

# Severn River Association Minutes

Board of Directors Meeting Tuesday, September 20, 2011

The meeting was called to order at 7:12 p.m. by President Duane Wilding.

## **Presentation by The Honorable Chris Trumbauer, Councilmember District 6 –Legislation affecting the Severn River Watershed.**

Councilman Trumbauer represents the residents on the South side of the Severn River and east of Indian Landing. He is also the West/Rhode Riverkeeper, and started the Eyes on the River program there.

The AACounty Budget is very tight and cutbacks are needed. He successfully defeated an effort to cut back Rural Legacy & Rural Heritage budgets, stormwater management funds, and cuts to Planning and Zoning enforcement efforts.

Councilman Jerry Walker introduced 35 amendments of which all were passed but 15 were vetoed by the County Executive because they did not conform to the General Development Plan. Councilman Trumbauer was not happy with the results in District 6. The Wedding Chapel up zoning was in the original bill, so the County Executive could not veto it because there would be no zoning there. The Bill removed all zoning, and then replaced it with new zoning which either had no change or included changes, so an veto of the new zoning would leave that area with no zoning at all which is illegal. Some of these original bill rezonings were not even desired by the property owners. Councilman Trumbauer was able to stop some of the most egregious up zonings, but was outvoted on many. Earlier changes to District 4 zoning affected District 6 because of proximity. Districts 2, 3 & 5 zoning bills have now been introduced but no hearings have been held yet. He is already getting some feedback. The first hearing on those bills will be Monday October 3. The Council's view is that growth is needed, but must be targeted.

Watershed Implementation Plan – the estimated cost by DPW to make all the infrastructure changes required by this Plan is very high – between \$1 and \$2 billion. Funding will be a challenge. Some money may be available from the State, from the “flush fee”. The Council is now working on AACo policy, and plans to reintroduce a Stormwater Fee. So far there has not been much citizen input or attention.

Bob vom Saal asked about the feasibility of a Charter amendment to restrict up zoning, e.g. the Council could not approve any up zoning unless it was balanced by an equivalent down zoning nearby. Councilman Trumbauer pointed out that the Turtle Run decision in Western MD set a precedent that the Council must follow the General Development Plan to comply with State Law. Such an amendment probably could not succeed unless codified by reference to maintaining constant impervious surface within the same watershed or subwatershed.

John Wright asked if credit for green roofs, etc could be incorporated into the ground rules for approving increased density zoning. Councilman Trumbauer responded that these systems are gaining acceptance and there is a movement to codify them. New construction stormwater management rules are much more strict – a property must treat all the stormwater that lands on that property. The problem is that it still permits bulldozing green sites – it would be better to encourage more redevelopment.

Dinny White pointed out that redevelopment doesn't incur infrastructure costs, and the up zoning amendments did not address infrastructure adequacy. There is no infrastructure plan for expansion beyond that in the GDP. Councilman Trumbauer responded that the lack of an overall vision is a problem, but the GDP had the same problem – there was no overall concept. Over 50% of proposed up zonings are outside Utility service areas. South county is especially bad in this respect.

The up zoning of the present Wedding Chapel on General's Highway was a mistake – the Planning and Zoning Department admitted that, but it was in the original bill and the wording made it difficult to remove.

Steve Barry questioned why the County Council has the power to rezone, and Councilman Trumbauer agreed it is potentially a conflict of interest since many Councilmen have real estate interests that can be affected. A collaborative effort with the Planning and Zoning Department is productive, but many council members ignored their recommendations and overrode them.

The only Vision the County seems to have is to keep South County rural and develop West County. Dinny White felt that is why we re-do it every 10 years. The GDP also had many odd amendments not approved by P&Z. District 6 constituents have proven to be very educated & involved.

Steve Barry mentioned that MDE requires that the WIP funding must be approved by the local funding agency. A Stormwater Utility would put a good dent in the \$2b backlog.

