

## Comments on the Proposed Reserve at Quiet Waters Project

February 12, 2015

Environmental Matters Committee Members:

These comments are submitted by Shauna Davis, attorney representing the Annapolis Neck Peninsula Federation, and on behalf of Mary Mulvihill (Beechwood Hill community resident, 121 Quiet Waters Place).

The Reserve at Quiet Waters Project (proposed project) has not undergone proper review under the Forest Conservation Act (FCA) by the City of Annapolis. This issue has been consistently raised by concerned citizens in the area to the Department of Neighborhoods and Environmental Programs, the Department of Planning and Zoning, the Board of Appeals, the Building Board of Appeals, and the City Council. And yet there has been no opportunity for the public to provide their concerns regarding the proposed project's impact on environmental resources and have those concerns weighed by a discretionary body, as required by State law.

It is surprising that the prepared Agenda for today's meeting includes no mention of FCA issues with the proposed project. The Committee is well aware of the ongoing issues and allegations of non-compliance with the FCA for the City as a whole, and the proposed project has been one of the clear examples of flaws with the FCA process.

The applicant in this matter has been able to explain their position on compliance with the FCA, but there has never been an opportunity for the public to question or even comment on these same issues. The Board of Appeals indicated that FCA issues would not be considered before that body when the proposed project was initially before the board on September 19, 2012. Instead, they indicated that the appropriate forum for addressing compliance with the FCA was before the Building Board of Appeals (BBOA). The BBOA, in turn, failed to take any comments into consideration regarding substantive issues with the Forest Conservation Plan during their hearing on January 22, 2013.

Not only has there been no public participation forum regarding the FCA and the proposed project, there has also been no final decision from which any concerned citizen could take an appeal challenging FCA compliance. Time and again concerned citizens have tried to exhaust their administrative remedies and utilize public participation resources to voice concerns, but these opportunities have been either unavailable, or severely limited. The current status of FCA compliance for the proposed project remains unresolved.

The purpose of the FCA is to encourage protection of forests across the State. Forests are an important resource that are constantly threatened by development. The purpose of public participation regarding the proposed project is to ensure that existing environmental resources

are protected as much as is feasible, especially trees and wetlands, important components of the existing forest extending from the Quiet Waters Park. As stated by the Department of Natural Resources, "forests contribute greatly to the quality of life in Maryland" and this contribution is felt just as strongly in Annapolis by its residents. DNR State Forest Conservation Technical Manual, 1997, 1-1.

The citizens of Annapolis deserve an opportunity to be heard regarding any concern with the FCA and the proposed project. We would like for there to be a hearing, open to the public, by which individuals can provide comments on the proposed project and the FCA and have those comments incorporated into the respective final decision.