

DEVELOPMENT ADVISORY COMMITTEE MINUTES

The Development Advisory Committee (DAC) met on April 20, 2022, at 9:00 a.m. in the Harford County Government Administration Building, 1st Floor Conference Room, 220 S. Main Street, Bel Air, Maryland. The meeting was chaired by Moe Davenport, Department of Planning and Zoning.

The following members were in attendance:

Moe Davenport	Chairman, DAC
Robert Anderson	DPW Engineering
Bill Snyder	Volunteer Fire & EMS
Erik Robey	Sheriff's Office
Brian Phipps	Health Department
Lisa Kalama	Health Department
Crysta Draayer	Planner, Development Review
Jennifer Freeman	Planning and Zoning

Also in attendance:

Valerie and Shad Scarborough	Joe Thompson
Ed Garono	Mary Ann Bogarty
Mary Garono	Heather Schafer Adkins
Jane Garono	Dustin Ferguson
Tami Atkins	Jenn and Bo Withers
Larry Burton	Travis Gray
Andrea Nunn	Robert Haggis
Bill and Paula Smith	Aurora Kahoe
Mark and Diana Broomell	Robert Stevens
William Matthews	Paula Smith
John Gonzalez	Davis Milton
Eric McLauchlin	

Moe Davenport, of the Department of Planning and Zoning, welcomed everyone to the meeting. Mr. Davenport explained that a brief presentation will be given by the consultant for each project. The DAC members will give their comments on the project. The meeting will then be opened up for anyone in attendance that may have questions or comments. There is an attendance sheet on the back table. If a correct email address is given, a copy of the minutes will be e-mailed to you. The minutes are recorded and will also be published to the Department of Planning and Zoning's website.

Development Advisory Committee Minutes
April 20, 2022
Page 2 of 15

Lands of Snodgrass – Lot 6

Located on the south side of Cherry Hill Road, west of Ady Road (MD Route 543). Tax Map 18; Parcel 57. Fifth Election District. Council District D. Planner Crysta.

Plan No. P135-2022 Create an additional lot around an existing dwelling / 3.29 acres / AG

Received 03/16/2022 James G. Morris / Joseph Thompson & Associates, LLC

Joe Thompson – Joseph Thompson & Associates, LLC

We are subdividing a lot around an existing home on a farm. The reason why we are here is because it is the sixth lot.

Bill Snyder – Volunteer Fire & EMS

No Comments.

Emergency Services – Read by Bill Snyder

Existing dwelling located on lot 6 as indicated by the plan shall retain the address of 845 Cherry Hill Road. Please ensure that the house number is clearly visible from Cherry Hill Road. The surrounding lot/remaining lands shall be addressed as 851 Cherry Hill Road. Any future development shall require addressing to be reassessed and coordinated with DES.

Health Department – Lisa Kalama

The Health Department is going to require some additional information.

- The type of well construction for the wells servicing proposed Lot 6 must be indicated. Well construction may include such descriptions as a drilled well, pit drilled well, buried well, or hand dug well. If the well is drilled, the consultant and/or developer needs to indicate if a well tag is present and, if present, the tag number must be provided on a print to this office.
- The consultant must indicate if the existing well is to remain or well be abandoned and indicate a timeline.
- The consultant must identify any wells and on-site disposal systems within 200 feet of the proposed lots and show them on a print. If there are no neighboring wells and/or on-site disposal systems, a note must appear along the appropriate tract boundary.
- The consultant must provide a legend that identifies satisfactory from unsatisfactory percolation tests.
- The consultant must locate the existing septic disposal field in order to verify the proposed new well location complies with setback requirements.

Once we get that information we can update our comments.

Robert Anderson – DPW Engineering

Development Advisory Committee Minutes
April 20, 2022
Page 3 of 15

Sediment Control

Required Design Standards

- MDE – Maryland Standards and Specifications for Soil Erosion and Sediment Control, Dec 2011, or latest edition.

Required Plan Approvals

- A standard sediment control plan may be required for land disturbing activities exceeding 5,000 sq. ft.
- Stormwater management must be addressed if required.

Maintenance

- Practices located on individual lots are the maintenance responsibility of the owner.