Pierre Henkart mentioned that one persistent question is whether corrective measures have had any measurable effect. Councilman Trumbauer responded that the Wilelinor project in the South River watershed (done by Keith Underwood) has been extensively studied by the University of MD. Readings above & below the project show it is removing nutrients and having a very positive effect on water quality. Church Creek has a giant sediment plume after major rain events, and it was observed that Wilelinor was discharging clear water into the otherwise turbid Church Creek water. Pressure to measure results elsewhere is mounting.

John Wright asked how we can avoid political meddling in stormwater management and zoning. Councilman Trumbauer responded that we need to keep applying public pressure through news media and letters to councilmen. Another problem is that unfunded mandates need new funding sources. Our water is important to our economy. It is easy to sell this general principle, but specific proposals are harder to pass. Councilman John Grasso has some green tendencies, and is installing bubblers in many areas at his own expense to try to help oxygenate anoxic areas. His heart is good but he needs more education on what works and what doesn't. Council Chair Dick Ladd is a tougher sell – he still doesn't believe stormwater management is very important.

Dinny White asked about Jerry Parks' proposed up zoning. Councilman Trumbauer responded that Councilman Dick Ladd got pressure from constituents, walked the property, and then asked the developer to pull back the request. It appears to be dead.

Dinny White asked about a letter from Al Johnston & Russ Stevenson to Council Chair Dick Ladd discussing lawsuits similar to Crofton's to declare bill 44-11 void due to inconsistencies with the GDP. The Greater Severna Park Council is contemplating joining this suit. Councilman Trumbauer responded that he agreed that some of the zoning changes were inconsistent with the GDP & therefore violate state law.

Sally Hornor stated that we owe Councilman Trumbauer a debt for preserving brook trout in Severn Run by helping to defeat the recent proposal for a major new park development in the area.

John Wright asked about the effectiveness of different styles of political pressure – the Good Shepherd approach vs other approaches. Councilman Trumbauer responded that half of Councilman Jerry Walker's district opposed his zoning changes, but he stuck to his guns and carried out his campaign pledges. Councilman Trumbauer introduced some amendments to remove some of the most egregious amendments, but got a very negative response and the changes were passed over his objection. One bright point was that many of the County Executive's Vetoes were upheld. The most effective approach

is 1 on 1 meeting with point-by-point reasons why a proposed change is inconsistent with the GDP or the surrounding Community or some other valid reason. We really need a vision from the administration and the Council to provide a framework.

Bob Whitcomb pointed out that there are other funding mechanisms for a Storm Water Utility – Fairfax County uses a small part of its Real Estate tax. Councilman Trumbauer responded that it could be funded from the Real Estate Transfer Tax, but that revenue is way down and is one cause of the present structural deficit. The County Charter probably prohibits dedicating part of the RE tax to a Storm Water Utility.

## **Business Meeting:**

**Minutes of Last Meeting** were Approved subject to some edits by Dr. Hornor and Dr. Henkart.

Secretary to coordinate with them to incorporate those edits prior to publishing.

**Treasurer's Report** – Treasurer Lynne Rockenbauch reported Checking Acct Balance as of July 1 is \$ 31,500, Investment account balance \$35,084, total \$66,584. \$1,000 has been disbursed as a Stormwater Grant, and \$780 has been disbursed to Winchester from that dedicated fund.

