

DEVELOPMENT ADVISORY COMMITTEE MINUTES

The Development Advisory Committee (DAC) met on May 3, 2023, 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	Planning and Zoning
Cari Biscoe	Health Department
Jenni Daniels	Planner, Development Review
Bill Snyder	Volunteer Fire & EMS
Robert Anderson	DPW Engineering
Clarence Cullum	Soil Conservation
Crysta Draayer	Planning and Zoning

Also in attendance:

Mark Allen	Gloria Moon
Anthony Pirrera	Bob Wilson
Donna Eads	John Kunkel
William Mason	Joe Thompson
Deborah Capallo	Lauren McDougall

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 the project. The DAC members will give their comments on the projects. 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.

<u>Willow Oak</u>	
Located on the west side of Old Joppa Road, south of Whitaker Mill Road.	
Tax Map 55; Parcel 197. Third Election District. Council District B. Planner Jenni.	
Plan No.	P157-2023 Subdivide existing parcel to create 5 single family lots / 11.840 acres / AG
Received	4/5/2023 Wilson Deegan and Associates, Inc. / Willow Oak, LLC

Bob Wilson – Wilson Deegan and Associates, Inc.

The proposal today is for 5 lots on a 60 plus acre parcel. The 5 lots will utilize 5 of the development rights. The remaining lands will utilize the last development right.

Bill Snyder – Volunteer Fire & EMS

Multiple dwellings accessed from one driveway shall have the addresses marked at any point the driveways split to identify each dwelling's address number. Signs with directional arrows are recommended.

Emergency Services – Read by Bill Snyder

The proposed dwelling located on Lot 1 shall be addressed 812 Old Joppa Road. The proposed dwelling located on Lot 2 shall be addressed 818 Old Joppa Road. The proposed dwelling located on Lot 3 shall be addressed 820 Old Joppa Road. The proposed dwelling located on Lot 4 shall be addressed 816 Old Joppa Road. The proposed dwelling located on Lot 5 shall be addressed 814 Old Joppa Road. House numbers must be displayed where they are clearly visible from Old Joppa Road. Dwellings on panhandle lots shall have the addresses marked at any point the driveways split to identify each dwelling's address number. Signs with directional arrows are recommended.

Clarence Cullum – Harford Soil Conservation District

The proposed construction will require an adequate sediment and erosion control plan. The erosion control plan must meet the minimum standards per the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control. The sediment and erosion control plan must be integrated with the SWM strategy during the design phases. Prior to "Final Plan" submission for erosion and sediment control review, please provide our office with the plan review fee and voucher. The site appears to be located within a Maryland Tier II High Quality Watershed. Tier II buffers should be noted and shown on the plans. Sites located within a Tier II High Quality Watershed may need an additional level of controls. Please contact Angel Valdez of the Maryland Department of the Environment for more information and recommendations. Please note in the event the total disturbed acreage exceeds 1 acre or more an NOI permit is required from MDE. Please contact MDE for more information about the NOI permit process.

Health Department – Cari Biscoe

The Harford County Health Department has reviewed the above referenced preliminary plan. The site is located on the west side of Old Joppa Road, south of Whitaker Mill Road. This plan proposes to create five single family residential lots from an existing agricultural parcel of 11.840 acres. Lots 1 through 5 are unimproved and will be serviced by individual wells and on-site sewage disposal systems. Satisfactory soil tests were conducted on April 16 and April 23, 2009. In order for the Health Department to continue the review of this plan, the items listed below must be submitted on a revised plan to this office. Prior to this office extending preliminary plan approval, the following is required:

