

# The Villager

Newsletter of the Davidsonville Area Civic Association

Vol. 42, No. 6

P. O. Box 222, Davidsonville, Maryland 21035

March-April 2016

DACA's Seventh Annual



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### Around and about the 'Ville

#### DACA members and news

Welcome Kerry Monroe, new member, and thanks for her contribution to DACA in addition to membership dues for herself and her husband, David.

Thanks to John and Penny Henderson, to Richard and Mary Evelyn Mayr, to Teresa and Hassan Sadeghin, and to Mike and Peggy Wormwood for their generous gifts in addition to renewing their dues. And thanks to Patty and Bill Glasgow for gift memberships for their children.

After the Jan-Feb issue was sent by email, Jan Power wrote, Terrific, O Scribe of D'ville.

Gail-Nice job handling the LSO events on page 15. Thanks. Buzz Stillinger

Thank you for keeping us up on all the news in Davidsonville. We always look forward to the Villager. PG

The advertisers on this page and the next page are among the Sponsors of DACA's Green Expo 2016. Thank you!

#### A note from AA County Police, February 19 Helicopters hovering over us

Beginning on Monday, February 29th, the Baltimore Gas and Electric Company will commence a comprehensive visual inspect of electric transmission lines throughout the entire metropolitan region. The helicopter will be observed conducting low level and sometimes prolonged operations over the transmission lines. The operation is expected to conclude on June 3rd, depending on weather conditions. We wanted to make you aware that this is a legitimate operation.

#### New restaurant coming to Davidsonville

Rik Squillari, resident of Crofton, plans to open a restaurant at Davidsonville Station, on the corner of #214 and Patuxent River Road. Harvest Thyme will feature farm-to-table healthy food and seat 85 to 90 patrons. Rik hopes to open for business in September and in the future hopes to add trees and a small garden to the location.

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We will have food prepared by A Little Taste of Italy; face painting by Sterner's Art Corner; music by the Composters Trio at lunch time. The Muddy Creek Artists Guild will provide judges for the poster contest. The poster contest and prizes are sponsored by Killarney House.

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Scouts regularly hold a proper flag retirement ceremony to dispose of the flags respectfully.

Green Expo will open at 10:00 with the now traditional flag ceremony conducted by Boy Scout Troop 454 at the flag pole in front of Davidsonville Elementary School. For variety this year, as DES already has a good supply of American flags, Senator Ed Reilly provided the state flag of Maryland for the flag raising ceremony on March 12.

The Maryland flag contains the family crest of the Calvert and Crossland families. Maryland was founded as an English colony in 1634 by Cecil Calvert, the second Lord Baltimore. The black and gold design belongs to the Calvert family. The red and white design belongs to the Crossland family.



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**School Report**

Teacher Mary Ann Perret of DES is one of nine semifinalists for 2015-16 AACPS Teacher of the Year award by Anne Arundel County Public Schools and the Annapolis and Anne Arundel County Chamber of Commerce. The semifinalists will be among 39 public school and three independent school educators to be honored at the 30<sup>th</sup> Annual Excellence in Education banquet at the BWI Marriott Linthicum, on April 26, 2016.

As of February 4, three out of five snow days built into the school calendar had been used this school year. Schools will be closed March 21 -28 for spring break.

Superintendent George Arlotto presented a proposal including \$8.1 million to change school start times but Board of Education amended the budget to allow just over \$2 million. Transportation software is available and the Board wants to use it over the next twelve months to see how they can effect the change for August 2017.

Start School Later of Anne Arundel County thanks the Board members for supporting healthy and safe school hours. SSLAAC urges the County Executive and the County Council to continue their support for healthy hours for our students.



