

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission

May 17, 2016

Location: Carroll County Office Building

Members Present: Matthew S. Helminiak, Chair
Richard Soisson, Vice Chair
Alec Yeo
Eugene A. Canale
Jeffrey A. Wothers
Cynthia L. Cheatwood
Daniel Hoff, Alternate
C. Richard Weaver, Ex-Officio

Present with the Commission were the following persons: Philip R. Hager and Mary Lane, Department of Planning; Lynda Eisenberg, Scott Graf, and Andrea Gerhard, Bureau of Comprehensive Planning; Clay Black, Laura Matyas, Price Wagoner, John Breeding, Bureau of Development Review; Gail Kessler, County Attorney's Office; Ted Zaleski, Management and Budget; James Marks and William Caine, Board of Education.

CALL TO ORDER/WELCOME

Chairman Helminiak called the meeting to order at approximately 9:00 A.M.

ESTABLISHMENT OF QUORUM

Pamela Hare took the attendance of the Commission, noting that eight members were present, and there was a quorum.

PLEDGE OF ALLEGIANCE

OPENING REMARKS

Secretary Hager noted that there were no changes proposed to the previously distributed agenda and recommended approval.

REVIEW AND APPROVAL OF AGENDA

The Commission, on motion of Mr. Wothers, seconded by Mr. Yeo, and carried, approved the agenda as distributed.

PUBLIC COMMENTS

There were no public comments.

REVIEW AND APPROVAL OF MINUTES

A. March 15, 2016

The minutes of the March 2016 Business Meeting were approved on motion of Mr. Wothers, seconded by Ms. Cheatwood, and carried.

REPORT OF AGENCY REPRESENTATIVES

A Board of Education - Jim Marks briefed the Commission on the Carroll Springs paving project, storm water retention, and the school closures.

Alec Yeo, Commission member, asked if the consolidation of schools would be impacted due to physical limitations. Commissioner Weaver asked if this would put Manchester Valley over capacity.

Mr. Marks indicated that there would be sufficient space to accommodate projected students with the closing of schools as approved.

B. Management and Budget - Ted Zaleski, summarized the status of the Budget process.

COMMISSION MEMBER REPORTS

A. Commission Chair, Matt Helminiak, stated that he had been getting calls and opinions from the Freedom Community outreach.

B. EX-OFFICIO MEMBER – Commissioner Weaver spoke about attending a meeting regarding solar panels in the residential areas. He stated he was excited for the Commission to learn more about this.

ADMINISTRATIVE REPORT

A. Administrative Matters - Secretary Hager informed the Commission that the vacant Office Associate position within the Bureau of Comprehensive Planning had been filled by Jena Beard.

B. Extensions - Clay Black, Bureau of Development Review, reported that three extensions had been granted. All were in the Agricultural zoning district, all were minor subdivisions and all were to one lot. Two were for the 6th extension and one was for the 5th extension.

Mr. Black also stated that, in regards to the question asked by the Commission at a previous meeting, since January 1 2016, there had been no extensions and all plats had been recorded within a couple of months of getting Planning Commission approval.

C. BZA Cases - Secretary Hager provided the Commission an update on the BZA cases for the month of April. He stated there had been three BZA cases, all of which had been approved. Secretary Hager noted that BZA case #5940 was for Conditional Use and a Variance for a dog kennel in the Agricultural zone on land that was designated as agriculture, case #5942 was a Variance for the upgrading of the Westminster Wastewater Treatment Plant, and case #5944 was for a Conditional Use for the expansion of an assisted living facility in the Agricultural zone.

EDUCATIONAL FACILITIES MASTER PLAN – William Caine

William Caine told the Commission that he was here today to share the annual report on the school system's ten year update of the Educational Facilities Master Plan and to tell the Planning Commission where they were in the process.

Mr. Caine stated the Plan had been presented to the Board of Education at last week's board meeting and that a public hearing is scheduled for June 1st at 7:00 P.M. in the Board of Education board room. Mr. Caine explained the Plan would then go back to the Board of Education, at the June 15th meeting, for their approval and then to the Maryland Department of Planning by July 1st of this year. Mr. Caine indicated that this Plan was required to be updated annually and that a letter from the County stating the Educational Facilities master Plan is consistent with the County's Comprehensive Master Plan is required.

