

BOARD OF TOWN COMMISSIONERS

WORK SESSION

January 31, 2023 5:15 P.M.

PRESENT: Commissioner Kevin M. Bianca, Chair
Commissioner Mary F. Chance
Commissioner Paula S. Etting
Commissioner Erin S. Hughes
Commissioner Donna L. Kahoe
Edward Hopkins, Town Administrator
Stephen Kline, Director of Public Works
Michael Krantz, Director of Administration
Lisa Moody, Director of Finance
Charles Moore, Chief of Police
Kevin Small, Director of Planning
Elizabeth Thompson, Attorney

ABSENT: Trish Heidenreich, Director of Economic Development

OTHERS: Joan Suitt, Recording Secretary

APPROVAL OF AGENDA:

Chair Bianca called for approval of agenda.

The Director of Administration added Maryland/Estonia Announcement by Barbara Tower under Miscellaneous.

Commissioner Kahoe moved and Commissioner Chance seconded the motion to approve the agenda as added.

Ayes: Commissioners Chance, Etting, Hughes, Kahoe and Bianca

Nays: None

The motion carried.

TOWN ADMINISTRATOR'S REPORT:

Committee Update on Elderly and Needy Committee

The Town Administrator informed Fran Johnson is stepping off the Elderly and Needy Committee as the Chair. Ms. Johnson feels there is a need to revamp the Committee to give it more energy to move forward. The Town Administrator wants to see all seniors being served especially those with needs. The Town Administrator will be looking for a new Chair and members for the Committee.

Update on Election Posting

The Director of Administration has been working with the Board of Elections and the website is almost complete. The candidacy filing deadline is Friday, September 22, 2023 and the standard announcements will be placed on the website. The Director of Administration would like to use the new Community room for the election.

Update on Reformatting the Town Agenda

The Town Administrator advised reformatting the Town Agenda is complex and requested the Commissioners to consider giving two opportunities for public comment.

During the Town Board meeting, the public will have an opportunity to comment on what is being considered for a vote. The last public comment would be general to bring an item to the attention of the Commissioners. The Town Administrator wants to test this in the next 30 days.

Chair Bianca has no issue with the request. Commissioner Etting stated it is always good to get different viewpoints. Commissioner Kahoe likes the idea for the public to respond. Commissioner Hughes stated the Commissioners typically get the draft of the minutes before the meeting for changes and questioned if these could be made available to the public. Chair Bianca does not feel that is doable administratively.

The Director of Administration advised sending minutes out before approval is problematic. Commissioner Etting is leaning toward not letting a draft be sent out.

Chair Bianca stated there is a consensus on adding a public comment during Town Board meetings but information sent to the public on agenda items needs to be reviewed.

TENATIVE AGENDA FOR TOWN MEETING (February 6, 2023 at 5:30 p.m.)

Presentations:

Appreciation of Mike Blum for the Christmas Parade

The Town Administrator informed Mike Blum will be recognized for his outstanding leadership of the Christmas Parade. Mr. Blum will receive a basket with gift cards and other items for his many years of service.

Bel Air Police Department Promotions

The Chief of Police will recognize the following promotions:

- Sergio D'Alto to Sergeant

- Jonathan Kauffman to Corporal
- John Ganovski to Corporal
- Keith Smithson to Corporal

A reception will be held at the Armory.

New Business:

Tree Removal Contract Approval

The Director of Public Works informed the contract is with Harford Tree Experts and will piggyback on Harford County. The contract will not exceed \$45,000 and the funds are in the Street budget each year.

Sewer Pump Station Design Contract for Shamrock and Gateway Pump Stations

The Director of Public Works advised of an audit on several of the pump stations. The Shamrock/Broadway and Gateway/Blum Court pump stations need upgrading. The contract for design and construction drawings will piggyback on Howard County with a cost of about \$240,000.

The Director of Public Works informed the actual work will be close to a million.

Chair Bianca inquired about the timeline for getting the design/drawings. The Director of Public Works believes 3 months.

