

# City of Annapolis

*160 Duke Of Gloucester Street  
Annapolis, MD 21401*



## Standing Committee Minutes

Thursday, July 21, 2016

1:30 PM

Mayor John T. Chambers, Jr.  
City Council Chambers

## Environmental Matters Committee

## 1. Call To Order

**Chairman Littmann called the meeting to order at 1:41 p.m.**

## Roll Call

**Present:** 3 - Alderman Arnett, Alderman Littmann and Alderman Pfeiffer

## 2. Legislation before Committee

O-22-16

City of Annapolis Forest Conservation Act - For the purpose of prohibiting certain development projects from cutting or clearing certain forests within the City of Annapolis (the "City") unless a forest stand delineation and a forest conservation plan associated with such projects are in effect.

**Attachments:** [O-22-16 FCA Ad Hoc Committee Ordinance.doc](#)  
[O-22-16 FCA Side by Side.pdf](#)  
[O-22-16 Staff Report.doc](#)  
[O-22-16 Fiscal Impact.pdf](#)  
[O-22-16 Environ Commission Recommendations.doc](#)  
[O-22-16 Memo from PandZ to PC.pdf](#)  
[O-22-16 PC Findings.pdf](#)  
[O-22-16 Working Group Amendments \(3\).docx](#)  
[O-22-16 ENM RCG & ECM PROPOSED AMENDMENTS \(2\).docx](#)  
[O-22-16 DNR Approval of Proposed Ordinance.pdf](#)  
[O-22-16 Littmann Memorandum to Council and Public re FCA.docx](#)  
[O-22-16 SIGNED.pdf](#)

*Director of Environmental Policy Broadbent and Planning and Zoning Director Gutwald gave a joint overview of the legislation and answered questions from the committee.*

*Diane Butler, 407 Third Street, Annapolis, Maryland 21401 representing the Environmental Commission was present and addressed the committee.*

**Alderman Arnett moved to recommend favorably the FCA Working Group Amendments 1-6.(see attached) Seconded. CARRIED on voice vote.**

**Aye:** 3 - Alderman Arnett, Alderman Littmann and Alderman Pfeiffer

**Alderman Arnett moved to recommend favorably Amendment #1: of the draft recommendations of the Environmental Matters Committee Page 4, line 15: After "CHAPTER" insert "ONLY". Seconded. CARRIED on voice vote.**

**Aye:** 3 - Alderman Arnett, Alderman Littmann and Alderman Pfeiffer

**Alderman Arnett moved to recommend favorably Amendment #2: of the draft recommendations of the Environmental Matters Committee Page 6, lines 31-32: After "OF" strike "NEIGHBORHOODS AND ENVIRONMENTAL PROGRAMS" and insert "PLANNING AND ZONING". Seconded. CARRIED on voice vote.**

**Aye:** 3 - Alderman Arnett, Alderman Littmann and Alderman Pfeiffer

**Alderman Pfeiffer moved to recommend favorably Amendment #3: of the draft recommendations of the Environmental Matters Committee Page 13, lines 21-24: After "YEAR." strike remainder of paragraph. Seconded. CARRIED on voice vote.**

**Aye:** 3 - Alderman Arnett, Alderman Littmann and Alderman Pfeiffer

**Alderman Pfeiffer moved to recommend favorably Amendment #4: of the draft recommendations of the Environmental Matters Committee Page 14, line 23-24: After "TECHNICAL MANUAL" strike "DESCRIBED IN PARAGRAPH X OF THESE DEFINITIONS". Seconded. CARRIED on voice vote.**

**Aye:** 3 - Alderman Arnett, Alderman Littmann and Alderman Pfeiffer

*Phillip Dales, 200 Westgate Circle, Annapolis, Maryland 21401 representing Hyatt & Weber spoke on Amendment #5 of the draft Environmental Matter Recommendations and Amendments.*

