

MINUTES

Baltimore County Planning Board Meeting

October 5, 2023

Contents

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

Review of Today’s Agenda

Minutes of the September 21, 2023 Meeting

Other Business

1. Recent County Council legislation of interest to the Board:
 - a. Bill 52-23 – Uses Permitted in the Manufacturing, Light (M.L.) Zone – Repealing Residential Uses on Adjacent Tracts
 - b. Resolution 25-23 – Crematories – Encourage General Assembly to Amend Setback Regulations
 - c. Resolution 28-23 – Maryland Agricultural Land Preservation Foundation FY23 Easement Cycle
 - d. Resolution 29-23 – Approval of Applications – Sale of Development Rights Easements – Agricultural Land Preservation Foundation

Adjournment of the Board Meeting

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

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

Items for Public Hearing

1. Electric Vehicles (EV) Charging Stations Report (Council Resolution 14-23)**
2. Baltimore County Water Supply and Sewerage Plan 2023 Triennial Review**

**Comments by citizens

Adjournment of Public Hearing

Appendices

- Appendix A** Electric Vehicles (EV) Charging Stations Report and Staff Presentation
- Appendix B** Water Supply and Sewerage Plan 2023 Triennial Review and Staff Presentation

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

**Baltimore County Planning Board Meeting Minutes
October 5, 2023**

Call to Order, Introduction of Board Members

Chairwoman Hafford called the meeting to order at 4:50 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. Steven Heintz
2. Mr. Peter Arrey	2. Mr. Howard Perlow
3. Ms. Emily Brophy	
4. Ms. Beverly German	
5. Mr. S. Chris Haffer	
6. Mr. Mark Heckman	
7. Mr. Shafiq Hinton	
8. Mr. C. Scott Holupka	
9. Mr. Derick Johnson	
10. Mr. Wayne McGinnis	
11. Ms. Cathryn Pinheiro	
12. Mr. Todd Warren	
13. Ms. Cathy Wolfson	

Attending County staff included: Mr. Steve Lafferty, Ms. Ngone Seye Diop, Ms. Krystle Patchak, Ms. Courtney Rachuba, Ms. Laura Wolfe, and Ms. Taylor Bensley, all of the Department of Planning; Mr. Pete Gutwald and Ms. Sally Nash of the Department of Permits, Approvals, and Inspections; Ms. Lisa Eicholtz, Ms. Amy Bley, Ms. Erin McKenna-Streyle, Mr. Justin Hall, and Ms. Jeanette Applauso, all 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 28, 2023.

Minutes of the September 21, 2023 Meeting

Chairwoman Hafford asked the Planning Board members if they had any changes to the September 21, 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. Heckman seconded the motion, which passed at 4:52 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, Ms. Pinheiro, 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 52-23 – Uses Permitted in the Manufacturing, Light (M.L.) Zone – Repealing Residential Uses on Adjacent Tracts
- b. Resolution 25-23 – Crematories – Encourage General Assembly to Amend Setback Regulations
- c. Resolution 28-23 – Maryland Agricultural Land Preservation Foundation FY23 Easement Cycle
- d. Resolution 29-23 – Approval of Applications – Sale of Development Rights Easements – Agricultural Land Preservation Foundation

Adjournment of the Board Meeting

Chairwoman Hafford called for a motion to adjourn the meeting and noted that the Board would reconvene for two Public Hearings at 5:00 PM. Mr. Warren moved to adjourn the meeting. Mr. Heckman seconded the motion, which passed at 4:54 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, Ms. Pinheiro, Mr. Warren, and Ms. Wolfson. There were no dissenting votes.

The meeting adjourned at 4:54 PM.

**Baltimore County Planning Board Public Hearing Minutes
October 5, 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
<ul style="list-style-type: none">1. Ms. Nancy Hafford, Chair2. Mr. Peter Arrey3. Ms. Emily Brophy4. Ms. Beverly German5. Mr. S. Chris Haffer6. Mr. Mark Heckman7. Mr. Steve Heintl (Arrived at 5:10 PM)8. Mr. Shafiyq Hinton9. Mr. C. Scott Holupka10. Mr. Derick Johnson11. Mr. Wayne McGinnis12. Ms. Cathryn Pinheiro	<ul style="list-style-type: none">1. Mr. Howard Perlow

<p>13. Mr. Todd Warren 14. Ms. Cathy Wolfson</p>	
--	--

Attending County staff included: Mr. Steve Lafferty, Ms. Ngone Seye Diop, Ms. Krystle Patchak, Ms. Courtney Rachuba, Ms. Laura Wolfe, and Ms. Taylor Bensley, all of the Department of Planning; Mr. Pete Gutwald and Ms. Sally Nash of the Department of Permits, Approvals, and Inspections; Ms. Lisa Eicholtz, Ms. Amy Bley, Ms. Erin McKenna-Streyle, Mr. Justin Hall, and Ms. Jeanette Applauso, all of the Department of Public Works and Transportation; and Mr. Seth Blumen of the Sustainability Office.

