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**Elizabeth Rosborg**  
**Chair, Citizens Advisory Committee**

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**Plan2040**  
**Citizens Advisory Committee (CAC)**  
Meeting Notes  
October 30, 2019 - 5:00 PM  
Chesapeake Conference Room, 2<sup>nd</sup> Floor  
2664 Riva Road, Annapolis, MD

**CAC members present:** Elizabeth Rosborg (Chair), Cate Bower, Bill Dodd, Thomas Fahs, Joel Greenwell, Melanie Hartwig-Davis, Patricia Huecker, Matthew Korbelak, Amy Leahy, Elizabeth Ysla Leight, Patricia Lynch, Charles Mannion, Gary Mauler, Ellen Moyer, Kristin Pauly, William Shorter, Allan Straughan

**County staff present:** Christina Pompa, Deputy Planning and Zoning Officer; Cindy Carrier, Long Range Planning Administrator; Patrick Hughes, Long Range Planner; Mark Wildonger, Long Range Planner; Erik Michelsen, Watershed Protection and Restoration Program Administrator; Laura Layton, Engineer Manager - Utility Planning; Chris Murphy, Engineer Administrator – Utility Engineering; Raghu Badami, Manager – Engineering Division; Barbara Polito, Agricultural Program Administrator; Al Herb, Sanitary Engineer; James Kitchin, Community Engagement and Constituent Services

**Attendees:** Kevin S. Martin, Jerry Pesterfield

**Introduction:**

Mr. Kitchin shared that the Community Engagement and Constituent Services (CECS) department is currently updating the community association contact list. He said the community association list, by law, must be kept in the County Executive’s office and who is required to send out a notice of all the upcoming Administrative Hearings and Board of Appeal hearings. These are already available on the website, but there is a legal requirement to send these to community associations. Mailings must also be sent for development pre- and post- submittal community meetings, modification requests, and sketch plan approval to all homeowners and homeowner associations within 300 feet.

The intent of converting to a digital notice is to save resources. The administration contacted the representative on file to indicate that the notification process would be changed from a hardcopy mailing to email. Due to outdated or incorrect information for representatives, the administration is working to develop an accurate database. They currently have approximately 220 community associations. CECS also sends information about every community meeting to a larger “e-blast” distribution list and posts this information on the County website. The Office of Law (OOL) said as

long as a good faith effort was made to announce the change to a digital format, community associations can be removed after final notice about transitioning to electronic if there was no response.

Ms. Leahy said that the list had over 800 community associations when she was with Constituent Services. She expressed her concern that the number had dwindled to around 200. Mr. Kitchin indicated that the list he was given had approximately 580 community associations, but the contact information was outdated or incorrect and many notices were returned. He now has accurate information for approximately 220 associations. Ms. Leahy also thought the notices were required to be sent as paper mail. Mr. Kitchin reiterated that the OOL provided an opinion that email, after a good faith effort, satisfies this requirement.

Ms. Rosborg asked if it was possible for the CAC, which has some community association members, to fill out the necessary forms. Mr. Kitchin indicated he would accept them if the primary contact agreed to it. Mr. Kitchin said the contact information is not public information unless the primary contact agrees to it.

Mr. Dodd asked if Mr. Kitchin was asking for the CAC's help in sharing this request. Mr. Kitchin confirmed that additional help would be appreciated, but CECS would continue to work on the list.

Ms. Bower asked if CECS is interested in both formal HOAs and informal community associations. Mr. Kitchin said CECS is interested in formal HOAs and community associations. Informal groups may sign up for the "eblast" distribution list.

Ms. Rosborg reminded the CAC that additions to the list are not automatic once the form is submitted. There is a manual verification, input, and then an upload process occurs.

Ms. Pompa reiterated that associations were removed because the contact information was outdated and the correct information cannot be found. The list is being recreated with accurate information.

Ms. Lynch recognized the difficulty in maintaining the list, but asked why the whole community association was removed, rather than just leaving the contact information blank until a new contact is provided. Mr. Kitchin said the intent is for providing a legal notice, not just a list for associations, and that is why a contact is needed.