Mr. Caine then gave an overview of some of the major changes:

Mr. Caine stated that the Community/Demographics section is updated yearly as are the new enrollment projections. He indicated that Section 6 is a critical section and will look different from year to year as the entire section is updated annually.

Mr. Caine asked if there were any questions.

Mr. Hoff stated that there had been talks of five school closings, three now and two later. He then asked where the Board of Education was in that process.

Mr. Caine answered the Boundary Adjustment committee suggested five and the superintendent, through public process, recommended three and at this point there has been no movement towards closing another two because the staff has been working hard on implementing the three school closures.

Mr. Hoff asked if this plan included any new construction.

Mr. Caine replied that the only major project being requested in the six year CIP is the Career Tech project. There has been money set aside to hire an architect for a feasibility study whose report will dictate the future of the project.

Based on various questions from the Commission, Mr. Caine further explained different aspects of the plan and at Chair Helminiak's request, explained the School Condition Ratings.

It was the consensus of the Planning Commission that they would like to see a differentiation between where the actual head count serves as an estimate for enrollments and where demographic forecasting is utilized.

Commissioner Weaver noted that, according to a letter from Secretary Craig, there was a discrepancy between the Maryland State Department of Education and Carroll County enrollment projections, and asked if that had been rectified

Mr. Caine stated that they had looked into the matter and the discrepancy had to do with post-secondary and how those students were recognized because how the state counts them and how the County counts them is a different process. Mr. Caine indicated that normally the numbers do match but because of the Boundary Adjustment Committee the process was different this year.

Chair Helminiak asked Mr. Caine if it were feasible to put a page, with his explanation, behind the letter from Secretary Craig. Mr. Caine said he would present that idea to the superintendent to see if he were amenable to the suggestion.

Secretary Hager stated that this would be put on the Agenda for the work session in June, at which time the Planning Commission could provide their feedback. Mr. Caine conveyed to the Commission that this Plan would be voted on by the Board of Education on June 15 and that any feedback would be appreciated prior to that date.

Alec Yeo stated the Planning Commission would have a letter to the Board of Education prior to the June 15th meeting.

2015 ANNUAL REPORT BRIEFING – SCOTT GRAF

Scott Graff briefed the Commission on the annual report.

Mr. Graf told the Commission that the Planning follows the same timeline each year. He stated the report is sent out in April to the municipal planning commissions for their review, in turn they provide their comments to the Planning Department in May for the County Planning Commission to review. Mr. Graf stated that in June the County Planning Commission typically adopts the report and the Final Report is sent to the Board of County Commissioners and Maryland Department of Planning by July 1.

Mr. Graf stated that this is a significant undertaking each year and that this is a coordinated effort with each municipality; Public Works and Parks and Recreation have a part in it as well. Mr. Graf also thanked Sandy Baber for her extensive work on this report.

Secretary Hager informed the Commission that he would like to put a final review of the Annual Report on the June 1 Work Session Agenda.

ANNEXATIONS

Andrea Gerhard, Comprehensive Planner, reminded the Planning Commission that as a courtesy to the municipalities the County acts as a facilitator for these annexation processes which are typically, not contested.

Ms. Gerhard provided a detailed summary of each of the proposed annexations and responded to questions from the Commission. The Annexation candidates included: Illiano/Mount III, Number 38; Twin Arch Associates, Number 41; and Bollinger, Number 47. Each was voted upon separately and recommended to be forwarded to the Board of Commissioners. Ms. Gerhard noted that along with these three annexations she would be taking the other three seen previously by the Planning Commission to the Board of County Commissioners the following week for a briefing.