SWM Design Comments

- Stormwater management practices designed for and located on individual lots shall be constructed and inspected before the issuance of use and occupancy permits.
- If L.O.D. exceeds 5,000 sq. ft., then a Standard Stormwater Management Plan will be needed.
- Add Standard Stormwater Management notes to plans.
- Show existing paving as shaded as legend shows.

Highway Engineering

Rights-of-Way/Easements Required

- A 30' Right-of-way dedication from the centerline is required along the Morris property fronting Cherry Hill Road.

Erik Robey – Sheriff's Office

The sheriff's office has no comments.

Crysta Draayer – Planner

- This plan proposes to subdivide an existing parcel to create one (1) residential lot around an existing dwelling. The property is zoned Agricultural (AG) and totals 60 +/- acres. The proposed Lot 5 will be 3.29 +/- acres. As of February 8, 1977, the original tract of land consisted of 76.35 +/- acres and carried seven (7) development rights. Lots 1 through 4 were created through family conveyance in 2009. Lot 5 will utilize one (1) development right. Therefore, six (6) development rights are left with the remaining lands.
- The final plat should address the following:
 - The area tabulation incorrectly states the total site area to be 125.896 +/- acres.
 - The new lot should be Lot 5, not Lot 6.

Development Advisory Committee Minutes
April 20, 2022
Page 4 of 15

- A Flood Note should be added stating that this property lies outside any identified Special Flood Hazard Area (100-year floodplain) per FEMA FIRM Panel 24025C0064E, effective 4/19/2016.
- It is also recommended that it be confirmed if the 25% > slope touches the existing garage. The plan currently shows the associated NRD coming onto the structure, which may lead to future permitting/zoning issues
- Historic Preservation Commission review is not required for this plan. There are no known archeological sites on this parcel, but no survey has been completed. A farmstead appears to be on the 1858 and 1878 maps at this same location (it may or may not be different than the house currently standing), so there is potential for archeological sites relating to 19th century agriculture. However, the subdivision of parcels would not impact any unknown archeological sites in the vicinity.

Public Comments:

No Comments.

<u>Stone View Farm Seasonal Venue</u>		
Located on the east side of Deths Ford Road, south of Trappe Church Road. Tax Map 28; Parcel 107. Fifth Election District. Council District D. Planner Crysta.		
Plan No.	S142-2022	Agricultural Commercial / Private Parties & Receptions / 12.22 acres / AG
Received	03/23/2022	John D. & Valerie L. Scarborough / Karins and Associates

Verbatim Transcript

John Gonzalez – Karins and Associates

With him is Shad Scarborough from Stone View Farm. The site is located at 3201 Deths Ford Road. It is known as Stone View Farm. The property is zoned Agriculture. The current use for the property public events. The plan is up here because we are proposing some seasonal, like 8 – 10 weddings during the year. The property area is 108.27 acres. Out of the acreage 12.22 acres is in active use. That is the area that is shown on the plan right here. The remainder of the property, 96.05 acres, is in Ag Preservation. There are currently two houses and two barns that are on the site. The barn on the west end of the property is going to be used for the events. It is to be noted that no expansion of that building is proposed. The site is currently on well and septic. For the events the plan is to bring in some portable restroom facilities. There is not going to be any banquets or anything like that out here on the property. Nothing that requires that type of water usage. The proposed attendance is going to be up to about 120 people. That is going to be the maximum. It should be noted

Development Advisory Committee Minutes
April 20, 2022
Page 5 of 15

that a portion of the agricultural preservation area is going to be used for some wedding ceremonies. That would be this area down in here. That will not exceed 2 acres.

Shad Scarborough said that is basically everything. We want to be able to do some things, like blueberry festivals that we are going to have in the summertime. And then we want to sell Christmas trees in the winter up at the barn. And then also blueberries in the barn, with picking out in the back. That is right directly behind the barn and the Christmas trees are in the cul de sac coming up to the side of the driveway.

Bill Snyder – Volunteer Fire & EMS

- Recommend driveway have multiple areas be designated as pull-over areas.
- Recommend Deths Ford Road between Trappe Church Road and Stone View entrance have either pull-over areas, shoulders added, or road widened to allow for proper flow of larger emergency apparatus.
- Recommend the use of non-combustible landscaping directly next to the event barns.
- Recommend designing an access road to pond on property for fire department to access water.

