

Maryland Sustainable Growth Commission Meeting

July 25, 2011/1:00 p.m. to 4:00 p.m.

Prince Frederick Library
Calvert County, Maryland

Meeting Summary

Members: Jon Laria, Jennifer Bevan-Dangel (representing Dru Schmidt-Perkins), Greg Bowen, Karl Brendle, David Carey, Diane Chasse, Cheryl Cort, Sandy Coyman, John Dillman, Alan Girard, David Goshorn, Rich Hall, Don Halligan, Frank Hertsch, J. B. Jennings, Brigid Kenney, Gerrit Knaap, Stephen Lafferty, Pat Langenfelder, David Lever, Thomas Liebel, Mary Ann Lisanti, Sam Parker, Rollin Stanley, Bob Walker, Duane Yoder

Attendees: Rick Bailey, Marty Baker, Tom Ballentine, John Bohanan, Wayne Clark, Gene Edgecombe, Tom Farasy, Pat Faux, Barbara Fetterhoff, Kurt Fuchs, Malcolm Funn, Karmita Gray, Jon Grimm, Jay Helmond, Richard Holler, Norma Imershein, JoAnn Jensen, Les Knapp, Todd Lang, Katie Maloney, Elizabeth McCarthy, Tom Osborne, Jenny Plummer-Welker, Michael Sanderson, Susan Shaw, Christopher Uhl, Ashley Valis, Margaret VanAwar, Barry Wilson

MDP Staff: Chuck Boyd, John Coleman, Amanda Conn, Rich Josephson, Jenny King, John Leocha, Shannon Marino, Mike Paone, Pat Russell, Joe Tassone

Introductions/Administrative Matters

The Chair, Jon Laria introduced himself and welcomed everyone to the meeting. He noted that effort has been made to rotate the meetings around the State in order to be well represented and hear from a variety of people on their regional issues.

Mr. Laria announced Greg Bowen retirement and Secretary Hall gave a little background introduction of Mr. Bowen. He noted that Mr. Bowen was the first Planning Director he got to know and said he was very much a resource individual for himself and for the Maryland Department of Planning, which will be missed. Mr. Bowen is also a native of Calvert County. Secretary Hall said he hopes to stay in touch with Mr. Bowen in the future.

Mr. Bowen presented a powerpoint entitled: "Sustainable Communities: Smart Growth, Smart Sites, and Growth Management in Calvert County." He advised that the Calvert County Comprehensive Planning goal is to maintain and or represent the overall quality of life for citizens of Calvert County.

Mr. Laria then introduced Senator J. B. Jennings and welcomed him to the Commission, adding that everyone will work together to get him up to speed.

Updates

PFA/Schools Regulations Update

David Lever presented the following:

- In 2009, a workgroup of the Task Force on the Future of Growth and Development established a workgroup to examine, among other issues, whether and how school construction and site approval should be subject to Priority Funding Area (PFA) review. Recommendations developed by the workgroup and adopted by the Task Force recognized that the PFA restriction should address only projects that might sponsor development outside of PFAs, and should not penalize the renovation of existing school facilities or increases of school size/capacity that are needed to meet educational requirements (e.g. additions for full day kindergarten, in compliance with the Bridge to Excellence in Education Act of 2002).
- In late 2010 and early 2011, counsel for the Maryland Department of Planning developed draft regulations that reflect the Task Force recommendations:
 - Unless granted a waiver, sites for new schools, and for replacement schools that have an increase of student capacity, are to be located within a PFA.
 - Unless granted a waiver, new schools and replacement schools that have an increase of student capacity are to be built within a PFA. Barring approval of a waiver, the State will only fund construction projects for these types of schools if they are located within PFAs. The restriction does not apply to projects approved for planning and/or funding prior to FY 2012, to replacement schools on the same site when there is no increase of capacity, or to renovations, additions, or systemic renovation projects.
 - A waiver to these requirements may be granted by the IAC, in consultation with the Smart Growth Subcabinet, on presentation of evidence that efforts were made to locate a subject school within a PFA, to locate it as near a PFA as possible, to mitigate negative impacts generated by locating it outside a PFA, to co-locate community functions within the school, and other criteria.
- The proposed regulations were approved by the Board of Public Works (BPW) on July 6, 2011, to be published in the *Maryland Register*. If approved by the AELR and the BPW, the regulations will be effective in the fall of 2011, and will therefore be applicable to requests for planning and funding in the FY 2013 Capital Improvement Program to be submitted by school systems in the fall of 2011.

Mr. Laria asked Mr. Lever to please provide a short, clear and concise write up to members of his update.

Septic Task Force

Mr. Laria noted that a copy of the Task Force Executive Order was included in today's meeting packet. The Task Force is Chaired by Maggie McIntosh and Mr. Laria is Vice-Chair. He advised there are 28 members on the Task Force and have had two meetings so far. The Task Force is assigned to report its findings and recommendations to the Governor by December 1st. Dates for the meetings are included in today's packet. The September 12th and October 11th meetings will be held in the Joint Hearing Room in Annapolis. The Commission will be formally invited to attend these two meetings and provide input.

Secretary Hall added the next Septic Task Force meeting is scheduled for this Friday, July 29th and will be held in the Environmental Matters Committee Room in Annapolis. Members and those interested can find more details and information on MDP's webpage.

Workgroup Reports

Before beginning the reports, Mr. Laria noted that these workgroups are an excellent way to get non-Commission members involved in this process. He said the workgroups are moving into a higher gear and moving towards implementation. He said it is important to start looking for something action oriented.

Mr. Laria advised members that write-ups of all of the Workgroups can be found in today's packet of meeting materials. He then asked each of the Workgroup Chairs to give a brief report.