1. The note for septic reserve areas shall specify the size of SRA of each SRA needs to be labeled with its actual size.

Development Advisory Committee Minutes
May 3, 2023
Page 3 of 19

2. Please include 200 foot well radii on any well downgradient from SRAs.
3. Perc holes 5 and 28 are labeled incorrect and shall change to be unsatisfactory.
4. The proposed wells for Lots 3 and 4 and Lots 4 and 5 are within 100 feet of each other and must be drilled and yield tested simultaneously to determine if the wells share a water source or are interconnected. The yield test results must be submitted to this office for review and approval. Both wells must be capable of meeting the minimum yield requirements of COMAR 26.04.04 when tested simultaneously. In lieu of developing the wells and conducting yield tests at the same time, the well locations may be modified to provide greater than 100 feet separation between the proposed wells. If that option is chosen, the consultant must provide a print to this office indicating the new proposed well sites. Please note that wells require a 50-foot separation from any potable water supply including neighboring wells. This setback is required to allow for the potential of hydrofracturing.
5. Please provide more details on the open space stormwater management devices to ensure the required distances are met.

Upon receipt of the revised print, this office will update its comments. This plan must meet all requirements of COMAR 26.04.03 (Subdivision Regulations), COMAR 26.04.04 (Well Construction Regulations), and all local codes and regulations.

Robert Anderson – DPW Engineering

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 sediment control plan is required for the development of this site.
- A grading permit is required.
- 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 Plan
- SWM Final Plan (approval required before issuance of grading permit)

Development Advisory Committee Minutes
May 3, 2023
Page 4 of 19

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 any stormwater management facilities for maintenance purposes.

Outfall Investigation

- A suitable outfall must be provided for any stormwater management facilities and shall be approved at the time of the final design.
- Additional topo shall be shown for the outfalls to ensure that the adjacent property owner will not be adversely affected by runoff from the site.

Maintenance

- Maintenance of the stormwater management facilities is the responsibility of the lot owner (s) 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 shall be submitted for review and must be approved before preliminary plan approval.
- A maintenance inspection shall be conducted for the pond providing stormwater management for the site. Any items listed on the inspection report shall be completed as a condition of the grading permit of the site.
- Stormwater management practices designed for and located on individual lots shall be constructed and inspected before the issuance of use and occupancy permits.
- Discharge pipe locations for the stormwater management facilities must be shown on the plan.

Highway Engineering

Required Design Standards

- Harford County Road Code
- Maryland Manual on Uniform Traffic Control Devices 2011 or latest edition (for the pavement striping and traffic control signs.)

Required Permits

- Access permits required for the proposed driveway.

Right-of-Way/Easement Required

Development Advisory Committee Minutes
May 3, 2023
Page 5 of 19

- A 30' right-of-way dedication is required from the center line of Old Joppa Road.

Design Comments

- Site entrances shall have adequate sight distance for a 35-mph design speed. A sight line profile for the intersection is required before preliminary plan approval.
- A common driveway shall be provided for Lots #1, 2, 3, 4, and 5. The common driveway shall be 20 feet wide for at least 30' from the existing edge of pavement. A private ingress and egress maintenance and use in common agreements shall be provided for the common driveway referencing the applicable lots.
- The driveway must be paved within the County right-of-way before issuance of any use and occupancy permits.
- Monumental masonry mailboxes or structures shall not be constructed within the County's right-of-way.

Jenni Daniels – Planner

- The original tract of land contained 68.732+/- acres as of February 8, 1977, and carried six (6) development rights. In 2012, Preliminary Plan P11-089-2 was approved to create eight (8) lots utilizing all six (6) development rights and two (2) lots created via family conveyance. That plan, though approved, was never recorded into Harford County land records and expired in August 2015. Therefore, six (6) development rights still remain with the parcel. This plan proposes to utilize five (5) of these rights, leaving one (1) with the remaining lands.
- The project is subject to the Harford County Forest and Tree Conservation Regulations. The Forest Conservation Plan submitted to the Department of Planning and Zoning cannot be approved at this time. A new version showing the location, species, and condition of each specimen tree is required.
- This property is located within a Tier II watershed. The applicant will be forwarded the required MDE checklist. Questions regarding the checklist may be forwarded to Matt Kropp of the Department of Planning and Zoning.
- There is no flood note on the plan. If a new series is needed, this note must be added. If a new series will not be required, the flood note is needed on the final plat.
- Lots 1-5 will share a common drive. A common drive agreement providing for its use, maintenance and responsibility must be submitted for recordation along with the final plat.
- Since more than five (5) lots have been created from the parcel, frontage improvements will be required along the frontage of Old Joppa Road in accordance with Section 268-12(E)(2) of the Harford County Subdivision Regulations. Please contact the Department of Public Works, Division of Engineering to determine the nature of the required improvements prior to final plat approval.