PRELIMINARY SUBDIVISION REVIEW

A. P-12-004 – HUMMINGBIRD HILL, MAJOR SUBDIVISION

A. P-12-004 – HUMMINGBIRD HILL, MAJOR SUBDIVISION

LOCATION: North and south side of Bankard Road, southwest of Grand Valley Road, E.D. 3

OWNER: Red Properties, LLC, 2456 Tyrone Road, Westminster, MD 21158
(LLC Members: Robert Dougherty)

DEVELOPER: Same as owner

SURVEYOR: D.R.S. & Associates, 52 Winters Street, Westminster, MD 21157

ZONING: Agriculture

ACREAGE: 39.54 acres

WATERSHED: Conewago Creek

NO. OF LOTS: 8 lots and remaining portion

MASTER PLAN: Agriculture

PRIORITY

FUNDING AREA: N/A

DESIGNATED

GROWTH AREA: N/A

PUBLIC FACILITIES IMPACTED

SCHOOLS: Ebb Valley Elementary
North Carroll Middle
Manchester Valley High

FIRE & EMS: Manchester

POLICE: Carroll County Sheriff's Office

Action Requested:

Two actions are required:

1. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 155, *Development and Subdivision of Land*, of the Code of Public Local Laws and Ordinances of Carroll County.
2. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 156, *Adequate Public Facilities and Concurrency Management*, of the Code of Public Local Laws and Ordinances of Carroll County.

Existing Conditions:

The subject property is comprised of 41(+/-) acres and is improved with a house, barn, and several outbuildings. This property and all adjoining properties are zoned Agricultural and are served by private wells and septic systems. The adjoining property immediately to the south is under a Carroll County Conservation easement.

Project History:

A concept plan of subdivision for this property was presented to the Carroll County Planning and Zoning Commission (Commission) on September 18, 2012 (see attached). On July 15, 2014, the Commission granted the developer's request to allow the use-in-common driveway to exceed the maximum limit of 1,250 feet by an additional 20 feet. The Commission also granted the developer's request to allow eight users on the use-in-common driveway instead of seven, with the condition that an extra pullover (3 pullovers total) be added on the use-in common driveway and that the pullovers not be connected to the driveways for the individual lots (see attached report and minutes). All percolation tests have been completed.

The subdivision plan was subject to Citizen's Involvement on August 27, 2012 during the Technical Review Committee (TRC) meeting. Several citizens stopped in to the Bureau of Development Review to go over the proposed plan. Several citizens expressed concern regarding trees along Grand Valley Road; however, they had no objection to the proposed subdivision. Staff has received a few phone calls from adjoining property owners pertaining to the proposed subdivision.

Plan Review:

The developer proposes to create eight new residential lots and a remaining portion. The lots range in size from 1.29 to 5.73 acres. Several lots are larger than one-acre due to streams, ponds, wetlands, and steep slopes. All of the lots have at least some portion of the property with slopes greater than 12%. The remaining portion is shown as 17.72 acres and will retain one lot right which is used by the existing house and is accessed via an existing driveway off of Grand Valley Rd.

Lots 1-8 will be accessed via Ernest Drive, a use-in-common driveway. With minor brush removal, sight distance will be adequate in both directions. All lots will be served by centralized mailboxes, as well as garbage can pick-up, located on the North side of the intersection of Grand Valley Road and Ernest Drive. An 8 foot by 40 foot bus drop off parking area will be located near the entrance of the subdivision on the South side of Ernest Drive.

A request for variance (V-FC-15-007) to disturb one (1) specimen tree (#8) in good condition was submitted by the applicant. The disturbance is within the critical root zone (CRZ) of the tree and is associated with construction of the use-in-common driveway. Chapter 150 requires that specimen tree's "be left in an undisturbed condition and protected from disturbance during and until on-site construction activities are completed...". The applicant has provided sufficient documentation in support of the request therefore the Bureau of Land and Resource Management granted the variance, finding it will be consistent with the spirit and purpose of Chapter 150.

Lot yield was derived in accordance with Chapter 155.091 (Subdivision in the Agricultural district). Further subdivision of the Remaining Portion and the lots is prohibited for the purpose of creating additional lots for residential use. The proposed land use is consistent with the 2014 County Master Plan land use designation of Agriculture.

There are several areas of wetlands, a stream, and a pond on the northern portion of this property. As part of plan approval, easements pertaining to Water Resource Management, Floodplain, Forest Conservation and Stormwater Management will be granted to the County Commissioners of Carroll County. Drywells will be installed on all lots to address Stormwater Management (SWM). SWM for the use-in-common driveway will be addressed through an infiltration trench.

Forest Conservation will be met through onsite forest banking. There is no landscaping requirement for this development.

