

BOG Meeting November 11, 2024

In attendance in person: President Jerome Zadera, Governors Joe Angel, Beau Breeden, Thor Harris, Ed Hayes, Mary Lamb, Matt Layman, Neil Macindoe, Kim Pollock and Michele Shipley, Town Manager Frank Tewey, Budget Committee members Charlie Moore, Blake Morris and Charlie Shoul, residents Tyler Allan, Jayson Allan, William Aucoin, Dottie Ballard, Gary Baxter, Becky Benner, Patricia Caputo, Keith Chapman, Diane Chasse, Adam Cowdery, Lucia de la Paz, Joe Dugan, Maureen Dugan, David Einstein, Lindsay Fitzgerald, Jason Haddaway, Chuck Hawley, Bobby Herr, Brad Knopf, Ben Lachance, Lindsey Lantz, Robert Lester, Katie Macindoe, Kari Maltz, Joseph Meeks, Larissa Meeks, Kelly Mitte, Bill Nelson, Phil Ourisson, Collin Poskaitis, Shayla Powers, Neil Pumphrey, Erin Pumphrey, Vicki Sanders, Janice Schmidt, Thomas Schmidt, Joy Tester, Mike & Stephanie Travers, Frank Tuma, GERALYN Valente, and Stacy Wildberger, non-resident guests Jenni Biondi, Todd Gazelle, Steve Gindes, Amy Keish, Christy McDaniel, Melanie Moore, Diane Murphy, Alice Newton, Wayne Newton, Maria O'Shea, and Blair Petersen. In attendance online: Governor Cheri Fairchild.

President Zadera called the meeting to order at 7:30 pm. He recognized Veterans Day and thanked veterans for providing the freedoms we enjoy. This is the biggest turnout at a meeting he has attended- he thanked all for being involved.

MINUTES AND FINANCIAL STATEMENTS

Minutes of the October 14, 2024 BOG meeting were reviewed. A motion to accept the minutes was made by Governor Lamb, seconded by Governor Harris. Governor Breeden noted a correction in New Business- Fairwinds Marina is zoned "MB", not "Marina B". He also added that the meeting with Fairwinds owners also included Wayne Newton of Messick & Associates engineering firm. The motion passed unanimously.

The financial statements for September 2024 were reviewed. A motion was made to approve by Governor Breeden and seconded by Governor Angel. Balances of the bank accounts on Oct 31 were approximately: Operating funds- \$203,000 Beach restoration grants- \$165,000, piers- \$293,000 and Special Community Benefits District (SCBD)- \$100,000. The motion passed unanimously.

TOWN MANAGER REPORT

Mr. Tewey reported on the following: The water heater in the clubhouse was replaced after a leak was detected. The Little Magothy River Association (LMRA) annual meeting to discuss dredging, vote on the budget and elect board members is scheduled for November 20 at the clubhouse. Voting forms are available and should be reviewed by the Board of Governors. Sixty-one emails were received regarding the proposed Fairwinds development and an overwhelmingly majority are opposed to it.

The proposed Fiscal Year 26 (FY26) budget was approved by the board and published in the November issue of The Caper. The audit for FY24 was submitted to the county and the FY26 SCBD budget is due by January 31, 2025.

Police officers are covering 16 of 30 dates in November. Crime reports included 2 assaults, 3 thefts, 2 mental health issues and 1 weapons violation and 1 found property. It was noted that these reports include some nearby neighborhoods, the shopping center and schools, that there is no noticeable trend or perceived security issues. Please lock your homes, boats and cars and keep valuables out of sight.

Letters were sent to inform homeowners adjacent to the clubhouse field that installation of a chain link fence will replace the wooden one, and they may choose to keep the section of wooden fence along their property but will have to assume maintenance responsibility. Two homeowners replied with questions, and another opted to keep the fence. Replies due by December 1.

Broadneck High School student Stephanie Pumphrey requested permission to have a beach cleanup day on January 11, 2025 by the Broadneck Surfrider Club sponsored by BHS staff member Morgan Bowden and Mr. Tewey granted that permission. The combination lock on the Lake Claire boat pier gate had a broken spring repaired. Mr. Tewey is researching alternative locks that would allow for individual codes for each slip holder. The piers committee will address as needed.

A county administrative board hearing for 1199 Rolling View Dr for a variance to allow an addition with less setback and buffer than required is scheduled for November 26 at 10am. Approval has already been given by CSCIA. A hearing for 1012 Lake Claire Dr for a deck with less setback and buffer is scheduled for December 5 at 10 am. No application has been submitted to CSCIA for that home and Mr. Tewey made the homeowners aware of the requirements. One standard building application was approved. One request for a replacement in kind dock was received for 1178 Riverbay Rd. A pier agreement was drafted by the attorney and sent to the homeowners for signatures. A complaint was received for a shed being built without permits at 728 Fairway Dr. No county permit is on file, a stop work order was posted and no application received by CSCIA.

