



THE FREEDOM

INFORMER

A Publication of FACC / Freedom Area Citizens' Council

February 2002

Freedom Banner to expand

Beginning with the March edition, *The Freedom Banner* will gain a new community.

The FACC is proud to announce that its quarterly newspaper, *The Banner*, will be delivered to another 4,000 households and businesses in the 21048 zip code (Finksburg).

In coming months, the new Finksburg-Freedom *Banner* will include report cards on candidates for county commissioner, grading the candidates' responses to questions on issues. *The Banner* will also sponsor a candidates' forum after the primary.

Lyburn, Nichols to speak at FACC meetings

John T. (Jack) Lyburn, Jr., Director of the Carroll County Department of Economic Development will be the guest speaker at the FACC's February general membership meeting on **Tuesday, February 19th at 7 p.m.** at the Carrolltown Center.

On **Tuesday, March 19th at 7 p.m.** at the Carrolltown Center, **Jeannie Nichols**, of the Sykesville Town Council will speak. Ms. Nichols will talk about the impact of residential sprawl on public health.

Sykesville speaks out on County's revised Water/Sewer document

On Monday Feb. 11, the County held a public hearing on the draft Water and Sewerage Master Plan. This Plan was developed in response to comments from the MDE in July 2001 that the county's application for a permit to build a water treatment plant at Piney Run could not be approved unless the Plan was revised.

The Town Council of Sykesville unanimously joined Hampstead in opposing removal of the Water Resources Management Program from the Water and Sewerage Plan.

Jeannie Nichols, Councilwoman, read a statement expressing the town Council's opposition.

The statement read in part:

"Any amendments to the Plan should ... be consistent with the Environmental Resources Element (ERE) in the Master Plan required by the Maryland 1992 Planning Act.

"The ERE requires implementation measures for protection of environmental resources. ... These protective measures have been removed" from the draft Plan.

"These areas would have had extra protection under the deleted section ... by requiring review of land development proposals with regard to the potential impact on community water supply resources."

The Council's statement went on to say that the Carroll County Master Plan recommends the adoption of a Water Resources Protection Ordinance for "protecting the quality and quantity of both surface and ground water for community water

supplies."

This same recommendation was repeated in the Water and Sewerage Master Plan and has now been removed.

The Council concluded that the proposed plan would be "better titled a report and not a plan" and urged the commissioners to reject the plan and to allow the staff more time to amend the plan with public input.

FACC Chairman Mike Naused reiterated the FACC's formal statement that "the FACC is adamantly opposed to the construction of the ... plant at Piney Run" and that "there are better, more cost-effective alternatives" to solve South Carroll's water problems.

Jerry Ryan of Westminster said, "the rush to reply to the MDE to move the construction forward has resulted in a revised ... Plan that is flawed."

Neil Ridgely of Finksburg said, "I concur that it is time to revise it [the Plan], but not by gutting it. ... I ask that you provide an accurate update ... and [to] restore the commitments that have been deleted to adopt a meaningful Water Resource Protection Ordinance and Reservoir Watershed Protection Agreement."

County Attorney Terri Jones commented at the end of the hearing that the public record would remain open for 10 days and citizens can make written comments to the county.

**Next FACC meeting
Tues. Feb. 19th, 2002
Carrolltowne Center**

ZORC battle rages on

On Sept. 19, last year, the County Commissioners approved ordinance 01-11, which modified various provisions of the county zoning code, Section 223. The ordinance permitted owners of large tracts of land zoned for Agriculture and Conservation to transfer lots, including unbuildable lots from one zone to the other. The ordinance, which was developed by the Zoning Ordinance Review Committee (ZORC), was rushed to completion without legislative review by various departments of the county government.

A broad spectrum of citizens and groups including farm preservationists, civic groups, county government departments, and the State Department of Planning objected to the ordinance. The State sent the county a letter saying that the State would withhold \$400K in Ag preservation funds unless the new ordinance was repealed by Feb. 15.

In a televised work session in January, county planning staff proffered an amendment (02-____) which, among other things, made clustering of lots transferred from conservation land to agricultural land mandatory. Amendment 02-____ also reduced the number of lots transferred by providing a divisor of 3.75 per acre of conservation land (rather than 3.0) to mitigate the impact of unbuildable lots in the

calculation, and it made a number of other lesser changes and definitions. Because a number of issues remained after this work session, including objections to mandatory clustering by Commissioner Robin Frazier, the Feb. 15 deadline will probably be shifted into March.

