

MINUTES

Baltimore County Planning Board Meeting

July 18, 2024

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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 42 Water Supply and Sewerage Master Plan Amendment**

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Appendix A Cycle 42 Water Supply and Sewerage Master Plan Amendment Staff Report and Presentation

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

**Baltimore County Planning Board Meeting Minutes
July 18, 2024**

Call to Order, Introduction of Board Members

Chairwoman Hafford called the meeting to order at 4:45 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. Howard Perlow
2. Mr. Peter Arrey	2. Ms. Cathryn Pinheiro
3. Ms. Emily Brophy	
4. Ms. Beverly German	
5. Mr. S. Chris Haffer	
6. Mr. Mark Heckman	
7. Mr. Steven Heintl (Arrived at 4:50 PM)	
8. Mr. Shafiq Hinton	
9. Mr. C. Scott Holupka, Vice Chairman	
10. Mr. Derick Johnson	
11. Mr. Wayne McGinnis	
12. Mr. Todd Warren	
13. Ms. Cathy Wolfson	

Attending County staff included: Mr. Steve Lafferty, Ms. Krystle Patchak, and Ms. Taylor Bensley, all of the Department of Planning; and Mr. Andrew Brown, Ms. Lisa Eicholtz, and Mr. Justin Hall, all of the Department of Public Works and Transportation.

Review of Today’s Agenda

Ms. Bensley reported there were no changes to the Tentative Agenda published July 11, 2024.

Minutes of the June 20, 2024 Meeting

Chairwoman Hafford asked the Planning Board members if they had any changes to the June 20, 2024 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. Holupka 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. Heint, Mr. Hinton, Mr. Holupka, Mr. Johnson, Mr. McGinnis, Mr. Warren, and Ms. Wolfson. There were no dissenting votes.

Other Business

- 1. Report from the July 11, 2024 Meeting of the Landmarks Preservation Commission

Ms. Bensley gave a report on the major actions of the Landmarks Preservation Commission at their July 11th, 2024 meeting.

- 2. 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 41-24 – Zoning Regulations – Uses Permitted in the B.L.R. Zone – Animal Boarding Place – Class B, Commercial Kennel Veterinarian’s Office, Veterinarian, or Combinations Thereof
- b. Bill 42-24 – Zoning Regulations – Uses Permitted in the B.M. and B.R. Zones – Industrial Uses in the Back River Area
- c. Bill 43-24 – Zoning Regulations – Eco Park Overlay District
- d. Bill 45-24 – Development Impact Fees
- e. Bill 46-24 – Zoning Regulations – Uses Permitted – B.L. Zone – Community Buildings and Fraternal Organizations
- f. Bill 47-24 – County Charter – County Council – Composition – Number of Councilmembers
- g. Resolution 31-24 – Properties in Design Review Area – Historic East Towson – Comprehensive Manual of Development Policies
- h. Resolution 32-24 – Approval of Planned Unit Development – Loch Raven Overlook

Adjournment of the Board Meeting

Chairwoman Hafford called for a motion to adjourn the meeting. Mr. Warren moved to adjourn the meeting. Ms. Brophy 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. Heint, Mr. Hinton, Mr. Holupka, Mr. Johnson, Mr. McGinnis, Mr. Warren, and Ms. Wolfson. There were no dissenting votes.

The meeting adjourned at 4:54 PM.

**Baltimore County Planning Board Public Hearing Minutes
July 18, 2024**

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. Steven Heintl 8. Mr. Shafiq Hinton 9. Mr. C. Scott Holupka, Vice Chairman 10. Mr. Derick Johnson 11. Mr. Wayne McGinnis 12. Mr. Todd Warren 13. Ms. Cathy Wolfson 	<ol style="list-style-type: none"> 1. Mr. Howard Perlow 2. Ms. Cathryn Pinheiro

Attending County staff included: Mr. Steve Lafferty, Ms. Krystle Patchak, and Ms. Taylor Bensley, all of the Department of Planning; and Mr. Andrew Brown, Ms. Lisa Eicholtz, and Mr. Justin Hall, all of the Department of Public Works and Transportation.

