

DEVELOPMENT ADVISORY COMMITTEE MINUTES

The Development Advisory Committee (DAC) met on February 19, 2020 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
Bill Snyder	Volunteer Fire & EMS
Patrick Jones	Soil Conservation District
Leonard Walinski	Health Department
Darryl Ivins	DPW Water & Sewer
Mike Rist	DPW Engineering
PFC Dan Buchler	Sheriff's Office
Paul Magness	Parks & Recreation
Rich Zeller	State Highway Administration
Jen Wilson	Planner, Development Review
Missy Valentino	Board of Education
Lori Pietrowski	Administrative Specialist

Also in attendance:

Daniel Kelley	John Campbell
Chris Mitchem	Mitch Ensor

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 project. The meeting will then be opened up for anyone in attendance that may have questions or comments. If anyone has questions that are not answered, there are information request forms that can be filled out and submitted to the Department of Planning and Zoning and they will be responded to in writing. 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.

MONTGOMERY WOODS

Located on the west side of Old Joppa Road; South of 1-95. Tax Map 64; Parcel 139. First Election District. Council District B. Planner Jen

Plan No.	P38-2020	Create 7 single family lots/5.95 acres/R1.
Received	01-23-2020	Sean & Phyllis Montgomery/PALM Management LLC/ Bay State Land Services

Verbatim Transcript

Mitch Ensor – Bay State Land Services

My name is Mitch Ensor with Bay State Land Services representing the plan before you today. The project is a 5.95 acre parcel. It is currently zoned R1. It is on the west side of Old Joppa Road and sits nestled between Old Joppa Road and the Gunpowder sub-division which the Gunpowder sub-division consisted of 333 lots approximately and it also provides the sewer location that we would propose to bring into this site. The site is improved with an existing home; that home is currently served by a private well and septic. Upon extending public water and sewer to these proposed lots the existing home septic system, on-site septic system would be abandoned and the well would be abandoned and that site of the existing home would be hooked into public water and sewer. The proposal for the property is 7 R2 COS lots. The R2 COS provision being utilized due to the amount of NRD located on the property which exceeds the minimum amount of 25% by almost double or a little bit more than double. It is approximately 55% of the site is Natural Resource District. As I mentioned all of these homes would be served by public water and sewer. Only two of the homes would have direct access to Old Joppa Road. The remainder of the homes would be proposed by a common driveway to be shared by the remainder of the lots. A stormwater concept plan has been submitted for the proposed sub-division. Additional construction plans would be required as the project progresses. If there are any comments or concerns regarding the plan Bay State will work with any department and adjoining neighbors as well as possible to try to satisfy all comments and progress the plan. I will open it up to your comments and answer them as best as I can.

Bill Snyder – Volunteer Fire & EMS

- 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. Example below:



Patrick Jones – Soil Conservation District

An adequate sediment and erosion control plan needs to be approved before a grading permit can be issued. The sediment and erosion control plan must be integrated with the SWM strategy at the design phase. The new 2011 Maryland Standard and Specifications for Soil Erosion and Sediment Control must be utilized.

A NOI permit is required from MDE when a project disturbs more than 1 acre. Please contact MDE about the NOI permit process.

Len Walinski – Health Department

This plan proposes to create seven (7) single family residential lots from an existing parcel. Lot 7 is improved and is presently serviced by an individual well and on-site sewage disposal system (OSDS). In the future this dwelling will be connected to public water and sewer.

Prior to final plat approval, the following are required:

- The consultant must provide a print to this office indicating the location of the well and OSDS on proposed Lot 7.
- Connect the existing dwelling located on Lot 7 to public water and sewer.

Development Advisory Committee Minutes
February 19, 2020
Page 4 of 17

1. The existing well must be properly abandoned by a Maryland licensed well driller and a Well Abandonment Report submitted to this office.
2. The existing OSDS must be properly abandoned. As part of this process, the tank must be pumped by a licensed liquid waste hauler and the pump receipt submitted to this office. The tank may then be abandoned on-site by collapsing the lid, filling the void space with clean fill, and submitting a report to this office detailing the abandonment procedure.
3. At the discretion of the Department of Public Works, Division of Water and Sewer, drainage and utility easements should be platted along appropriate tract boundaries to facilitate the connection of neighboring properties to public utilities.