Development Advisory Committee Minutes
May 3, 2023
Page 6 of 19

Public Comments:

Mr. Allen said the remaining 50 acres. What is the county's provisions to make sure that that stays one development right? I know by Ag rules, 1 house per 10 acres, was how it was originally slated for. What would stop this developer from, later down the road, requesting to rezone that property as well, knowing that the majority of it is wetlands?

Mr. Davenport said nothing would stop anybody from asking for rezoning. Everybody has that legal right. It is not in our development envelope. So, I can't see that happening.

Mr. Allen said has there been any consideration, this was not very legible when scanned into the county website. So, this was the first time I was really able to see a legible document. Is there any reasoning for the 2 to 3 properties that are bordering the remaining woods, why they wouldn't be held to the agricultural 1 house per 10 standards? I mean, they are backing up to wetlands. They have the ability to do 10 acre lots. It is zoned for 1 house per 10 acres currently. Why would the houses that currently back to those woods and wetlands not be required to be 10 acres? Or is that being considered to protect the wetlands and keep that from being rezoned in the future?

Mr. Davenport said I am not certain I understand your question.

Mr. Allen said in order to preserve or conserve that 50 acres that is remaining, has there been any consideration or thought to the properties adjoining it that are attached to that parcel currently? Making them be part of that 10-acre zoning requirement that is currently under.

Mr. Davenport said the minimum lot size in the agricultural zoning district is 2 acres. So, I can't make anybody develop at a greater lot size.

Mr. Allen said so I had misunderstood when I had read it. It was saying that 50 acres was 5 houses. 60 acres was 6 houses. When you look at Ag Development regulations, it is essentially every 10 acres grants you the right to one more development right.

Mr. Davenport said you are correct. So, the property has the ability to create 6 lots. So, they can do 6 10-acre lots. Or they can do 5 2-acre lots and keep 50 acres. So, it is the property owner's perspective. So apparently, they want to keep a larger farm. Maybe they have horses. They just want to keep a larger piece of property. That is their prerogative. So, I have no ability to mandate.

Mr. Allen said the remaining 50 acres is mostly wetlands. And you would have to cross 2 streams from Joppa Road to get to those areas that are considered wetlands. So you would have to encroach on wetlands to access any of the other developable areas on that plat. When this gets rezoned, this 50.7 acres, what prohibits them to have the right to build 5 more houses? So, if it is 6 Ag development rights. What would permit them from not being able to put 5 more houses?

Development Advisory Committee Minutes
May 3, 2023
Page 7 of 19

Mr. Davenport said it is subject to our Forest and Tree Conservation regulations regardless of the zoning category. It is also subject to our natural Resource District regulations and our hundred-year floodplain regulations. So, whether it is zoned Industrial or Agricultural, they still have provisions that protect resources, wetlands, and buffers, streams, and forest. Those provisions are set aside to protect those resources regardless of the zoning district.

Ms. Moon said so what you are saying is that the owner of the properties has sold off 4 tot lots, 5 tot lots and has kept one development right on the other 50 acres. Or does he have an additional 5?

Mr. Davenport said they created 5 2-acre lots.

Ms. Moon said I didn't see number 5.

Ms. Daniels said it is tough to see.

Ms. Moon said yes it is. I looked for a 5 everywhere.

Mr. Davenport said it is 5 2-acre lots. And the remaining 50 acres has one development right. So you can have a house on it. You could have a tenant house on it.

Ms. Moon said he kept the one development right. He doesn't get anymore.

Ms. Daniels pointed out Lot 5 on the plan.