Items for Public Hearing

1. Cycle 42 Water Supply and Sewerage Master Plan Amendment**

Chairwoman Hafford welcomed everyone and explained that, on June 20th, 2024, Mr. Andrew Brown of the Department of Public Works and Transportation introduced the Cycle 42 Water Supply and Sewerage Master Plan Amendments to the Board. She explained that Mr. Brown was in attendance to further present the Cycle 42 petition to the Board; following his 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 Mr. Brown.

Mr. Brown began his presentation by introducing himself as a member of the Sewer Design section of the Department of Public Works and Transportation (DPWT). He then provided definitions on water and sewer designations, explaining that S-1 – Existing Service Area and S-6 – Areas of Future Consideration were the two definitions relevant to the singular Cycle 42 petition.

Mr. Brown then provided information on Cycle 42 Petition 24-01, which was for 5301 Keech Road in Halethorpe. He explained that the site was bifurcated by I-95 and had existing water service and an existing gravity sewer, but no existing sewer service. The Petitioner was requesting a change from S-6 – Areas of Future Consideration to S-1 – Existing Service Area. Mr. Brown continued that the site was primarily outside of the Urban-Rural Demarcation Line (URDL), although a sliver of it was inside the URDL, and that the site was inside of the Metropolitan District.

Mr. Brown then provided the Staff Recommendations on the petition:

- The Department of Environmental Protection and Sustainability recommended maintaining the existing S-6 designation unless the zoning and/or URDL were changed;
- The Department of Planning recommended maintaining the existing S-6 designation since most of the property was outside the URDL and was in the Resource Preservation place type of Master Plan 2030; and

- The Department of Public Works and Transportation recommended maintaining the existing S-6 designation because active existing public sewer was not available to the property.

He concluded his presentation by stating that he was available for any questions.

Chairwoman Hafford thanked Mr. Brown for his presentation and opened the floor for comments and questions from the Board.

Mr. Haffer asked how large the property was, the existing zoning, and who would, hypothetically, pay for the sewer. Mr. Brown answered that it was approximately 34 acres total, zoned RC 5, and that the cost would depend on what was proposed – if they project was for a public health reason, it's possible the County would assist with costs, but if it was a private developer, they would be responsible for the costs.

Mr. Heintl questioned how much a project like this would cost. Mr. Brown replied that DPWT had not run the numbers, but that it would be approximately 3,000 linear feet of sewer, which was a significant distance.

Ms. Wolfson asked if the Water Supply and Sewerage Amendments had a requirement to justify extension with a hardship or difficulty, or if a property owner could simply desire it. Mr. Brown answered that a hardship was not required.

Mr. Warren questioned what would happen if there was a percolation issue. Ms. Lisa Eicholtz, the Engineering and Construction Bureau Chief within the Department of Public Works and Transportation, explained that if there was an issue with the septic, the Department of Environmental Protection and Sustainability would investigate the issue, determine it was failing, and then they would petition to DPWT for the project to be a health project. Ms. Wolfson then asked if there were any reports of neighboring properties having failing septic systems. Ms. Eicholtz replied that there were not.

Mr. Johnson asked why DPWT did not support the request for S-1 – Existing Service Area. Mr. Brown replied that S-1 was for “existing service areas” and that the site did not have existing sewer service, so DPWT did not support the designation request.

Ms. Wolfson noted that the existing sewer line was capped on both ends and was installed during the construction of that stretch of I-95, which was completed in 1972, meaning that the pipe was, at a minimum, 52 years old. Mr. Brown confirmed that was accurate and that the sewer drawings on file were from the 1970's.

With no further questions and comments from the Board, Chairwoman Hafford stated that the applicant's representative would have five minutes to speak on the project. She then welcomed Mr. Richard Matz.