Emergency Services – Read by Bill Snyder

Structure identified as proposed event location on the plan should be given separate address. Structure should be addressed as 3203 Deths Ford Road. Addresses should be displayed where they are clearly visible from Deths Ford Road.

Please advise if the existing tenant house has a separate address. If not, please consider assigning a separate address to the tenant house. This should be coordinated with Emergency Services via the Dept of Planning and Zoning.

Health Department – Brian Phipps

The site plan, as submitted by the consultant on March 25, 2022, requires additional information to allow for the comprehensive review of this proposal. In order for the HCHD to continue the review of the above referenced plan, the following information must be submitted:

- According to the Code of Maryland Regulations (COMAR) 26.04.02.08 and Harford County Code 216-24, the use of chemical toilets are reserved for special term events, and on a temporary basis only. Such events are issued an event specific permit from the Department of Planning and Zoning. As a result, “portable restroom facilities” are not approvable for the proposed new commercial use on the property or for the type of events proposed at the venue. Therefore, an appropriate Onsite Sewage Disposal System (OSDS) must be installed to serve the venue.

Development Advisory Committee Minutes
April 20, 2022
Page 6 of 15

- Based on the information provided on the plan, the proposed event venue is seen as potentially generating 2,400 gallons of wastewater per day based upon an occupancy of 120 individuals. Therefore, soil percolation testing for the proposed venue will need to be conducted by the HCHD on the property. This testing will be required in order to establish an area that is large enough to encompass an initial system and one future repair to serve the venue. After the area has been established, a new site plan detailing the location of all components of the initial and repair OSDS will be required. Pretreatment will be expected in the septic system design according to the Code of Maryland Regulations (COMAR) 26.04.02.05K, unless the owner/developer is able to demonstrate the strength of the waste is equal to or less than the strength of typical domestic sewage.
- Based on the proposed use indicated on the plan, the water supply well designated to serve the proposed venue will be classified as a public water system known as a Transient Non-Community Water System (TNCWS). As two wells exist on the property, the owner/developer is required to indicate which well will be used to serve the proposed venue and detail how the water connections will be made to ensure there is no crossover between the two wells. The HCHD will provide further comments following this determination.
- Provide additional/specific information regarding any potential food and beverage service that will take place at the proposed venue. Will any portion of the property be used for the storage or preparation of food and/or beverage products to be served to the general public or attendees of proposed events?
- Clarify the use of all existing buildings, barns, and miscellaneous structures currently erected on the property. Will any of the existing buildings besides the barn(s) be used for any aspect of the proposed venue? Specifically, provide more information regarding the existing use(s) of the Tenant House labeled on the plan. Will the Tenant House be utilized for any events at the property? Will it be made available to individuals utilizing the venue space? If so, describe this component in greater detail.
- The Health Department's records indicate that a residential building permit for the construction of an inground pool on the property was approved on 8/13/2020. The site plan, as submitted, does not indicate the location of this pool. Clarify, in writing, whether this pool was constructed, or if the plans to do so have been abandoned. If the pool has been constructed, a revised print detailing its location in relation to the other existing and proposed structures on the property will be required.

The HCHD will update our comments upon receipt of the above information. Should the owner/developer have any questions or concerns at this time, they may contact our office at their earliest convenience.

Robert Anderson – DPW Engineering

Sediment Control

Development Advisory Committee Minutes
April 20, 2022
Page 7 of 15

Required Design Standards

- MDE – Maryland Standards and Specifications for Soil Erosion and Sediment Control, Dec 2011, or latest edition.

Required Plan Approvals

- A sediment control plan is required for the development of this site.
- A grading permit is required.
- A standard sediment control plan shall be required for land-disturbing activities exceeding 5,000 sq. ft.
- Stormwater management must be addressed.

Stormwater Management (SWM)

Required Design Standards

- MDE-Maryland Stormwater Design Manual Volumes I & II (October 2000, Revised May 2009) or latest edition
- SWM-Harford County Code Chapter 214.

