

Minutes of the First Negative Impacts of Growth Subcommittee Meeting

The first Negative Impacts of Growth subcommittee meeting was held on December 19, 2013 from 1 – 3 pm at the Chamber of Commerce in McHenry. In attendance were Steve Green, Willie Lantz, Paul Weiler, Eric Robison, Rich Orr, Bob Browning, Deborah Carpenter and via teleconference Brian Greenberg. The meeting began with introductions with each committee member introducing themselves and stating what they would like to accomplish through their participation on the subcommittee.

The group acknowledged receipt of documentation regarding the Open Meetings Act and Robert's Rules of Order and agreed to use these as guidelines as operational procedures for the group. Further the group reviewed the Ground Rules established by the steering committee and discussed adopting them as their own. Steve Green suggested the group edit the first item and have it state 'Please turn cell phones to silent' as opposed to turning them off, as many use their phones to check calendars and obtain other information that might be pertinent to group discussions. The group agreed with that recommendation and the Ground Rules were approved with that edit.

It was decided that the group would set a standing meeting day and time of the 2nd Thursday of every month at 1:00 at a location to be decided. As the phone used for conferencing was not very good, Bob Browning is requesting a new Polycom style phone be installed prior to the next meeting to be held at the Chamber. If the new phone is available all meetings will be held at the same location. If not, Deborah will look in to alternative locations. The meetings will be held on January 9th, February 13th, March 13th and April 10th.

Discussion ensued regarding the monthly report to the steering committee and the work of other subcommittees. It was acknowledged that there would likely be some overlap between the subcommittees and the group especially felt that would be the case with the water quality subcommittee. Willie and Steve are both on the water quality subcommittee and their regularly scheduled meetings are the day before ours, so opportunities to avoid duplication of effort should be available. The monthly reports will be compiled by Deborah and reviewed by the group prior to the steering committee meetings. Steve stated that as we delve in to the heart of the issues, we may need to have longer or more meetings to get the job done.

Deborah went over the subcommittee guidance document. The charge of the subcommittee is to create goals, objectives and strategies specifically related to the negative impacts of growth. In order to accomplish this charge the group will first need to review the problem statements, which is what the group will be doing today. Is the list of problem statements comprehensive? Are the problems stated by the public real (ie. backed by scientific evidence) or perceived? Does the group need further information about these topics and from whom would you like to receive this information? What is the priority of these problems? Next steps are to write draft goals, then objectives and strategies that go with each goal. The subcommittee should also identify a reasonable timeline and a responsible party for each strategy.

Next the group discussed the problem statements starting with the first general statement of '*Citizens are concerned that uncontrolled industrial, commercial and residential development will adversely impact water quality, increase traffic, degrade roads and impair the aesthetic beauty of the lake and watershed.*' Rich and Eric made the statement that it was important to remember to have a balanced view of controlling growth and allowing for the economic benefit of growth. Rich went on to say that Garrett County has natural controls that other places downstate do not have due to our geology and terrain. Our growth is not only limited by the regulations currently in place but also by nature. That's not to say our regulations cannot be improved to allow

for environmental improvements; however, growth cannot be stymied to the point of negatively impacting the economy of the watershed. Steve acknowledged that Maryland probably has tighter regulations than other areas, but his thoughts are to wonder if the regulations are working.

In discussing stormwater concerns, Rich noted a lack of knowledge on the subject and advised that we get Reggie Breeding and/or Jim Torrington in to talk to us. Eric stated that he felt what we had as far as stormwater regulations were pretty good but that we seem to lack any post-construction monitoring or management. Eric mentioned the University of MD Extension's Bay-Wise Yardstick program for Master Gardeners, a program in which a certified Bay-Wise Master Gardener visits a home, evaluates their landscaping and makes suggestions for best stormwater management improvement. After practices are completed successfully, homeowners receive a University of Maryland Extension sign to display on their property certifying their Bay-Wise status. Eric thought this kind of program combined with some sort of tax incentive may be a good program for the subcommittee to recommend as a model to the steering committee.

Rich mentioned that after a development is completed the responsibility of maintaining the condition of the stormwater facilities falls on the homeowners, but many times that is not something they plan on. Reggie Breeding's job in the county Permit's office is to visit these facilities and evaluate what they need to do to those facilities to keep them operating efficiently; however, it's not easy to get those improvements made because it costs the home owners association(HOA)'s money they did not plan on. Rich suggested we talk to Reggie to get a feel for what he thought would make his job easier and also perhaps consider recommending educational programs for HOA's and recommending that HOA's make stormwater maintenance part of their HOA fees. Community responsibility for these facilities begins after construction, but the communities are not aware of this responsibility.

Brian suggested that the focus should be on whether the controls are adequate and we need to find a balance between too tightly regulated and uncontrolled. Perhaps as a working group we need to be thinking more about determining appropriate standards. He also noted that we shouldn't be concerned only about future development but also and perhaps more so about grandfathered developments. This is especially notable in relation to septic systems on old developments and old lots. We as a group are looking at not just 'impacts of growth' but also 'impacts of *past* growth'.

Eric stated that as a contractor he has had requests to remove vegetative swells after a use & occupancy has been received. He has refused to do that, but he knows that these things occur. Perhaps we should have some sort of enforcement mechanism in place to monitor stormwater and hold liable those who remove stormwater mechanisms.