This project is subject to the provisions of Concurrency Management, Chapter 156 of the Code of Public Local Laws and Ordinances of Carroll County, and was tested prior to the presentation of the preliminary plan to the Commission for approval.

In accordance with Chapter 155.057, Final Plans need not be brought before the Planning Commission for review of compliance with the approved preliminary plan and all other applicable regulations at its regular meeting, unless specifically requested by the Planning Commission. If final plan review is not requested by the Planning Commission, in accordance with this chapter, the Chairperson or the Secretary of the Planning Commission shall be empowered to approve and sign the final plan upon confirmation from the Bureau that the plan meets all requirements of this chapter and all conditions for approval of such plat have been met, or shall disapprove the final subdivision plan or may approve it with conditions with respect to the timing of recordation or building permits. If approval with conditions is the action of the Planning Commission or its designee, a statement in writing shall be furnished by the Planning Commission or its designee to the developer indicating the provisions with which the development must comply.

Recommendations:

Pursuant to Chapter 155, staff recommends approval of the preliminary plan subject to the following conditions:

1. That a Declaration of Maintenance Obligations for the use-in-common driveway, Ernest Drive, serving Lots 1, 2, 3, 4, 5, 6, 7 & 8 be recorded simultaneously with recordation of the subdivision plat.
2. That the Owner/Developer enters into a Public Works Agreement with Carroll County that guarantees completion of any required improvements.
3. That a forested water resource protection easement be granted to the Carroll County Commissioners simultaneously with recordation of the subdivision plat.
4. That a floodplain easement be granted to the Carroll County Commissioners simultaneously with recordation of the subdivision plat.
5. That a forest conservation easement be granted to the Carroll County Commissioners simultaneously with recordation of the subdivision plat.
6. That a stormwater management easement and maintenance agreement be granted to the Carroll County Commissioners as an easement of access to the County Commissioners or authorized representatives by a deed to be recorded simultaneously with recordation of the subdivision plat.
7. That parcel "A" (road area), consisting of .41525 acres be deeded to the Carroll County Commissioners, to be recorded simultaneously with the recordation of the subdivision plat.
8. That any changes to the Preliminary Plan as submitted and approved by the Commission herein shall be resubmitted to the Commission for further review and approval.
9. Complete brush removal along Grand Valley Road to provide adequate site distance in both directions from Ernest Drive.

CONCURRENCY MANAGEMENT REPORT

Background:

Pursuant to Chapter 156 of the Code of Public Local Laws and Ordinances, once the Department has determined that the residential development plan may be presented to the Commission, the plan is reviewed for Available Threshold Capacity.

Agency Responses:

Police Services:

The estimated Carroll County population as of December 31, 2015 was 172,240. As of that date, among the police forces in the County with staffing levels established by an annual budget including the Carroll County Sheriff's Office and the municipal police departments, there were 201 funded officer positions and 43 Maryland State Police officers. Based on a total of 244 positions, the ratio of sworn law enforcement positions to Carroll County population as of the end of March 2015 was 1.42. Including the development projects in the pipeline, the ratio remains over 1.3. Services are adequate if the projected ratio of sworn law enforcement officers to population is 1.3:1,000. The ratio shall be calculated by counting all sworn officers with law enforcement responsibility in an incorporated municipality or within the county and by counting the total population within the incorporated municipalities and within the unincorporated county.

Schools:

The proposed subdivision is located in the Ebb Valley, North Carroll Middle, and Manchester Valley High attendance areas. In accordance with the criteria established in Chapter 156, all schools are rated adequate for Fiscal Years 2015-2020.

The December 2014 enrollment projections, prepared by Carroll County Public Schools, indicate that Ebb Valley Elementary had an actual enrollment of 79.5% of state-rated capacity. The projections indicate that enrollment will decline to 71.6% of state-rated capacity by the end of the 6-year CIP cycle. In this attendance area there are three additional residential developments, total of five lots, currently in the review process. There are approximately 32 subdivision lots that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. An elementary school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the state-rated capacity.

The December 2014 enrollment projections indicate that North Carroll Middle had an actual enrollment of 75.7% of functional capacity. The projections indicate that enrollment decreases to 73.8% of functional capacity by the end of the 6-year CIP cycle. In this attendance area there are nine additional residential developments, comprised of 32 lots, currently in the review process. There are approximately 94 lots that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. A middle school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the functional capacity.