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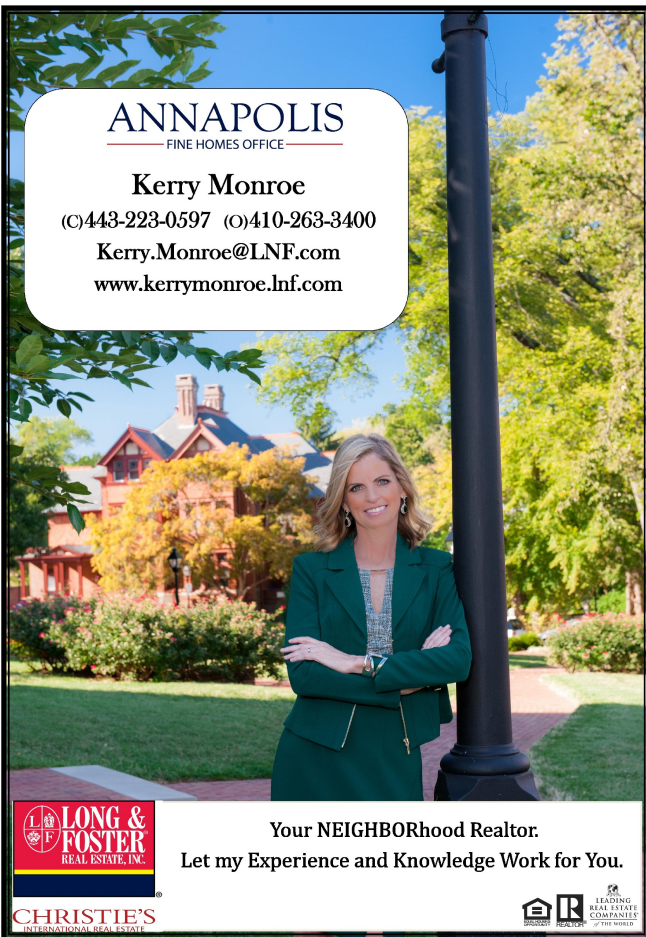
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**West and Rhode River, close to Davidsonville**

On February 16, the Honorable Bernie Fowler, former Senator and current member of the tri-state Chesapeake Bay Commission, was honored the Maryland House and Senate for his 50 years of work to restore the Chesapeake Bay, including 32 years as a Commission member. Bernie participated in West and Rhode Riverkeeper “Wade-Ins” looking to see how deep in the water he could see his feet.

Franklin Point State Park, opening March 20, is a beautiful 477-acre peninsula between Flag Pond, Deep Creek and the Chesapeake Bay, at the end of Dent Road in Shady Side. The celebration is from noon to 4:00 with the West and Rhode Riverkeeper and the Water Access Committee as part of the weekend-long Maryland Day celebrations organized by the Four Rivers Heritage Area. You can find a variety of marsh, forest, and fields, with sandy shoreline along the Bay. Ideal for hiking and birdwatching. Bring binoculars. Pets are allowed on leash.

West/Rhode Riverkeeper will have an exhibit at DACA’s Green Expo on March 12.

The Eastport Oyster Boys will hold a reunion concert on Saturday, March 26, from 8:00 until 11:00 p.m. at the Galesville Memorial Hall to benefit the West/Rhode Riverkeeper organization.



Join the fun when Jeff Holland sits in with Kevin Brooks and the rest of the Oyster Boys band for an evening of favorite old Chesapeake Bay cruisin' tunes and some new stuff, too!

Ticket sales will help the West & Rhode Riverkeeper keep the West and Rhode Rivers fishable, swimmable, crabable and kayakable. Seating is limited and reservations are strongly suggested. Tickets are \$20. Go to the web site to order tickets.

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**DACA supports citizen redress for harm from upzoning: Growth Action Network**

Several years ago, the County Dept of Planning and Zoning engaged in a comprehensive rezoning effort to bring land zoning classifications into conformity with actual land use. The county was organized into 16 small areas with committees of local residents to study how land was being used. The Small Area Planning Committees conducted community meetings to hear how their neighbors wanted it to be used. Overwhelmingly, the wish from southern Anne Arundel County people was “Keep South County Rural!” with little or no increase in commercial zoning or dense residential classifications. Public services like roads, schools, fire and police protection in rural areas cannot support the demands of dense populations. The committees developed Small Area Plans that were written into the General Development Plan and became the law of the land.

Ever since then developers have sought to weaken the limits on residential and commercial zones and increase the zoning density, so they can build another store, shopping area, community, or whatever their business is. Normally, rezoning cases are reviewed by the Department of Planning and Zoning for comment and recommendations.

Growth Action Network monitors these efforts and recently requested the support of community organizations for Senate Bill 166 and House Bill 243. During the last comprehensive rezoning, sixteen exceptions were applied for to change the classification of specific properties and seven made it through the County Council’s deliberations to be passed. These seven were the worst examples of rezoning and were contrary to the General Development Plan (GDP). In the Council hearings, the Planning and Zoning Officer testified that they did not comply with the GDP. The County Executive vetoed all seven. The vetoes were overridden for these properties, most in South County.