Sewer Line Root Control Maintenance Contract

The Director of Public Works stated this is an annual contract to treat sewer mains for roots. The contract piggybacks on Baltimore City and cost of \$35,000 has been budgeted. Homestead Village area will be treated.

Ordinance 811-23 Amending Town Code Chapter 165 Comprehensive Plan and Development Regulations Part 2 Zoning

The Director of Planning advised these Articles were reviewed by the Planning Commission in December, 2022 and approved in January, 2023. The Planning Commission will look at other Articles in February.

The following changes/deletions were reviewed:

Article II Administration and Enforcement

Director of Planning and Community Development

E. Adding - *including issuance of a citation for a Municipal Infraction*

G. Replacing - as a matter of face to *the validity of*

L. Adding - *Review, approve, approve with conditions, or deny development submissions related to Forest Conservation, Traffic Impact Analysis, Minor Site Plans and Minor Subdivision Plans including pared consolidation, easements, and rights-of-way.*

The Director of Planning informed Traffic Impact Analysis is now reviewed in-house by staff.

Director of Public Works

F. Adding - *Seek criminal or civil enforcement including issuance of a citation for a Municipal Infraction for any provisions of the Building Code, Property Maintenance, Development Regulations, and Health and Sanitation chapters of the Town code and act on behalf of the Town to present or abate violations.*

Chair Bianca inquired if both the Director of Public Works and Director of Planning can issue municipal infractions for development regulations. The Director of Planning agreed.

Economic and Community Development Commission

G. Replacing - Provide with *Promote*

J. Replacing - Institute with *Recommend*

Planning Commission

E. Replacing - plan with *Comprehensive Plan*

F. Adding - *Receive comments at a public hearing to* recommend the boundaries of the various zoning districts and appropriate regulations *to the Board of Town Commissioners* to be enforced therein.

G. Replacing - transportation plans with *development regulations*

I. Adding - All plats *including one or more new lots*

Enforcement, Violations and Penalties

A. Adding - *or designee*

C (1) - Replacing shall with *may*

E. Adding - *preliminary site/landscape plan, variance,*

(a) Adding - *preliminary site/landscape plan, variance,*

Chair Bianca asked about the process of notification.

The Director of Planning stated when the Town sees something or receives a complaint, the Town first contacts face to face or telephones. After 15 days of not being corrected a letter is sent. A second letter is sent certified and with no response a citation is issued.

The Director of Planning advised this process is always followed for each violation.

Annual Growth report; adequacy standards

A. (1) Removing the Board of Town Commissioners

Adding - *If the adjusted enrollment calculations reflect a change in the current development review policy by the Town, the report will be forwarded to the Board of Town Commissioners for acceptance.*

The Director of Planning stated the Commissioners will continue to see the reports.

The Commissioners had no further questions.

Article III Establishment and Regulation of Zoning Districts

General Regulations

Adding - *(8) Zoning district boundaries are discouraged from bisecting lots or structures. If split zoning cannot be avoided and the application of development regulations is unclear, the more restrictive requirements will be applied.*

The Director of Planning advised this was added to discourage split zoning.

L. Replacing - 10% or less with *up to 20%* provided that structured parking *equal to or exceeding* 75% of the building footprint is incorporated as part of a proposed development.

Chair Bianca asked about structured parking. The Director of Planning advised it is a parking garage/facility and there are not many. If going into the ground it is much more expensive.

B. General Regulations

(1) Replacing Cottage housing with *An accessory dwelling unit or short term rental unit*

The Director of Planning notified this will make it more restrictive in the districts.

Commissioner Etting questioned short term rentals because if approved the Town could have issues. Commissioner Etting stated the Town of Bel Air is not a destination and requested further information about Havre de Grace, Aberdeen and Harford County.

The Director of Planning has reached out to Havre de Grace with no response.

Chair Bianca asked about consequences with issues from a short term rental. The Director of Planning advised the Town can revoke their approval. Chair Bianca wanted to know what the Town gains for allowing short term rentals. The Director of Planning notified the property would be reported to Tax Assessment.