Ms. Moon said that answers your question. And the road that you are talking about, we have a dirt road that goes in with trees on either side. It's a really pretty country lane. Is that where the new road is going?

Mr. Davenport said I don't believe so. Mr. Wilson, can you show her that access?

Ms. Moon said I like that lane.

Mr. Wilson said I assume the access you are talking about is right here.

They discussed the plan.

Ms. Moon said do you consider these panhandles.

Mr. Davenport said that is correct.

Ms. Moon said there are 4 panhandles. Don't you need a special exception or a variance for that?

Development Advisory Committee Minutes
May 3, 2023
Page 8 of 19

Mr. Davenport said no. It is Ag zoning. Residential allows one. Ag and RR you can do 4.

Ms. Moon said okay. And the NRDs that are attached to this property. The other plan was pretty good. They protected all of them. This one is even better. I like it. I would want to move to Joppa too in that section. Nice. And the 35 miles per hour. That is a joke on Old Joppa Road.

Mr. Davenport said that is the site speed design standard.

Ms. Moon said I know. But it is a joke.

Mr. Pirrera said you did say they are individual septic systems, correct?

Mr. Davenport said correct.

Mr. Pirrera said I just wanted to confirm that because there is a sewer line that comes into the Woodcrest neighborhood. And there seems to be markings around that area that show pipes coming from that sewer line into the new development.

Mr. Davenport said there is no public sewer available to this property.

Ms. Moon said do you have an extra map.

Mr. Davenport said yes.

W. Herbert and Patricia A. Harkins – Lot 18 & 19

Located on the east side of Grier Nursery Road, northeast of Rocks Road (MD Rte. 24).

Tax Map 33; Parcel 381. Third Election District. Council District D. Planner Jenni.

Plan No. P140-2023 Subdivide Lot 18 to create new Lot 19 / 4.308 acres / AG

Received 3/27/2023 Joseph Thompson & Associates, LLC / Harkins, W. Herbert & Patricia A.

Joe Thompson – Joseph Thompson & Associates, LLC

We are creating the last lot on the Harkins Farm. This will be the last lot. We are taking Lot 18 and making Lot 19.

Development Advisory Committee Minutes
May 3, 2023
Page 9 of 19

Bill Snyder – Volunteer Fire & EMS

Multiple dwellings accessed from one driveway shall have the addresses marked at any point the driveways split to identify each dwelling's address number. Signs with directional arrows is recommended.

Emergency Services – Read by Bill Snyder

The proposed dwelling located on Lot 19, as indicated by the plan, shall be addressed 2817 Grier Nursery Road. Proposed dwelling located on Lot 18, as indicated by the plan, shall be addressed 2819 Grier Nursery Road. Dwellings must display house numbers where they are clearly visible from Grier Nursery Road.

Clarence Cullum – Harford Soil Conservation District

The proposed construction will require an adequate sediment and erosion control plan. The erosion control plan must meet the minimum standards per the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control. The sediment and erosion control plan must be integrated with the SWM strategy during the design phases. Prior to "Final Plan" submission for erosion and sediment control review, please provide our office with the plan review fee and voucher. The site appears to be located within a Maryland Tier II High Quality Watershed. Tier II buffers should be noted and shown on the plans. Sites located within a Tier II High Quality Watershed may need an additional level of controls. Please contact Angel Valdez of the Maryland Department of the Environment for more information and recommendations. Please note in the event the total disturbed acreage exceeds 1 acre or more an NOI permit is required from MDE. Please contact MDE for more information about the NOI permit process.

Health Department – Cari Biscoe

The Health Department has approved the above referenced preliminary plan. The site is located on the east side of Grier Nursery Road and northeast side of Rocks Road. This plan proposes to subdivide existing Lot 18, Plat recorded 214/27 into two individual single family residential lots and proposes to reconfigure and reduce the waste disposal system areas. Lots 18 & 19 are unimproved and will be serviced by individual wells and on-site sewage disposal systems. Soil tests were conducted on April 8, 2022. The Health Department received a revised print on April 27, 2023 and all items were corrected. This plan must meet all requirements of COMAR 26.04.03 (Subdivision Regulations), COMAR 26.04.04 (Well Construction Regulations), and all local codes and regulations. The final plat must bear the well, septic reserve area, and plat plan notes. The square footage amount of the septic reserve area must be clearly labeled on the final plat.

