



## Pleasant Plains Community Meeting Minutes January 24, 2024

Nestor Flores - Chief, Traffic Engineering Division, AACO  
Eric Tabacek - Area Engineer, Traffic Engineering Division, AACO  
Debbie Russell - DPW Engineering, AACO  
Robert Fernandez - DPW Engineering, AACO  
Pam Scarbro - Councilwoman Amanda Fiedler's Office  
Mary Ann Zaruba - Whitehall  
Ellen Weiss - Resident  
Peter Dixon - President, Burley Creek Community Association  
John Joynes - President, Beechwood on the Burley Community Association

### Nestor Flores

- Nestor clarified that Erik's invitation to this meeting is standing and he will make it when he is available but most likely this will not be every meeting. He cannot speak on Erik's behalf regarding the comments given below by the community.
- Kingsberry Dr - On hold due to budget constraint until after 7/1/24 when the new budget cycle begins. This project will then be a priority.
- Asks that the community email him their pavement repair requests no later than the end of February/early March so that we can get it over to IMD/Road Operation to add to their list of spring work.
- Proposed future meeting schedule. Confirmed with the group that they do want to continue monthly meetings. Noted that the meetings may only be 15-20 minutes at times due to no new information being available and the group understood.

### Debbie Russell

- **Ponding/freezing Cherry Rd** - If you recall at the last meeting, I told you that there were 4 steps that needed to happen. The first one was making the right of way offer to the corner property where the inlet is going to go. That's Mrs. Woodburn on the corner of Cherry & Pleasant Plains. We are working with her lawyer and her 3 daughters. We had submitted the offer letter to them on December 9. We followed up the first week in January, because we haven't heard back (regarding) questions or comments on negotiation. They responded, saying they're still reviewing so to date I do not have a signed agreement or a response from the initial offer. That's step one in the process.

Step 2 was to get the County grading permit. I have been in contact with our reviewer. We did submit it for comments. We have received the comments back, and at our last meeting I told you that they did not have any major concerns, but they did reply after our last meeting and said that Erik Michaelson's project has to be in place, because the outfall is located underground. Erik Michelson's project is going to dig out that area and provide the actual drainage from that structure on Dixon's property on the sod farm. I did get a copy of Erik Michelson's design plans, and I just sent them over to Pierce, who was our reviewer at Inspections and Permits, to try to expedite this review and get the approvals faster. I believe that is why, in Erik Michaelson's update, it says something about "does not need a grading permit", but I do. They do have a copy of that, and we are moving forward. I cannot get the final approval of the grading permit until I have the right of way plat in place. I need the signatures and the approval of the right of way plat.

Step 3 is when I hire what's called a construction management and inspection contract. I hire an engineering firm to actually oversee the construction. They do a lot of the paperwork. Make sure it's built per plan. The contractor is setting up the maintenance of traffic which will detail the traffic control plans during construction. They're out on site the entire time that it is under construction. I do have the purchase order started for that, and it should be issued within the next week.

Step 4 which is the last step is the contractor. We're using the same exact contract and contractor that Erik Michelson is using on the stormwater management. The company is called Pay Dirt LLC. They did give me an estimate and I'm submitting that this week, for an actual purchase order. If I can get the signatures and then the grading permit, we should be under construction at the same time as Erik's project which would be like, he said, in late March.

- **Relocation of poles in S-surve** - We are at the phase where within the next week our consulting firm JMT is going to issue plats. There are 7 properties that they have created plats for. We've talked to 6 property owners. We discussed wants and needs and there was only one property owner on the other side of Cherry Rd @ Pleasant Plains that we have not yet heard back from, but the impacts are very minor to her. It's just one pole that goes down Cherry Rd. Plats will be under review at the end of this month and this process takes up to one year. We review the plats, we give the consultant minor comments back in case they need to change anything. Once we have the final plats in place, we send those off to an independent appraisal. We hire a company outside of the county to appraise the properties, and they give us reports and appraisals for each property which is then translated into an offer letter. Our right away office will review everything when it comes back, and they will issue what's called the offer. After the property owner receives the offer, that is when we enter the negotiation phase. Some may sign it right away and be fine. Some may come back and want to negotiate, ask questions, make changes. That's one of the reasons we met with a lot of property owners so we could avoid a lot of the changes later. Try to get them upfront now.

