

**BOARD OF EDUCATION OF HARFORD COUNTY**

**INFORMATIONAL REPORT**

**PRESENTATION ON**

**HOMESTEAD/WAKEFIELD ELEMENTARY SCHOOL REDEVELOPMENT PROJECT**

**SEPTEMBER 19, 2022**

**Background Information:**

Construction planning for the Homestead/Wakefield Elementary School (“HWES”) replacement project has begun. A dispute between the Board and the Town of Bel Air regarding construction of a public connector road on the HWES campus has temporarily delayed the continuation of planning and the start of construction.

**Discussion:**

In March of 2022, the HCPS Operations, Planning and Construction team submitted design plans to the Planning Commission for the Town of Bel Air. By letter dated April 8, 2022, the Planning Commission approved the preliminary site plan, but with conditions (the “Conditional Approval”). One of the conditions required the Board to provide a public road to traverse the HWES Campus and connect East MacPhail Road to West MacPhail Road. The Conditional Approval was presented to the Board at its April 25, 2022, business meeting, and the Board, concerned about the conditions imposed by the Planning Commission, voted to overrule the Planning Commission’s decision, pursuant to Section 3-205 (c)(3) of the Land Use Article in Maryland’s Annotated Code.

HCPS Operations submitted a revised site plan showing an emergency access to the campus and other minor revisions. The revised site plan did not include the public connector road but did include an access road that would allow for first responders to access the HWES Campus in the event of an emergency. On July 28, 2022, the Planning Commission held a public hearing regarding the revised site plan. Approximately 100 HWES stakeholders attended and urged the Planning Commission to reconsider the public connector road requirement.

The Planning Commission met on September 1, 2022. The Commission reconsidered the HWES preliminary site plan and issued a new approval (the “September Decision”), but the September Decision still contains conditions requiring a public connector road through the HWES campus.

On September 7, 2022, the Board received the new decision from the Planning Commission documenting the September Decision (see attached). The letter cites the Town’s 2022 Comprehensive Plan as requiring a public connector road to pass through the HWES campus, connecting East MacPhail Road to W. MacPhail Road. The Planning Commission’s letter requires the Board to submit a final site plan showing the design of the public connector road prior to the issuance of a use and occupancy permit. The letter requires the Board’s approval of the conditions, specifically including the public connector road, and Dr. Bulson’s signature on behalf of the Board. If Dr. Bulson does not sign the letter, the Town will not issue a building permit for the HWES project.

The letter suggests that the Planning Commission is separating the public connector road requirement from the school construction so that the HWES project can begin while the Town considers whether it can fund the public connector road and the school system asserts its legal rights in court. However, the building permit and other permits

are contingent upon the Board agreeing to the terms in the letter within 60 days which require designing the public connector road and providing a right-of-way somewhere across the HWES campus in the final site plan. Otherwise, the project remains stalled. As noted in the letter, the public connector road is not yet designed and has not yet been funded. Nonetheless, the Town asserts that the public road connector has been on the Comprehensive plan for 30 plus years. It has been estimated to require 7+/- acres of the HWES campus.

The Board has previously taken the position that, as a state agency, it is different from a commercial developer and thus not subject to the same authority by the Town's Planning Commission. It has designated the entire HWES site for educational purposes, and the current construction plan uses the entire campus for a new school building, playground, ball fields, and other green spaces.

**Superintendent's Recommendation:**

For the foregoing reasons, the Superintendent requests that the Board consider the following two matters.

1. Surplus School Property. The September conditional approval requires the Board to agree it will surplus school property for a public connector road which has yet to be designed, or even surveyed to locate street lines. In order for Dr. Bulson to sign the September conditional approval, the Board must agree that it will fund the design of the public connector road and then surplus school property for the right-of-way across the HWES campus. Any school property designated as surplus, would be subject to the approval of the State Superintendent along with other legal requirements.
  
2. Overruling the Planning Commission Decision. If the Board decides that the entire HWES property is to be used for educational purposes, the Board may vote to overrule the September decision of the Planning Commission's conditional approval. Section 3-205(c)(3) of the Maryland Annotated Code's Land Use Article allows for the body having jurisdiction over financing of the public building to overrule the Planning Commission's decision by a 2/3 vote.