Recently, another proposal, this one by Mr. Jerry Ryan of Westminster, has arisen. This one attempts to close loopholes in the previous amendments by requiring landowners shifting rights from one zone to the other *to record a final plat defining where clustered and off-conveyance lots would be situated, requiring any remaining land in the ag zone to be zoned as one lot to be used only for agricultural purposes.*

This amendment considered but did not include a requirement that landowners with tracts of ag land and conservation land be forced to record plats showing where clustered development could occur on their property within a specified time, whether or not they planned to develop the property. This would permit county planners and school officials to estimate the need for schools before development occurs. It would also increase the value of farm property by having development potential well defined when farmers are seeking loans, for example.

The Ryan amendment could be the compromise that Mr. Dell has been seeking. It offers a method of

permanently preserving farmland and giving the county a way to plan for infrastructure before it is needed.

ALL of these amendments, including the Ryan alternative, would permit development of up to 4000 residential lots in the Ag zone. The ZORC amendment (01-11) and the planning staff's amendment to the amendment have the additional disadvantage that Ag land remaining after taking off clustering for new lots is protected only by covenants which can later be changed.

Some residents argue that in all of the amendments, the debate has been about what the lot yield for developers will be. They argue that their concerns related to provision of schools and other infrastructure have been forgotten and that the ordinance should be repealed.

"The commissioners should put on a moratorium and not accept any applications under this ordinance," said Councilwoman Nichols.

As of Feb. 8 only one landowner (Mr. Ed Primoff, a member of the ZORC) has come forward proposing to use the original ZORC amendment. In the same period, three other landowners have proposed to develop on conservation land under the previous ordinance which permits one lot for each three acres, including steep slopes and wetlands.

A public hearing will held but the date, time and place have not yet been announced.

BZA rejects Bumpers Drive-In 3-0

On January 23, the Board of Zoning Appeals voted to reject a proposal by Alan Ackerman of Eldersburg and others to build a high-tech drive-in theater and other facilities including a live stage, auto shows and other events that would require outdoor speakers on a site on Liberty Road. The site is located adjacent to three residential subdivisions.

BZA members cited problems with noise and traffic as major reasons for their decisions. But they were also impressed by citizens' concerns related to drugs

and alcohol at the facility.

Over 500 homeowners in the Linton Springs, Sumner Hollow and Edgewood subdivisions hired attorney Michelle Ostrander to represent them. About twenty of the 60 people attending the final session of the BZA testified against the proposal. Of these, the testimony of Andrea Sinnott, Vicki Cavey and Mike Dean was particularly effective.

Commissioner Julia Gouge appeared early in the session and read a statement opposing the proposed drive-in citing many of the concerns expressed by neighbors of the facility.

Opponents of the facility were pleased but cautious about the decision.

Cavey commented after the decision that "they (the BZA) did the right thing and made the right decision."

Barry Marsh, of the Linton Springs Community Association, commented that he expected that the decision would be appealed but remarked that the opponents were in a better position now because Ms. Ostrander and attorneys representing the county could now cooperate in defense of the decision.

The BZA has thirty days to formalize their decision. Proponents will then have thirty days to appeal the decision to the Carroll County Circuit Court.

Meetings of interest to the Freedom Area

Tues. Feb. 19, CC Planning and Zoning Commission

a. **9:20 a.m.:** Princess Shopping Center, MD Rte. 26 and MD Rte. 32, Request for approval of site plan.

b. **2:45 p.m.:** Nell's Acres, S. side of MD Rte. 26, 1400 E. of Sunset Drive. Request for deletion of planned major street.

c. **2:45 p.m.:** Pine Brook Farm II, 109.82 acres, E. side MD Rte. 97, 1200 feet S. of Buckhorn Road. Special report related to proposal for residential development in C zone.

Weds. Feb. 27, 7:00 p.m.: Adoption of Budget by Board of Education, Westminster High School.

Thurs. Feb. 28, 7:00 p.m.: Public hearing on **water connection fees**, Freedom Elem. School, 5626 Sykesville Road (MD Rte. 32).

Betting on a sure thing: DROUGHT

"...in most places we're seeing the lowest [well water levels] we've seen in 12 years."

Tom Devilbliss, Hydrogeologist
CC Div. of Water Res. Planning
Frederick News-Post
February 7, 2002

Cynical quote of the new year (so far)

"I think the billboard owners just want the best and most pleasant thing for the county."