DACA is one of a number of GAN members that sued the County Council for failing to overturn these seven upzonings made during comprehensive rezoning. Except for one, they were made late in the process by amendment to the zoning bill with no review by Planning and Zoning Office and with very little time for public comment.

DACA, Harwood Civic Association and others filed a lawsuit to overturn these wrongful actions. Russ Stevenson, founder of the Chesapeake Legal Alliance, represented citizens at all levels. *(to page 8, please)*

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**Harm from upzoning, (from previous page)**

The case went through the courts and in 2014 was turned down by the Court of Appeals on a novel ruling that had never been applied in similar cases.

The two bills before the Legislature allow citizens damaged by the rezoning to contest it in court, just as spot rezoning, variances, and the like can be challenged in court. Damages would have to be proven, but if successful, there would be a remedy. The County argued that the rezoning could be challenged at the building permit stage – even several years after the rezoning. GAN wrote to its members asking them to sign on the following letter presented in testimony on February 9. By email, DACA’s board voted to sign the letter.

HB 243 Land Use Actions – Legislative Bodies – Judicial Review, for Testimony February 9, 2016 Environment and Transportation

We support House Bill 243, which would restore the long-standing ability of property owners to seek recourse in the courts if they are harmed by a comprehensive rezoning action by a local legislative body. The ability for citizens to legally challenge actions and decisions that negatively impact them and their communities is an important Maryland—and American—value.

Before a recent Court of Appeals decision, property owners who experienced harm from comprehensive

rezoning (e.g., diminished property value, quality of life, other impacts) could challenge that action in court under the Declaratory Judgement Act. Since this opinion in 2014, a property owner who experiences harm from a comprehensive rezoning has no ability to access the courts unless they can demonstrate that the decision/rezoning results in an increase in taxes (known as taxpayer standing) [for all owners]. This is a very hard standard to meet, and does not allow consideration of harm that does not include tax increases.

To fix this undesirable result, the proposed legislation would mirror an existing statutory right of judicial review found in the Land Use Article of the Maryland Annotated Code. Currently, if a local legislative body rezones property outside of the comprehensive rezoning process, a harmed nearby property owner may bring a judicial challenge under Land Use Article Section 5-401.

This bill would provide the same statutory right of judicial review for harm caused by comprehensive rezoning. All substantive evidentiary standards for the challenge will remain the same. This bill impacts only the right to seek relief in court; it does not change what a plaintiff would have to prove to get the requested relief.



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**On Population, Growth, and Zoning**

*by Al Tucker, President, Chesapeake Environmental Protection Association*

CEPA’s core concerns remain the declining availability of source water resources (both quality and quantity), nutrient and pollutant infusion into the Bay, marine life sustainability, invasive species, effects of climate change, and effects resulting from unchecked population growth and irresponsible land development.

For this year’s forum topic we have chosen to reexamine the policies that impact growth and their influence on the environment. At CEPA’s forum in 2010, Tom Horton spoke about his study *Going, Going, Gone!*, which outlined the excessive environmental footprint of today’s inhabitants of the Bay’s watershed.

Unfortunately, the financial crisis pushed what would have driven critical environmental discussions into the background and delayed the significant actions that we need to take if we were going to return the Bay to a sustainable ecosystem. Tom rightfully pointed out that reducing the load on the Bay requires addressing two factors:

The Total Maximum Daily Load (TMDL) [*Daily Load per person*] x (*number of persons*) represents the

goal that scientists have determined will produce a sustainable ecosystem. It is a fixed, constant immutable number, which is about 25% lower than the pollution that is produced today. The contribution of each person plus the additional persons added by growth will require everyone’s environmental footprint to be constantly reduced to maintain the TMDL limit.

Reducing or maintaining the population will be extremely difficult. Currently, development is controlled by zoning classification. The classifications were generally adopted during the period of explosive growth from 1971 to 2000. The developable land was generally classified into four broad categories: residential/agricultural, commercial, industrial and other. Often the undevelopable land was considered open space. As awareness of the environmental problems associated with development grew, layers of restrictions were placed on these categories for stormwater run-off, impervious surfaces, leaching from septic fields, deforestation, etc. In 1999 the State recognized the issues associated with explosive (Please turn to page 10)