# TOWN OF BEL AIR

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September 2, 2022

Board of Education of Harford County  
c/o Superintendent of Harford County Public Schools  
102 S. Hickory Avenue  
Bel Air, MD 21014

Attn.: Dr. Sean W. Bulson, Superintendent

Re: Homestead-Wakefield Elementary School Redevelopment  
04P-22-02-SP/LP  
900 S. Main Street, 99 Idlewild Street

Dr. Bulson:

This preliminary Site Plan and Landscape Plan approval letter for the proposed construction of a 142,871 square foot two-story elementary school to replace the three one-story buildings currently located on the 61± acre campus (the “Campus”) revokes and supersedes the preliminary Site Plan and Landscape Plan approval letter dated April 8, 2022. Pursuant to motions of the Planning Commission made, seconded and adopted on September 1, 2020, the Planning Commission placed development of the new elementary school (“NES”) on a separate timeline from development of a connector road, made findings that the revised preliminary Site Plans were consistent/in conformity with the Town’s Comprehensive plan and approved the revised preliminary Site Plans and the revised Landscape Plans subject to conditions, all as more fully set forth below.

The findings and determinations of the Planning Commission Planning Commission were made based on the public hearings held on April 7, 2022 and July 28, 2022 and on the submittals set forth in the below table, which constitutes the administrative record of decision (“ROD”).

RECORD OF DECISION		
File Name	Date of Document	Description
MAP_June 1959 Bel Air Town Transportation Map from Master Plan.pdf	June 3, 1959	Plan officially adopted by the Bel Air Town Planning Commission as a part of the Master Plan for Bel Air on the 3rd day of June 1959 and approved by the Commissioners of Bel Air on the 13th day of June 1959

Attn.: Dr. Sean W. Bulson

<b>RECORD OF DECISION (cont.)</b>		
<b>File Name</b>	<b>Date of Document</b>	<b>Description</b>
<i>1969 Comprehensive Plan.pdf</i>	December 1, 1969	Comprehensive Plan Study of 1969 prepared by Harland Bartholomew and Associates, December 1969
<i>2016 Comp Plan final.pdf</i>	June 20, 2016	2016 Comprehensive Plan adopted 2016-06-20, final published version.
<i>MIN_Concept-Homestead-Wakefield ES 8-12-2021.pdf</i>	August 12, 2021	Minutes of the Concept Review Meeting held on August 12, 2021
<i>LTR_HWES Concept SWM Approval DPW 2021-11-18.pdf</i>	November 18, 2021	Letter from Town Dept. of Public Works acknowledging approval of the Concept level Storm Water Management design plans
<i>RPT_TIA Excerpts for PC pkg 2022-03-30.pdf</i>	March 1, 2022	Excerpts of Traffic Impact Analysis submitted on March 1, 2022, including: Executive Summary; Introduction and Summary of Findings; Map of proposed internal vehicular traffic
<i>APP_900 S Main St (HWES)_PC-4-7-22 signed.pdf</i>	March 10, 2022	Application to the Planning Commission submitted on March 10, 2022
<i>A-400A Color Elevations.pdf</i>	March 10, 2022	Preliminary Architectural color rendering drawings of building elevations submitted on March 10, 2022 by Applicant's consultant (1 sheet)
<i>2022.03.10 Landscape Plans (compressed).pdf</i>	March 10, 2022	Preliminary Landscape Plan (3 sheets) submitted on March 10, 2022 by Applicant's consultant
<i>A-300 - Roof Plan - Overall.pdf</i>	March 10, 2022	Preliminary Roof Architectural Plan (1 sheet) submitted on March 10, 2022 by Applicant's consultant
<i>2022.03.10 Site Development Plans (compressed).pdf</i>	March 10, 2022	Preliminary Site Plan (3 Sheets) submitted on March 10, 2022 by Applicant's consultant
<i>Landscape Checklist.pdf</i>	March 10, 2022	Landscape Plan checklist submitted on March 10, 2022 by applicant's consultant
<i>Performance Stds Checklist.pdf</i>	March 10, 2022	Annotated Performance Standards checklist submitted on March 10, 2022 by applicant's consultant
<i>Site Sub Plan Checklist.pdf</i>	March 10, 2022	Site Plan checklist submitted on March 10, 2022
<i>MSG_Email stating size of building_Ex &amp; Prop for HWES (SiteRes).pdf</i>	March 16, 2022	Email from Site Resources stating the size of the floor area of the proposed school building and the existing buildings to be replaced
<i>MEMO_900 S Main St from USDA_SCD 2022-03-17.pdf</i>	March 17, 2022	Comment memorandum from US Dept. of Agriculture - Soil Conservation District - Harford County office
<i>CompPlan 2022 (Effective 2022-03-21) ADOPTED.pdf</i>	March 21, 2022	Exhibit "A" to Resolution No. 1179-22 Adopting the 2022 Comprehensive Plan
<i>LTR_TP22-06-01 HWES from HCHD Mar 21 2022.pdf</i>	March 21, 2022	Comment letter issued by Harford County Health Department
<i>MEMO_900 S Main St from DPW-Town 2022-03-21.pdf</i>	March 21, 2022	Comment memorandum from Town Dept. of Public Works