Required Plan Approvals

(All comments must be addressed to subsequent submittals)

- SWM Concept Plan
- SWM Site Development
- SWM Final Plan (approval required before issuance of grading permit)

Required Permits

- Grading (needs final SWM plan approval before issuance)
- Stormwater Management permit
- Note: Building permits require SWM permits before issuance
- Note: Use & Occupancy permits require SWM facilities to be constructed and inspected.

Required Easements

- A 20' wide access easement is required to the stormwater management facility for maintenance purposes.

Maintenance

- Maintenance of the stormwater management facility is the responsibility of the lot owner and shall be stipulated in the association documents.
- Practices located on individual lots are the maintenance responsibility of the owner.

SWM Design Comments

- A Stormwater Management Concept Plan has been submitted for review and must be approved before preliminary plan approval.
- Stormwater management practices designed for and located on individual lots shall be constructed and inspected before the issuance of use and occupancy permits.

Development Advisory Committee Minutes
April 20, 2022
Page 8 of 15

- Discharge pipe locations for any stormwater management facilities must be shown on the plan.
- Please show legend on the plan.
- Previously approved Standard Stormwater Management Plan exceeded 5,000 sq. ft. of L.O.D. Any additional impervious and/or L.O.D. will required SWM measures to treat it.

Highway Engineering

Rights-of Way/Easements Required

- A 30' right-of-way dedication from the centerline is required along the Scarborough property fronting Deths Ford Road.

Required Permits

- Commercial Access Permit

Design Comments

- Site entrance shall have adequate sight distance for a 30-mph design speed. A sight line profile is required before preliminary plan approval.
- The entrance width shall be 30' with 30' minimum curb radii.
- The existing driveways must be paved within the County right-of-way.
- Identify on the plan the existing Harford County right-of-way and pavement widths.

Erik Robey – Sheriff's Office

The sheriff's office has no comments.

Crysta Draayer – Planner

- This plan proposes to utilize an existing barn and 12.22 acres of AG land for AG public events and private parties and receptions. In addition, a designated 1.95 +/- acres of land under Agriculture Preservation will be used for wedding ceremonies.
- A new version of the Site Plan is required to address the following:
 - a. The Site Plan states that the maximum number of attendees at events will be 120. The Landscape Plan states that the maximum number of attendees at events will be 250. This must be clarified and corrected on the new versions of the plans. If the 250 attendees number is accurate, a Community Input Meeting is required and the applicant will need to come back through the Development Advisory Committee after the CIM is completed.
 - b. General Site Note 23 needs to state two (2) FEMA FIRMS as the source. It should read that the site does not lie within a Special Flood Hazard Area (100-year floodplain) per FEMA FIRMS 24025C0090E and 240025C0180E, effective 4/19/2016.
 - c. Slopes of 15%-24%, and 25% > should be indicated.

Development Advisory Committee Minutes
April 20, 2022
Page 9 of 15

- A Landscape Plan (L143-2022) has been submitted to the Department of Planning and Zoning but cannot be approved. A new version of the Landscape Plan must address the following:
 - a. The planting schedule/plant materials chart on sheet 2 should also include the plant symbol for each plant type.
 - b. The proposed Evergreen Southern Magnolia and Itca plants are not included on the Harford County Approved Plant List.
- Additional approvals are required from the Maryland Agricultural Land Preservation Foundation (MALPF) before the land within the MALPF easement may be utilized for events.
- Although Historic Preservation Commission review is not required for this project, caution is urged as the Price-Garono House (HA-0325) is a contributing resource to the Lower Deer Creek National Register Historic District (HA-1551). Due to the proximity of a known archeological site on an adjacent parcel, caution is advised during the grading of the parking lots. Should any archeological materials be uncovered during this work, please contact historic preservation staff. Should historic rehabilitation work be required, the property owner may wish to consider designation of the property as a Harford County Historic Landmark, in order to take advantage of the Harford County Historic Preservation Tax Credit. The property owner may also wish to pursue Maryland State Historic Preservation Tax Credits for rehabilitation work as the property is a contributing resource to a listed National Register Historic District. Please contact historic preservation staff for more information at 410-638-1385, ext. 1385 or ext. 1390.
- Per the Harford County Zoning Code Design Standards for Special Development Section 267-73 Agricultural/Commercial, a private parties and receptions use's hours of operation are not permitted between 12:00 midnight and 6:00 a.m. Per the Harford County Zoning Code District Regulations Section 267-53 AG Agricultural District, the operation of agricultural public events is not permitted between the hours of 10:00 p.m. and 7:00 a.m.
- Per the Harford County Zoning Code Design Standards for Special Development Section 267-73 Agricultural/Commercial, the use must be owner or tenant operated. Written approval from the record owner is necessary if someone other than the owner of record is operating the use.
- Safe and adequate access shall be provided for vehicular traffic as determined by Harford County Department of Public Works.
- No lighting is proposed at this time. If lighting is proposed in the future, a lighting plan shall be submitted to the Department of Planning and Zoning for review and approval.