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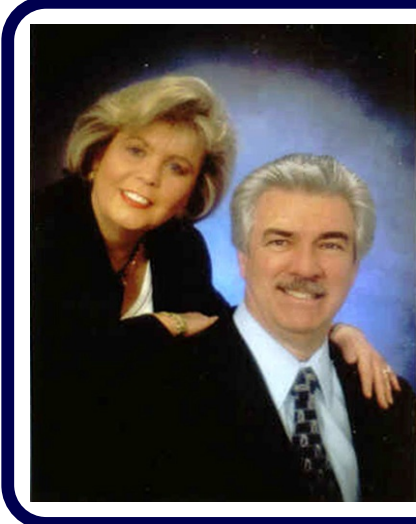
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**CEPA on Growth**, from previous page development and passed the Smart Growth legislation, which designated urban areas for priority funding. The goal of Smart Growth was to increase the population density in urban areas where it would be easier to control the per capita pollution of the residents. Smart Growth would concentrate new development and redevelopment in areas that have existing or planned infrastructure to avoid sprawl. In return, counties could receive state aid for channeling development into these areas. However, for most counties, the land use designations from the era of high growth still persist today.

By law, the general development plans for each county must estimate the population or number of households that each county can hold. This process is often referred to as “build-out”. The process examines all the land in each category and determines which residential lots remain undeveloped. In theory, this places a de facto limit on the population in each county.

It is interesting to contrast how the processes for Anne Arundel and Calvert Counties were handled. In 2008, Anne Arundel County estimated that only 20,000 undeveloped residential units remained and by 2020 the

county would be fully developed. Comparing the patterns of development in Anne Arundel, since the implementation of Smart Growth, the data show that development continued at the same pace in the non-priority areas with no shift to the higher density priority areas.

Calvert County, on the other hand, was actively concerned about its ability to handle the projected growth of 54,000 housing units as (to page 11, please)



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**CEPA on Growth** (from previous page)

predicted by their build-out analysis in the mid-1990s. Fearing that the growth was a threat to their quality of life and their ability to pay for it, the county undertook the radical approach of downzoning, once in 1997 and again in 2006. The revised limit is now 37,000 units. Currently, Calvert is close to its build-out limit, with 4,000 units remaining. The downzoning was developed in conjunction with the transfer of development rights that compensated rural landowners for giving up their development rights that were then transferred to the higher density priority funding areas. As a result, the growth in Calvert predominated in the priority funding areas. Another difference between the two counties is that Calvert is one of nine counties that use excise taxes instead of impact fees for new development. Impact fees are required to be spent on the infrastructure to support the new additional development, whereas excise taxes are not. Excise taxes can be used generally in the area of

the development to support maintenance, recreation and parks, etc. This significant difference is that excise taxes are not limited to pay for new infrastructure. Impact fees drive new growth, create new infrastructure and require other funding for maintenance and additional services.

The fiscal impact study of growth in Anne Arundel in 2009 clearly outlined what the planners in Calvert had anticipated a decade before. Namely, surpluses generated by projected growth “are insufficient to cover the estimated costs to correct the existing backlog of infrastructure needs.” Stated succinctly, growth does not pay.

It remains to be seen how it will play out when the build-out limits are reached in each county. Each has chosen a different path. Calvert County has done an admirable job of channeling its increased density into its priority funding areas, where managing pollution is easier. In addition, Calvert has been able to meet its goals for open space and rural agricultural land preservation. In contrast, most of the *(next page please)*

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**CEPA on Growth** (from previous page)

in Anne Arundel continues in the low-density areas. Anne Arundel County is significantly behind in its goal for agricultural preservation. It is not clear that it will ever be able to meet the goal, since development has fragmented many large tracts.

The primary question is what do we want our future to be? Calvert County decided over two decades ago to make some difficult decisions that have changed their future. Anne Arundel, a much larger county, attempted to downzone. Anne Arundel instituted 20 acre rural zoning, but it contained an ill-conceived loophole, called family conveyances. It resulted in immediate subdivisions that were then sold on the open market or created many undeveloped lots in the rural zone. The loophole has been closed, but the damage has already been done.

Both counties are facing their build-out limits in the very near future. It remains to be seen whether or not Calvert will remain steadfast and move to a sustainable, equilibrium state or if it will lift the current housing limits. Anne Arundel faces a different issue; it has only one choice, to upzone.

In the forum we intend to explore the following questions:

How do local tax structures influence growth?

Is growth predicated on future revenues from new properties?

What should the tax structure be to implement a sustainable economy?

Do we know the limits of our natural resources?