The final plat must bear the master plan conformance statement. In addition, a statement signed by the owner must appear on the final plat declaring that a community water supply and a community sewerage system will be available to all lots offered for sale.

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.

Darryl Ivins – Water & Sewer

Before the Division of Water and Sewer can recommend approval of this Preliminary Plan, the developer must verify through test pitting or other acceptable means that the existing underground AT&T cable/ductbank will not interfere with the proposed gravity sewer extension.

After the above concern has been satisfied, the following comments shall be included as conditions of Preliminary Plan approval for the above-described project:

A new fire hydrant must be installed on the existing water main near the proposed common driveway for the project.

If a new water service will be installed to serve the existing dwelling on Lot 7, the existing service must be abandoned at the main in accordance with Harford County standard procedures.

A private utility easement and the associated private utility easement note must be added to the record plat for the easement across Lot 6 for the water service that serves Lot 7.

Development Advisory Committee Minutes
February 19, 2020
Page 5 of 17

The contract numbers for this project are 20079 for water and 20080 for sewer. The numbers shall be placed on the utility construction drawings before their initial submittal to the county for review.

A Public Works Utility Agreement (PWUA) is required for the construction of the public water services and sewer mains associated with this project prior to the issuance of a building permit. It is the developer's/owner's or their representative's responsibility to contact the Division of Water and Sewer, W&S Administration Section at wspermits@harfordcountymd.gov to request the preparation of the PWUA concurrent or following the submittal of the water and sewer contract drawings for this project.

Mike Rist – DPW Engineering

1. A sediment control plan and a grading permit will be required for the development of this site. Sediment controls are to be designed to the specifications as set forth in the Maryland Standards for Erosion and Sediment Control, latest edition.
2. Stormwater Management must be provided in accordance with the 2000 Design Manual as amended by Supplement 1.
3. A stormwater management concept plan has been submitted for review and approved. Comments must be addressed on subsequent stormwater plan submittals.
4. The final stormwater management plan shall be approved prior to the issuance of a grading permit. A stormwater management permit is required prior to the issuance of a grading permit.
5. Maintenance of the stormwater management facility (facilities) is (are) the responsibility of the lot owner (s) and shall be stipulated in the association documents.
6. Stormwater management practices for and located on individual lots shall be constructed and inspected prior to the issuance of a certificate of occupancy. Practices located on individual lots are the maintenance responsibility of the property owner.
7. Roadside drainage shall be addressed along Old Joppa Road by providing a 3' graded shoulder and side ditch or other measures to be determined during final design.
8. Road plans will need to be approved and a public works agreement will need to be executed prior to the issuance of building permits for the site.

Development Advisory Committee Minutes
February 19, 2020
Page 6 of 17

9. Sidewalks shall be constructed along the property frontage, beyond the side ditch, from lot 2 northerly to the fire access road.
10. The driveways shall provide adequate sight distance for a 40 mph design speed and must be paved within the County right-of-way prior to issuance of a certificate of occupancy.
11. The common driveway entrance width shall be 25' with 35' minimum radii.
12. Monumental masonry mailboxes or structures shall not be constructed within the right-of-way.
13. A 30' right-of-way dedication is required along Old Joppa Road.

PFC Dan Buchler – Sheriff's Office

The sheriff's office has no comments or questions.

Paul Magness – Parks & Recreation

This preliminary plan proposes 7 single family lots on a 5.95 acre property. The open space requirement for the project is .6 acres with a minimum of .3 acres of active open space. The plan proposes 3.38 acres of open space and a fee-in-lieu payment to meet the active open space requirement. The active open space requirement for the proposed development will need to be met onsite. Active open space areas must be a minimum of 10,000 square feet in order to be accepted. Future plans should identify the active open space area(s) and proposed amenities.

Rich Zeller – State Highway Administration

The MDOT SHA has no objection to Preliminary Plan approval as access to this site will be from a county road, and there are no right-of-way impacts to the MDOT SHA.