Attn.: Dr. Sean W. Bulson

<b>RECORD OF DECISION (cont.)</b>		
<b>File Name</b>	<b>Date of Document</b>	<b>Description</b>
<i>LTR_BAVFC Comment Letter on HWES 04P-22-02 2022-03-22.pdf</i>	March 22, 2022	Comment letter issued by Bel Air Volunteer Fire Company
<i>LTR_BADA Letter of Support for MacPhail Road connection HWES 3.24.2022.pdf</i>	March 24, 2022	Letter from the Bel Air Downtown Alliance in support of the Comprehensive Plan requirement of a connector road across the BOE property
<i>LTR_HWES Comments from HC-DES 2022-03-25.pdf</i>	March 25, 2022	Comment letter issued by Harford County Department of Emergency Services
<i>LTR_2022 03 28 Review Homestead Wakefield Review from PDE.pdf</i>	March 28, 2022	Comment letter issued by Town Architectural consultant, Paul D. Edmeades
<i>LTR_HWES TIA-Review Comments Final EXP.pdf</i>	March 28, 2022	Comment letter on TIA issued by Town Traffic Engineering Consultant - EXP, Inc.
<i>SR_HWES_04P-22-02-SP_LP w Appendix.pdf</i>	March 29, 2022	Staff Report and Appendix of plan comments prepared by Town DPCD Staff and submitted to the record on April 7, 2022.
<i>MSG_HC_DPZ RE_900 S Main Street - Homestead Wakefield Elem School.pdf</i>	March 29, 2022	Comment email from Harford County Dept. of Planning and Zoning
<i>MSG_TownPoliceChief_RE April 7th Planning Commission.pdf</i>	April 4, 2022	Comment email from the Town Chief of Police - Charles Moore
<i>LTR_Approval Letter Issued 04P-22-02-SP_LP HWES 2022-04-08.pdf</i>	April 8, 2022	Letter of Approval with conditions from the Town Planning Commission
<i>2022.04.29 - HWES PC Conditions Response Letter.pdf</i>	April 29, 2022	Site Resources letter of April 29, 2022 purporting to address the comments and conditions set forth in the April 8, 2022 Planning Commission letter of approval.
<i>LTR_SHA_re_900 S. Main Street Homestead at Wakefield.pdf</i>	May 6, 2022	Comment letter issued by MD State Highway Administration
<i>Final Site Plans.pdf</i>	July 14, 2022	Homestead Wakefield Elem. School Prelim. Site Plan Update (7 sheets)
<i>Landscape Plans.pdf</i>	July 14, 2022	Homestead Wakefield Elem. School Prelim. Landscape Plan Update (4 sheets)
<i>PC Reference Sheets.pdf</i>	July 14, 2022	Homestead Wakefield Elementary School Reference Plans (5 sheets + 2 sheets)
<i>Planning Commission- C. Brown letter 7.19.22.pdf</i>	July 19, 2022	Letter from C. Brown (BOE) to the Chair of the Planning Commission
<i>MEMO CDawson (BA DPW) to KSmall (BA DPCD) 2022-07-19.pdf</i>	July 19, 2022	Memorandum from C. Dawson (BA DPW) to K. Small (BA DPCD)