Robert Anderson – DPW Engineering
Sediment Control

Development Advisory Committee Minutes
May 3, 2023
Page 10 of 19

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.
- 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 Plan
- 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.

Maintenance

- Maintenance of the stormwater management facility (facilities) is (are) the responsibility of the lot owner (s) 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 must be 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.

Highway Engineering

Required Design Standards

- Harford County Road Code
- Maryland Manual on Uniform Traffic Control Devices 2011 or latest edition (for the pavement striping and traffic control signs.)

Development Advisory Committee Minutes
May 3, 2023
Page 11 of 19

Required Permits

- Access permits are required for the proposed driveways.

Right-of-Way/Easement Required

- A 30' right-of-way dedication is required from the center line of Grier Nursery Road.

Design Comments

- A common driveway shall be provided for lots #18 and 19. The common driveway shall be 20 foot wide for at least 30' from the existing edge of pavement. A private ingress and egress maintenance and use in common agreements shall be provided for the common driveway referencing the applicable lots.
- Site entrances shall have adequate sight distance for a 45-mph design speed. A sight line profile for the intersection is required before preliminary plan approval.
- The driveway must be paved within the County right-of-way before issuance of any use and occupancy permits.
- Monumental masonry mailboxes or structures shall not be constructed within the County's right-of-way.

Jenni Daniels – Planner

- The property is zoned AG (Agricultural) and totals 4.308+/- acres. This plan proposes to revise recorded plat 214-27 by subdividing residential lot 19 from lot 18.
- The remaining lands are now subject to the conditions of a Harford County Agricultural Land Preservation Easement.
- Lot 19 is subject to the Harford County Forest and Tree Conservation Regulations under the conditions of the Abbreviated Process stating that the development of this lot will not result in the cutting or clearing of more than 20,000 square feet of forested area. A Declaration of Intent has been submitted which states zero square feet of clearing will occur.
- This property is located within a Tier II watershed. The applicant will be forwarded the required MDE checklist. Questions regarding the checklist may be forwarded to Matt Kropp of the Department of Planning and Zoning.
- Lots 18 and 19 will share a common drive. A common drive agreement providing for its use, maintenance and responsibility must be submitted for recordation along with the final plat.

Public Comments:

Ms. Meyers said where is the driveway going.

Mr. Thompson showed her where the driveway is on the plan.

Development Advisory Committee Minutes
May 3, 2023
Page 12 of 19

Ms. Meyers said the back of our house.

Mr. Thompson said it is existing.

Mr. Davenport said it is an existing farm lane.

Mr. Thompson said what is confusing is the panhandles that feed the lots were over here and people are confused by that. And the reason for that is because this was planned to come down and put more lots back here. But the client decided not to do that and put it in ag preservation. So, this is just basically a paper road. It fulfills the feed to a public road requirement. They are going to come down the farm lane. The sight distance is much better here. This is really the peak of the road here.

Mr. Mosier said so the sight distance doesn't qualify for the back part of the property. The north side of Grier Nursery Road.

Mr. Thompson said the sight distance right here.

Mr. Mosier said it does not qualify for a driveway to go back there.

Mr. Thompson said yeah.

Mr. Mosier said so how would they run the driveway to the other lots that would be in the back that the client decided not to do. Through that driveway.

Mr. Thompson said the rest of this driveway is in Ag Preservation.

Mr. Mosier said okay. I live right there.

Mr. Thompson said this is the last lot for the whole farm.

Mr. Mosier said these are the last 2 lots that they can build.

Mr. Davenport said it is already in preservation.

Mr. Mosier said okay. Great.