The Director of Planning will report back to the Commissioners about concerns.

R-2 Medium-Density Residential District

(2) Replacing Cottage housing with *An accessory dwelling unit* as defined in Article XIV, *may be permitted as a special development. A short term rental may be permitted as a special exception. These uses are* subject to performance standards as specified in Article VII of this Part 2.

R-3 High Density Residential District

(2) Replacing Cottage housing with *An accessory dwelling unit* as defined in Article XIV, *may be permitted as a special development. A short term rental may be permitted as a special exception. These uses are* subject to performance standards as specified in Article VII of this Part 2.

R-0 Residential-Office District

B. (1) Adding - *A short term rental unit as defined in Article XIV, may be permitted as a special development.*

Adding - *E. Development standards. The floor area of an individual use shall not exceed 7,500 square feet.*

The Director of Planning advised this will prevent any use in R-0 to exceed 7,500 square feet.

B-1 Limited Business District

(1) Adding - *A short term rental unit as defined in Article XIV, may be permitted as a special development.*

(4) Removing entire line.

C. Adding - Special regulations. Applicable regulations *for architecture and site design* contained in *RO Residential Office District, section 165-28.B* shall apply in the B-1 Limited Business District.

B-2 Central Business District

B (1) Adding - *A short term rental unit as defined in Article XIV, may be permitted as a special development.*

C (3) Building placement and frontage on street.

(d) Adding - a lesser building façade frontage may be approved *by the Planning Commission.*

(e) Adding - *Solid walls with a minimum height of 42 inches may be approved by the Planning Commission as a substitute for a building facade for one street frontage only.*

Illustration of height, setback and front yard standards for the B-2 District

(5) Parking and access.

(a) Replacing abutting with *adjoining*

(d) [1] Adding - *and screened with the minimum three-foot height wall or ornamental fence.*

[3] Adding - *and must be screened with a minimum three-foot height wall or ornamental fence.* If feasible, limit *parking* to one street frontage.

E. Site elements

(1) Fencing and screening -

(a) Adding - No *jersey barrier*, split rail, wire mesh or chain-link *walls or* fencing will be permitted. *Temporary barriers other than chain link must be approved by the Director of Public Works.*

Commissioner Etting inquired where temporary barriers would be used. The Director of Planning stated every construction site needs chain-link fencing to keep the public out.

The current locations of jersey barriers in the Town were reviewed. Commissioner Chance would like to see cement planters replace the jersey barrier.

The Director of Planning will investigate more information on the chain-link fencing and jersey barrier.

B-2A Central Business Gateway District

B.(1) Adding - *A short term rental unit as defined in Article XIV, may be permitted as a special development.*

(4) Parking location and access.

(a) replacing adjacent with *adjoining*

(d) [1] Adding - *and screened with a minimum three-foot height wall, ornamental fence or landscape.*

[3] Adding - *and screened with a minimum three-foot height wall, ornamental fence or landscape.*

B-3 General Business District

B. (1) Adding - *A short term rental unit as defined in Article XIV, may be permitted as a special development.*

(2) Removed -

Adding -

C. Site Design Standards

(1) An access permit shall be required for all parking area curb cuts. Curb cuts on Town roads for new uses shall not exceed 35 feet, and the driveway shall not exceed 24 feet in width. The curb cut sidewalk pattern should be carried across the driveway. Buildings, low walls and attractive plantings shall be used to screen commercial parking areas.

(2) Architecture shall be compatible with neighboring development and provide a cohesive and rational pattern. All development shall consider design features that will create an attractive and visual continuity between proposed development and adjacent areas. Buildings shall be constructed to ensure visual privacy and sunlight for adjacent structures, as well as protection from the new or renovated developments, site illumination, noise and odors, as applicable.

(3) Building and site design should preserve and enhance special street views. Views of landmark buildings, natural features, focal points at T-intersections and views along curving roadways shall be highlighted. Traditional building materials, such as brick or high-quality masonry finish, are encouraged.

