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December 13, 2022

Mr. Steve Kaii-Ziegler  
Anne Arundel County Planning and Zoning  
2664 Riva Road, Annapolis MD 21401

Re: Glebe Heights Development Concept Plan  
Community Meeting held on November 30, 2022

Dear Mr. Kaii-Ziegler,

Thank you for the opportunity to provide comments on the proposed, conceptual plan for the project known as “Glebe Heights.” I serve as the South, West, and Rhode Riverkeeper for Arundel Rivers Federation (Arundel Rivers), a non-profit working to protect, preserve, and restore our local waterways, including Glebe Bay and the South River – both of which would be impacted by this proposed development.

Arundel Rivers and the residents signed on to this comment letter have many concerns about the project’s potential environmental impacts. **Simply put, the conceptual plan fails to protect the site’s environmentally sensitive areas as required by Article 17 of the Anne Arundel County Code (County Code), the County’s 2019 Forest Conservation Ordinance, and follow-on “green notices” published by the Office of Planning and Zoning.** The lack of adequate environmental protections has the potential to cause significant damage to onsite forest and stream habitat, downstream water quality, and living resources within the nearby South River – a waterway designated by the US Environmental Protection Agency (EPA) as impaired due to excess sediment and nutrient pollution.

For these reasons, Arundel Rivers Federation and the undersigned residents respectfully request you consider the following comments:

1. **The required documents were not provided to the public in accordance with §17-2-107 of the County Code.**

According to §17-2-107(c) of the County Code, “the developer shall hold a community meeting for the purpose of presenting information regarding the development, including proposed stormwater management design and any requested modifications, and allowing the community to ask questions and provide comments.”<sup>1</sup> The developer failed to adhere to these requirements in three respects.

First, the developer presented a site plan at the community meeting that did not match the uploaded site plan made available to the public through the County’s community meeting website. The plan on the County’s website is dated 2020, while the applicant presented a plan dated 2022 that appeared to contain differences from the 2020 version.

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<sup>1</sup> Anne Arundel County Code <https://www.aacounty.org/our-county/county-code/>.

Secondly, the developer did not provide files to support a modification request to forest conservation provisions either online or at the community meeting.

Finally, the developer failed to provide stormwater management plans to the public prior to the community meeting.

Given that different plans were provided to the County and the community and given that the developer failed to provide proper documentation of a modification request and a stormwater plan, we believe the developer failed to comply with the County's community meetings requirements, and thus the application cannot reasonably be assessed by the community of the County at this time. **Arundel Rivers urges the County to reject any plan that does not follow the community meeting requirements.**

2. **According to §17-6-303(b) of the County Code, areas of 75 acres or more of contiguous forest shall be left undisturbed and are considered priority forest retention areas.**

According to the Anne Arundel County Green Infrastructure Network GIS tool, the County has identified the forest on the property west of Glebe Heights Drive as part of an 85+acre, contiguous forest that hosts potential Forest Interior Dwelling Species (FIDS) habitat. This assessment was recently reviewed by the County and confirmed as of June, 2021<sup>2</sup>. Such large forests were clearly defined as priority retention areas protected by the 2019 Forest Conservation Ordinance – a law approved unanimously by the County Council – and deserve the highest level of protection from development disturbance. **As such, no forest clearing should be allowed on the west side of Glebe Heights Drive, and Arundel Rivers urges the County to reject the proposed 31 homes in this portion of the site in accordance with the County Code's requirements to preserve priority forest retention areas.**

3. **The proposed conceptual plan fails to address avoidance of specimen trees and their critical root zones.**

The applicant did not adequately mark all critical root zones of specimen trees on the conceptual plan and the few that are marked are located within proposed disturbance areas. The critical root zone is a circular region measured outward from a tree trunk representing the area of the roots that must be maintained or protected for the tree's survival. It would be futile for proposed development to only avoid specimen trees yet disturb their critical root zones, which will ultimately disturb the specimen trees that are required to be protected by the County Code.

According to the plans presented during the community meeting, the proposed area of disturbance contains no mapped specimen trees amidst a forest full of mature trees. Arundel Rivers respectfully requests County staff visit the property to verify the developer's forest stand delineation, including the size and location of specimen trees.

4. **The plan as currently presented has the potential to impact nontidal wetlands and their buffers.**

Although the developer's plan appears to avoid wetlands and steep slopes, additional wetlands are noted in the northeast section of the plan on the Anne Arundel County Bureau of Watershed

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<sup>2</sup> Anne Arundel County Green Infrastructure Network, FIDS Habitat Layer. 2022  
<https://gis.aacounty.org/portal/home/item.html?id=a8b37671d40c4402a8e18b6c94b652cc>.

Protection and Restoration Watershed Application GIS tool<sup>3</sup> and the Maryland Environmental Resources and Land Information Network (MERLIN) tool<sup>4</sup>. **Therefore, per Green Notice “OPZ-20-05” (Verifying the Existence or Absence of Nontidal Wetlands and their Buffers), Arundel Rivers respectfully requests County staff verify wetland and steep slope delineations to ensure that no natural features are disturbed on the site.**<sup>5</sup>

5. **The Glebe Heights Sketch Plan may cause adverse, downstream, environmental impacts to the South River and Glebe Bay oyster reef.**

Runoff from this subdivision will enter the South River either through a reach of Glebe Creek located within a Resources Conservation Area (RCA) of the Chesapeake Bay Critical Area (Outfall 3,) directly into Glebe Bay (Outfall 2), or through nontidal wetlands and into Brewers Creek (Outfall 1). Stormwater runoff from the impervious surfaces and lawns in these clusters will carry fertilizer, pesticides, nutrients, metals and other toxic contaminants, threatening water quality and habitat within the South River, including Arundel Rivers’ Glebe Bay oyster restoration reef.