Attn.: Dr. Sean W. Bulson

<b>RECORD OF DECISION (cont.)</b>		
<b>File Name</b>	<b>Date of Document</b>	<b>Description</b>
<i>LTR_HWES TIA Commnets-EXP (JB) 2022-07-20.pdf</i>	July 20, 2022	Letter from EXP, Inc. to K. Small (BA DPCD) about 3/1/22 TIA
<i>SR_Supplement1HWES_04P-22-02-SP_LP.pdf</i>	July 21, 2022	DPCD's Planning Commission Supplement to Staff Report
<i>MSG_Email from BLloyd (HC Dir of Admin) regarding emergency access drive to McFaul Center.pdf</i>	July 26, 2022	Email from B. Lloyd (HC Dir. of Admin.) regarding Harford County support of emergency access drive connection to the McFaul Center
<i>LTR_Sterling Care BA Letter of Support for Road connection HWES 2022-07-28.pdf</i>	July 28, 2022	Letter from Sterling Care Bel Air in support of connector road
<i>LTR_PlanComm Letter 04P-22-02-SP_LP HWES 2022-08-02.pdf</i>	August 2, 2022	Letter from L. Kelly (Chair of P.C.) to H. Miller (BOE) documenting the tabling of the zoning case at the July 28, 2022 P.C. Meeting
<i>MSG_Email from HMiller (BOE) to RGlidden (DPCD) regarding requesting transcript of July 28, 2022 P.C. Meeting.pdf</i>	August 4, 2022	Email from H. Miller acknowledging receipt of draft letter from L. Kelly (Chair of P.C.) and requesting transcript of July 28th P.C. Meeting
<i>LTR_DPCD Letter 04P-22-02-SP_LP HWES 2022-08-11.pdf</i>	August 11, 2022	Letter from R. Glidden (DPCD) to H. Miller (BOE) regarding unanswered questions from July 28, 2022 P.C. meeting.
<i>LTR_CBrown (HCBOE) Letter dated August 16, 2022 Responding to RGlidden (DPCD) Letter of Aug 11, 2022.pdf</i>	August 16, 2022	Letter from C. Brown (BOE) to R.Glidden (DPCD) in response to Aug. 11, 2022 letter.
<i>MSG_Email from PMagness (HC Deputy Dir of P&amp;R) regarding use of ballfields at HWES campus 2022-08-18</i>	August 18, 2022	Email from P. Magness (HC DPR) to R. Glidden (DPCD) regarding use of recreation fields during non-school hours.

If you believe we have neglected to list a submittal in the above table made prior to our findings and decisions adopted on September 1, 2022, please notify Rowan Glidden with the Department of Planning and Community Development at your earliest convenience and advise what submittal(s) you believe are not noted in the foregoing table.

Attn.: Dr. Sean W. Bulson

**Comprehensive Plan consistency determinations:**

The Planning Commission finds that the Board of Education desires to replace the existing elementary school buildings and replace or substantially renovate the existing middle school located on the Campus during the coming decade. In order for the proposed redevelopment and renovations of the Campus to be consistent with the 2022 Comprehensive Plan:

1. The Campus redevelopment and renovations will have to accommodate a connector road that will allow two-way vehicular, bicycle and pedestrian traffic to pass through the Campus that, in conjunction with additional off-Campus land acquisition/permissible land use, will enable the connection of E. MacPhail Road to W. MacPhail Road; and
2. During the Campus redevelopment and renovation projects, BOE will have to consider daylighting the tributary to Plumtree Run that traverses the Campus.