*Elaine Lutz, 6, Herndon Avenue, Annapolis, Maryland 21403 representing Chesapeake Bay Foundation spoke Amendment #5 of the draft Environmental Matter Recommendations and Amendments.*

**Alderman Arnett moved to recommend favorably Amendment #5: of the draft recommendations of the Environmental Matters Committee Page 18, Line 6: After "DEMONSTRATED" delete the colon and insert: "THAT, WITHOUT A VARIANCE, AN APPLICANT WOULD BE DENIED REASONABLE AND SIGNIFICANT USE OF THE ENTIRE PARCEL OR LOT FOR WHICH THE VARIANCE IS REQUESTED." Page 18, Strike: Lines 7-16.**

**Aye:** 3 - Alderman Arnett, Alderman Littmann and Alderman Pfeiffer

*Fred Delavan, 170 Jennifer Road, #120, Annapolis, Maryland 21401 spoke on Amendment #6 of the draft recommendations of the Environmental Matters Committee.*

**Alderman Arnett moved to recommend favorably Amendment #6: of the draft recommendations of the Environmental Matters Committee Page 21, Lines 39-40: Strike remainder of paragraph following "CHAPTER" and append "AND THAT IS NOT SUBSEQUENTLY OVERTURNED ON APPEAL."**

**Page 21, Line 43: Insert "THAT" prior to "HAS", strike the colon**

**Page 22, Lines 1-5: Strike Lines 1-4, Strike Line 5 through "ii."**

**Page 22, Lines 5-6: Strike "APPROVAL FROM THE PLANNING COMMISSION"**

**Page 22, Line 7: After "21.24.070" append "AND THAT IS NOT SUBSEQUENTLY OVERTURNED ON APPEAL." Seconded. CARRIED on voice vote.**

**Aye:** 3 - Alderman Arnett, Alderman Littmann and Alderman Pfeiffer

**Alderman Arnett moved to recommend favorably Amendment #7: of the draft recommendations of the Environmental Matters Committee Page 24, line 23: Append a new sentence the end of the paragraph: "WHENEVER THE DEPARTMENT ADOPTS OR AMENDS THE MANUAL, IT MUST PROVIDE NOTIFICATION AND INFORMATION ABOUT THE MANUAL AND ANY CHANGES THEREIN TO THE ANNAPOLIS ENVIRONMENTAL COMMISSION, THE CITY COUNCIL, AND THE CITY'S PLANNING COMMISSION." Seconded. CARRIED on voice vote.**

**Aye:** 3 - Alderman Arnett, Alderman Littmann and Alderman Pfeiffer

**Alderman Pfeiffer moved to recommend favorably Amendment #8: of the draft recommendations of the Environmental Matters Committee Page 29, line 12: at paragraph end, append: "A STAY PENDING APPEAL SHALL BE IMPOSED DURING THE TIME ALLOWED TO FILE AN APPEAL, AND IF AN APPEAL HAS BEEN FILED, FOR SIXTY (60) DAYS THEREAFTER."**

**Seconded. CARRIED on voice vote.**

**Aye:** 3 - Alderman Arnett, Alderman Littmann and Alderman Pfeiffer

**Alderman Arnett moved to recommend favorably Amendment #9: of the draft recommendations of the Environmental Matters Committee Page 29, line 14: Insert a new paragraph 2 and re-number the following paragraphs accordingly: "2.THE CITY SHALL USE BEST EFFORTS TO PROVIDE WEEKLY ELECTRONIC MAIL UPDATES TO INTERESTED AND REGISTERED USERS IF APPLICABLE OF NEWLY FILED OR UPDATED FCA DOCUMENTS AND NOTICES THAT ARE REQUIRED UNDER THIS CHAPTER." Seconded. CARRIED on voice vote.**