Oysters provide a host of benefits to the Chesapeake Bay, including filtering nutrients from the water, providing habitat, and supporting our state’s economy. Currently, rainwater is absorbed and filtered through the mature forested upland area of the site. However, after clearing for the proposed development, there will be less absorption and harmful pollutants will be carried downstream toward the reef.

According to the US EPA Chesapeake Assessment and Scenario Tool (CAST), every acre of forest converted to developed land in Anne Arundel County is expected to contribute over seven times the amount of nitrogen pollution and over 36 times the amount of sediment pollution to nearby streams every year.<sup>6</sup>

Furthermore, according to the US EPA:

A watershed exceeding 10% impervious cover will generally not be able to support a high-quality stream system. In this particular classification system, subwatersheds with impervious cover of less than 10% are classified as sensitive. A subwatershed with 10 - 25% impervious cover is classified as a degraded or impacted system. Any stream's watershed having greater than 25% impervious is classified as a non-supporting stream with characteristics such as eroding banks, poor biological diversity, and high bacterial levels.<sup>7</sup>

Glebe Creek and Glebe Bay watershed, part of the south shore cluster of the South River watershed, currently has over 15% impervious cover, signifying that Glebe Creek stream health is already impacted by the surrounding impervious surfaces.<sup>8</sup> **Given protections afforded to the**

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<sup>3</sup> Anne Arundel County Bureau of Watershed Protection and Restoration Watershed Application.

<https://gis.aacounty.org/portal/apps/webappviewer/index.html?id=dac2fecf1fc14077bf0faee596f8cf4>. 3

<sup>4</sup> Maryland Department of Natural Resources MERLIN. <https://gisapps.dnr.state.md.us/MERLIN/index.html>.

<sup>5</sup> Green Notice “Verifying the Existence or Absence of Nontidal Wetlands and their Buffers” (OPZ-20-05).

<https://www.aacounty.org/departments/planning-and-zoning/green-notice/>.

<sup>6</sup> Chesapeake Assessment and Scenario Tool. 2021 Progress. <https://cast.chesapeakebay.net/About>.

<sup>7</sup> U.S. Environmental Protection Agency. [https://cfpub.epa.gov/watertrain/moduleframe.cfm?parent\\_object\\_id=1280](https://cfpub.epa.gov/watertrain/moduleframe.cfm?parent_object_id=1280).

<sup>8</sup> Anne Arundel County South River Watershed Study. 2008. <https://www.aacounty.org/departments/public-works/wprp/reports-publications/South%20River%20Summary%20Report.pdf>

**environment through Green Notice “OPZ-20-01”<sup>9</sup> and the current degradation of Glebe Creek, Arundel Rivers respectfully requests the County reject any proposal that fails to describe how the South River and Glebe Creek will be made better by this development.**

**6. Finally, this conceptual plan undermines forest conservation efforts taken by the County and State.**

Forests are critical to our state and county’s natural resources, economy, resilience, and health. The State of Maryland identified tree restoration and protection as a goal in the 2014 Chesapeake Bay Watershed Agreement and the County has taken significant steps to achieve this goal by protecting existing forests. According to a recent study published by the Harry R. Hughes Center for Agro-Ecology, University of Maryland College of Agriculture and Natural Resources, the Chesapeake Conservancy, and the University of Vermont Spatial Analysis Lab, Anne Arundel County had some of the largest extent of intact forest converted to developed land between 2013-2018, with over 2,500 acres of forest lost.<sup>10</sup>

To combat this loss and help the State meet our shared restoration goals, the Anne Arundel County Council unanimously passed the bipartisan Forest Conservation Ordinance in 2019, under which the Glebe Height’s forest should be protected. This regulation was created to stop disturbance and fragmentation of our last, remaining, intact, large forests – just like the forest located at Glebe Heights. In 2021, the County Council also approved Plan 2040, which contains numerous environmental protection goals, including Goal NE2, which calls for retaining existing forest cover.<sup>11</sup> Finally, in 2022, the County Council approved the Green Infrastructure Network Plan, which included a map of priority forests that should be protected if possible. Located on that map is our forest in question at Glebe Heights.<sup>12</sup>

Anne Arundel County’s elected leaders and its residents have voted repeatedly to make forest conservation a top priority. **This proposal is in direct conflict with the County Code and the voters’ will and threatens environmentally sensitive land in the South River watershed. For all these reasons, Arundel Rivers respectfully requests that the plan to develop the forest at Glebe Heights be denied.**

Thank you for considering our concerns and for the opportunity to provide comments.

Sincerely,



Elle Bassett  
South, West and Rhode Riverkeeper

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<sup>9</sup> Green Notice “Preserving Priority Forest Retention Areas” (OPZ-20-01) <https://www.aacounty.org/departments/planning-and-zoning/green-notices/>.

<sup>10</sup> Technical Study on Changes in Forest Cover and Tree Canopy in Maryland. 2022. <https://agnr.umd.edu/technical-study-changes-forest-cover-and-tree-canopy-maryland>.

<sup>11</sup> Anne Arundel County’s Plan 2040. <https://www.aacounty.org/departments/planning-and-zoning/long-range-planning/general-development-plan/plan2040-vol1-adopted/>.

<sup>12</sup> Anne Arundel County Green Infrastructure Master Plan. <https://www.aacounty.org/departments/planning-and-zoning/long-range-planning/green-infrastructure/>.

CC:

Lori Allen, Planning Administrator (Residential)

James Kitchin, Director of Research and Special Initiatives

Vincent Moulden, Director of Community Engagement Constituent Services

Lori Rhodes, Chief Administrative Officer for Land Use

Jeff Smith, Project Engineer/Applicant