Brian suggested that we be careful to not pit existing home owners against the new ones, and that any cost associated with the ideas we have in mind be shared across the watershed. Eric suggested that the grandfathered homeowners be offered a tax differential or some type of incentive to participate in efforts to help the watershed.

Willie stated that aside from the word 'uncontrolled' in the statement, the word 'aesthetic' is bothersome. Beauty is in the eye of the beholder so who is to decide what constitutes impairment of the 'aesthetic beauty of the lake and watershed'? Rich noted that some aesthetic standards are in the current DCL Zoning ordinance and the Planning office can give us more information as to those standards.

Ultimately the group decided that the first statement will stand as a statement of purpose and the specifics of that statement will become our goals.

Rich suggested that it would be best to get experts in to inform us about certain issues. For example, John Nelson should be brought in to talk about the current zoning regulations and the history behind them. Steve Sherrard & Craig Umbel could give us information on private septic rules & regulations. Reggie Breeding & Jim Torrington & possibly Dave Ritchie can speak to stormwater, while Jeff Broadwater can speak to public water & septic systems. Also Eric Null can be brought in to discuss any issues in regard to lake access, boat capacity and DNR regulations.

Brian suggested that in addition to looking at stormwater, septic, etc which are essentially infrastructure, shouldn't we also be looking at other types of infrastructure, such as roads, traffic management, boating, safety issues? Steve said the answer to that question is 'maybe, but not yet' and suggested reviewing each bulleted problem item to determine what they entail.

Impervious Cover & Stormwater:

Steve thinks that in addition to looking at the affect increased impervious cover has in increasing the amount of stormwater runoff into the lake, we need to add 'ineffective regulation'. As an example, Steve stated that when a tenant came in to Traders Landing it was required to add more parking area to the lot. They had been using a grassy area which suited the purpose fine, but were required to increase the amount of impervious area (parking lot) in order to meet the regulations. It may be best to evaluate some regulations to see where they may be counter-intuitive to what they are trying to achieve. Paul noted that you can pave with more permeable materials; however, they cost much more than the standard materials.

Eric mentioned that when speaking of stormwater we need to focus on two types – that which comes from roads and culverts and that which comes from developments with stormwater systems that may not be being maintained. It was also mentioned that runoff from agricultural practices may also need to be considered.

Impacts from septic systems & Wastewater treatment capacity:

The group agreed that these are definitely issues they want to look at and want to bring in experts from Environmental Health and the Dept of Public Utilities.

Gas extraction development:

The group decided that we need to expand this category to **gas extraction development, wind farm development and additional industrial developments.**

Reduction in tree canopy:

The group agreed that this is an issue to look in to, as it has been discussed in relation to various developments and ridgeline areas. Tree canopy provides benefits such as clean water and air, erosion prevention, climate control and native species habitat.

Recreation:

Paul asked if evaluation of boating density should be an issue this group addresses and Brian concurred with the idea that perhaps that subject fits under this subcommittee's purview. Bob believes the subject does fall within our purview. He did point out however, that the boat counts that DNR has done every year have not shown any

significant increase in the number of boats, so it may be more a matter of perception than a matter of fact. If that's the case that would turn the action item into one that is educational rather than regulatory. Further, there is the repeated issue that has come up through the years that there are not enough points of access for the general public. Access is generally only through public or commercial property owners. Brian stated that if the issue of lack of public access is looked at we need to look at it with respect to how it may impact the other growth issues that we are talking about. In essence, Brian feels that what the subcommittee should be looking at is not that we need to protect or enhance recreational growth but to plan for and mitigate the negative effects that may be caused by recreational growth. Steve pointed out that because of residential growth the points of access have been decreasing. Paul stated that he didn't feel it was inherent that residential growth limits public access. Bob contended that increased commercial growth increased public access.

Next steps:

Once the group agreed upon those items they saw as problems, the next step was to take these and create some goals. Steve asked that someone volunteer to create goals and send them out to the group for review. In that way they will be ready for the next meeting and we can concentrate on objectives and strategies for all meetings that follow. Rich volunteered to take on that task with Deborah's help.

The group prioritized specific topics so as to better organize the meetings. At the January 9th meeting the group would like to focus on current county regulations as they relate to industrial development (especially as they relate to wind farms and gas extraction), aesthetic controls and regulations relating to tree clearing during development. In order to educate us on those issues the group would like to invite John Nelson, Director of Planning & Land Development to attend that meeting.

At the February 13th meeting the group would like to focus on stormwater and impervious surface issues and invite Reggie Breeding and Jim Torrington of the Permits Office and Dave Ritchie of the Dept of Engineering to attend that meeting. Willie mentioned that Jim Torrington will be giving a presentation about stormwater at the next steering committee on January 6th. His focus will be what regulation is currently being enforced by his office and how. It would be beneficial if members of the subcommittee could attend.

At the March 13th meeting the group will focus on the topics of septic systems and wastewater treatment capacity and invite Steve Sherrard and Craig Umbel of the Environmental Health office and Jeff Broadwater of the Dept of Public Utilities to attend.

At the April 10th meeting the group will focus on the broader topic of recreation and ask Eric Null, current Deep Creek Lake Manager for DNR to attend