Development Advisory Committee Minutes
April 20, 2022
Page 10 of 15

Also, per the Harford County Zoning Code Design Standards for Special Development Section 267-73 Agricultural/Commercial, any future proposed lighting shall be shielded and directed away from any off-site residence and may be used only during permitted hours of operation.

- No new signage is proposed at this time. If signage is proposed in the future, it must conform to the Sign Code and permits shall be obtained from the Department of Planning and Zoning.

Public Comments:

Mr. McLauchlin said he is from McLauchlin Law firm. He is here on behalf of Mr. David Milton, who resides at 3149 Deths Ford Road and also on behalf of William and Paula Smith of 3191 Deths Ford Road. I want to begin by adopting and incorporating the written comments and questions previously submitted by Mr. Milton prior to today's meeting. That consisted of 22 pages that he submitted on April the 18th. Those materials have several categories of observations that include Health, Planning and Zoning, Public Works, Emergency Services, and so on. It is what you would expect for a meeting like this. I'm not going to repeat every observation there, but it's important that you know that I'm adopting and incorporating them for my purposes. My clients are mindful that, according to the code, its purpose is to promote health, safety, general welfare of the community, to control traffic congestion on public roads, to promote conservation of natural resources, including productive agricultural land, and to prevent environmental pollution. With that in mind, I first want to address the uses that are proposed and then specifically the site plan itself and the information that is on the plan. The plan is being proposed in order to support commercial amusement. That is what this actually is. It uses the words agricultural entertainment. And yet it proposes to comply with Section 267-73B(2), which is only "private parties and receptions". Now you have been given photos in Mr. Milton's materials that show the property is actually been used for massive fireworks displays. It has been used for automobile shows. It has been used for motorcross racing. Those are not private parties or receptions. And they are not agricultural entertainment. They are commercial ventures. We come to today's meeting, and we hear the suggestion that it is only going to be 8 or 10 weddings per year. Added to that is another comment that says...oh and blueberry festivals also and pick your own. And also, I think at minimum there is ambiguity between what's being presented and what the actual use is going to be. The plan that is submitted is focused only on the barn. Yet the public materials that the property owner has put out there, and I think there were some questions that were raised here, demonstrate that other buildings are intended for use. The main house. They are suggestions that it is used for candlelight tours. There are suggestions that it is used for brides who intend to have their weddings a this barn. And so on. So, it is in large part because of the magnitude of those things that you have neighbors who have raised concerns about the narrowness of the road which you have observed. The inappropriateness of the are for traffic, which you have observed. Inadequate screened parking and the like. These are the types of comments that have already been submitted. It is in large part that because of those things that the neighboring property owners have questions whether or not the special event permits that have already been obtained to do certain things onsite were