(4) Building, design, height and massing.

(a) Building materials shall be compatible in quality, color, texture, finish and dimension with other buildings in the area. Architecturally harmonious material, color, texture and treatment shall be used for all exterior walls.

(b) Rear facades shall be of finished quality and shall be consistent in color and material with the rest of the building.

(c) The style and scale of the proposed building shall respect design elements prevalent in the area. Examples of such elements are the width, roofline pattern, size, shape, height, facing windows and building materials found throughout the Town.

(d) The use of fenestration, patterns and traditional design elements is encouraged. Examples of such design elements are awnings, facade offsets, covered porticos, recessed or projected entries and other appropriate architectural features. Building walls shall be a maximum of 40 feet in length without modulation.

(e) Roof forms shall be considered based on their compatibility with the existing architectural context and the character of nearby buildings.

(f) Glass should not be reflecting, as in mirrored windows. Tinted glass to prevent inner glare may be allowed, subject to review by the Zoning Administrator. Justification for tinted glass shall be submitted to the Zoning Administrator.

(g) Simplicity of design and a limited range of colors and materials are encouraged. Contrasting colors which accent architectural details and entrances are encouraged, as well as the use of graffiti-resistant materials.

(h) A building height transition or step down is required for projects that are adjacent to residential districts.

(i) The area covered by impervious surfaces shall be minimized in accordance with Section 165-00.

(5) Fencing and screening.

(a) Walls and fences shall be uniform and compatible with architectural style, color and building material. Appropriate materials include iron grating, wood, stone or brick. Walls greater than 40 feet in length shall incorporate some form of visual relief, including, but not limited to, pattern breaks, barrier wall

construction, vertical features such as columns, differing construction materials or a combination of the above.

(b) All service areas, including, but not limited to, shipping, loading areas, dumpsters, refuse/recycling bins and similar accessory uses, shall be located in the side or rear yard and screened from public view.

(c) Rooftop mechanical equipment and vents, utility facilities and other such equipment shall be located away from public view or screened with a treatment that is complimentary to the building architecture. If service areas are exposed to view due to site conditions, such areas shall be screened with landscaping and ornamental fencing.

(6) Lighting and security.

(a) The use of decorative lighting and supporting structures consistent with building design, style and color is encouraged.

(b) Lighting provided for parking areas shall not exceed 25 feet in height and shall meet requirements found in Article VII.

(c) The use of security alarm systems is encouraged.

(7) Vehicular and pedestrian access.

(a) Access points for corner sites shall be located in accordance with requirements noted in Article VII of this Part 2.

(b) Curb cuts should be eliminated or minimized to the greatest extent possible through shared driveways with adjacent properties.

(c) Street connectivity and access management shall be ensured through driveway consolidation, relocation and enclosure of curb cuts and driveways, creation of medians and shared driveways to help improve the function of commercial streets.

(d) Walkways shall be designed to meet the following requirements:

[1] Provide safe, convenient, well-illuminated entrance to the building.

[2] Protect pedestrians from vehicular intrusion with landscaping and curbs that are integrated into the overall streetscape design.

[3] Provide safe community access for the handicapped to all major building entrances by means of minimum grade changes, curb

cuts, ramps and railings, as required by the Americans with Disabilities Act (ADA).

[4] A continuous internal pedestrian walkway shall be provided from the perimeter public sidewalk to the principal customer entrance(s). ADA-compliant sidewalks extending the full length of the building or center must be provided along any facade featuring a customer entrance and along any facade abutting public parking areas. Modifications may be authorized by the Building Official on a case-by-case basis when site conditions warrant.

[5] The internal pedestrian walkways, including those crossing vehicular lanes, must be distinguished from driving surfaces using special pavers or scored concrete to enhance pedestrian safety and to distinguish walkways.

D. Special regulations.

Removing - Exterior lighting shall not exceed 25 feet in height and all lighting shall meet the requirements found in Article VII.