The December 2014 enrollment projections indicate that Manchester Valley High had an actual enrollment of 61.0% of state-rated capacity. The projections indicate that enrollment will decrease to 56.8% of state-rated capacity by the end of the 6-year CIP cycle. In this attendance area there are six additional residential developments, comprised of 22 lots, currently in the review process. There are approximately 82 residential subdivision lots that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building

permit. A high school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the state-rated capacity.

Fire and Emergency Medical Services:

The proposed subdivision is located in the Manchester fire and emergency medical services district. The Available Threshold Capacity form and preliminary plan were delivered to the appropriate agency for review and comment. Comments were not received within the allotted timeframe, therefore, per Chapter 156-6 D(2)(c) pertaining to a preliminary plan, “if no response is received from any applicable agency within 30 days of the date the Department distributes the ATC form, the ATC shall be presumed adequate for the particular facility or service for which no response was received”.

Roads:

Grand Valley Road is rated adequate.

Chapter 156 Recommendation:

With regard to a preliminary plan, Chapter 156-6D(4)(c) states “If all public facilities and services are adequate during the current CIP, the Planning Commission may approve the plan to proceed to the final plan stage and issue a recordation schedule and building permit reservations, subject to a building permit cap adopted by the County Commissioners in effect at the time of application for building permits.”

Pursuant to Chapter 156, staff recommends that the Planning Commission approve the preliminary plan with conditions as follows:

1. Police, schools, roads, and fire and emergency medical services are considered adequate;
2. The building permit reservation is for 8 lots in FY17, subject to modification at the final plat stage;
3. The recordation schedule requires the plat to be recorded within 24 months of preliminary approval;
4. The building permit reservation is allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

Discussion:

Price Wagoner, Development Review, read from an email that the Bureau staff had received from the owner of RED Properties, LLC in April regarding Hummingbird Hill and work done by DRS and Associates. Mr. Wagoner went on to read that the owner requested the County staff have no further correspondence with DRS and Associates regarding the subdivision known as Hummingbird Hill.

Mr. Wagoner stated that the Bureau staff presented the plans to the Commission at the request of the owner and noted that the plan meets all the requirements and technical codes and has all of the approvals from all of the applicable review agencies to be presented to the Planning Commission for approval. However, the plans are not signed nor sealed. Mr. Wagoner indicated that the Bureau was requesting guidance from the Planning Commission in this matter as it is uncharted territory.

Chair Helminiak called upon applicant and counsel for introductions. Following introductions, Mr. Bowersox stated that he has had the opportunity to review language of the report and the recommendations Mr. Wagoner has made and noted that he concurs and is asking that the

Planning Commission favorably consider and approve the preliminary plan under Chapters 155 and 156. Mr. Bowersox indicated that in various conversations with Mr. Wagoner he was not aware that this was uncharted territory prior to today. Mr. Bowersox stated that he and the owner were here to answer any questions the Planning Commission might have.

Mr. Hoff commented that, as this was preliminary plan review, there should be no reason why the Planning Commission could not offer their comments today. Gail Kessler, Attorney for the County, agreed.

Mr. Bowersox stated that there is some significance to moving forward as this is one of the few projects pending before the Planning Commission that are working through the grandfathered lot yield since the Septic Bill was enacted. Making it critical that the preliminary plan is approved in a timely manner in order to meet the timeline without losing any lots.

Since this discussion began prior to Mr. Wagoner completing his report Mr. Wagoner stated that the requirements of Chapter 156 had been met.

Cynthia Cheatwood, Commission member, stated that this property is in Manchester Valley and in three months Manchester Valley would be at 100% capacity. Mr. Wagoner answered that 110% capacity is approaching inadequacy.

Mr. Yeo stated that all of the things asked of the owner by the Planning Commission had been incorporated into the preliminary plan and that the school capacity and lack of Engineer should really have no bearing on the Commission's decision today.

Mr. Hoff asked if all percs been done and approved to which the owner answered they had. Mr. Hoff also asked if all the wells were in and the owner answered that some of them were.

Public Comments:

Dan Staley, 52 Winter Street, Westminster, asked that the commission not take action on this project today. Mr. Staley noted that County Code 155, section 56, includes a manual that includes a checklist of requirements, one of which a signature and seal, which this plan does not have.