I created a very detailed chart to show you all the different permits which I hope will be helpful in understanding the permits that we need to get, especially for trees and environmental concerns. This chart can be referenced at the end of the meeting minutes. #1-#4 are the actual permits that I need for the project. #5-#11 are "sub" permits, meaning they are related to the requirements of #1-#4 and are special requests that we need to fulfill as well. These are all listed in detail below.

Permit #1 is for the corridor utility project, the G number is the permit number. Again, we cannot actually obtain this permit until we have the right of way offers signed and approved (the 7 properties as previously mentioned). Again, this can take a year. This permit will be open for the next year. Our consultant will look through #5-#11 and try to solve the problems listed in the comments. "Clearing" the comments, so to speak. They will try to get as many of these issues closed as possible for when they resubmit in February. The issues that will remain open, for example, are one that calls for P. E. (professional engineer) signature and date, which does not occur until the very end of the project. So, those end of project issues will remain open and that is why they are still open.

Permit #2 is called the Wetlands Permit. That's a joint permit application that actually goes to MDE and the US Army Corps of Engineers. The consultant has to create what's called impact plates based on final design, and they have to submit it to the agency for approval. They are actually submitting in February and they expect to get some type of comment back within 3 to 6 months. However, they also need to show mitigation. The mitigation for this one was about the 1 acre of trees and shrubs. I sent emails out at the beginning of this month to some of the property owners that we were talking to, asking for an answer. One out of the 3 got back to me and confirmed that they do not want any trees and I will follow up with the other 2.

Permit #3 is called the roadside tree permit. This is the one where we're looking for 18 trees and a right of way. This permit is only issued for one year, so we usually do not submit for it until about 90% design. But we're actually talking and negotiating right now, because we can see if there's any other place that we can put these trees. Right now, we do not have any property owners willing to put it within the right away along the roadway. But I did talk to my contact at JMT, and they're trying to get an answer right now to see if maybe somewhere down the road, like a mile down the road closer to Saint Margarets, If there's a property owner down there that will take a couple of trees, Or can we do a fee in lieu, which is pay like money in lieu of trees. We don't have those answers yet. They are pending, but I hope to have them for the next meeting.

Permit #4 is the last permit called a notice of intent permit. For the MD Dept of the Environment. It's basically any type of disturbance of land over one acre. Since we're taking a lot of regrading on both sides of the roadway in certain areas we are definitely over one acre. So right now, we cannot submit for this permit until the end. what happens is under #8 (refer to chart below), you will see settlement and erosion control. I need the county grading permit issued and approved before I submit the NOI (Notice of Intent). It usually only takes about 2 weeks to get the approvals. So far I've never had a project where it's an issue. Usually it's a pretty smooth process. But I just wanted to make sure that I include all permits.

The length of time, and the hardest ones to get are 1 and 2. Number 3 can be difficult when you're taking as many trees as we are. But we're trying to talk to DNR up front. I do not have the application numbers yet for 2, 3, or 4, but as I do, I will fill them in, and I will keep this chart updated and send it out periodically.

#### **Erik Michelsen (provided update via email as he was not able to attend the meeting)**

- Noted that there are no updates on the downstream property as the owner doesn't want to sell for the price that will be reasonable to purchase for preservation. Clarified to the community that this property is the two lots at the head of Hidden Point where the water runs through to the opposite corner of where the home is located.
- Clarified that NRCS on the agenda stands for Natural Resources Conservation Service.