Jen Wilson – Planner

1. Proposed Lots 4 and 7 meet the definition of a panhandle lot. The proposed lot layout shall be revised to provide only one (1) panhandle lot.
2. The engineer shall clarify the sizes of the proposed lots.
3. The required active open space shall be provided on-site. Areas of Passive and Active

Development Advisory Committee Minutes
February 19, 2020
Page 7 of 17

Open Space shall be clearly labeled on the Preliminary Plan. The plan shall also provide specifics regarding any proposed amenities.

4. A 50' flood protection setback is required from all perennial and intermittent streams. This is a non-disturbance area. The proposed swm facility and associated grading shall be removed from the setback.
5. A Forest Conservation Plan has been submitted for review and shall also be revised. Forest Retention Areas are not permitted on lots with a net area of less than 20,000 square feet. A specimen tree waiver is still under review.

Moe Davenport for Missy Valentino Board of Education

The school districts are Joppatowne Elementary, Magnolia Middle and Joppatowne High Schools.

Public Comments:

Chris Mitchem – I have a couple of questions and I'm not an engineer so I don't know but it appears that your retention pond/your wetland is in the wrong spot. All of the water flows towards that creek so, I don't understand how that is going to be helpful at all to have that water retention pond north of the property.

Moe Davenport – The north side in non-tidal wetlands. The retention ponds are green shown up there.

Chris Mitchem – What is that blue thing?

Moe Davenport – That is non-tidal wetlands.

Chris Mitchem – Ok, whatever that is. What is it supposed to accomplish?

Moe Davenport – That area is identifying non-tidal wetlands and buffer. It is not disturbed.

Chris Mitchem – So, the blue does not indicate water?

Moe Davenport – It indicates it is an isolated non-tidal wetlands so, they can't disturb that area.

Chris Mitchem – Okay.

Moe Davenport - That is not planned to be disturbed. I can go over that specifically.

Development Advisory Committee Minutes
February 19, 2020
Page 8 of 17

Chris Mitchem – Well, my main question is water. We get quite a bit of rain. We are near that creek there. We have had some flooding because I live there and know. I don't see a whole lot of planning for...

Moe Davenport – Stormwater management?

Chris Mitchem – Well, the stormwater management but you are going to put a bunch of houses there and driveways there so, that water is not going to go through the ground so, where is it going to go? That is one of my concerns and it does not seem that that is addressed here at all. It seems that we are just going to assume that the water is just going to go where it needs to go. That bridge on Old Joppa Road has flooded. I can bring up some pictures from last year where it was almost impassable because of the volume of water. So, I have a big concern of water.

Moe Davenport – They are required to provide stormwater management for their impervious surfaces. It is shown on the plan as green up there next to the stream there. Those are the areas of stormwater management. We have asked that they be revised because they are in the flood plain protection setback. The whole plan is going to be modified which we will put on our webpage as soon as it is available. They will be required to meet the State and the County's requirements for stormwater management.

Darryl Ivins – Mitch, correct me if I am wrong but, the lots will be graded as such that the stormwater will flow towards those stormwater management ponds right?

Mitch Ensor – There is actually going to be a small system that would collect...

Darryl Ivins – An underground system?

Mitch Ensor – Yes that will collect the water from the home sites and will discharge down.

Chris Mitchem – So, who is going to manage those areas once this project is in place? Is it the current homeowner? The County? Where does that go?

Moe Davenport – There would be a homeowners association of the five or seven lots that are there and it would be placed in their homeowners association documents which are reviewed by us and DPW and it would be their obligation. It is the developer's obligation to construct them in accordance with the design plans that are designed. We hold a bond until we are satisfied that they are constructed to those specifications in that community. Once we approve that and release the bond then it is the HOA's responsibility from there on out.

Development Advisory Committee Minutes
February 19, 2020
Page 9 of 17

Chris Mitchem – But, who holds them responsible? Is there a true HOA that they are going to be paying into or how does that work?

Moe Davenport – There will be a HOA that they will be paying into. We inspect it bi-annually, Mike is that correct?

Mike Rist – We inspect it after it is constructed and then we inspect it every three years to make sure that they are being maintained. If they are not then we have the authority to go in there and maintain it and then bill those property owners.

Chris Mitchem – Okay. I have just a couple other questions if I'm not taking too much time.

Moe Davenport – Absolutely.