The Planning Commission adopts as reasons in support of its 2022 Comprehensive Plan Consistency determinations include the pertinent language of the 2022 Comprehensive Plan, the five (5) benefits of a connector road to BOE stated on pages 15-16 of the DPCD Supplement to the Staff Report dated July 21, 2022, the seven (7) other public benefits of a connector road stated on page 16 of the DPCD Supplement to the Staff Report dated July 21, 2022 and the paragraph discussing daylighting of the Plumtree run tributary on Page 6 of the DPCD Supplement to the Staff Report dated July 21, 2022.

In further support of the 2022 Comprehensive Plan consistency determination the Planning Commission adopts the facts and determinations:

- (1) In pages 1-16 of the DPCD Supplement to the Staff Report dated July 21, 2022; and
- (2) In pages 1-15 of the DPCD Staff Report dated March 29, 2022 to the extent such facts are not inconsistent with the facts set forth in the DPCD Supplement to the Staff Report dated July 21, 2022; and
- (3) In the plans and documents submitted by the parties that constitute the Record of Decision before the Planning Commission in consideration of the 2022 Comprehensive Plan consistency/conformance determination and BOE's Preliminary Site Plan approval application.

Attn.: Dr. Sean W. Bulson

The Planning Commission makes the following additional determinations with respect to connector road:

1. The planning and development of a connector road shall be permitted to move forward on a timeline and as a project separate and distinct from the Preliminary and Final Site Plan approval of the NES project with BOE acknowledgment that Preliminary and Final Site Plan approval for the NES project is conditioned on BOE's acknowledgement on the Final Plan of a connector road project subject to funding of such project by the Town of Bel Air and/or Harford County;
2. BOE's Final Site Plan shall show where such connector road will tie into a drive to be developed in conjunction with the NES project as a condition of Final Site Plan Approval;
3. BOE shall obtain approval of a preliminary design plan for such connector road before the Town issues a use and occupancy permit for the new elementary school, subject to an agreement between the Town and/or Harford County being reached for funding design and development of such connector road and/or the Board of Town Commissioners refusal to fund development of such connector road pursuant to § 3-205(c)(3) of the Land Use Article of the Maryland Annotated Code.

### **Site Plan**

Approval of the Site Plan is conditioned upon the following:

- SP.1. Fulfill the conditions required by BOA on the variance granted to Section 165-53.E(3)(m)[1][a] to allow a reduction in the playground setback from 25-feet to 10-feet on June 28, 2022;  
**Reason for condition:** *As required by Board of Appeals to obtain the requested variance.*
- SP.2. Improve Hunsinger Way as depicted on July 14, 2022 dated Site Plan set, Sheet 7 of 7, subject to any revisions required by SHA to the design;  
**Reason for condition:** *To accommodate the additional traffic, including bicycle and pedestrian traffic, produced by the school expansion and to mitigate any adverse impact to South Main Street and the public.*
- SP.3. Construct the sidewalk along Hunsinger Way as represented on July 14, 2022 dated Site Plan set, Sheet 7 of 7;  
**Reason for condition:** *To accommodate the additional traffic produced by the school expansion, provide for pedestrian access to the Campus and NES and to mitigate any adverse impact to South Main Street and the public.*



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- SP.4. **Prior to signature on the Final Plans**, submission of a Final Site Plan for signature incorporating comments from the staff report dated March 29, 2022, and comments from:
- a. USDA Harford County Soil Conservation District.
  - b. Md State Highway Administration.
  - c. Harford County Health Department.
  - d. Bel Air Volunteer Fire Company.
  - e. Town architectural consultant (and as further revised).
  - f. Town traffic consultant (and as further revised).
  - g. Pending comments from Harford County on the traffic impact study.
  - h. Bel Air Public Works memo dated March 21, 2022.
  - i. Bel Air Dept. Planning & Community Development, listed in the Appendix to the Staff Report for Case No. 04P-22-02-SP/LP under headings of Site Plan Comments and Forest Conservation Plan Comments.