### **Community Comments**

**Community requests a one week prior as well as the day before reminder of the meeting with a copy of the invitation.** *Ashley has added to her calendar to send out reminders one week prior as well as the day before and include the invitation information.*

**John Joynes - Regarding the purchase order for construction on Erik Michelsen's project - I talked to Eric at noon today, and he told me that the purchase wasn't happening and he said that the owner wanted too much money.** *Nestor responds that this is a purchase order which is a process with the County that is underway, not regarding the purchase of the land from the property owners.*

**Regarding the purchasing of the property** - I took it upon myself to call the owner of the property. and we talked for about 20 min. He has tried to sell the property for 2 and a half years. It went no place. He has no interest from construction people or land speculators. His only hope of ever making the property buildable is a process called mounding. which means they put a pile of dirt in the front yard and pump the sewer to the top of it and let it run down.

He hopes that they can get an engineering team (he was dealing with Bay Engineering, which I think just collapsed) to study the property again. He's had a topography study done that said you won't ever build here. This mounding is his hope. Mounding sounds ridiculous to anybody that's looked at it. He needs to spend 4K to have it studied and then he's willing to sell it. He thinks the property is worth 90K. That's what he's being taxed on. My information, when I went to the County, said it was 25,000 per lot, so 50,000. Either way. That is a reasonable price. **Mary Ann Zaruba - What was offered? What was the number offered? John Joynes** - No offer. basically to sell it for the tax rate, if you can't build on it. **Mary Ann** - I'm just curious. It sounds like somebody offered him money from the County, and he declined the number, so I'd like to know what the number was. **John** - I think somebody offered him "what would you want for it" And he refused to quote me a price. **Mary Ann** - He doesn't sound like he wants to sell it right? **John** - He lives in Texas. His wife has family in Pennsylvania. They used to have people here, that's all gone. It's been on the market for 2 and a half years, signs on the corner post, went nowhere. **Mary Ann** - Well, I'm just saying he may not be reasonable yet. He wants a developed price for an undeveloped lot. **John** - He's willing to sell it for the undeveloped price if he cannot get a permit. I feel very much that Erik said, oh, you don't want to sell. Well, thank you. And hung up.

**John Joynes - We had asked Erik at that big meeting where everybody attended at the school a couple of months ago to look into having Underwood associates study the south side of Pleasant Plains and see what's there and what he's doing and what could be done. Erik has, out of hand, decided he's not going to do that. Too much trouble. I was referring to) Millvale to Cherry and the water that is running. Remember, there were people complaining that water was streaming across Hidden Point Road, and they were asking let's look at this and see what the situation really is. He's not willing to do that. Why, I can't tell you. I did get an offer from natural resources, because that piece of land is a critical area, that they would buy the land as a land price, not the developer price, but when it came around to 98K, they would buy it then because of the critical land. I did talk to the Department of the Environment, natural resources, and the Chesapeake Bay Foundation. Pretty much I've got people studying it. I have a complaint filed and I'd be happy to share the number with you. Erik has declared he's going forward and doing this construction in 2 months. None of these departments that study the impact on the water know anything about what Erik's doing. It's time they know. Nestor confirms that he received calls from the environmental agencies mentioned above and he was able to answer their questions as best as he could. Nestor is going to ask David Braun, Robert, and Debbie to contact her because of the environmental nature of the questions as our office is Traffic Engineering and we do not work with environmental agencies such as these.**

**John Joynes - Erik told me that David Braun would be attending this meeting and would be able to handle these subjects. Nestor confirms that David was not going to be able to attend this meeting due to his schedule as well.**

**Peter Dixon - Regarding Alt 1 -We had talked about the resurfacing/pavement restoration at the edges of the road (requesting an update on this project) Nestor responds that he will reach out to Blake, the chief of IMD who does the paving, to find out where the road is on the list to be reviewed. As we discussed, the road was on a 4-5 year cycle when we first mentioned the repaving, so I will get an update on how much longer we can expect to wait. Remember that we also have a patch contract for paving, so if there are issues within the community, within this corridor, that you see that patchwork would be required, let me know now as this is a great time to get that list together. Mary Ann Zaruba** - I do have one. They put asphalt in the hole, but they didn't pave it or put anything underneath it. So it really didn't work too well. It's right at the sign of Pleasant Plains at Whitehall Beach, right in front of our sign. There was a dip that was about a 2 foot area.