Chris Mitchem – The way I read the plans is that there is going to be parking for two vehicles. What do we expect that there is only going to be two vehicles at these properties? What happens if they have a child or they have a party, or a moving company coming in or if they have a fire truck that needs to come in? If all of those spots are being taken up by cars where are these other vehicles going to go? How are they going to get deliveries? How are they going to get anything if those areas if it is only for two cars?

Moe Davenport – Right. The code only requires that they provide on-site per dwelling two off-site spots.

Chris Mitchem – I get that and I guess my point is if there is not off-street parking where are they going to park?

Moe Davenport – I don't know.

Chris Mitchem – That is a concern, because I don't want them in my front yard.

Moe Davenport – Yes, sir. Well they can't park in your front yard.

Chris Mitchem – I understand that but, I'm just using that as an example.

Moe Davenport – I understand. Each home will have a two car garage but you and I both know that garages are usually filled up.

Chris Mitchem – Right, and that is a concern for me is that they are just not going to have enough room for cars or vehicles. Where are they going to go? As you drive down a normal street you see most houses have two to three sometimes even four cars and if there is only places for two cars to park where are they going to go? Especially, the ones that are close to

Development Advisory Committee Minutes
February 19, 2020
Page 10 of 17

the street. There is not off-street parking so that is a big concern to me and where are they going to end up. If they end up blocking the common driveway then it becomes a fire hazard and then we have concerns with emergency services. That's another one of my concerns.

Moe Davenport – There will be if they ultimately have a common drive there will be a common drive agreement to determine the use, maintenance and responsibility of that common drive is that it would need to be kept clear. You can't permit others from using it. They will be sharing a common drive. Also, this is schematic, they are required to show. These are all just simple boxes to demonstrate that they can build a house on it. Ultimately, there will be a different design with the construction of the houses there may be more spaces available.

Chris Mitchem – Okay. Next I have a question about I think it is called forest preservation...

Moe Davenport – Forest Retention Area.

Chris Mitchem – Yes. The permit that I see indicated that that property was zoned as Agricultural. And, my property is zoned Agricultural and all of the properties across were zoned Agricultural property and that is not correct. If the plan was approved it's an agricultural area with that kind of retention would that change to R1 because, that is what they actually are?

Moe Davenport – I don't know what you are looking at when you say agricultural maybe an assessment.

Chris Mitchem – When they had the plans online they have a picture of the properties and when they were showing the forest conservation area that property is listed as Ag, AG1 and my property is also listed as AG1 along with the other neighbors on my side of the road. Everything behind the property is listed as R1 but, that is incorrect. We are all R1.

Moe Davenport – Everything is R1. I don't know what you are looking at but, everything should be shown as R1.

Chris Mitchem – No, no that's what I'm telling you. It's not. It is showing AG1.

Moe Davenport – It should be R1 you are correct.

Chris Mitchem – So, does that change anything with the amount of forest restoration or conservation. Does that change anything or no?

Moe Davenport – No, it does not change anything.

Development Advisory Committee Minutes
February 19, 2020
Page 11 of 17

Chris Mitchem – Okay. My last question and I'll let someone else ask the questions. With the public sewer coming in I have a questions. When I purchased my home many years ago they talked about sewer being on the way. It was on the books. It was coming. It never showed up. Many, many years passed and there is sewer behind us. They brought sewer up Stans Road and all around us so, we basically abandoned about six homes that do not have access to public sewer. Additionally, the creek that runs behind our property which ties into this creek here that goes into Little Gunpowder, I was told that it was a high area for concern over the amount of ground sewage and septic systems in the area that could feed into that river. I'm curious are there any plans to service those number of houses and I don't know the neighbors name but the fellow that is closest to 95 I believe he doesn't even have a sewer system because he failed perc. I believe he is storage/holding tanks only. I think I have a great concern if we are going to do all of this for these new properties but, the original neighbors are being ignored. So, at what point are we going to start looking at bringing in public sewer for those remaining houses?

Moe Davenport – I'll ask Water & Sewer to try and address those questions.