Development Advisory Committee Minutes
April 20, 2022
Page 11 of 15

appropriate to begin with. One of which recently was pulled within 24 or 48 hours. The point is this is not farm work. It is not farm entertainment or even just private events. It is development. And it is commercial development and development requires adherence to your processes. The processes of your respective organizations. So, with that in mind and with regard to the plan itself, one of the concerns is that you are being asked to review the site plan as a snapshot of the condition of the property right now. When in reality that condition has changed over time, substantially. Unpermitted and unapproved development activity has already taken place as a prelude to the submission of this site plan. If you approve the plan, then that unpermitted unimproved development activity will eventually never have to be permitted at all. It is a good strategy. I don't want to ask for permission for things in my site plan after my site plan is submitted. So, what I'll do is do it ahead of time because I will call myself AG. When true activities in AG are allowed to be unpermitted. So will go ahead and rely on that and then I'll submit the site plan. And I'll just give you one example of that. And it can kind of frame how the discussion goes, at least from my client's perspective. The plan and the landscaping plan both state the only building in which the seasonal events will take place is the existing barn. Now there are several concerns with that. Let's take each part of the statement. The existing barn. Well, the barn that exists today is not the barn that existed on the site plan. A small example is, and just by the way of example only. This is certainly not the biggest issue. But there is a deck. I am not aware that a deck permit was ever pulled, and the response could be we are not asking for the approval of a deck. This is AG and we built that when we were AG. And we didn't need to have a permit for that. But in reality, it is because the unpermitted deck was already built in the AG that is not being requested now. It is certainly going to be used as part of the venue. What the example points out is that the property owner appears to ramp up to do as much as possible in unpermitted fashion in AG prior to submitting the plan and then ask for approval of the development activity. In ordinary commercial development it works the other way. We don't take action, seek approval, and then pretend that the issue never existed. So again, that is the only building in which the seasonal events will take place. There used to be other buildings. It was represented to you today that this site plan exists of two outbuildings and two homes. One of the buildings that used to be there was an outbuilding. And you have been given some photos of that. It had an above ground storage tank. That is not depicted on this site. And in fact, the tank is missing now. The building is no longer there. And the site plan indicates that there are no above ground storage tanks. Once again that's because, we believe, in unpermitted fashion the property owner already removed it and then submitted the site plan to suggest that the issue doesn't exist. There used to be a concrete portion of the barn where the deck now stands. And you have been given photos that show a bulldozer practically buried in massive pits below where this barn exists, in an active effort to take out concrete portions of the existing barn and presumably bury that. And remove other portions to an open landfill that is located in the woods that you also have photos of. There is already an Enforcement action pending with respect to that. They used to be a tenant house, in addition to the main house. They were town down. That is different than the house that is shown here now. I am talking about one that was a different structure. You have photos of it. It is not here anymore. The main house is listed on the historic register. We know from the registration that part of the house had asbestos shingles. Not is might have had asbestos. It says, "is currently covered with asbestos shingles." And those were taken down. There used to be a swimming pool. And you can see

Development Advisory Committee Minutes
April 20, 2022
Page 12 of 15

that from the photos. We don't know if it was properly abandoned. What we do know is that that became the repository for where these other structures, asbestos shingles, and all, when they were taken down were placed into the bed of that swimming pool. Maybe the tank is there. I don't know. But they were buried. And you can see in the photos figures one and two is kind of a before and after. And in the after you can see the tractor tracks. They go from where these building were and over to the swimming pool and back. You can watch over time how that development went and where the dirt is moved. And it all goes into the swimming pool and then you have photographs that show that these things we set on fire. And that they were burned in the swimming pool. And then you can see that they were covered with dirt or some sort of soil. We don't know what kind. We can then see that there are eight large piles of additional dirt beside it. So that then becomes the area conveniently enough that is shown on the site plan for parking. So, we have put these things in the swimming pool. We have burned them. We have covered it up. We have put some dirt beside it and more dirt beside it. It is shown on the site plan as equipment storage. And that is where we are going to put our impervious and pervious surface for parking on the site. There is also then confusion over the number of parking spots. I am not going to belabor that because I think the department made that point already. That on one it says under 20 and on one it says more. The point is that the metric that is used to determine how much parking, at least on the site plan, says that this is for a club, a private recreational club. Whereas the use falls under category that is actually public events. And the parking needed for private club versus public events is substantially different. It could make the difference between whether or not a community input meeting is going to be needed. And procedurally that should be important to this. So when we say the only building in which the seasonal events will take place is the existing barn, what we are really saying is now that we have taken down the buildings and tanks that were in our way and we have buried them and we have burned them and we have covered them with our proposed parking area, we would like to use the barn for our commercial events. Although it is not a building, there is another thing that I need to point out. The property owner has currently placed a dumpster at the end of its driveway adjacent to the Smith property. It is no real mystery why it is placed there. There is frustration among the neighbors. But ordinarily in commercial development there would be a pad site for that dumpster. And that pad would be adjacent to the building that is being used for the commercial activity and not placed several 100 feet away. And the pad would add to the impervious surface calculation which would be added to the calculation for stormwater requirements which we have also addressed. And that the entrance needs to meet commercial standards on this parking area. We understand that the goal of including pervious surface in that space is to stay below the 5,000 sq ft of disturbance. So that may be some of the Stormwater management effort might not be required. But if you look at that figure 2 of what has already taken place out there, the whole site is disturbed. Certainly, you have the swimming pool area already disturbed. You have the mounds of dirt. You have the pits with the bulldozer in them. You have the area in front of the new tenant home. So even without that disturbance, this is yet another case in the theme of how the site plan is developed. That has already been done prior to the submission of the plan. In addition to what the plan proposes, there was already a parking area with gravel, but it is a parking area that added over 5700 square feet. And that is in some comments that DAC has already received from the neighbors. This proposes to add another 3,450 square feet of disturbance. So, you are well