Ms. Eads said apparently I didn't get a letter because it doesn't affect me. But the driveway borders my property, which I am fine with. And Mr. Harkins has asked us to cut bushes back and we did. But we got no notice that it was happening. And they brought this heavy equipment in. And that was pounding the driveway so hard that pictures and my \$350 stained glass got knocked off my wall. That is how hard it was pounding the ground. Should we have gotten some kind of notification since my property does border their property? I am sick about my

Development Advisory Committee Minutes
May 3, 2023
Page 13 of 19

stained glass. It was her grandmother's and she gave it to me. Should I have gotten a notification at any point or about this meeting?

Mr. Davenport said oddly. This small tract, Lot 19, your property doesn't abut it because Mr. Harkins has a special parcel of land which is shaded in the hatched area, which is the common drive area between you and this particular lot.

Ms. Eads said but it is all still 18 right now until it is finalized.

Mr. Davenport said you don't directly abut 18. There is another piece of Mr. Harkin's farm that goes between you and Lot 18.

Ms. Eads said it looks different from when we originally saw this.

Mr. Davenport said so the computer didn't spit out your address when it was reconciling the adjacent properties. That is why we post the property with signs.

Ms. Eads said I saw that. When they started the driveway in the Fall there was never a sign there. It is a driveway and we aren't complaining about that. But we got no notification. It is horrible when they have been working on it. Just the pounding, they had this big, huge equipment. I mean, my whole house was shaking. Things were falling off the walls.

Mr. Davenport said have you spoken to Mr. Harkins about that?

Ms. Eads said I don't know how to access him. He, one time, came over and asked my husband if he had questions. We did but that was before this equipment.

Mr. Davenport said I would go talk to Mr. Harkins.

Ms. Eads said okay. But it will be in the record right. So, he will see it. In the minutes.

Mr. Davenport said it will be in the minutes.

Ms. Eads said I just don't want to have anything happen if I say something to him.

Ms. Griffin said I do have a question. I am just curious. Over the last several years Mr. Harkins has come to our home and requested land off the back of our property. With future thought of putting homes in behind us. And saying maybe I'll give you the easement on so and so side because we share an easement on both sides of our land. I had submitted via email like you had asked in the letter you had sent to us. But I never heard back from anybody. What has changed over the last couple of years that he was able to get the land that he needed? Not from us, obviously. Because we never heard anything.

Development Advisory Committee Minutes
May 3, 2023
Page 14 of 19

Mr. Davenport said I can't say. Other than it would benefit him in some way. The acquiring your land. But he has chosen to go into Ag Preservation and has abandoned the idea of doing additional. So maybe that has changed that. It is only speculation on my part. I haven't had any conversation with Mr. Harkins.

Mr. Thompson said what is your address.

Ms. Griffin said we share the easement.

Mr. Thompson said right here. I think we came to you to adjust the common drive agreement. You put your own driveway in. You were supposed to come in to this common drive.

Ms. Griffin said there was no drive there before.

Mr. Thompson said you put your own driveway in. But you were part of that common drive agreement, and we were trying to get you out. We realized you had your own driveway.

Ms. Griffin said I don't understand what you saying.

Mr. Thompson said we created this lot with the common drive coming down with the intention of you using the common drive. You opted to put your own driveway in and not use it. So, this lot is still part of this common drive agreement. We had to revise this common drive agreement and we were asking you to opt out of it because you weren't using it. That is why we came to you. We didn't try to take land.

Ms. Griffin said no. Mr. Harkins has come to the house asking us over the years.

Mr. Eads said he said it would benefit her.

Mr. Davenport said so apparently, you may still remain part of that common drive agreement. It is just the hatched area that they are going to build. Meaning that you have rights, privileges and responsibilities for that common drive. And it would be in your settlement documents from when you purchased the property. Mr. Thompson has indicated that when your Lot 17 was created it was also shown, just like this plan, as being part of the common drive shared with the farm lane. You, I assume, acquired a permit to build your own independent driveway, separate from the common drive. Which is not a problem, but it doesn't alleviate you from your potential responsibilities for that common drive. So that is something, you could look at your documents and see whether or not you want to get out of that common drive agreement. Or not.