Darryl Ivins – In Harford County the people who desire to have sewer constructed fund it themselves. The county does not build sewer for individual homeowners or for a group of homeowners unless they petition the county for service. In a case like this they are extending the public sewer from the Gunpowder sub-division and you can see it on the drawing in green. They are extending it to serve their lots. We are also requiring them to extend it between what you see as lot 5 and 6 over to the edge of the road and opposite your property. That is where it will stop. The new development will pay for that and dedicate it to the county as a public sewer. If you or anybody on the opposite side of the road desire to have it extended then you would have to have an engineer design it and build it across the street to your property at that time after it was constructed by them. And, that extension would be on yourself to fund and have designed.

Chris Mitchem – That is kind of opposite as to what my neighbor to the rear told me because he has some big pump looking thing, a big loop looking thing in his front yard. #1 he didn't want it.

Darryl Ivins – Is that Stans Drive back in that area?

Chris Mitchem – Stans Drive and then you make the left to go directly behind our property. He was adamant that he didn't want it on his property but, the county put it there. So, I'm not sure what you are saying there. We would have to fund it but in effect he didn't want it and he got it so, I'm confused.

Darryl Ivins – In the case of Stans and Dugan. That was an area of where the septic was not in very good condition. You're correct.

Development Advisory Committee Minutes
February 19, 2020
Page 12 of 17

Chris Mitchem – None of the septic in the area is not in very good condition.

Darryl Ivins – The soils in that area are very poor. As far as Stans and Dugan the majority of the people on those two roads petitioned the county some years ago to have sewer extended in there. And, because of the layout of the land and the existing sewer they had to put in a pressure sewer system with pumps in each yard. The house goes by gravity into a pump that we own and then pumps into the downstream system. If you say you had a neighbor that didn't want it, what may have happened is that he was in the minority by a substantial amount and therefore the Council approved that sewer petition and he was required to pay for his fair share of that system because, he either had a failing septic system, or it potentially failing and the county deemed that it was requirement for him to have one available to him and help pay for that system. That is probably the case of your neighbor behind there. When they petition the county we give them amount we will say as example \$1,200 a year for the next 20 years and the majority of those people voted yes and the County Council said yes we will accept that as a fee onto their tax bill to help pay for this. Therefore, they are paying for it in that case the county upfront designed it and had it built and that was rolled into an assessment to recover all of those costs. You could do that as well. If you and a couple of your neighbors want to do that after he has constructed was he is going to build. You can do that as well.

Chris Mitchem – So, you are saying it wasn't the new houses that were built back there to cause this to come in it was just these few neighbors that got together and sent a letter.

Darryl Ivins – Not on Stans and Dugan, no. I know as you turn off of Joppa Road there are a few new houses on the right on Stans Drive. They came in and I think they were proposing to sub-divide in and about the time we did that and, those did not cause that to occur. It was the actual homeowners on those two road network that voted for it.

Chris Mitchem – So, it was just coincidence that those new homes came in and everybody got sewer at the same time, huh?

Darryl Ivins – There is a sewer that runs up the private road towards the DiAnna property near the low spot and those homes that you are talking about actually back up to that sewer line in the area. They may have connected there. I'm not sure. It has been awhile. Also, closer to I-95, you talked about your neighbor up the street that has a holding tank. Closer to I-95, when they built the Gunpowder sub-division, the water main and the sewer main extend from Spry Island Road through a common area between the two lots up there and actually gets over very close to the west side of Old Joppa Road. That person has a better chance than you do now of getting sewer because of where it is located.

Development Advisory Committee Minutes
February 19, 2020
Page 13 of 17

Chris Mitchem – I don't know the specifics. I just saw it indicated when they were going to sell the house that it must have failed perc and that they were required to put holding tanks in. I felt that that is really a bad spot to be in if you can't even get sewer to your house and you're in these holding tank situations that's got to be a terrible cost to absorb in addition when the sewer is so close.

Darryl Ivins – Currently, from the Bay Restoration Fund the State of Maryland has up to \$20,000 per residence to assist in the funding of connecting to public sewer.

Chris Mitchem – I knew they had something where they would do an upgrade to your septic system and a couple neighbors looked into that but then they wanted to put something against your house like a lien or something where you had to pay a fee every year.

Darryl Ivins – What I'm talking about is not that. If you go off of a septic system and connect to a public sewer main anywhere in the county and you can document that or work with the Health Department to get that done they will pay up to \$20,000 towards that connection.

