the standard, and questioned if the County would be better off if everyone was to follow the guidelines. Ms. Bedwell stated she would not answer the question, but explained she knew the Essex/Middle River Community would like it. She continued that the community did not see the guidelines as a burden; they viewed it as a way for their community to be well received. The guidelines did not impart a certain style, and they weren’t trying to impact the affordability. She noted it would just be great to have good materials, design, and construction.

Mr. Holupka questioned what items would not meet the guidelines. Ms. Bedwell replied that a small house that was garage prominent with vinyl siding and shutters that were haphazardly applied was inconsistent with the guidelines. She continued that it would need to have pitched roofs and overhangs that were appropriate for Maryland's climate.

Mr. Greenberg noted they were present to represent the communities, as they were requesting the guidelines for their community. He noted that if the guidelines were successful, they would most likely spread throughout the County, but if they were terrible and the communities did not like it, they would not spread.

Mr. Haffer thanked the speakers, and noted that the Community Association were not in attendance. He continued that Community Associations were not elected or a level of government, so they were not representatives. He mentioned that the guidelines did not appear to be about quality, but focused on uniformity, conformity, and aesthetic. He continued that there was no info or due process involved, that a lot of questions were left unanswered, and that the guidelines would impact 11,000+ current owner occupied units and would deprive them of basic freedoms, noting that there was not enough information to assess the intended and unintended consequences.

Mr. Hinton stated there had been interesting and good comments. He continued that when it came to affordable homes, it was not a minority versus majority problem, as most people simply could not afford a new build unless they had generational wealth. He explained he would rather the guidelines be focused on design for new construction only, and to leave the existing homeowners out of it. He mentioned that as an option to remove from the guidelines.

Mr. Arrey stated he had previously reviewed the guidelines. He questioned if the communities within the plan area had seen the restrictions and concerns. He noted that the community was not in attendance to present their case on the matter, and requested they attend a meeting and present their case to the Board. Mr. Arrey commented that the guidelines needed to be enforceable.

Mr. Warren explained that someone making \$90,000 a year was not poor, and that the issue was not being able to afford a house. He noted that it wasn't a rich/poor, black/white issue; it was an affordability issue. He stated that if someone worked 40 hours a week, they should be able to live in the community they choose to.

Ms. Wolfson was concerned that Greenleigh was built for middle to high incomes, and the guidelines would complement Mr. Greenberg's investment. She continued that the design would be imposed to all other residents. She questioned why Greenleigh didn't have affordable housing, stating this put pressure on other communities to absorb additional affordable units and did not address Baltimore County's turn to affordability.

There were no other questions or comments.

Mr. Haffer moved that the Baltimore County Planning Board remands the Greater Middle River Design Guidelines, as presented, to the EMRCC for a period of 12 months, to enable the EMRCC to gather, analyze, and report, scientifically sound data and information necessary to address the Board's questions and concerns regarding fair housing, equity, and cost impacts on new home construction, and informed consent of existing homeowners and landowners on the impacts of these guidelines on their homes and/or property. The answers to which will enable the Board to make an informed data driven decision. Ms. Wolfson seconded the motion, which passed at 6:08 PM with affirmative votes being cast Mr. Arrey, Ms. Brophy, Ms. German, Mr. Haffer, Mr. Heckman, Mr. Hinton, Mr. Holupka, Mr. Johnson, Mr. McGinnis, Mr. Perlow, Mr. Warren, and Ms. Wolfson. There were no dissenting votes.

Adjournment of the Board Meeting

Chairwoman Hafford reminded the Board that the next meeting would be in person on Thursday, October 5th, and that the Board would have two Public Hearings that evening.

Chairwoman Hafford called for a motion to adjourn the meeting. Mr. Johnson moved to adjourn the meeting. Ms. Brophy seconded the motion, which passed at 6:08 PM with affirmative votes being cast by Mr. Arrey, Ms. Brophy, Ms. German, Mr. Haffer, Mr. Heckman, Mr. Hinton, Mr. Holupka, Mr. Johnson, Mr. McGinnis, Mr. Perlow, Mr. Warren, and Ms. Wolfson. There were no dissenting votes.

The meeting adjourned at 6:09 PM.