Ms. Griffin said what do you mean by responsibilities. If we have our own driveway and we never utilize the land. What is our responsibility?

Development Advisory Committee Minutes
May 3, 2023
Page 15 of 19

Mr. Davenport said they are written into the common drive agreement. So, it is an agreement between everybody who shares the use, maintenance, and responsibility of that kind of drive. Meaning you might be responsible for 25%, say it is for 4 people. 25% of paving it, stoning it.

Ms. Griffin said even though I have my own driveway.

Mr. Davenport said even though you have your own driveway. I am not an attorney. So, I can't advise you. But you want to look at that. And they haven't come to you and issued you a bill. But potentially they could. Depending on the provisions on that common drive easement.

Mr. Mosier said so the panhandle is set up to access Grier Nursery Road at the top of the properties. But there is no panhandle set up in that gray area. Can we explain why there isn't property markers that Ms. Griffin would own that property that 18 and 19 would own? Why isn't that set up?

Mr. Davenport said because they don't own it. Mr. Harkins will remain owner of it. The hatched area is an easement which allows Ms. Griffin, Lots 18 and 19, and the farmer to use.

Mr. Mosier said so Mr. Harkins is the sole owner of the property, but those 3 lots will have a right to use that.

Mr. Davenport said the rights and privileges to use it.

Mr. Mosier said but Mr. Harkins can dictate.

Mr. Davenport said it is under the terms and conditions of the easement itself.

Mr. Mosier said do you know if those terms and conditions dictate that Mr. Harkins is the sole person that can say we are paving this and we are building that.

Mr. Davenport said each document is a separate legal document set up with the framework of the responsibilities, uses, maintenance, privileges, and obligations.

Mr. Mosier said so Ms. Griffin is part of that. How is she not knowing that 18 and 19 are being separated and now she has one less voice in that agreement?

Mr. Davenport said I don't know that terms and conditions of that agreement.

Mr. Thompson said that is why you do recordation at the courthouse. It is called constructive maintenance. That is why she should be aware of that because it is in her documents.

Mr. Mosier said I can't hear you.

Development Advisory Committee Minutes
May 3, 2023
Page 16 of 19

Mr. Thompson said it is in her chain of title. That is why you record documents in the courthouse.

Mr. Mosier said so you notified the Griffins that...

Mr. Thompson said it is considered constructive recordation.

Mr. Mosier said how does her voice change in the ownership of that.

Mr. Thompson said we asked her to opt out of that. But they did not take that option. I think Mr. Harkins came to you because we wanted to get rid of this land and give it to this lot so we could run these panhandles down here. That would mean it was going this way, which would have been preferable. That is what he was talking about. It would be this strip in exchange for that.

Ms. Griffin said to do what.

Mr. Thompson said to eliminate this paper road. These belong to these two lots. They could not mow it. They could fence it. They own this property. They won't be able to access from it with a driveway. We were trying to eliminate that and bring it up through here and take the difference in the land and make your lot wider this way and cut that off. That was another option.

Ms. Griffin said was that what he did a couple of years ago when he came out with all that soil. When he brought the dump trucks?

Mr. Thompson said no. It has nothing to do with construction. It is part of the development process.

Ms. Griffin said what was that construction.

Mr. Thompson said that was a perc test.

Ms. Griffin said no. He brought a huge dump truck. He took 5 to 10 trucks of soil off the property there.

Mr. Davenport said that could have been something for the farm.

Mr. Mosier said it could have been something for the driveway because they had to cut into that hill.

Ms. Meyers said that is exactly what they did.