Chris Mitchem – What I brought up is that I called the county sewer group and they said that there is no plans or bringing anything in so, you are kind of out of luck. I guess I'm confused. They say it is not coming but, then it is going to be out front.

Darryl Ivins – In the case of yours, you would have to extend it. The county would never extend it. The county never does extend it unless you petition the county.

Chris Mitchem – So, I guess I'm asking the wrong question. So, I guess I should be asking is there a spot that I can connect to and I can get my own and draw my own plans to connect to it is that what you are saying? Because, if I say is it coming? They say no. That question is always going to be no. So, I guess I'm asking the wrong question.

Darryl Ivins – Yes, and it may have been lost in translation between your request and what our answer was. If you contact the Water & Sewer division of Harford County and ask you need to know how far the sewer is away from you and what would it take for me to get that done. If you've asked in the last year or so you should be able to get what we call a FACT sheet which would be 3 or 4 pages typed up and that would give you all of the associated costs, what you must do, what we will do, what you must pay, what we will pay, that type of thing. If this plan moves forward and gets developed and sewer gets extended, I would highly recommend that you do just exactly what I said because, it may be very beneficial to you to head down that road if this project moves forward.

Chris Mitchem – Yes, the other neighbors are also interested. They could not be here today, they work, I work too but, I took the day off. A lot of people are also interested in that.

**Development Advisory Committee Minutes
February 19, 2020
Page 14 of 17**

Darryl Ivins – This plan does assist you and would make it much closer for you. There is no other closer place for you if this plan moves forward.

Chris Mitchem – Okay.

Moe Davenport – Thank you very much Mr. Mitchem.

Daniel Kelley – I have a few additional questions. I have them written down here. I live on lot 72 on Spry Island, Kelley. My questions are mostly related to I guess if this does get approved and when it begins how it will impact our properties that run along there? My first question is if everything here goes as the developer would like when would this probably start? Is it possible to guess that?

Mitch Ensor – At best, a year.

Daniel Kelley – As the county comments...

Mitch Ensor – The first step would be to address all county comments to the satisfaction of the county. We will go back to the drawing board and address all comments and only when that Preliminary Plan approval letter is issued, when the plan meets all of the conditions the county approves of then, we can proceed with construction drawings. It takes some time to generate the approvals to get in place, before we can even start construction. Generally, I would estimate about a year before anything can even start.

Daniel Kelley – My next question is regarding the retention area, I'm sorry the Natural Resource Area. What are the plans for that? I mean, nothing can happen there but, is it just completely left alone, so the trees aren't taken down and replanted or anything like that?

Moe Davenport – The areas in light green are Forest Retention easement areas and they are protected with covenants and restrictions that are recorded with the land records. So, they are protected. The Natural Resource District extends beyond that and there are also restrictions on what you can and cannot do in what is called the Natural Resource District.

Daniel Kelley – My terminology is not...

Moe Davenport – No, that's fine.

Daniel Kelley – You can see. I'm right there and my neighbor in 71 he was not able to be here today because he travels for work but, I was the only one that far down the road to get the letter and I believe 5 or 6 houses up the street got the letter regarding the meeting. He did not get one so, he was curious of what is going to happen back there behind my house. I'm guessing it is because looking at the map there is really nothing, there are no

Development Advisory Committee Minutes
February 19, 2020
Page 15 of 17

construction plans for behind his house. I think the plans for the existing house were answered. The plan right now is for that to stay is that the idea?

Moe Davenport – Yes. That is indicated on the plan right now.

Daniel Kelley – I noticed that someone mentioned a panhandle? You mentioned that there are two properties 4 and 7 that constitutes a panhandle and that would need to be...?

Moe Davenport – A panhandle lot is a building site that is only accessed via a thin strip of land. There is either a flag lot that looks like a flag or a panhandle which looks like a frying pan. You are allowed 1 or 10% in any community of panhandle lots. So, right now there are three panhandles there and they are permitted one. They need to eliminate two panhandle lots.

Daniel Kelley – So, there is going to be a redesign if it goes through probably.

Moe Davenport – That is correct.

Daniel Kelley – Should this all go through and the construction begins. With fencing that backs up here. What would be the impact to any of the fencing? Some of the properties there have fences up and some don't. I have a pretty big fence. My fence runs along a good portion of that and it is right next to this AT & T easement which, I'm also curious about. I've have never been able to get a whole lot of answers about what that is. I just see a big orange sign behind my house.