WIP Workgroup

Mr. Girard reported that the workgroup has met three times and have proposed the following four recommendations:

- 1) Commission endorse the importance of the WIP and its associated offset and WWTP growth allocation strategies in achieving the State's economic, growth, resource protection, and planning policy.
- 2) Direct WIP Workgroup to serve in an advisory capacity to the Interagency Growth Offset Workgroup.
- 3) Support the establishment of offset generation capacity and its integration with growth management strategies at the local level.
- 4) Publish a "toolbox" of pollution prevention policies and strategies for local governments.

Mr. Girard said the four recommendations are to be considered by the Commission.

Mr. Laria acknowledged his approval of recommendation #2 and also felt recommendation #4 regarding the toolbox was a good suggestion. Ms. Kenney felt this was an excellent idea as well and suggested possibly having a consultant to do this noting that the State agencies are already stretched with many initiatives. Mr. Laria suggested having this on the agenda for the next meeting. He felt that the workgroup submitted an excellent summary report, but suggested deferring the WIP endorsement for another meeting.

Funding Workgroup

Mr. Stanley presented a PowerPoint presentation on the Funding Workgroup. Handout of presentation was included in meeting packet. Mr. Stanley went over the challenges facing the workgroup and what the group has been doing to date.

Concentrating Growth Workgroup

Joe Tassone stated that this workgroup has held five meetings to date. His report was also included in today's meeting packet. He went over some of the items that are being addressed. He noted that at their last meeting three subcommittees were created, which include: rural growth; streamlining the development approval process in target locations; and making sustainable growth places attractive, desirable and financeable.

He advised that the subcommittees will be bringing their preliminary recommendations to the August 1st meeting.

Indicators Workgroup

Mr. Coyman reported on the Indicators workgroup (copy of his presentation in meeting packet). He noted that based on recommendations regarding adoption of additional mandatory indicators, the workgroup designated a technical team to test the indicators presented on the List of Potential Smart Growth Indicators. A Beta Testing group was formed. Some data testing is being done now, and the group will formulate recommendations to the Commission. The next meeting of the Beta Group is being scheduled for early August. The workgroup will report to the Commission at its next meeting in September.

Education Workgroup

Mr. Coyman also reported on the status of the Education Workgroup (copy of report in meeting packet). He briefly went over the group's accomplishments, next steps and time line. He also added they are looking at a marketing strategy for smart growth.

Housing Workgroup

Delegate Lafferty reported on the Housing workgroup (copy of his report included in meeting packet). He briefing highlighted key items in his report – group has met three times so far. He will be meeting with Secretary Hall to discuss how housing is addressed in PlanMaryland and the improvements needed in the Plan. The timetable has not been established as yet; the group is scheduled to meet on the first Tuesday of each month.

PlanMaryland Workgroup

Mr. Knaap presented his report on the PlanMaryland workgroup (copy in today's meeting packet). He briefly read over the general comments of the workgroup and commended Secretary Hall and staff for all their hard work on the Plan. Some of the Plan recommendations included: more on transportation; more in respect to housing and more with respect to the WIP. Mr. Knaap said the group also felt that there should be more clarity of what future elements need to be. He said he is very optimistic about the Plan, and felt it has come a long way.

Mr. Laria thanked everyone for their reports.

PlanMaryland Discussion

Mr. Coyman said there needs to be a hard look at PlanMaryland. He asked the question – how does PlanMaryland and local planning go together?

Secretary Hall told everyone he appreciates their hard work on this effort. Chuck Boyd handed out copies of the "PlanMaryland Progress Report."

Rich Josephson said it is very important for everyone to provide feedback on the Plan. It is also important to help counties and municipalities get to where they want to be. He emphasized that this is still a draft Plan and would still appreciate comments. He also noted that following this meeting, several staff including Secretary Hall will be meeting with the Calvert County Planning Commission in Prince Frederick from 7:00 to 9:00 p.m. Secretary Hall will be giving a presentation on PlanMaryland.

Mr. Josephson said he felt that people have been contributing some good points. He said that any questions concerning the workgroups or questions for MDP staff, you should please let them know. He added we would like to transmit these comments on behalf of this Commission to the Department. The Department has done a good job.

Secretary Hall noted that we have little more than a month – September 1st to get the list of comments, deal with them and put them into a final plan to the Governor in October. He advised this will still be a general plan.

Secretary Hall said he would like the members to accept this report today. Look at what the purpose is going to serve. He said we don't want it to be just a State Plan. We need to look at several issues such as – whether the State Development Plan is in fact the Plan for the State; and what function is the Plan serving?

Secretary Hall said between now and September, we need to work with the Growth Commission and Mr. Knaap's workgroup. We really need to nail down these recommendations in the next month or so.

Mr. Knaap noted that it is appropriate for this body to weigh in on this Plan. We need to make a recommendation to endorse the Plan at the next meeting.

Mr. Walker made a motion to accept, adopt and forward the recommendations that were proposed by the workgroups. The motion was seconded by Mr. Knaap. Motion to accept, adopt and forward the PlanMaryland, Housing, WIP and Education PlanMaryland comments to the Maryland Department of Planning passed.

Other

Ashley Valis advised everyone to please take a look at the Governor's website on FastTrack. The Executive Order can also be found on line. The address is www.easy.maryland.gov

Public Comments

Pat Faux of ULI, Baltimore Chapter noted that the Maryland Department of Planning has organized five workgroups around the State. They are currently working on the summary of the comments shared. One of the questions of developers has been why don't we have more growth in the PFA? She said comments have been received based on the Plan. A lot of the issues that have been raised deals with implementation issues. Question is – how do we remove those obstacles? It is important to act on these comments.

Mr. Laria adjourned the meeting at 4:30 p.m. and reminded everyone that the next Commission meeting is scheduled for September 26th in Cambridge, Maryland.