**Mary Ann Zaruba - What happens if the resident at Cherry @ Pleasant Plains does not sign the agreement? Debbie responds that we need to work with them to find out why they will not sign. We have met out in the field. We have been going back and forth with them, going back to 4 or 5 months ago, around September/October. They verbally agreed with what we were showing after a few minor alterations. Verbally agreeing and actually signing the agreement are 2 different things, so at this time we are now waiting for their response. We will continue to follow up.**

**John Joynes - For Debbie - What conversations were you having with Duvall?** *Debbie responds she met with Duvall regarding the corridor utility projects. There's a utility pole that's on his property. And we were looking at regrading some of his frontage. He does not want any of his frontage regraded. So we took that out of the project. He's okay with the utility pole and there's a guardrail more towards O'connor's property, that's right on the edge of his, that is also staying. It's a safety issue. Why are you moving a pole on Duvall's property? I can understand taking it away but what are we doing with the pole on his property?* *Debbie responds that the pole on Duvall's property is one of the guide poles. If you recall, every time the utility poles are not in a straight line, you sometimes need a guide pole on the opposite side of the road and that is why there is a pole. It is actually right on the corner between his property and his neighbor's, Mrs. Woodburn, from whom we are trying to get the right of way for Cherry @ Pleasant Plains. You want to move it or put another one in?* *We need to move it back. There is a pole on that side of the road, but it's not going to be at the same location. It's going to be actually right on his property line between the 2 properties. And of course we're moving it back 12 feet for safety reasons. As with the other property owners, Duvall verbally agreed in the field.*

**John Joynes - For Debbie - The Davison farm extends around Hidden Point between Hidden Point and Millvale. They have quite an area that they let go to grass. They planted 2 lines of trees and put in their own holding basin. I would recommend talking to them, and I know you heard they are farmers. But there are also people that in the past, anyway, and the old man that did all this is dead, have been very willing to use their own property to make it work for the community.** *Debbie responds I met with Matt Cole and one other resident and they did not come to an agreement to yes or no but said that they would consider it. They are represented by the LLC. They would also consider property on the other side that isn't adjacent to the roadway. Their biggest issue is what type of tree. We can put any type of tree they want, we are open to this. They don't want anything with shallow roots that would be in their farm and take away farmland. They want something with deep roots. They also don't want something that grows really tall. They're looking at where the sun would be coming in and could possibly be blocked by taller trees. They have to protect their farm. Which Davidson did you meet with? I believe the owner is 97 years old.* *Debbie responded she was informed there were about 20 family members that represent the farm. Ellen Weiss - Tufty Davidson passed away. He used to control the whole thing and I think Matt Cole is one of the bigger spokespersons for the family now. Debbie confirms that Matt Cole was taking the lead and they were open to the discussion but we do not yet have an answer back from them.* **John Joynes - If you look back on the first meeting we had regarding PP, you had about 120 people over at the library, there were several Davidson's there. I'd be interested if they are the same family members that you are talking to.** *Debbie responds that at this time she is speaking with Matt Cole and he is taking the lead.*

**John Joynes - Requesting that the permits being obtained by Debbie for the S-curve poles be posted to the DPW website.** *Nestor responds that he will speak with David and find out how we can approach posting the permits. Please note that all project numbers are available to the public at this time. Debbie references the chart that she has organized and points out that as in #7, the consultant has typed every comment that came back under engineer review under Description and Comments.*

*Please click the link below to be routed to the Inspections and Permits - Permit Status and Comment Review website. Follow the instructions to search by permit number.*

<https://www.aacounty.org/inspections-and-permits/land-use-navigator/system-help/check-permit-status-and-review-comments>