Items for Public Hearing

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

Chairwoman Hafford welcomed everyone and explained that, on September 21st, 2023, Mr. Steve Lafferty of the Department of Planning and Ms. Sally Nash of the Department of Permits, Approvals, and Inspections introduced the Electric Vehicles Charging Stations Report to the Board. She explained that Mr. Lafferty and Ms. Nash 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 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%. He continued on and noted that the total registered EVs in Baltimore County had increased by 40% between July 2022 and May 2023.

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 continued that Council Resolution 14-23 specifically asked the Board to look at the health and safety of EV Charging Stations. He explained that scientific research did not indicate there was a legitimate public health concern associated with EV Service Equipment (EVSE). Further, he stated that the National Highway Traffic Safety Administration stated that the “propensity and severity of fires and explosions from the accidental ignition of flammable electrolytic solvents used in Li-ion battery systems are comparable to gasoline or diesel vehicular fuels.”

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; that multiple EVSE’s at the same location are not considered to be a fuel service station; that EVSE’s are considered an accessory use in all zones; and that State law required residential housing units (single family detached, duplexes, and townhouses) to have at least one EVSE-installed or one EVSE-ready parking space, effective October 1st, 2023. 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. The goal was to limit case-by-case determinations and clarify where EVSE may be installed. She continued that establishing compatible EVSE regulations by land use would eliminate confusion about what was or was not allowable. Ms. Nash then explained the workgroups 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; that dual-port Level 2 and Level 3 EVSE suitability be evaluated by PAI; and that permits would be streamlined when EVSE was in the public right-of-way.

Mr. Heintz entered the meeting at 5:10 PM.

Key Recommendation #3 was that all EVSE's must be compliant with electrical and safety standards; 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 were installed; to require ADA accessible EVSE spaces in multi-space parking facilities, excluding single family and duplex residential units; and to count ADA-accessible EV parking spaces as part of any minimum parking standard.

Ms. Nash concluded the presentation by thanking the County staff report contributors: Mr. Steve Lafferty and Ms. Jennifer Nugent of the Department of Planning; Mr. Pete Gutwald and Ms. Sally Nash of the Department of Permits, Approvals, and Inspections; Ms. Jenn Aioisa of Government Affairs/the Chief Sustainability Officer; Ms. Sarah Price of the Office of Government Affairs; and Mr. Seth Blumen of 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 presentation and opened the floor for comments and questions from the Board.

Mr. Haffer stated he was concerned the Baltimore County Fire Department was not included in the workgroup. He explained that an electric bus recently caught on fire in Italy and twenty people died because of how hot and how long the fire burned. Mr. Haffer continued that the Fire Department should review the report to confirm the information on health and safety was consistent with what they saw in the field.

Mr. Holupka explained that the chart showing proposed parking standards stated multi-family residential required 10% EVSE installed parking spaces, 15% EVSE ready parking spaces, and 40% EVSE capable parking spaces. He asked if these numbers were additive, and if the number of EVSE installed parking spaces counted towards the number of EVSE capable parking spaces required. Mr. Blumen stated he would need to revisit that with the workgroup and report back.

Ms. Brophy asked if the workgroup considered incentives to developers since installing EVSE installed, ready, and capable parking spaces would be an additional cost to them. Mr. Blumen stated the workgroup had not looked into that, but that they could.

Mr. Heckman noted that New York or New York City did not allow EV charging on the first floor of multi-family or mixed-use because there had been too many cars catching on fire. He suggested the workgroup distinguish what is required for inside versus outside parking.

Mr. McGinnis questioned how residents in the rural part of the County would have enough facilities to recharge EVs. Mr. Lafferty explained that if there was not a demand for EVSE in the rural part of the County, EVSE would not be installed there. He continued that if there was new retail in say an area like Parkton, facilities should be in place to meet future shoppers needs. Mr. Lafferty noted that if new homes were built in the north county, they needed capabilities for EV charging under State law.

Mr. Warren noted that a relatively new State law required all new car sales be electric vehicles by 2035.

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

Mr. Tim Ruppalt of the Dulaney Valley Improvement Association provided a brief overview of the differences between Level 1, 2, and 3 EV chargers. He explained that Level 3 chargers were very different, and that people would not like them installed by their homes. Mr. Ruppalt continued by explaining that Level 3 chargers did not burn like gasoline when they caught on fire. He continued that the fires took longer and more water to put out because the battery had to be cooled enough so they did not reignite, noting that EV vehicles were kept separate in tow yards due to this concern.

There were no other speakers.