Mr. Matz introduced himself as a licensed engineer of over 40 years. He explained that the property had an existing sewer connection and that part of the property was within the Urban Rural Demarcation Line; as such, the petitioner was seeking at least an S-3 – Capital Facilities Area designation, if not S-1 – Existing Service Area. He continued that, in order to confirm the existing gravity sewer worked, the petitioner would need to uncap both ends and further investigate. Mr. Matz then explained that the team had investigated and confirmed the gravity sewer could reach the existing nearby pumping station, noting that the pipe leaves the property on the west side at a 189 elevation, and exits on the east side at a 141 elevation. Mr. Matz shared a series of photos and maps, including a map from Baltimore County's My Neighborhood showing the property and nearby existing sewer lines; a map showing the sewer line on the petitioner's property; the DPWT sewer construction drawing showing the 16" sewer line under I-95; the profile of the existing 16" sewer line as it runs under I-95; the DPWT plan showing public sewer lines on

Viaduct Avenue and Woodland Avenue near the subject site; and various photos of the sewer pumping station in front of the residence at 703 Woodland Drive. He concluded his presentation by thanking the Board for their time and advising he was available for any questions.

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

Mr. Haffer asked if the petitioner had received any letters of support for the project. Mr. Matz replied that that would be a question for Mr. Matt Kotroco, the attorney for the project.

Mr. Heckman questioned if the pumping station had the capacity to handle additional flow. Mr. Matz answered that it did for the existing home.

Mr. Holupka reiterated that the pipe was capped on both ends. Mr. Matz confirmed this was accurate and that the pipe was not connected.

Ms. Wolfson explained that, often times, in interstate medians, there were underground utilities, including cable and internet. She questioned if the existing sewer pipe was still viable given new utilities added since the 1970's. Mr. Matz explained that the pipe was an iron pipe, was very deep, and was encased in concrete; therefore, the pipe was built to last. Ms. Wolfson reiterated that the pipe had not been tested, which Mr. Matz confirmed was accurate.

Mr. Johnson expressed that the County agencies had concerns, and asked why the Board should consider the request. Mr. Matz explained that the property was previously zoned DR 1, which typically had public water and sewer, and that the pipe was installed knowing the property was zoned DR 1. He further explained that the site was next to I-95 and the UMBC campus, was within the Metropolitan District, and a portion of the site was within the URDL. Mr. Matz continued that many nearby properties also had S-1 – Existing Service Area and S-3 – Capital Facilities Area designations, so the petitioner felt the request was appropriate.

Ms. Wolfson noted that the property was downzoned to RC 5 in the 2008 Comprehensive Zoning Map Process, stating that it was a legitimate process. Mr. Heintl noted that the issue went through due process before being downzoned.

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

Mr. Matt Kotroco introduced himself as the attorney representing the project. He then presented a series of exhibits, including maps showing nearby S-1 – Existing Service Area and S-3 – Capital Facilities Area designations; maps showing the existing URDL and Metropolitan District boundary; an email from Ms. Amy Bley, Chief of the Sewer Design Section of the Department of Public Works and Transportation, confirming that the County must permit connection to the sewer line; screenshots of Baltimore County GIS showing that the property was within the Growth Tier designations “Planned for Public Sewer and Outside URDL” and “Served by Public Sewer and Inside URDL”; maps of the zoning from 2000 to 2016, showing the change from DR 1 to RC 5 in 2008; and an inter-office memorandum from the Department of Environmental Protection and Sustainability to the Department of Public Works and Transportation stating that, in 2003, the site was the subject of a proposed 17-lot subdivision and only 6 of the 17 lots passed the required perc test.

There were no other speakers.

Chairwoman Hafford asked if the Board had any additional comments.

Ms. Wolfson asked if there was a requirement for neighbors to be notified of the Water Supply and Sewerage Master Plan Amendment, noting that the Board heard from over 30 constituents on the 2024 CZMP issues for the subject site. Mr. Brown replied that he was not aware of a notification or posting requirement, but that the Amendment was advertised, as required, in the newspaper. Ms. Wolfson replied that the request was hidden in plain sight.

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 their next regularly scheduled Board Meeting on September 5th, 2024, as the Board does not convene in August.

Adjournment of the Public Hearing

Chairwoman Hafford called for a motion to adjourn the Public Hearing. Mr. Warren moved to adjourn the Public Hearing. Ms. Brophy seconded the motion, which passed at 5:25 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, Mr. Warren, and Ms. Wolfson. There were no dissenting votes.

The Public Hearing adjourned at 5:25 PM.