**Peter Dixon - Going back and looking at the notes from the meeting from April of 2023, at that point you had property impact letters that were supposed to be going out, a grading permit that was slated to be submitted by August 2023, right of ways that were supposed to begin in August 2023. Where are we actually on a timeline now being January 2024 so that I can update my community for the pole relocation? It seems to me that the timeline continues to get pushed back.** *Debbie responds that the plats were finished in September, but then we also had property owners contact us, and we had to meet with them to discuss changes. So we made all of those changes. And now we have the plats. They're being issued in January.* **Dixon - But you said you only spoke with 6 out of 7 property owners. So again, I'm trying to, As a president of the Community Association, be able to inform my community. Can you give me an actual timeline as to what we're expecting to occur.** *Debbie responds at the end of January they're going to submit the plats. They will be issued in February. That means we review them, give comments back and the comments. The next step are the appraisals and then the offer letters. This entire process can take up to one year.* **Dixon - Which is what you said in April of 2023. Are we starting a year from this meeting, or are we starting a year from when the plats are issued in February.** *Debbie responds when the plats are issued in February.*

**Peter Dixon - I encourage a monthly meeting, because that keeps the timeline actually accountable, regardless of if there's anything to update or not if we are putting a timeline of a year. But the time the clock hasn't even started just gets frustrating. 8 months ago, we heard that it's going to be a year, and now it's January, and the clock still hasn't started. The monthly meetings are important, so that it's a part of the public record as to how this project's moving forward.** *Pat Lynch and John Joynes agree.*

**John Joynes - I think we can help you get information and make this more fertile. You haven't had time to get to the people at SHA and get answers from them. This whole permit process has been very difficult to follow, but we've been able to pick around the edges and get it and share it.**

**Ellen Weiss - I think our concern is that these projects are working slowly, which is, I guess, is how the government works. But if we don't even hear from you. We'll never know whether anything's moving forward. So we know you guys are still focused on it. And there's some movement.**