**Reason for conditions:** *To address comments from reviewing agencies as required by Sections 165-76.A and 165-116.A.*

- SP.5. **Prior to issuance of a Grading Permit**, submission of a Forest Conservation Plan incorporating the proffered connector road/drive to the McFaul Activity Center, the mitigation for an unapproved specimen tree removal, and documentation of the Hazardous Tree Management Plan as amended;

**Reason for condition:** *As required by Section 216-3.C.*

- SP.6. **Prior to issuance of a Use and Occupancy permit** and subject to:

- (1) The connector road requirement not being nullified by a final decision of a court of law should BOE seek judicial review of the Planning Commission connector road requirement; and
- (2) The Town (or the Town in conjunction with Harford County), in accordance with Section 3-205(c)(3) of the Land Use Article of the Maryland Annotated Code, not approving funding for the design and development of the improvements necessary to extend Hunsinger Way in the manner necessary to enable development of a connector road connecting East and West MacPhail Roads;

BOE shall work with Town representatives and submit a Final Site Plan for the design and construction of the extension of Hunsinger Way to serve as a connector road for East and West MacPhail Road that shall accommodate two-way vehicular traffic and pedestrian and bicycle traffic (unless the Board of Town Commissioners approves a more limited connector road), including any necessary and desired safety features and traffic control devices and shall cooperate with the Town to develop such connector road after issuance of such use and occupancy permit;

**Reason for condition:** *In order to provide for the safety of the students, faculty and staff; and to comply with the Town's Comprehensive Plan and Section 165-118.A(1) & 165-118.D(1) of the Town Code.*

Attn.: Dr. Sean W. Bulson

SP.7. Comply with the MD DOT State Highway Administration requirements stated in their letter dated June 16, 2022;

**Reason for condition:** *In accordance with Section 165-118.D(3).*

SP.8. **Prior to issuance of the final Use and Occupancy permit** complete all site work on the Final Site Plan to include:

- 1) Landscape installation.
- 2) Submission of a Deed of Easement for Forest Conservation; or, a Declaration of Covenants and Restrictions for Forest Conservation recorded in the Land Records of Harford County, Maryland, including a graphic depiction of the easements on a drawing, all of which must be approved by the Town of Bel Air prior to recordation.
- 3) Submission of a Deed of Easement for Storm Water Management Access

**Reason for conditions:** *In accordance with Section 165-84.A.*

### **Landscape Plan**

Approval of the Landscape Plan is conditioned on the following:

LP.1. **Prior to Building Permit Application** for the permanent buildings, submission of a Final Site Plan for signature incorporating comments from this staff report, and comments from this staff report and address all the Landscape Plan Comments listed in the Appendix to the Staff Report for Case No. 04P-22-02-SP/LP;

**Reason for condition:** *In accordance with Section 165-56.*

Should you have questions regarding this approval, please do not hesitate to call the Planning Department.

Sincerely,



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Lois Kissinger Kelly, Chair of Planning Commission

Letter of Approval  
Site Plan / Landscape Plan  
Homestead-Wakefield Elementary School Redevelopment  
900 S. Main Street / 99 Idlewild Street [04P-22-02-SP/LP]

September 2, 2022  
page 9 of 9

Attn.: Dr. Sean W. Bulson

The signed original of this letter, indicating concurrence by the landowner/developer with the conditions as stated herein and on referenced material, must be returned within sixty (60) calendar days of the date of this approval.

I hereby accept the conditions of this preliminary Site Plan and preliminary Landscape Plan approval.

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Authorized Signatory for Board of Education of Harford Co.  
Owner of 900 S. Main Street and 99 Idlewild Street

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Date

Dr. Sean W. Bulson, Superintendent of Schools  
Harford County Public Schools

Cc: Planning Commission  
Kevin Small, Director of Planning & Zoning  
Bel Air Town Commissioners  
Jesse Bane, Town Administrator  
Charles B. Keenan, Jr., Esquire, Town Counsel  
Jefferson L. Blomquist, Town Counsel  
Peter Soprano, P.E., Site Resources  
Cornell S. Brown, Jr., HCPS-Assistant Superintendent-Office of Operations  
Patrick S. Vincenti, President, Harford County Council – to share with all council members  
Barry Glassman, Harford County Executive

File