Development Advisory Committee Minutes
April 20, 2022
Page 13 of 15

over 9000 square feet of disturbance just in what you know has already happened here as permitted. Let alone from what you can see in photos that wasn't permitted. So, one final note, I mentioned that this is an historic landmark and registered as such. And don't know that Planning and Zoning is focused on this. Or I may be misguided on this. And if so, I apologize. But section 267-117 has some development requirements in historic matter that call for buffer requirements and call for recommendations to the Director of Planning and zoning from the Historic Preservation Commission. There are also code provisions in 267-96 with respect to historic structures that indicate that communications towers aren't supposed to be within 1000 feet of such buildings. There is a communications tower on this site. I presume that there was a special exception approval for that in the past. I didn't review that, but I would adopt whatever conditions were placed upon that special exception to place that tower there. I don't know that they included the idea that this building was registered Historic but that seems inconsistent. So certainly, here is our point. It was never the intention of the Code that a property owner could use the benefits of being located in the AG to ramp up commercial development and then after the commercial development has taken place and those concerns have been removed to then submit a site plan. To do those things first when that is what was really intended all along. It is never the intention of the code to allow commercial modifications as part of a supposed agricultural use to avoid the permits, approvals and inspection requirements and then switch to commercial development once it is done. That is our prospective on it.

Mr. Davenport said thank you. We are in receipt of your client's email and a number of others, and we have distributed to the appropriate agencies to get responses to that. We will prepare those responses in a timely manner. The property is not a historic landmark. It does not have protection. It is just a registered historic building. So, there is no protection in the code with regard to the County's Subdivision or Development regulations. That is not to say if they need MDE permit or Federal permits, they might recognize to demonstrate historic properties on the site or not. But that is not anything within the county.

Mr. Burton said first off, I want to thank all the department heads for obviously taking the review seriously because many of the concerns that I had were spoken to in your comments. With that said, DES latched onto the issue with the narrowness of the road and had a recommendation of turn off areas. I don't know if that is the right phrase. My concern as a property owner that has over 400 foot on that road is that turn off space. Right now, my lawn is being used for that purpose. But I do have concerns about losing property in order to accommodate that. So, the question that I have is how is that determined? Is it eminent domain that you will take it, my property, to put in turn out spaces?

Mr. Snyder said no. Our recommendation, take this project specifically out of contact that section of Deths Ford Road would be not good if there was a fire down Deths Ford Road. Again, regardless of this project. Those recommendations that made reference, that would have to be worked out with the owner of this project in front of us today with the other private property owners. If it doesn't happen, it doesn't happen. But that is our recommendation. I don't have any legal authority to make it happen. I just throw the recommendation out for if this project was to happen, to actually occur, this is what Fire and EMS is recommending.

Development Advisory Committee Minutes
April 20, 2022
Page 14 of 15

Mr. Milton said I would just like to confirm two things. One is that the questions that I submitted will be part of the record of the minutes of this meeting. To be appended to that.