Pleasant Plains Road Safety Improvements Permit Summary – as of January 23, 2024

**Corridor Improvements**

Permit	Agency	Description/Comments	Status	Schedule
1. Grading (Permit Number G02019862)	Anne Arundel County Inspection and Permits	Is required for work within County Rights of Way	Initial submission was made to the County on 9/6/2023. Comments were posted beginning 9/11 to 9/22/23. Comments were minor in nature (see below “approvals”) and will be addressed with the next submission.	Anticipate resubmission February 2024.  Grading permit approval is not issued until executed easements and proposed rights-of-way are acquired.
2. Wetlands Permit (Joint Permit Application)	Maryland Department of the Environment (MDE) and United States Army Corps of Engineers (USACE)	Required to obtain approval for disturbance to wetlands, wetland buffers, streams, floodplain.	JMT delineated wetland and stream resources. Impact plates are being prepared based on the final design and will be submitted for agency approval.	Contingent on resolution of replanting areas, impact plates are complete and will be submitted in February 2024 (without mitigation). Approval anticipated to take 3-6 months following submittal, however mitigation resolution may slow process.
3. Roadside Tree Permit	Maryland Department of Natural Resources (DNR)	Required for impacts to trees within road rights of way.	Coordinated with agency reviewer to ascertain mitigation requirements of 1:1 replacement of trees (or 2:1 replacement if 1.5” caliper) required within ROW or in an easement on private property. Based on current design 18 trees are anticipated to be required to be planted in County easement or right of way. County/JMT are actively looking for planting sites to comply with permit requirements.	Upon finding sufficient mitigation areas JMT will prepare the application form and accompanying plans showing proposed impacts and replanting. Application is typically made closer to construction.
4. Notice of Intent (NOI)	Maryland Department of the Environment (MDE)	Notice is required for projects that disturb over 1 acre of earth.	Requires design completion and AACSD approval obtained.	Typically takes two weeks to process. As this is a notification JMT/County will submit prior to construction start to minimize renewals.
<b>Approvals/Processing Status</b>				
5. Zoning	Anne Arundel County Inspection and Permits	None	Permit approval pending adequately addressing Environmental comments.	Approvals are iterative processes, which each average 6-8 weeks. County and Designers try to respect reviewers time constraints. Final Plans (without mitigation) are complete and resubmission in February 2024.
6. Environmental Review	Anne Arundel County Inspection and Permits	Wetland permit, roadside tree permit, and Critical Area approval required.	JMT to provide modification request, declaration of intent and clearing summary with next submission.	
7. Engineering Review	Anne Arundel County Inspection and Permits	The following comments were received and will be incorporated into the next submission. Provide “Stormwater Management & Floodplain Checklist”. Provide community meeting minutes from most recent engagement efforts. Revise plan shading. Provide a grading plan that demonstrates limits of disturbance. Include a limits of disturbance boundary. Show proposed contours and spot elevations as needed to demonstrate new grading schemes in plan view.		
8. Sediment and Erosion Control	Anne Arundel County Soil Conservation District (AACSD)	The following comments were received and will be incorporated into the next submission. Sign and date the Standard Responsibility Notes on the cover sheet. Provide a P.E. seal, signature and date on all sheets. Label all proposed work/structures on the sediment control plan view. Label all sediment control devices on the sediment control plan views. Show all grading associated with the improvements on the sediment control plan views. Properly outline the LOD and eliminate the “blocking out” of the proposed work areas, it prevents the necessary illustration of the proposed work.		
9. Grading Review	Anne Arundel County Inspection and Permits		This permit will be issued once we receive all agency approvals, the grading security and recorded stormwater management agreement.	
10. Chesapeake Bay Critical Area	Anne Arundel County Planning and Zoning/DNR Chesapeake Bay Critical Area Commission	Required to mitigate tree impacts within Chesapeake Bay Critical Area and Buffers. Required within the County Grading Permit	Coordinated with county reviewer to obtain the required 1:1 mitigation ratio. Order of preference is planting onsite, then offsite, then mitigation bank, then fee-in-lieu. Buffer impacts need to be replanted in or adjacent to the buffer to the extent possible. Resolving final design and mitigation.	
11. Scenic Byway	Maryland Historical Trust (MHT)	Confirmation of no historical impacts	MHT determined No Adverse Effects	



H583701 – Pleasant Plains Rd Safety Improvements - Corridor Utility Project

We are at 60% design. Here are the outstanding issues and next steps in the process:

1. Purchasing Right of Way is our next steps. Plats will be complete by the end of January, then submitted for review by AA County DPW. After this review, we will begin the right of way process which will then include independent appraisals, R/W offers to property owners. This process can take up to one year. There are 7 property takes that need to be negotiated.
2. Environmental Permits: Attached is a chart outlining the permits needed for this project, broken down as to when we submit each phase. Items 1 – 4 are actual permits, items 5 – 11 are sub-sections that are required for the Anne Arundel County Grading Permit. We do not have any commitments from the public regarding tree and shrub plantings. We are still looking for volunteers to plant a tree/ shrub on their property as part of the mitigation needed for permitting.

H583702 – Cherry Rd Drainage Project

We are close to finishing this project, there are 4 steps we need to take as follows:

1. Plats were submitted to R/W to make the final offer to the property owner, were sent by Mid-December with follow up beginning of January, no response.
2. After the R/W is purchased, we can submit the updated plans with the R/W clear statement and receive final approval on the County Grading permit. We will need BWPR's project in place before the county will issue the grading permit.
3. CMI (EBA) have prepared manhours estimates for the project, should have PO in place by end of Jan 2024.
4. Contractor (Paydirt) are preparing bidding estimates through the use of BWPR existing contract. Should have their PO in place by end of Jan 2024.

If all goes as planned, should be able to start construction in the Spring 2024, (March/ April 2024)

Severn Riverkeepers SWM Project/ AA county Bureau of Watershed Protection

1. Design is underway
2. A purchase order for the construction work has been cut.
3. We're currently in the process of executing the access MOU with Mr. Dixon.
4. Expectation for the construction is to begin in late March 2024.