

SEVERN RIVER COMMISSION
Regular Monthly Meeting Minutes
July 7, 2011 – 4:00 P.M.
Severn Room, 2664 Riva Road, 4th Floor

	Attendance Record
Members Present:	
Lina Vlavianos, Chair	6/7
Sally Hornor, Vice Chair	6/7
Joel Dunn	3/7
Kurt Riegel	6/7
Mike Robinson	5/5
Joe Rubino	5/7
Jeff Schomig	6/7
Guests and Staff:	
Robert Hubbard, AACo. Inspections & Permits	
Bob Winchester, AACo. Inspections & Permits	
Marina Hardy, AA County Executive's Office	
Members Absent:	
Bob Whitcomb	6/7
Veronica Jagoe for Councilman Benoit (Ex officio)	3/7
Scott Hymes, MD DNR (Ex officio)	2/7
Fred Paone, City Council (Ex officio)	0/7

CALL TO ORDER

Chair Vlavianos called the regular monthly meeting of the Severn River Commission (SRC) to order at 4:00 p.m. in the Severn Room, 2664 Riva Road, Annapolis, MD. A quorum was present. The guest speakers were introduced.

GUEST SPEAKERS

Mr. Robert Hubbard and Mr. Bob Winchester, both from Inspections & Permits (I&P), were invited guests to speak about Critical Area (CA) and buffer management enforcement. Vlavianos requested Schomig to lead the discussions.

Schomig explained that SRC has met with the Critical Area Commission, County Office of Law, County Foresters and Soil Conservation District in order to get a clearer picture of whom and how CA and buffer management is enforced. SRC gets the impression people point the finger at others for failures and no one takes responsibility. SRC is concerned that both on the county and state level no coordination seems to take place between the responsible parties on shoreline hardening, shoreline structures and amount of tree clearing, if any, permitted.

Issuance of Water-related Permits – I&P explained that Maryland Department of the Environment is the ultimate permit issuing agency with I&P's role limited to enforcement. I&P has closed a loop hole requiring contractors to assure in writing on their letterhead paper that access to work is possible via water. If not, variances and/or revisions to the plan must occur. The County Office of Law takes violators to court and judges are leaning more and more to find guilty verdicts but not necessarily impose high fines. I&P has a good line of communication with the Office of Law and now civil and criminal cases can proceed on a parallel track. This was not the case before.

Leaning Trees – The county has no established policy on removal of "leaning trees." The county foresters evaluate each situation individually. Three foresters are available.

SRC's concern is that removal of leaning trees is swept up in a broad policy where no clear guidelines are given. Decisions are left to individuals who may or may not be using sound environmental judgment. SRC will provide specific examples to I&P where permitted clearing did occur but questions the soundness, need and extent of the clearing.

Legal Lots – County law accepts doctrine that a dwelling is permitted on a legal lot. Minimum code requirements apply; however, anything in excess must be approved through variances including undue hardship.

Lot Coverage – Impervious cover allowances are covered by new county code. Increase in cover is the most difficult area to receive approval requiring a variance. Planning & Zoning makes an evaluation when fees paid in lieu of are acceptable.

Critical Area Commission – Interaction with the CAC is ongoing. CAC staff has participated in "ride alongs" with the county to see what works and does not work in the CA law. CAC is working on a model CA ordinance. They review and comment on variance requests. Violations are elevated to criminal charges. Dunn pointed out that what is now being done in enforcement and permitting is not acceptable. Streams and rivers continue to deteriorate with increased development and enforcement is lax.

I&P pointed out that all decisions and actions must be guided by the constraints of the laws passed. Only statues of the code stand up in court and violations are evaluated within county code parameters.

Vlavianos thanked Mr. Hubbard and Mr. Winchester for speaking to the Commission. SRC will provide photos showing specific sites where permitted clearing has occurred but the members feel it was totally in excess. The SRC agreed a continued dialog would be beneficial.

PUBLIC INPUT / AGENDA ITEMS – There was no public input

MINUTES

The Minutes for the May 5, 2011, regular monthly SRC meeting were presented for approval. The minutes were approved as written.