## **Old Business:**

- Phragmites Removal in Plum Creek – Mike Robinson – This project is set for Oct 1. Meet at Arden on the Severn. Details to be posted on our web site. Need 20-30 people. Have permit & equipment. Good learning experience. Motion by MR to budget \$100 for Herbicides &c, seconded by Sally Hornor. Passed.
- Land Use – Zoning Update – Dinny White: Dinny W - Dist 5 & 2 = bill 66-11, now being reviewed by SRA Committee. Broadneck appreciates our support. AJ + RS letters. We should put together a letter to CC expressing disappointment with process. Motion to explore common letter with Broadneck &c. Lisa Bender moved, Sally Hornor seconded. Motion passed.
- Priest point – County Council approved the zoning change from R2 to RA. We have the signed easement, but the Severn River Land Trust has been slow to accept the easement. The SRA is the backup to accept the easement if SRLT does not. Enforcement could be expensive. The SRLT Executive Director has said they favor it, but it will take 2-3 months to complete their acceptance. Sally Hornor talked to Jim Martin who is on the SRLT board – Jim did not support it because it is too expensive for a property not open to the public. The rest of their Board is in favor of accepting the easement. Lynne Rockenbauch advised that SRLT also indicated they don't want the SRA to dictate how they allocate their resources, as a general policy.
- Oyster Committee – Bob Whitcomb – divers report the water is clearer near the oyster reefs, many are surviving, but no numbers are available. 2 yr old oysters are about 60mm which is higher than the target of 1"/yr growth. The project seems to be having the desired result and we should continue or expand it if possible. Sally Hornor reported that the oysters looked good, and the concentration of fish & crabs in the area of the reefs is much higher than average. No sign of disease yet. Johns Hopkins University is testing samples. Last weekend they placed 81 cages of spat in the mid-river reef. Herald Harbor and Whitehall will place theirs in October. 66 cages are now in Lake Ogleton. The program continues to grow.
- Grant Applications – Bob Whitcomb –2 applications were made to CBT. The one for Signage at Jonas Green Park was denied, but we were encouraged to re-apply under a different program. We may have to scale back the project, but are still hopeful that something can be done. The Parks Department has expressed strong support for this project. The other application was for a Living shoreline on Horne Point, and this \$7500 grant was approved.
- Operation Clearwater – Dr. Hornor has received no reports of illness in Severn, but has some in each in South, West & Magothy Rivers. This is probably not because there are no such illnesses, just not enough publicity. Stevie Wilding heard that many Ben Oaks children got ear infections

when the pond flooded last June. This may not have been reported because it is separate from the River.

- Severn School Run is set for 11/6 - register at SevernSchool.org.
- Steve Barry reported that the Aerator borrowed from Talbot County in June is not in the water yet, but he is working on it and expects to have it in next week. Bob Whitcomb asked if they should stay in over the winter Dr. Henkart responded that it depends on why it's in. Duane Wilding will ask Talbot County what they do. Pierre noted that Dissolved Oxygen is low now but will probably come up in another month. He has checked the O2 level near the aerator and found no effect at 15m, and a measurable effect at 10m. Duane felt that the objective is to provide a local sanctuary. Bob Whitcomb will check the Oyster growth rates to see if the aerator he installed has any effect.
- Audit Committee – Bob Whitcomb and John Wright have completed the Audit. The only recommended change from current procedures is to form a committee to study our investments and propose changes. Bob Whitcomb, John Wright and Bob vom Saal were appointed to form such a committee.

#### **New Business:**

- Ann Jackson has volunteered to replace Betsy Love as chair of the Stormwater Action fund committee. Bob Whitcomb moved we recognize Betsy L's great contribution. Motion passed, as did the motion to appoint Ann. Hopefully the Log article will stir interest. AACo has good data on where the problems are, and Watershed Stewards are also a good resource.
- Community News – (opportunity for Community Reps to share happenings in their community) – none
- Other Business –There was no other new business.
- Announcements – Steve Barry announced that the largest representation in the next Watershed Stewards class is from the Severn River Watershed. Ann Jackson announced that the Riverkeeper's Night on the River event is now sold out.
- Duane Wilding announced that this year's Jan Hollman Award would be presented to Suzanne Kilby Etgen at the Arlington Echo Outdoor Education Center on Sunday, September 25, 2011 at 4:00PM.

#### **Meeting Adjourned at 8:44 pm.**

**Next Meeting:** October 18 – Speaker: Karen Sank, Anne Arundel County Office of Emergency Management. Topic – Community Emergency Responses.