Mr. Straughan suggested Mr. Kitchin check the Special Community Benefit District (SCBD) database to see if a contact is provided. Mr. Kitchin will explore this information.

**Review/Discussion of Draft Goals, Policies, and Strategies:  
Environmental Protection, Resource Conservation, Water Resources**

*Ms. Rosborg, Chair*

Ms. Carrier reiterated that the document only lists the goals, policies, and strategies for this element. There will be an introductory section for each chapter that provides context, such as the issues that were previously discussed with the CAC, how it relates to the vision, vision themes, and State vision themes. She also noted that the strategies relate to the policies, but there may not be a one-to-one relationship.

Ms. Pauly indicated that her comments were in regards to providing context and formatting. Ms. Carrier said the formatting will be updated once the CAC has agreed on the substance. Mr. Hughes suggested that edits be in the form of comments, rather than editing within the document. Ms. Bower stated that the goal at this point in the process is to focus on the content, rather than the formatting.

*Goal A: Preserve, enhance and restore sensitive areas including streams and their buffers, floodplains, tidal and non-tidal wetlands, steep slopes and unique habitats*

Ms. Bower suggested Policy C was too amorphous for what the policy is attempting to capture and that the terms “high-quality” or “rare” may need more context. Mr. Michelsen said it is the uniqueness of the resource. He asked if there should be more expansive protections or enhanced protections for these higher quality features. Ms. Bower asked what high quality means. Mr. Michelsen said the resources are dependent upon high quality water coming into the systems, and whether those systems have rare, threatened, and or endangered plant and or animal species. Mr. Dodd asked if this is a legally defined term. Mr. Michelsen said it is not and is interpreted by the user, but there are additional state and county protections for certain features. The CAC discussed how to best word the policy using terms “environmentally sensitive areas”, “unique areas”, and whether to specify the areas of the Jabez Branch and Magothy Bog Complex. Mr. Michelsen said there is not a plan to identify other high quality resources, but there is a process to identify these resources.

Ms. Leahy asked whether the Habitat Protection Areas should be included in this section. Mr. Michelsen said that if there is a desire, then it could be included in the strategies section.

Ms. Moyer expressed concern that a couple strategies were worded as “to consider requiring”. She suggested the strategy should be to simply “require”. Mr. Michelsen suggested a couple strategies could be combined, so that the strategy would read “Evaluate current stream buffer requirements for need of further expansion, including a requirement for a 25-foot buffer on ephemeral streams.”

Ms. Bower asked what the intent was of the “protecting existing living shorelines” strategy. Mr. Michelsen suggested the intent is to minimize wetland loss by protecting unarmored natural shorelines.

Ms. Carrier noted that the strategy about optimizing the critical area buffer is about where the County can require this given that the Maryland Department of the Environment determines the Critical Area and the County cannot expand it. There was discussion about how it could be expanded and Ms. Carrier said she would research this issue. Ms. Lynch asked by what criteria this area would be managed.

A CAC member asked for the definition of a beach strand habitat. Mr. Michelsen said this strategy should be incorporated into the living shorelines strategy. A beach strand is a sandy interface between tide water and the upland area which is key habitat.

*Goal B: Retain existing forest cover and increase urban tree canopy*

A CAC member suggested to eliminate the development modification process for clearing priority forest retention areas. Ms. Pompa said the County cannot eliminate the modification process, but suggested the strategy should be to change the process. Ms. Carrier offered that the term

“strengthen”, rather than “eliminate” should be used. Mr. Michelsen said it may make it stricter, but also explain where it is allowed. Ms. Pompa reminded the CAC that language should be vague in the GDP and will be refined in the implementation period. Mr. Fahs said it is important to stick to the legally defined terms. Mr. Mauler disagreed and suggested the strategy should apply to all forests. Ms. Pompa said that developers do not need a modification to clear a forest, only if defined priority forest retention areas are cleared.