MOTION: A MOTION, TO APPROVE THE MINUTES FOR THE MAY 5, 2011, REGULAR MONTHLY MEETING OF THE SRC AS WRITTEN, WAS MADE BY RIEGEL AND SECONDED BY SCHOMIG. THE MOTION WAS PASSED BY UNANIMOUS VOTE AND THE MINUTES WERE APPROVED.

The Minutes for the June 2, 2011, regular monthly SRC meeting were presented for approval. The minutes were corrected to include the following wording provided by Riegel under Priest Point on page 2 of the June minutes and approved.

“Riegel reported that the County Office of Planning & Zoning is supporting rezoning of the entire property to RA rather than keeping the split zoning of 15 acres in Open Space and 2 acres in R2. He expressed disappointment at the likely loss to development of the last large tract of treed land on the lower Severn and the conveyance of new development rights free of charge to a landowner who knew of its Open Space zoning prior to buying the property. During a lengthy discussion, it was noted that Whitcomb walked the Priest Point property with the current owner. The owner is agreeable to set aside 15 acres for permanent conservation but it is not clear how and by whom it will be executed. No public access is proposed. Development will disturb ½ acre with impervious surface. The Severn River Association (SRA) has a committee working with the owner.”

MOTION: A MOTION, TO APPROVE THE MINUTES FOR THE JUNE 2, 2011, REGULAR MONTHLY MEETING OF THE SRC AS CORRECTED ABOVE, WAS MADE BY SCHOMIG AND SECONDED BY RIEGEL. THE MOTION WAS PASSED BY UNANIMOUS VOTE AND THE MINUTES WERE APPROVED.

ANNOUNCEMENTS

Vlavianos noted that the State Highway Administration (SHA) called her to inquire whether County Recreation & Parks (R&P) has been in contact with SRC regarding a desire to create a sports complex on SHA's property on the Jabez Branch. Vlavianos explained that there has been no direct approach or presentation to the SRC on what is being proposed and SRC lacks detailed information. However, SRC has always opposed disturbance of the wooded 100 acres and has always wanted the property to be protected through conservation easements or some other way. Vlavianos was informed that SHA is

not in favor of any disturbance as well. R&P apparently is so interested in a west county sports complex, the Secretary of Transportation has been directly approached on the subject.

SHA is very willing to come to a SRC meeting to discuss topics of concern to the Commission. Robinson will provide pictures at the next meeting of problem areas on the Jabez Branch which may be caused by highway runoff.

Vlavianos is to draft a letter with appropriate documentation to the Secretary of Transportation explaining SRC's position.

OLD BUSINESS

Comprehensive Rezoning – There was no new discussion.

Critical Area Legislation (CA)

This item was addressed with the guest speakers. Schomig iterated that SRC will provide photos showing specific sites where permitted clearing has occurred and is of concern to the Commission. To maintain positive momentum, this information should be gathered no later than next Friday, July 15, 2011.

Agenda Items 1, 2, and 3 under “Critical Area Legislation” will be eliminated.

Annapolis – There was no new discussion

Oyster Restoration Activities – There was nothing new to report.

Slag

Honor drafted a letter to the US Army Corps of Engineers (USACE) on the topic. SRC members decided to send the letter to the County Executive which explains the situation and to ask whether he wishes to pursue the topic further with the Army Corps of Engineers or have SRC do it. Also a suggestion was made that since a concern was raised and unanswered questions linger, perhaps a copy of the letter should go to the Anne Arundel Delegation. Honor will revise the letter.

Septics – There was nothing new to report.

Website

The changes on the SRC webpage were made as discussed in the last meeting. Robinson was given the authority to clean up further irrelevant links.

NEW BUSINESS

SRC Members

The Annapolis City and the General Assembly ex-officio replacements for SRC still have not been appointed.

PUBLIC INPUT/NEW ITEMS – There was no public input.

ADJOURNMENT

The meeting was adjourned at 6:40 p.m. The next SRC meeting is scheduled for Thursday, August 4, 2011, at 4:00 p.m. in the Severn Room (4th Floor), 2664 Riva Road, Annapolis, MD.

Respectfully submitted,

Brenda Weeks
AACo. DPW, Bureau of Engineering
Watershed, Ecosystem & Restoration Services