B-3A General Business Gateway District

B. (1) Adding - *A short term rental unit as defined in Article XIV, may be permitted as a special development.*

(5) Parking location and access.

[1] Adding - *and screen with a minimum height three-foot wall, fence or landscape.*

[3] Adding - *and screened with a minimum height three-foot wall, fence or landscape; if feasible, limit to one street frontage.*

M-1 Industrial District

B.(8) Adding - *and screen exterior storage of materials and equipment from public view.*

The Commissioners had no further questions.

Article V Historic Resource Conservation Regulations

Designation of historic structure, site or district

Adding - the Bel Air Historic Preservation Commission *will hold a public hearing, reviews the applicable Federal, State and local requirements for* historic designation of a structure.

Adding - A. The *Historic Preservation Commission must follow criteria outlined in Chapter 246 of the Bel Air Town code.*

Removing - A. 1,2,3,4

Adding - B. *Once a property has been designated, the Town shall record evidence of the designation in the Harford County Land Records.*

The Commissioners had no further questions.

Article VI Environmental Regulations

Boundaries

Adding - Sensitive areas *are* identified on the Sensitive Areas Map *in the currently adopted Bel Air Comprehensive Plan*

Nontidal wetlands and streams

Adding -

C. Seasonally flowing stream channels delineated on the Sensitive Areas Map in the currently adopted Comprehensive Plan shall be protected from adverse impact by development. A 25-foot non-disturbance buffer measured from the top of stream bank is required for any new development. Redevelopment containing existing structures or paving within the buffer area shall not expand or change without approval from the Zoning Administrator. Mitigation including but not limited to planting, minor grading, and stabilization may be required to attenuate any adverse impact from development.

D. A 50-foot stream non-disturbance buffer for any stream within the limits of a Special Flood Hazard Area as measured from the top of stream bank is required for any new development. Redevelopment containing existing structures or paving within the buffer area shall not expand or change without approval from the Zoning Administrator. Mitigation including but not limited to planting, minor grading, and stabilization may be required to attenuate any adverse impact from development.

The Commissioners had no further questions.

The Director of Planning will make changes recommended and post them on the website.

The Planning Commission will be reviewing an annexation along Tollgate Road on Thursday.

Reappointment to the Economic & Community Development Commission

The Town Administrator informed Chris Streett is interested in a reappointment to the Economic & Community Development Commission. The reappointment is recommended by the Director of Economic Development.

STAFFING UPDATE:

The Director of Administration informed:

- Labor - New candidate to begin Monday.
- Public Relations - final decision is pending.

CALENDAR:

January/February/March calendars were distributed. Contact Ruth Seitler with additions/corrections.

The Director of Administration reminded Work Sessions and Town meetings will be held at the Bel Air library. Will be checking to see if the library can accommodate during March and April.

The Director of Administration notified the February 14th Work session is on Valentine's Day and would like to change the start time to 4:00 p.m. The time change was approved by the Commissioners.

MISCELLANEOUS:

Review of Properties to be Evaluated at the Retreat on 2/4/23.

The Director of Planning will email the list of properties to the Commissioners.

Maryland/Estonia Announcement

The Director of Administration notified Barbara Tower, a representative with the Maryland/Estonia Exchange Council, wanted the Town to know about a meeting in Annapolis on Thursday, February 9th. The Maryland/Estonia Business Linkages grant meeting will try to promote businesses between Maryland and Estonia. The Director of Administration will email the information.

COMMISSIONER'S COMMENTS:

Commissioner Etting sent out an email concerning Cannabis Dispensary in the Town and asked to put this on a fast track for discussion. Commissioner Etting has concern with the next budget because of the possibility of police aid being cut. Commissioner Etting recommends talking about this during the retreat on Saturday.

ADJOURNMENT:

With no further comments, the meeting was adjourned at 7:15 p.m.

APPROVED: February 21, 2023

Signature on file _____
Kevin M. Bianca, Chair
Board of Town Commissioners

Signature on file _____
Michael L. Krantz, Town Clerk