Chairwoman Hafford asked if the Board had any additional comments.

Mr. Warren stated that he did not feel comfortable approving the report until the fire department had reviewed and the Board had established incentives for business owners. He stated that he appreciated the County was looking into the technology now, rather than waiting until 2030 or 2034, but that he was concerned about lasting impact. Mr. Warren continued that business owners had informed him EVSE parking spots were larger than standard parking spots, so he noted there may need to be a reduction in parking requirements.

Ms. Wolfson stated she was concerned that putting EV chargers on roadsides would make them easier to run into and would therefore introduce more hazards into the roadways. She stated she was not concerned with Level 1 and 2 charging stations at people's homes, but she was concerned with the risk of run off the road accidents and Level 3 charging stations.

Mr. Haffer asked if the fire department would be able to comment on the report. Mr. Lafferty stated that they would be happy to share with the Fire Chief, who would then determine who within their department should review.

Mr. McGinnis asked what the cost was to install a Level 3 charging station. Mr. Blumen replied that it was roughly four times the cost of that of a Level 2, so it would likely be \$20,000-\$40,000. Mr. McGinnis then asked what it cost to charge a vehicle. Mr. Blumen replied that the rates were standard BGE rates, set by the Public Service Commission. Mr. McGinnis asked how it compared to the cost of filling up a gas vehicle. Mr. Blumen stated that he could share that analysis. Mr. McGinnis asked what percentage of the batteries were imported from other countries. Mr. Blumen stated that some of the parts were foreign and some were domestic, but that he could provide a more specific breakdown.

Mr. Holupka asked how much flexibility there was moving forward, since technology was always changing. Mr. Blumen stated the workgroup understood that, and that the goal was for Level 2 chargers to be the vast majority of the stock. Mr. Holupka then asked if Tesla fast chargers were the equivalent to a Level 3, which Mr. Blumen confirmed was accurate.

Mr. Hinton asked if the County had considered partnering with existing gas stations. Mr. Lafferty replied that the County was definitely looking at partnerships, including with BGE to install EV chargers at public facilities like libraries and senior centers, but that the recommendations were primarily for private development and commercial ventures.

Mr. Heckman considered the cost impact to developers of adding 10 EV parking spaces at \$40,000 per space. Mr. Lafferty replied that the cost was only for Level 3 chargers, but that a developer could do Level 1 or Level 2 chargers.

Mr. Warren asked if the County would require the Tesla plug. Mr. Lafferty explained the EV manufacturers appeared to be trying to find a more universal charging port, but that the County would not dictate the technology used, as it would be a business decision. He noted it would be the equivalent of a manufacturer making a non-universal light bulb.

Mr. Lafferty noted that the report is going to the County Council from the Planning Board, and was therefore now in the Board's hands. He continued that any amendments, recommendations, information added or stricken from the report, was up to the Board. He encouraged the Board to provide any suggested changes to staff so they could be taken up as amendments.

Mr. Warren asked if the Fire Chief could speak to the Board at the October 19th meeting. Mr. Lafferty stated he was unsure of her schedule, but that he would request comments on the departments position.

With no other speakers or Board comments or questions, Chairwoman Hafford thanked the members of the public for their attendance and testimony. She explained that the Board would vote on the matter at the October 19th Board Meeting.

Mr. Lafferty exited the meeting at 5:34 PM.

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

Chairwoman Hafford informed everyone that the next matter on the agenda was a Public Hearing on the Baltimore County Water Supply and Sewerage Plan 2023 Triennial Review. She explained that, on September 21st, 2023, Ms. Jeannette Applauso of the Department of Public Works and Transportation introduced the Triennial Review to the Board. She explained that staff from the Department of Public Works and Transportation (DPWT) was present to further present the Review to the Board and then, following their presentation, Board members would have the opportunity to ask questions, and then members of the public would have the chance to speak. She then welcomed DPWT.

Mr. Justin Hall explained that he was the Chief of Design and that he; Ms. Erin McKenna-Streyle, Chief of Water; and Ms. Amy Bley, Chief of Sewer; would be presenting the 2023 Triennial Review to the Board.

Mr. Hall provided a brief overview of the Water Supply and Sewerage Master Plan applicable regulations, including the Code of Maryland Regulations 26.01.03 and the Environmental Article of the Annotated Code of Maryland, Section 9-503. He continued that the Triennial Review must be reviewed by the governing body at least once every three years and then submitted to the Maryland Department of

the Environment (MDE). Mr. Hall continued that the 2020 Triennial Review was adopted by County Council on August 2nd, 2021, and approved by MDE on November 30th, 2021.