Members of the Commission asked if this was in the code.

Mr. Staley replied that the Manual was Adopted as part of the Code and in the Manual is the checklist.

Following a discussion that was increasingly legal in nature, the Commission voted to go into closed session to obtain legal advice about a legal matter. The Commission re-convened after 15 minutes.

Gail Kessler stated that the manual has not been updated in years and there have been many changes in those years. She noted that there may be requirements that are not listed in the manual as well as there may be something in that manual that we do not require. The manual needs updated.

Ms. Kessler stated that, since the owner has complied with the requirements that were submitted and knows that in order to proceed to final they would have to obtain the signature and seal of a surveyor, there is no reason to stop this plan from going forward.

Mr. Yeo stated that he didn't want anyone to think the Planning Commission was under any pressure to expedite this project since that is not the case.

Mr. Staley asked the Commission if, by not requiring the signature and seal, that anyone could submit a plan without?

Mr. Wothers asked if this was not establishing a precedent.

Ms. Kessler indicated that, if that was the position the Commission wanted to take, then they should not be moving the plan forward.

Mr. Soisson stated that he didn't remember a project going forward without have a signed and sealed plan.

Mr. Bowersox presented the Commission with several previous cases that went forward without a signature and seal and stated that this has never been stated as a condition.

Secretary Hager stated that the Commission has been provided with a legal course of action and that they had two choices. They could disregard legal advice and take another course of action or they could follow legal advice and move forward.

Mr. Yeo reiterated what Mr. Wothers had asked in regards to setting precedence for not needing preliminary plans to be signed, should the Commission move forward with this plan.

Ms. Kessler stated that this was a unique situation but this plan is from a well-known source and if that should happen in the future, with the same sort of circumstances, she would also recommend the Commission move forward with the plan.

Mr. Wothers suggested that perhaps the manual should be updated.

Mr. Black stated that the manual is 15 years old and that many codes, processes, and agencies have changed dramatically.

Mr. Staley brought to the attention of the Commission that the copy that was brought before them was copied without permission thereby violating the copy right.

Ms. Kessler responded that this was not an issue for the Planning Commission but that it was a matter of public record. Ms. Kessler stated that Mr. Staley would have to take this issue to the appropriate venue.

Decision:

In accordance with Chapter 155, the Commission, on motion of Ms. Cheatwood, seconded by Mr. Soisson, and passed in the affirmative (Commissioner Weaver abstained, Mr. Wothers voted "no") approved the preliminary subdivision plan with the nine conditions outlined in the staff report.

Ms. Cheatwood stated that there is a paragraph above stating that "Final plans need not be brought before the Planning Commission for review."

Mr. Black asked if the Planning Commission *did* or *did not* want the plan brought back. It was the consensus of the Planning Commission that they *did* want the plan brought back for review.

Ms. Cheatwood amended her motion with the condition that the Final Plan must be brought back to the Planning Commission for approval. Mr. Soisson accepted the amendment and seconded it. The motion was approved.

In accordance with Chapter 156, the Commission, on motion of Ms. Cheatwood, seconded by Mr. Soisson, and passed in the affirmative (Commissioner Weaver abstained, Mr. Wothers voted "no") approved the preliminary subdivision plan with the four conditions outlined in the staff report.

FREEDOM COMMUNITY COMPREHENSIVE PLAN DISCUSSION

Secretary Hager introduced the coming topic and informed the Commission that they would begin with a transportation update.

Lynda Eisenberg, Bureau of Comprehensive Planning, greeted the Planning commission and reminded them of the studies that had been done by the Baltimore Metropolitan Council for Carroll County. Ms. Eisenberg then introduced the consultant, George Cardwell, from Pennoni, gave the Commission a brief overview of his experience and thanked Mr. Cardwell for coming.

Mr. Cardwell introduced himself to the Commission and stated that he would be briefing them on the progress of the transportation chapter and show them the connection between the work that had been done by the BMC and the balance of the work going into the chapter. Mr. Cardwell indicated he would discuss the findings and would like feedback from the Commission.