Ms. Moyer said that the strategies under the policy of “no net loss of forest” do not address how trees that are lost will be replaced. Ms. Pompa said a strategy about mitigation could be added. Ms. Bower said that Ms. Moyer’s concern may be addressed in a following policy. Ms. Carrier said the following policy about establishing a Forestry Program addresses a specific need for the County, but acknowledged there will be crossover among strategies and policies.

Ms. Pauly asked if invasive species control is the only strategy to maintain the viability of the County’s forested lands. There was discussion to rearrange several strategies and policies.

Ms. Rosborg asked if the CAC wanted to accept the change to review existing stormwater standards for opportunities to mitigate water quality impact due to loss of forested lands to development. Mr. Badami said this strategy specifically looks for additional opportunities to improve water quality as a result of development. In terms of forest treatment, this addresses quality and quantity. Mr. Korbela said that this should not be reviewed since it has already been analyzed. Mr. Badami said the strategy is valid because the intent is to identify other opportunities and how to apply it to development projects.

Ms. Leahy asked how this strategy fits into the State’s stormwater design manual. She suggested the County follow the State’s design manual. Mr. Badami said this strategy would exceed the requirements in the design manual.

Mr. Dodd asked if this was the appropriate place to include a strategy to create forest banking. Mr. Mauler asked for clarification about a forest bank. Mr. Michelsen said this allows the preservation of trees in perpetuity on another piece of land. Mr. Mauler disagreed with the concept of forest mitigation banking.

*Goal C: Expand, enhance and continue to protect the County’s greenways, open space, rural areas and the Priority Preservation Area*

Ms. Carrier noted a change to include that tracts of forest under 50 acres be included in the Greenways Master Plan update.

Ms. Pauly and Ms. Rosborg discussed a change to the acquisition of land for preservation strategy. The wording was clarified to remove duplication.

Ms. Leahy expressed concern about buying land without any specific criteria. The order of several strategies were rearranged to provide context and qualifiers.

Mr. Mauler disagreed with the idea of allowing a developer to clear land and protect land off-site. Ms. Rosborg indicated that the language and order would be clarified.

Ms. Hartwig-Davis suggested that partnerships between the County and other environmental organizations be strengthened. Ms. Rosborg asked how that would be measured. Ms. Carrier noted that this is already being done. Ms. Hartwig-Davis will follow up with the Citizens Environmental Commission for additional thoughts.

Ms. Pompa said property owners are able to change forest conservation easement, though the property owner would need to go through the modification process to change the easement. Ms. Leahy expressed concern about private property owners who cannot maintain vegetation in a forest conservation easement. The word “minimize” was proposed to replace “eliminate”.

Ms. Hartwig-Davis will follow up with a strategy about fees.

A CAC member had a question about funding sources for community associations needing to maintain their stormwater facilities. Mr. Michelsen suggested the strategy read “considers associated costs and expertise necessary for long term maintenance of BMPs.”

*Goal D: Improve and protect water quality*

Ms. Bower asked whether existing regulations strong enough to adequately protect the quality of groundwater resources. Mr. Murphy said that a previous strategy that discusses the abandonment of shallow wells would address this concern. Ms. Bower asked whether the regulations that are in place are sufficient under this goal. If they are not, the County may need stronger enforcement capacity. Mr. Herb said the County has strict laws about how to design septic systems and the County is continually making improvements to the laws to reduce the amount of nitrogen in ground water.

Mr. Mauler would like to see the local community experts added to the list of individuals to ensure appropriate knowledge is shared during development project review. He considered people who know the land, rather than educated and certified professionals, better equipped to provide knowledge in the development process. Ms. Rosborg disagreed. Mr. Mauler will provide additional language.

**Administrative and Approval of Meeting Notes – October 2, 2019**

*Ms. Rosborg, Chair*

Mr. Shorter motioned to approve the October 2, 2019 meeting notes. Ms. Pauly seconded the motion and the motion carried unanimously.

Ms. Rosborg said the edits to the document will be shared with the CAC on Google Drive. Any additional comments need to be completed by noon on Friday. Ms. Bower moved to adjourn the meeting. The meeting was adjourned at 7:06 p.m.