Mr. Hall then explained that the Triennial Review was separated into four chapters. *Chapter 1: Goals and Organization* demonstrated that the Water and Sewer Plan was consistent with and supportive of the County's goals in Master Plan 2020. He noted that there were no major changes to this section in comparison to the 2020 Triennial Review. *Chapter 2: Background Information: Physical, Population Projects, Land Use* described Master Plan 2020 and the relationship between the County's water and sewer planning, the Urban-Rural Demarcation Line, and the State's Priority Funding Area. He stated that the Round 10 population forecasts were provided by the Department of Planning through 2050, and the Population Forecasts, Population Density, Land Use, Zoning, and Institutions maps were revised as necessary; the Geology, Critical Well Yield Areas, Soil Erosion Potential, Hydrological Soil Groups and Slope Evaluation maps remained unchanged from the 2020 Triennial Review.

Mr. Hall then turned the presentation over to Ms. McKenna-Streyle for information on the water supply section of the plan. Ms. McKenna-Streyle explained that *Chapter 3: Water Supply Plan – Description of the Existing System* provided information on individual private well-water supply, small community water supply systems, and the Baltimore Metropolitan water system. She then explained the main components of the Water System, which included raw water storage, treatment plans, pumping stations, treated water storage, elevated water storage tanks, zones of service, and over 2,266 miles of pipeline. – then provided information on current construction projects; recently completed construction projects; past and present water usage; future budget information; and future projects.

Ms. McKenna-Streyle then turned the presentation over to Ms. Bley for information on the sewerage section of the plan. Ms. Bley explained that *Chapter 4: Sewerage Plan – Description of the Existing System* provided information on septic systems, waste water treatment plans, and the sewerage network system. – then provided insight on current construction projects; recently completed construction projects; projected sewerage demands; budget information; and future projects.

Ms. Bley concluded DPWT's presentation by thanking the Board for their time on the matter, and advising she, Ms. McKenna-Streyle, and Mr. Hall were available for any questions.

Chairwoman Hafford thanked Mr. Hall, Ms. McKenna-Streyle, and Ms. Bley for their presentation, noted there were no speakers signed up to speak on the matter, and opened the floor for comments and questions from the Board.

Mr. Holupka stated that, in past budget presentations, major improvements at the Back River Waste Water Treatment Plan were discussed; he asked for a status update on the project. Ms. Bley asked if Mr. Holupka was referring to the Headworks Project. Mr. Holupka stated that sounded familiar. Ms. Bley stated that the project was complete.

Mr. Heckman asked if DPWT had received a copy of the letter submitted to the Board from the Green Towson Alliance, which offered harsh criticism of the report. Mr. Hall replied that DPWT had received the letter and that they were working on a point-by-point response letter.

Ms. Wolfson asked if DPWT would object to a third-party review of the report. She continued that the Green Towson Alliance letter mentioned multiple cases that went before the Administrative Law Judge where communities brought in third party engineers about the water and sewer issues. Mr. Hall responded that the Maryland Department of the Environment was essentially a third-party reviewer, and that the report was subject to their approval. Ms. Wolfson clarified she was referring to a non-agency third party

that did not have a vested interest. Mr. Hall stated that DPWT could discuss that idea internally and report back to the Board.

Mr. Arrey stated he did not believe a third party needed to review the report, but stated he would like to see the point-by-point response letter. Mr. Hall replied that would work.

Mr. Haffer stated that the department could do both a third-party review and a response to the letter. He continued that the letter should come back to the Planning Board to determine if the community was satisfied; if they were not, it would let the Board know a third-party review was needed. He stated this would also help focus the points of debate and disagreement.

Mr. Warren noted that the County was out of developable land inside the URDL. He wanted to know where the County could extend the sewer lines, and if studies were performed for that matter. Mr. Hall replied that the report was looking at the Comprehensive Land Use Plan, which talked about treating the sewerage and the production of water, in future years. Mr. Warren stated that it was a stagnant Plan, which only looked inside the URDL. Mr. Hall noted he could check on that information and get back to the Board.

Mr. Holupka followed up on Mr. Warren's comment and stated that Master Plan 2030 talked more in depth about dense developments inside the URDL; he questioned if that had that been taken into account. Mr. Hall replied that DPWT evaluated every development submitted to them, but that they could look into increased density concerns.

With no speakers and no other Board comments or questions, Chairwoman Hafford thanked the members of the public for their attendance and testimony. She explained that the Board would vote on the matter at the October 19th Board Meeting.

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. Heckman seconded the motion, which passed at 5:56 PM with affirmative votes being cast by Mr. Arrey, Ms. Brophy, Ms. German, Mr. Haffer, Mr. Heckman, Mr. Heintl, Mr. Hinton, Mr. Holupka, Mr. Johnson, Mr. McGinnis, Ms. Pinheiro, Mr. Warren, and Ms. Wolfson. There were no dissenting votes.

The Public Hearing adjourned at 5:56 PM.