Is current zoning adequate to protect our natural resources?

If you would like to contribute to the discussion, I invite you to send your questions and comments to me [altucker@cepaonline.org](mailto:altucker@cepaonline.org).

You can visit CEPA's exhibit at DACA's Green Expo on March 12.



Lance Edwards  
President

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The Celtic Society of Southern Maryland will present the Southern Maryland Celtic Festival and Highland Gathering, April 30, 10:00 until 6:00, rain or shine.

Admission \$20 at the gate  
 Jefferson Patterson Park and Museum  
 10515 Mackall Road  
 St. Leonard, MD

on the Patuxent River Highland games, bagpipe music, harp and fiddling and dance competitions; fencing and rugby. Dulcimer carving and spinning and weaving demonstrations. Celtic Market. Parade of clans. Storytelling all day long and food, glorious food! Celebrate the common Celtic heritage of Asturias, Brittany, Cornwall, Galicia, Ireland, Isle of Man, Scotland, and Wales. Ceilidh (Celtic Music and dance party) 6:00 until 9:00 pm in the barn.

Directions: Route 2 south 35 miles through two round-abouts. Right on Parran Road, 1 3/4 miles. Left on Mackall Road, 3 miles, to right on Bluechip Drive. 1/4 mile to Jefferson Park Road and first left into Jefferson Patterson Park.



Join the Londontowne Symphony Orchestra and emcee Bill Lusby of WNAV, for our Annual Gala and Silent Auction. March 18. Price: \$85 at the door. This fabulous evening will be filled with live music from the LSO and our small ensembles, open bar, delicious food, a silent auction, and so much more!

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### Jug Bay Wetlands Sanctuary



1361 Wrighton Road  
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Phone 410-741-9330  
[www.jugbay.org](http://www.jugbay.org)

Owned and operated by Anne Arundel County Department of Recreation and Parks, Jug Bay Wetlands Sanctuary consists of 1,700 acres of open water, tidal freshwater

marshes, forested wetlands, upland and riparian forest, creeks, meadows, pine and sand barrens, and fields along the Patuxent River. Our mission is to increase awareness, understanding, and appreciation of estuarine and other natural ecosystems and their conservation through outdoor education, research, stewardship, and volunteering. Registration is required for all programs. To register, please call 410-741-9330 or send an e-mail to [programs@jugbay.org](mailto:programs@jugbay.org) for information, directions, and updates to our schedule.

Jug Bay Wetlands Sanctuary is open to the public 9:00 am - 5:00 pm Wednesdays, Saturdays, and Sundays. The Glendening Preserve is open to the public 9:00 am until 5:00 pm every day for hiking, but closed on holidays.

Directions: South on Route 2 to turn right (west) on Route 258 for 4.5 miles to its end, after crossing over Route 4. At the stop sign, turn on to Wrighton Road for 1.5 miles to Sanctuary entrance on the left. Follow the gravel drive about one mile to the parking area for the Wetlands Center.

### Happy Spring!

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Starting May 26, Tuesdays 7:00 am until 1:00

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Belinda Gertz by email at [bgertz88@gmail.com](mailto:bgertz88@gmail.com).



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*The Villager*

Newsletter of the Davidsonville Area Civic Association



P. O. Box 222, Davidsonville, Maryland 21035

DACA web site home page: [www.daca-md.org](http://www.daca-md.org)

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The *Villager* is published at least six times each year. We invite your written and signed contributions of letters, articles, and community notices.

**J O I N D A C A**

**MEMBERSHIP:** I would like to be a member of DACA and receive the *VILLAGER*. At \$5.00 per year for each person, my check for \$ \_\_\_\_\_ is enclosed, payable to DACA for membership for \_\_\_\_\_ person/people for \_\_\_\_\_ year(s). Also enclosed is my contribution of \$ \_\_\_\_\_ to DACA to help with the expenses incurred in the effort to maintain the quality of life that brought us to the Davidsonville area and to help guide the growth and development of our community. Mail to: DACA, P.O. BOX 222, Davidsonville, MD 21035.

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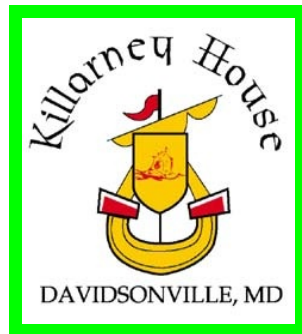
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Your comments, your interests?



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