

TO: Annapolis Environmental Matters Committee
From: Rick Kissel, 717 Warren Dr., Annapolis, MD 21403
16 February, 2015
Subject: Issues re Reserve at Quiet Waters (RQW)

PROJECT DESCRIPTION

The Applicant, Quiet Waters Properties, LLC, is seeking City approval for development of 39.67 acres, with eight-six (86) single-family dwellings and seventy two (72) townhouses, for a total of one hundred fifty-eight (158) units. The development is known as The Reserve at Quiet Waters (RQW).

At present time the property contains one single-family home; previously existing dwellings having been demolished. The property fronts on Annapolis Neck road, with approximately 1,200 feet of frontage. Adjacent land uses include; the community of Beechwood Hills to the north across Annapolis Neck Road, Quiet Waters Park to the East and south, and the community of Hunt Meadows with additional dwellings to the west. See Figure 1

ISSUE SUMMARY

The primary issue relates certain provisions the Maryland Forest Conservation Act (FCA). The developer has submitted their plan for developing the site (see figure 2). Note: the Site Plan has subsequently been modified to modestly reduce the forest taking. Previously the developer has argued that they have never had to comply with the FCA in the way the City is asking them to.

The City has not applied provisions of the FCA which identify the bulk of the forested portion of the property as "Priority For Retention". This designation is appropriate, even though portions may contain low quality stands, because the forested area of the project is contiguous with the forest of the Quiet Waters Park, as shown in Figure 1.

In Fact, with the exception of some physically isolated stands, the entire forested area is considered a "Priority Forest" per Natural Resource Article 5-1607 c (ii): "Contiguous Forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site" is a priority for retention and protection.

The City should require that the developer conform to the General Provisions section of Article VI of the FCA. That provision states:

6.1 General Provisions.

A. In developing a forest conservation plan, the applicant shall give priority to techniques for retaining existing forest on the site.

B. If existing forest on the site subject to a forest conservation plan cannot be retained, the applicant shall demonstrate to the satisfaction of the Department:

(1) How techniques for forest retention have been exhausted;

(2) Why the priority forests areas specified in Natural Resources Article, Section 5-1604 (c)(1), Annotate Code of Maryland, cannot be left in an undisturbed condition:

A second issue is very similar and arises out of Article VII of the FCA

Article VII Forestation and Retention.

7.2 Retention. The following trees, shrubs, plants, and specific areas are considered priority for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Department, that reasonable efforts have been made to protect them and the plan cannot reasonably be altered:

A. Trees, shrubs, and plants located in sensitive areas including the 100-year floodplain, intermittent and perennial streams and their buffers, coastal bays and their buffers, steep slopes, nontidal wetland, and critical habitats; and

B. Contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site.

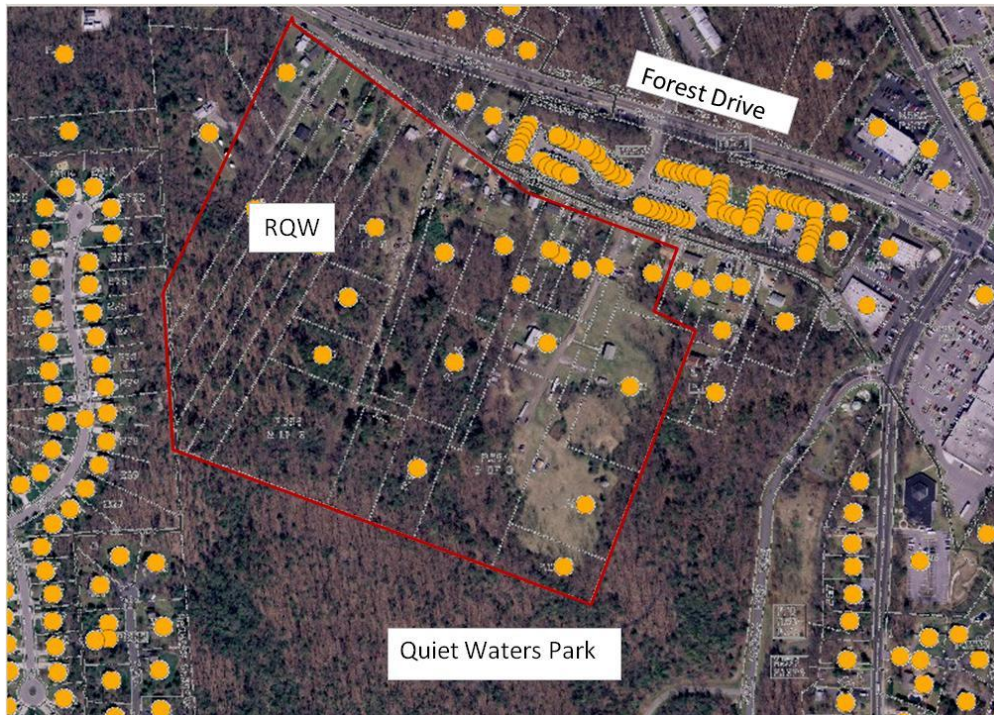


Figure 1 Reserve at Quiet Waters (RQW) (shown bounded by red): Orange dots show individual parcels prior to acquisition by the developer: At the present time, there is only one occupied dwelling within the RQW property

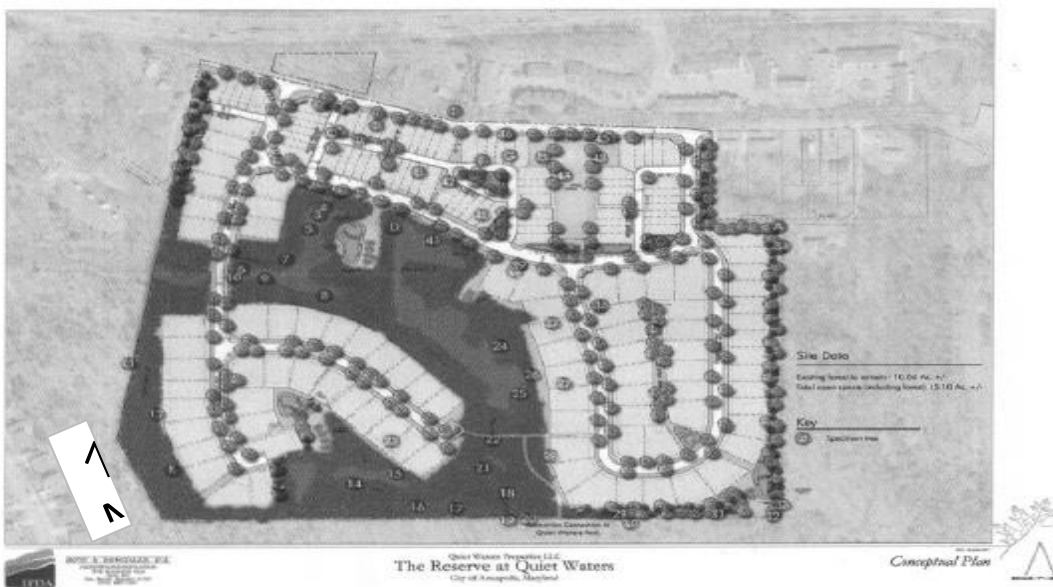


Figure 2 Developer's plan for RQW