**Aye:** 3 - Alderman Arnett, Alderman Littmann and Alderman Pfeiffer

**Alderman Arnett moved to recommend favorably Amendment #10: of the draft recommendations of the Environmental Matters Committee Page 29, line 17: after "RETAINED." append: "THE PRESUMPTION CAN ONLY BE REBUTTED UNDER THE CRITERIA SPECIFIED IN SECTION 21.71.080 (B) OF THIS ACT." Seconded. CARRIED on voice vote.**

**Aye:** 3 - Alderman Arnett, Alderman Littmann and Alderman Pfeiffer

**Alderman Arnett moved to recommend favorably Amendment #11: of the draft recommendations of the Environmental Matters Committee Page 31, Line 18-19: Strike "PRELIMINARY PLAN OF SUBDIVISION OR" Page 31, Line 19: Strike "PROJECT" and insert "DEVELOPMENT" in its place. Seconded. CARRIED on voice vote.**

**Aye:** 3 - Alderman Arnett, Alderman Littmann and Alderman Pfeiffer

**Alderman Pfeiffer moved to recommend favorably Amendment #12: of the draft recommendations of the Environmental Matters Committee Page 35, Line 29: Insert new paragraph: "v. THE DEPARTMENT SHALL POST THE NOTIFICATIONS DESCRIBED IN THIS SECTION AND THE FINAL FOREST CONSERVATION PLAN ON THEIR WEBSITE." Seconded. CARRIED on voice vote.**

**Aye:** 3 - Alderman Arnett, Alderman Littmann and Alderman Pfeiffer

**Alderman Arnett moved to recommend favorably Amendment #13: of the draft recommendations of the Environmental Matters Committee Page 38, line 43: After:"TREE" strike: "HAVING A DBH OF" Page 39, line 2: Insert "HAVING A DBH OF" before "THIRTY". Seconded. CARRIED on voice vote.**

**Aye:** 3 - Alderman Arnett, Alderman Littmann and Alderman Pfeiffer

**Alderman Arnett moved to recommend favorably Amendment #14: of the draft recommendations of the Environmental Matters Committee Page 44, Lines 13-14: After "CITY COUNCIL" Strike: "AFTER CONSIDERATION OF LAND ACQUISITION COSTS," and insert: "SUFFICIENT TO PROVIDE FOR SITE IDENTIFICATION, ACQUISITION, PREPARATION," Seconded. CARRIED on voice vote.**

**Aye:** 3 - Alderman Arnett, Alderman Littmann and Alderman Pfeiffer

Alderman Arnett moved to recommend favorably Amendment #15: of the draft recommendations of the Environmental Matters Committee

Page 44, Lines 23-25: After "PAID" strike: "WITHIN NINETY CALENDAR DAYS AFTER DEVELOPMENT PROJECT COMPLETION" and insert "PRIOR TO THE ISSUANCE OF A GRADING PERMIT". Seconded. CARRIED on voice vote.

**Aye:** 3 - Alderman Arnett, Alderman Littmann and Alderman Pfeiffer

Alderman Arnett moved to recommend favorably as amended. Seconded. CARRIED on voice vote.

**Aye:** 3 - Alderman Arnett, Alderman Littmann and Alderman Pfeiffer

#### R-18-16

Forest Conservation Act Fees and Fines - For the purpose of setting fees and fines associated with the City's Forest Conservation Act set forth in Chapter 21.71 of the City Code.

**Attachments:** [R-18-16 FCA Fees and Fines.docx](#)

[R-18-16 Staff Report.doc](#)

[R-18-16 Fiscal Impact.pdf](#)

[O-22-16 R-18-16 PC Findings.pdf](#)

[R-18-16 SIGNED.pdf](#)

Alderman Arnett moved to recommend favorably Seconded. CARRIED on voice vote.

**Aye:** 3 - Alderman Arnett, Alderman Littmann and Alderman Pfeiffer

## 5. Adjournment

Upon motion duly made, seconded and adopted, the meeting was adjourned at 5:18 p.m.

Cyndi Gaines  
City Council Associate