Mr. Cardwell went over the area of study using a map of the Freedom area using the 2001 Land Use Plan. He then gave a brief overview of the tasks of the BMC and those of Pennoni and gave more information on the study from BMC. Mr. Cardwell explained the assumptions and noted that with each step of the land development process the assumptions that are made become more refined.

Ms. Eisenberg interjected to tell Mr. Cardwell that Planning had asked the BMC to look at three things, those being: full implementation of the planned major streets, a reasonable likelihood of construction on certain segments, and as it is now without change. The purpose of this, Ms. Eisenberg indicated, was to see what the differences would be so that when Planning moves forward with the current plan what would make sense to carry over and if new planned major streets need to be considered.

Mr. Cardwell continued to go over and explain the findings of BMC. Mr. Cardwell stated that they had no quarrel with any of the findings and recommendations from BMC and plan to carry it forward.

Mr. Cardwell then began to go over what Pennoni has been working on. He stated that they had look at the three major roads in the Freedom area, 32, 26, and 97, and what they have found is that since between 2001 and 2015, the traffic is growing about .5% to 2% a year. Mr. Cardwell stated that with the information gleaned we know that the use of these roads will not go down. Mr. Cardwell stated that the County road growth was inconsistent and more growth was happening on the state network than that of the County road network.

Mr. Cardwell explained to the Commission how the travel behavior is estimated in terms of how much there is and where it is; he also demonstrated how the area was forecast to change from 2010 to 2030. Ms. Eisenberg stated that this demographic information could also be found on the County website if anyone wanted to look at it. Mr. Cardwell noted that this information did show growth, just not radical growth, and will continue to increase.

Mr. Cardwell discussed the tasks that needed to be completed in order to create the Transportation chapter of the Comprehensive Plan.

Ms. Eisenberg stated they were looking to utilize this with the current Trailblazer system.

Mr. Cardwell reviewed some of his preliminary conclusions with the Commission. He stated that the travel demand is increasing and the favored mode of transportation will remain the automobile. Mr. Cardwell noted that interconnectivity of developments is a key strategy in reducing conflicts on major roads and stated that transit and TDM will reduce some travel. He also stated that if the Complete Streets Policy is implemented it would increase options for short distance travel and improve pedestrian and bicycle safety.

Mr. Yeo stated he would like more specific data and would like for Brian Ryder to weigh in on the matter.

Ms. Eisenberg stated that the traffic studies that had been done were done pro bono as part of an agreement and membership with the Baltimore Regional Transportation Board and was done in June of 2015 and that it would be possible to see if the State Highway was doing any studies from which more data could be used.

The Commission thanked Mr. Cardwell and moved to the next topic.

Mary Lane addressed the Planning Commission and told them that the distributed Element 9 would be discussed at the June 1st meeting. Ms. Eisenberg noted that this document had already been reviewed by Land and Resource Management and their comments have been incorporated.

Ms. Eisenberg and Mary Lane briefed the Commission on the Scenic Roads in the Freedom area.

It was the consensus of the Planning Commission to delete recommendation number two in Element 8 and that language changes would be made.

Ms. Eisenberg, in the interest of moving towards finalizing a draft of the Land Use map, presented the Commission with the following map edits that have been made since the May 4th meeting:

- C1 properties were added to the Nell's Acres property
- The Piney Run Parkway property is being made C1 (it was C2) until the owner can be reached
- Included parcel information for the subdivision that is taking place on Barthallow Road in the Freedom area
- Properties outside of the Streaker Road Employment Campus area were made into very low density for the time being

Ms. Eisenberg stated that there has been a discussion regarding Public Lands but would like more direction as to what to do with them. Ms. Eisenberg indicated that many of them were school and library sites and Maryland properties; one that was just outside of the municipal growth area but were still part of the Springfield Hospital complex. Ms. Eisenberg noted that there were no plans to surplus this property.

When asked by the Commission why change it at all, Secretary Hager stated that it gives an unrealistic sense to someone looking at the map and asking why we are planning an employment campus here when there is an employment campus that is undeveloped, when the reality is that there is a very high chance that it will never be developed based upon the land features.

With the Commission asking what we call the school and library property, Secretary Hager stated the convention started with the Finksburg Plan was to utilize the predominant land use in the area in terms of public facilities.

The consensus of the Commission was to maintain that convention.

