

BIRD RIVER RESTORATION CAMPAIGN

ENVIRONMENTAL SITE DESIGN MONITORING PROJECT

Development is the primary cause of increased degradation of waters within the Bird River system. Environmental Site Design (ESD) offers the promise of gaining the benefits of growth without causing negative impacts to aquatic resources. By fully applying ESD to redevelopment projects it can also restore waters degraded by past growth. In fact, for each acre of existing impervious area redeveloped so all runoff flows to highly-effective BMPs, about 400 feet of downstream waters can be made clean again.

ESD MONITORING PROJECT ORGANIZATION & PROCEDURES

Unfortunately, it appears that a large number of development projects fail to fully comply with ESD requirements. The Bird River Restoration Campaign launched the ESD Monitoring Project to ensure that each new project achieves the benefits cited above. The volunteers who make the Project succeed are the:

- ESD Project Coordinator,
- the Calendar Monitors, and
- the ESD Plan Reviewers who determine if the plans provided by the Coordinator have made full use of ESD.

After we have been monitoring ESD plans for three to six months we'll see how compliance rates have changed. I anticipate that we'll find we're close to 100%. If this is the case then we'll put this effort on hold for a year or two, but do occasional spot checks to verify that compliance remains high.

ESD Project Coordinator

As the title implies, this volunteer oversees the project. Amy Lamp is now serving as the ESD Project Coordinator. Amy already won a nice victory in getting the Schmidt Property developer to agree to 100% use of ESD. Amy's contact info is 410-302-5644 and amyklamp@aol.com.

When the Calendar Monitors find that a new development project has been proposed for the Bird River watershed, they notify the Coordinator. The Coordinator drafts an announcement, like that below, that is sent to the individual volunteers serving as Plan Reviewers. The announcement contains:

- a brief description of the project;

Folks

A new project has been proposed for the Bird River watershed: Strawbridge Commons PUD. This project would consist of 53 attached single townhouses. You can download project plans by clicking the following link: [Plans](#). I would deeply appreciate it if each of you could do the five-minute Level I analysis and enter your findings using the online form posted at: ceds.org/birdriver/esdform. It'd be great if a few of you could do the Level II or even III analysis as well.

Amy Lamp, ESD Coordinator, 410-302-5644,

- the type of meeting the County has announced;
- the meeting date, time and location;
- the County's [Online Services website](#) is checked for project plans, staff comments, other documents, and
- a link to the project plans which were uploaded to the Bird River Restoration Campaign website.

The ESD Coordinator then polls the Plan Reviewers for someone willing to present our concerns (or commend when 100% ESD compliance is proposed) to the County and applicant. This would typically take place at a Community Input Meeting (CIM), which is described later in this document. Otherwise an email or letter could be sent to:

James A. Markle, PE, Manager
 Stormwater Management P
 Department of Environmental Protection & Sustainability
 111 W. Chesapeake Ave.
 Towson, Maryland 21204
 Phone: 410-887-3768
jmarkle@baltimorecountymd.gov

Following is a sample email:

Dear Mr. Markle:

On behalf of the Bird River Restoration Campaign, I would like to thank you and your staff for withholding stormwater management concept plan approval for the Schmidt Property. As noted in your comments, the project fails to comply with Environmental Site Design requirements. In fact, the Concept Plan shows zero use of ESD practices. We urge you to insist that all impervious surfaces drain to ESD practices.

Jane Doe, Bird River Restoration Campaign Volunteer

cc: Honorable Cathy Bevins, Baltimore County Council (council6@baltimorecountymd.gov)
 Honorable David Marks, Baltimore County Council (council5@baltimorecountymd.gov)

Calendar Monitors

Kurt Huppert (kurt@kcgrounds.com) and Sandy Magsmen (smagsamen20@gmail.com 410-687-6090) are now serving as the ESD Calendar Monitors. They are taking turns checking the County's [Development, Zoning Hearings & Meetings calendar](#) weekly for new projects proposed for the Bird River watershed. This would be done by following the guidance provided in Slides 44 - 65, of the [Bird River ESD presentation](#). However, Kurt discovered an easier way to learn of new development proposals.

When the [Development, Zoning Hearings & Meetings calendar](#) webpage opens you see a long red bar with “Show Events By...” At the right end of the bar is a gold RSS button. Click this button, subscribe to the feed and you’ll receive an email each time the calendar is updated. You then focus on those projects in Districts 5 and 6. We also have an easier way to determine if a project is in the Bird River watershed.

On the [restorebirdriver.org](#) website you’ll find the following text along the left margin: *Is A Project Site or Other Location in the Bird River Watershed?* Click this text and you’ll then see...

To determine if a project or some other feature is in the Bird River watershed, click the following: [Bird River Watershed Map](#). Note the red line when the map appears. This red line follows the boundary of the 26 square mile area draining to Bird River. Type the address of the project or other feature in the Search box and hit Enter. A marker will appear. If the marker is within the red line then the project is in the Bird River watershed.

Each week the Calendar Monitor would send one of the following two messages to ESD Coordinator Amy Lang.