Development Advisory Committee Minutes
May 3, 2023
Page 17 of 19

Mr. Thompson said the reason why these panhandles were here was because the way the county's rules are, you can only have 4 panhandles in one section. So, we were going to do lots here and we were going to do it this way to feed these lots with the rule. But these lots were going to come down here for a road for 3-4 lots back here. But that went away. But he decided to put those lots into preservation. We had this strip of land and didn't know what we were going to do with it. We tried, as you know, to come to you and make your lot wider and make it smaller in the back.

Ms. Eads said is he building the houses.

Mr. Thompson said no.

Ms. Meyers said he is just selling the properties.

Mr. Thompson said because, again, that was on that side of the stream and it is across the stream. He has some trees back here that he planted as part of this development, but you have to have a little access.

Ms. Griffin said so when does construction begin on these homes.

Mr. Thompson said I guess whenever somebody wants to build them.

Ms. Griffin said they aren't sold yet.

Mr. Thompson said no.

Mr. Mosier said are they on the market now.

Mr. Thompson said no. They aren't created yet.

Ms. Meyers said did he put the well in there.

Mr. Thompson said yes. These houses can change.

Ms. Griffin said what do you mean the houses can change.

Mr. Thompson said when we create lots, we have to come up with something to give them an idea of a concept. We try to pick a house but sometimes it can change.

Ms. Eads said so the Health Department did well studies.

Ms. Biscoe said what do you mean by well studies.

Ms. Eads said to make sure that it is adequate for.

Development Advisory Committee Minutes
May 3, 2023
Page 18 of 19

Ms. Biscoe said so Lot 18 was already in existence as one lot. So, they are taking 18 now becoming 2. So, they applied for that well previously. But not until the lot is created. So, since it was already one lot, it could allow one well to be drilled. So, I don't know, just like Mr. Thompson doesn't know. We don't know when somebody wants to build. Or could Mr. Harkins decide to drill the well and make it a more potential sellable lot. But we don't know when somebody is going to apply for the other well.

Ms. Eads said do we get notification when wells are being drilled.

Ms. Biscoe said no.

Ms. Eads said I know 2 or 3 years ago we had a guy knocking on the door asking where our well was.

Ms. Biscoe said that might have been one of our regular regulated licenses. It is just because we couldn't find it and they wanted to see. Or it could have been a septic inspection. We have a lot of people that any time they do building permits anything like that, we go out. And if we can't see it or locate it, we do knock on homeowners' doors and make our presence known.

Ms. Eads said he was with a company.

Mr. Thompson said that was us.

Mr. Eads said because constantly we are pulling up sediment as well after storms and everything. And if there is just enough water for everybody.

Ms. Biscoe said we are a public business, and you are more than welcome to put in a Public Information Act form at any time. We do hold well and septic record. So, we are a big, large library.

Ms. Eads said I don't know that I could look at it and understand.

Ms. Biscoe said the records are there for you so if you feel you do see people on the property doing things, you are more than welcome to.

Ms. Eads said Oh, I am asking basically.

Ms. Biscoe said you are more than welcome to call the Health Department and ask for the records and see what kind of things are being involved at that time.

Ms. Griffin said before the 2 homes do go back on the lots. They are separated obviously already. Everything has gone through, permits. This is a done deal right.

Development Advisory Committee Minutes
May 3, 2023
Page 19 of 19

Mr. Thompson said this is part of the process. This is public notice. There are still things we have to do.

Ms. Griffin said I guess that well has been looked into with everybody here. That having two wells back there wouldn't affect anybody else. Water and things like that. You do all the research for the permits.

Mr. Thompson said the well was drilled and approved in this area. It is notorious for not deep wells.

Ms. Meyers said we need to know because it is only like maybe 20 feet away from our well, in our back yard.

Mr. Davenport said they will have to meet all the state and county health Department standards for the wells and septic systems. Ms. Biscoe has indicated that is their job. They are going to make sure that they meet all the Maryland standards.

Mr. Thompson said there is an existing well. Is this your house? This is the well. It is 100 feet away.

Ms. Meyer said no. It is not 100 feet away. I am sorry. It might be. It is really right outside our backyard.

Meeting adjourned at 9:50 am.