Ms. Eisenberg reviewed her recommendations with the Commission. The following Land Use designations were agreed upon:

- Century High School – Industrial
- Eldersburg Elementary – Medium Density Residential
- Liberty High School – Commercial
- Oklahoma Road Middle School - Medium Density Residential
- Carrolltowne Elementary – Residential

- Freedom Elementary – Residential
- Cemetery – Conservation

Ms. Eisenberg reviewed Resource Lands and additional Land Use requests. It was the consensus of the Planning Commission that the Land Use requests would be discussed at a later meeting.

Ms. Eisenberg briefed the Planning Commission on the interactive Comment Card that has been put up on the Freedom Community Comprehensive Plan website, the Planning email link, and the next community outreach. The Commission agreed with Ms. Eisenberg the July 13 date would be suitable.

PUBLIC COMMENTS

Gary McGuinness, Freedom area resident, noted that during the briefing on Scenic Roads he felt there were two additional roads that should have been added. Mr. McGuinness stated that he felt there were a lot of failing intersections, specifically 97 and Obrecht; he also noted the high accident rates along MD 26 and indicated he would like to have a copy of the traffic study that was done. Chair Helminiak told Mr. McGuinness that he would email a copy to him as soon as he was in possession of the traffic study. Mr. McGuinness asked how the comments were going to be viewed and if the entire Commission would be reviewing them. Chair Helminiak, Mr. Yeo, and Secretary Hager explained that all members looked at all correspondence.

Mr. McGuinness stated he had done a rough survey of the Nell's Acres parcel and found that the pipeline does cut through that parcel. Chair Helminiak thanked Mr. McGuinness.

Beth Grey, Freedom area resident, Monroe Avenue off of Bennett Circle, stated that she had recently become aware of the work being done on the Master Plan and felt that there were a lot of people in the area that still had a lot of concerns. Ms. Grey thanked the staff and Commission for the community outreach meetings and the opportunity to utilize the comment cards.

Ms. Grey stated that she and many others had been trying to understand what is going on with the Zoning and Land Use designations as they are very confusing. Ms. Grey expressed her feelings regarding the Monroe Avenue extension that, she said, was supposed to have been taken off the Master Plan in 2009 but yet was still being discussed. Ms. Grey offered to provide the Planning Commission a copy of the report that the SHA had done concluding that an extension on Monroe Avenue would not be advisable for safety issues. Ms. Grey stated she had a lot of questions and comments but would put those in a letter and attend the Freedom Area Community Outreach meeting in July.

Chair Helminiak suggested reminding the public of the differences between the Land Use and Zoning during the next Community Outreach.

Secretary Hager stated that the Community Outreach planned for July was not finalized at this point and would like for everyone to refrain from releasing that date until it had been.

Secretary Hager addressed the comments regarding changing Land Use and the earlier discussion around the schools and assured the public that these issues are not considered with a flippant or lackadaisical attitude.

Heidi Condon, part owner of the Beatty property, asked how it came about that the Land Use designation for Bennett Road had been changed.

Chair Helminiak stated the original goal was to have one designation for the entire property but because of the stream across the bottom it made more sense to split it.

Ms. Condon asked what type of residential this was going to be. Lynda Eisenberg stated it would be Medium Density Residential.

Ms. Condon asked if there was a potential for higher density, that the letter they sent in stated they would be agreeable to commercial and high density. It was the consensus of the Planning Commission that they would discuss this at the next meeting.

John Steele, Longmeadow Drive, expressed concerns about a map he had seen showing Longmeadow being improved and widened and connecting with Bennett Road and how that would impact his neighborhood.

Ms. Eisenberg stated that she believed Mr. Steele to be referencing an expired subdivision plan that is no longer there and there are no planned major streets that are a part of this plan.

Michelle Steele, wife of John Steele, asked for a clarification between High and Medium Density Residential.

Secretary Hager told Mrs. Steele that density did not refer to the type of housing but refers to the number of dwelling units per acre; it is an arithmetic calculation that determines, depending upon how many units are on the acreage, the density of a property.

There being no further business, the Commission, on motion of Mr. Soission seconded by Mr. Wothers, and carried, adjourned at approximately 1:40 PM.

Secretary

Approved