Commissioner Robin Frazier expressing her opposition to a moratorium on NEW billboards.

Childs Walker
Baltimore Sun
January 30, 2002

Volunteers subject to ethics laws

Shortly after the Board of County Commissioners enacted the Zoning Ordinance Review Committee's (ZORC) revised zoning Ordinance 01-11, one member of the ZORC filed documents to take advantage of the new ordinance.

Citizens expressed outrage, questioning whether there was a conflict of interest.

At the time, one member of the County Attorney's Office commented that there was no conflict of interest because members of the Committee were "volunteers" and the county's ethics ordinance did not apply.

In a meeting on January 14th, the senior County Attorney, Kimberly Millender, reversed this position stating that volunteer members of Committees, Boards and Commissions appointed by the County are "officials" and ARE subject to the terms of the County Ethics Ordinance.

This interpretation could make members of the ZORC vulnerable.

LAST CHANCE TO RENEW FACC MEMBERSHIP

This is the last edition of *The Informer* that will be sent to members who do not renew their 2001 FACC memberships this month. Those members who have renewed or who joined the FACC in the last three months of 2001 will continue to receive the newsletter. While we regret to end distribution of the newsletter to last year's members, because of the cost of production and mailing, we cannot continue to send the newsletters to members who do not renew their memberships. Please use the form below to join the FACC for 2002 or to renew your 2001 membership. This announcement also applies to several members of the board of FACC.

USE THIS FORM TO JOIN OR TO RENEW MEMBERSHIP FOR 2002!

FACC is a non-profit community organization.

Name: _____ Phone: _____

Address: _____

E-Mail Address: _____

Are you a member of a Homeowners' Association? _____ If so, which HOA? _____

I would be interested in offering assistance with:

Legal Affairs Membership Schools Publications

Government Media Relations Other: _____

Signature: _____ Date: _____

Check No.: _____

New membership

Renewal

Annual Membership Fee: \$10.00 per year per household

Please make checks payable to FACC. Mail to: FACC, P.O. Box 142, Sykesville, MD 21784

FACC
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Eldersburg, MD 21784

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NEXT FACC Meeting: Tues. Feb. 19, 7 p.m. Carrolltowne Center



Minutes of the Jan. 15, 2002 Meeting of FACC

Opening Activities:

Chairman Mike Naused called this regular monthly meeting to order at 7:10 PM at the Freedom Christian Church. A quorum of board members was recorded as present.

Guest Speaker:

Guest speaker, Julia Gouge, President of the Carroll County Board of Commissioners addressed the recent amendment to the Zoning Ordinance permitting transfer of development rights from Conservation zones and clustering these in adjacent Agricultural zones. As reported in the press, she opposed the change and pointed out that the Commissioners were unaware of the full impact of these changes. She said that in the past, about every 10 years, the Commissioners would work with the Towns on a Comprehensive Rezoning Plan. This was not the case with the present Board. In addition, the Concurrency Man-

agement policy calls for the infrastructure to be in place prior to development. Unfortunately State Highway capacities are not considered in the current approach. Mrs. Gouge said that she and Mr. Dell have had recent discussions on the changes and he has joined her in asking the county staff to review concerns outlined in a handout provided at the meeting. These concerns included the lack of a mandate for clustering, deleting unbuildable Conservation areas from the allocation for transfers, protecting remainders from further development, whether subdivision for agricultural uses should be permitted and other deletions.

She also provided copies of the Rural Development Guidelines adopted by the Commissioners in 1973 and amended in 1978. Her final remark concerning the hasty zoning changes was that it has become apparent that the amendment has many holes and makes for a "wide open Ordinance."

On a second topic Commissioner Gouge announced that there would

be a hearing on February 11 on the Water and Sewer Master Plan. This meeting would be preceded by a workshop where the Staff would answer questions.

After her prepared remarks the floor was opened for questions. Following are samples of the responses:

Funding for construction of the Cranberry school came from a combination of Impact fees, piggyback income taxes and some State funds.

The Gateway Committee report, which recommended no more billboards, does not have the support of Commissioners Dell and Frazier.

The Baltimore Metropolitan Council is currently reviewing the Reservoir Agreement.

A report by County staff indicates that a "non-native" exotic plant is growing in Piney Run Lake.

The cost estimate for the proposed Piney Run Lake water treatment plant is now at **\$15.3 million**.

Adjournment:

The meeting was adjourned at 8:55 PM.

Ken Plante, Secretary