Dear Amy
Just checked the Calendar and nothing new for the Bird River watershed as of (date you checked the calendar).

Dear Amy
A new project has been proposed for the Bird River watershed: [Strawbridge Commons PUD](#). This project would consist of 53 attached single townhouses.

Jane Doe

Plan Reviewers

These are the folks who make or break the success of the ESD Monitoring Project. We need a half-dozen or so folks who participated in the February 21st or 25th ESD training who are willing to review at least one plan per month. Hopefully these folks will have gone through the [Bird River ESD presentation](#) again. I am also meeting one-on-one with folks to help them sharpen their ESD compliance assessment skills. The reviewers should also sharpen their skills by clicking the highlighted text under Practice Plans below, review each plan using our [ESD checklist](#) then compare your findings with my Checklists below. The Annotated Plans has ovals, arrows and other marks added by me to note each feature relevant to the checklist questions.

Practice Plans:

Schmidt Property:
[Plans](#)
[County Staff Comments](#) (p. 13)
[Royal Farms Plans](#)
[Strawbridge Commons PUD Plans](#)

Richard’s Checklists & Annotated Plan:

Schmidt Property:
[Checklist](#)
[Annotated Plan](#)
Royal Farms [Checklist](#) & [Annotated Plan](#)
Strawbridge Commons PUD
[Checklist](#) & [Annotated Plan](#)

Note: Staff comments were only posted at the Online Services site for Schmidt Property.

BALTIMORE COUNTY DEVELOPMENT REVIEW PROCESS

While reviewing the Development Zoning Hearings & Meetings calendar you'll see the following types of events: Administrative Variance, Concept Plan Conference, Community Input Meeting, Development Plan Conference, Development Plan Hearing, Development Review Committee and Zoning Hearing. You can ignore Administrative Variances and Zoning Hearings since they generally deal with very minor matters. Of the remainder Community Input Meetings and Development Plan Hearings are the most important opportunities to ensure a project fully complies with ESD.

It helps to understand the Baltimore County development review process and the role of each event in the process. There are two distinct processes: the Development Review Committee (DRC) and the Community Input Meeting/Development Plan Hearing (CIM/DPH). Most residential projects of four lots or more along with other major projects go through the CIM/DPH process. Most commercial projects and other minor projects go through the DRC process. You can determine which process a project is following by the Calendar announcement and the following description.

CIM/DPH Process

Of the two, this process provides for the greatest opportunity for public participation and comment. Plans and staff comments are only posted on the County's Online Service website on for CIM/DPH projects. The plans for projects going through the DRC process are NOT posted online, but we have other ways of obtaining these documents.

The process usually begins with a **Concept Plan Conference** (CPC) held in Towson where staff from the various review agencies provide the applicant with their unresolved issues regarding the project Concept Plan. While citizens can observe this discussion comments from citizens are discouraged. If you do attend this meeting then be sure to get a copy of the written comments submitted by each agency.

Usually one month after the CPC a **Community Input Meeting** (CIM) is held in the evening at a location near the development site. This meeting is all about providing citizens with an opportunity to ask lots of questions about a project and discuss concerns. Both County staff and the applicant attend this meeting. The meeting usually begins with the applicant briefly describing the project. The rest of the evening is spent in an informal discussion. The County staff person is required to note about issues raised by citizens.

About four- to six-months later the applicant will submit a **Development Plan** which should show that all staff issues raised at the CPC have been resolved along with legitimate concerns voiced by citizens at the CIM. About seven months after the CIM staff will hold a **Development Plan Conference** (DPC) where they present any issues resulting from their review of the Development Plan. Like the CPC, citizens can attend the DPC but this is not a forum for public comment.

A **Development Plan Hearing** (DPH) then takes place before a County Administrative Law Judge (ALJ) a month after the DPC and usually eight months after the CIM. This is a formal legal proceeding. The applicant almost always has an attorney and several expert witnesses. Citizens must sign-up at the start of the hearing if they wish to speak. Citizens who are NOT represented by an attorney may be allowed to ask questions of the applicant's witnesses. If you wish to testify on behalf of an organization then you must bring proof that you are authorized to do so. The ALJ will usually issue their decision (approve, approve with conditions or deny) about a month after the hearing ends.

You will have the greatest success if you begin working with stormwater review staff and the applicant at the CIM stage. The following webpages describes the approach used by CEDS to win 90% of these cases: [Equitable Solutions](#) and [Smart Legal Strategies](#).

Development Review Committee Process

Like the CPC and the DPC, a Development Review Committee meeting is a time when review agencies give an applicant feedback on a project proposal. Its not really a time for public comment. While the public can observe DRC meetings questions are discouraged. If you have concerns about ESD compliance with regard to a specific project, then you should schedule a meeting with the Department of Environmental Protection & Sustainability (DEPS) stormwater reviewer. To do this send an email or call James Markle. His contact information was provided earlier in this publication. You can also contact Mr. Markle to make arrangements to look at the stormwater plans for a DRC project.

For further detail on the Baltimore County development review process visit: ceds.org/bcmd

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