Mr. Davenport said they are not going to be in the minutes unless you read them out to us. But we have received them, and we will respond to them as DAC comments that you have submitted. We have an obligation to respond to them.

Mr. Milton said with respect to everybody's time, I won't read them out. But there is one that I would like to add my voice to. And this is the nature of the ash in the bottom of the swimming pool. Given that the asbestos was burned in the pool and other materials that have been unidentified and the impact on wells, well waters, and the aquifer for the surrounding neighbors, as well as the deconstruction of the garage that was identified as being covered in asbestos shingle on the days leading up to the June 22nd, 2021, burn. You know the weather patterns. I read up a lot on asbestos. I didn't realize what a health hazard it was. And so, concerns for surrounding neighbors' health, should anybody have to start monitoring themselves for potential asbestos exposure, etc. So, I don't know if the Health Department puts out any kind of alert or notices for those kinds of incidents.

Mr. Davenport said I understand MDE is aware. Do they have an open case on this?

Mr. Milton said not on the asbestos. Their open case is on, I think, nontidal wetland violations as well as open landfill. But again, it is a pattern that I would like to point out.

Mr. Davenport said MDE is a member. We sent the plans down to MDE. As far as DAC, we have not received any comments back from them. The Health Department will probably follow up with them.

Mr. Milton said we can follow up directly as well.

Ms. Broomell said we work with Vintage Woodworks. She handed in testimony. She read them into record. We are here today to enthusiastically support the application of Stone View Farm submitted by Shad and Valerie Scarborough. We saw their beautiful property for the first time in January when we were called to provide an estimate for floor refinishing in the original 1837 manor house. Shad provided a tour, and we were impressed with his renovations to the barn, Manor House, and the outlying buildings including the ice, spring, and smoke house. It was evident that a serious investment was being made to preserve the historic integrity. A majority of our work is with historic homes with our most recent property being the Harford County Historic Society building in Bel Air (formerly the old post office on Main Street). The Society supports: restore, preserve, and promote. By having this historic house open to the public, this will in turn promote the preservation of other properties and their history for future generations. While it is gratifying to see these historic homes restored and repaired, many are not open to the public to enjoy and appreciate. The additional value of using the property as a venue for events and weddings will also support the local economy and small businesses, create a sense of place and thereby promoting a pride in

Development Advisory Committee Minutes
April 20, 2022
Page 15 of 15

community. We recently had the privilege of attending Stone View's community Easter Egg Hunt which had a turnout of over 200 local residents. It was evident a good time was had by all with many children participating. Many were talking about how beautiful the property was and thankful to Shad and Valerie for sponsoring the event. Together, we have a love of preserving and learning about local history and appreciate that we participated in the clean up of the original Tome School Property and the Jacob Tome House in Port Deposit, Bald Friar and Belle Manor in Conowingo, and worked on the Blenheim Mansion in Bulle Rock, as well as the Carrier House in Havre de Grace. Between the two of us, we have served on the 2010 Cecil County Comprehensive Plan Oversight Committee, ad hoc member on the Cecil County Planning Commission and on the Cecil County Historic Trust. And it's our opinion that this is the very type of venture that checks off all the boxes for promoting effective preservation and community involvement and an economic engine for the local economy.

Ms. Smith said I would just like to say that that is a beautiful testimony. However, they are only applying for use at the barn, but yest she just said they are fixing the house up for beautiful tours and use of wedding venues.

Ms. Nunn said what is the speed limit on Deths Ford Road. We don't have a posted sign.

Mr. Davenport said DPW asked for a 30-mph design speed sight distance. I don't know whether that is the posted speed. We don't know.

Ms. Nunn said if it is 30 miles an hour, that would presume that the Amazon truck going one way and the Amazon truck coming the other way can proceed down Deths Ford Road at 30 mph without smashing into each other. And that's not possible. So, the road is just too narrow as it is. When we talk about a line of event attendees, you know a one o'clock wedding. A lot of cars, 30 cars, trying to get in at that time. If we have an ambulance, God forbid, or an Amazon truck, it is going to be a very difficult access and egress.

Meeting adjourned at 9:50 am.