Mitch Ensor – I can speak on that. The AT & T easement is an old line that as we understand is abandoned because, the fiber optic lines have replaced this old cable line. But, the easement still exists so as long as the easement exists and the ducts are in the ground. I think that's what the water & sewer department had mentioned. Those lines are still in the ground and the easement still exists so, as it is there and it is a recorded document it has to be shown on the plan. But, to our understanding the line is not functional and it was replaced with a high speed fiber optic line that runs into the Edgewood area of APG

Daniel Kelley – As far as utilities are concerned my neighbor wanted to know, the only utility you plan on connecting through our neighborhood is the sewer, correct?

Darryl Ivins – Correct.

Daniel Kelley – And, that looks like that is going to be well south on this map of our two properties there?

Darryl Ivins – Yes.

Development Advisory Committee Minutes
February 19, 2020
Page 16 of 17

Daniel Kelley – So, there is nothing else we need to be concerned about with our yards being dug up for anything?

Darryl Ivins – No

Mitch Ensor – And, if I could just drop back a minute and speak of your neighbor so you can speak with him. The zoning requirements are that the properties that adjoin the subject property have to receive mailings. But, there is the Gunpowder Association open space land that starts at a triangular shape right in this point and your property does directly adjoin this subject property right in this area. His property rear yard never actually adjoins. The HOA owns this open space land and they did receive the letter but, he is just one property removed from it from actual adjoining this property. So, if could let him know that is why you got one and he being your neighbor he did not.

Daniel Kelley – I will definitely let him know. During this process will there be any additional communication to us other than going to the website and just checking up on it?

Moe Davenport – No. You can contact us at any time. We work 8-5 every day. Jen Wilson is the project planner and she can answer specific questions.

Daniel Kelley – Then I have a request should this all go through. If there could be some type of tree buffer along the line, along the back edge there. We are all so used to our neighborhood having nothing behind us but Shawn’s property, the existing property there. You can barely see it in the summer. I mean it is completely overgrown. If there could be something along that line to kind of provide some privacy. I’m not sure if that is the right word.

Moe Davenport – We can’t require it but I think it is reasonable that they could provide something.

Daniel Kelley - Just a request. You are going to do what you want to do.

Mitch Ensor – Well, some of the comments would require a revision to the plan so, the arrangement of the existing dwelling which resides right on lot 7 has to remain because it is there but, I would anticipate the location of these two home are probably going to be rearranged so, I would advise to just stay in contact with the Planning & Zoning office for any revised plans.

Daniel Kelley – I mean forest that is right behind my house and I can’t really tell scale and I’ve kind of taken this out and looked off my deck to see that it is pretty close to the back of my fence. I don’t know how much room that person would have but, it is not a lot as best as I can tell.

Development Advisory Committee Minutes
February 19, 2020
Page 17 of 17

Mitch Ensor – There will be revisions I can't say where they would go but, if you continue to check with the zoning office.

Chris Mitchem – How much revisions can be adjusted if you have the wetland up top and the conservation spot below? How much more adjusting can you do?

Mitch Ensor – We can only work within the boundaries that's outside of the Natural Resource District. Whatever is allowed by code in the Natural Resource Districts we can work in, if it is prohibited for homes, lots are not allowed in the NRD so, you would not see any homes or lots going in the NRD areas, Natural Resource District.

Chris Mitchem – The one up top is that also a Natural Resource District.

Moe Davenport – Yes, it is.

Chris Mitchem – So, basically you can only redesign in that white area.

Mitch Ensor – Correct, in between these two areas.

Chris Mitchem – Right.

John Campbell – I have a couple of questions. I think you have answered most of mine. I just want to make sure that there is not going to be any access to the Gunpowder community from this community. Is that correct?

Mitch Ensor – Correct.

John Campbell – And, what is the size of the homes?

Mitch Ensor – We mentioned earlier, you may not have been in the room but, for the purposes of layout we are just showing rectangles. The sizes of the homes I would presume they will be very similar to the size of Gunpowder. And, that is a function of the market and the appraisals that would happen. They will be very similar.

Meeting adjourned at 9:41 am.