COMMITTEE REPORTS

Broadneck Council of Communities (BCC): Governor Breeden reported that the BCC quarterly meeting in September included the State Highway Administration findings on the 2024 Route 50 traffic study. They did not share plans for 2025 yet, and those are expected about April. The January quarterly meeting will include state delegates.

Beaches & Parks: Governor Breeden announced that a \$75,000 grant from National Fish & Wildlife Foundation was awarded to CSCIA last week and will be added to the previous award in the same amount for design of shoreline restoration at sites 3-7, 5 sites other than the main beach and Lake Claire. President Zadera, Governor Breeden and Town Manager Tewey met with Alliance for the Chesapeake to work on the proposal for a Chesapeake Bay Trust grant for \$300-350K. BioHabitats continues to work on their contract. LMRA was awarded a \$900,000 Waterway Improvement grant from the state to dredge the channel into the Little

Magothy next winter. CSCIA is working to obtain the expected 6,000 yd³ of sand to fill in the cove area of the main beach close to the Little Magothy River, and to create an in-water sand dune behind the root wads at Lake Claire to naturally shift and reduce erosion and water infiltration to the lake. Analysis has cost \$43,000 so far and permit application will be submitted soon to start the minimum 240-day permit review period. The LMRA grant would cover the cost of construction. Mr. Tewey added that regarding grants for construction of sites 3-7, success at Lake Claire with previous grant funds, plus having designs complete, makes it appealing for follow-up grants.

Business Lot Owners Association (BLOA): No report.

Building: See Town Manager report.

Budget: No report.

Capex: Governor Lamb said the November issue was in mailboxes last week, articles for the Dec/Jan double issue are due Nov.15.

Clubhouse: Governor Lamb mentioned the water heater replacement and noted that weekend rentals are almost full for 2024.

Events: Governor Lamb announced a movie night, showing Elf, and sponsored by 'Til Next Time, is scheduled for November 26. The Tree Lighting is December 1 at the guard shack. Breakfast With Santa will be December 14.

Grants: See Beaches & Parks.

Legislative: No report.

Personnel: No report.

Piers: Governor Breeden announced that renewal letters will go out to slip holders in good standing, warning letters to those not in compliance with the contract, and the waitlist will be updated. Estimates received for replacement of the small pier at Deep Creek, the decking around the boat ramp, and a section of the bulkhead range from \$298,000-600,000. Savings of \$300,000 for the project are available and the project might be done in phases to avoid large expenditures in a single fiscal year. Resident Frank Tuma asked if a dredge of Deep Creek could be done when the small pier is removed. Governor Breeden said that could be investigated. The original expected cost for that dredge was about \$70,000 and the remediation project has been approved. The replacement of the piers will not be delayed to have a dredge completed.

Security: No report.

Strawberry Festival: Planning is ongoing. Volunteers are always needed!

Technology: No report.

OLD BUSINESS No Old Business.

NEW BUSINESS

President Zadera gave an overview of what has occurred regarding Fairwinds Marina. Through word of mouth, CSCIA was made aware that owners of Fairwinds Marina were investigating the possibility of using 3-4 acres of property currently used for boat storage to create a new 30-50-unit retirement community of townhomes/condominiums. On October 7, President Zadera, Governors Breeden Lamb, Pollock, Macindoe and Shipley had an informal meeting with the owners of Fairwinds Marina, Larry Goldberg and his daughter Joanna, and with Wayne Newton of Messick and Associates engineers. At this point there are no formal proposals or drawings, and there are several issues such as critical area, density, utilities, and current zoning. It was brought up at the Board of Governors meeting on October 14. There was discussion at the October 22 quarterly CSCIA membership meeting where a motion was made and passed to not support a change to the MB zoning to allow for residential housing. Governor Breeden gave more details, stating that there is only a concept and no formal plan. With the current MB zoning, Fairwinds can have a marina, boat sales and repairs, a boatel (multilevel boat storage), hotel, clubhouse, pool or restaurant, but not residential housing. That would require a textual amendment to the zoning, not a change of zoning. It would be a legislative process in which a member of the County Council who supports the idea would present it to the council, research would be done, and it would have to pass by at least 4 to 3 in favor, and then be signed by the County Executive. It would be a long process. The Board of Governors will collect information and questions to ask Fairwinds and the government and get feedback and determine if the community supports the idea or not. Town Manager Tewey asked that everyone please avoid rumors and get the facts.

COMMENTS

Kari Maltz (1035 Lake Claire Dr) stated that she looked at the parcels online and that Fairwinds Dr belongs to the Pumphrey family, not the county. Governor Breeden said the board cannot speak to ownership, but that kind of research would part of the process. CSCIA can ask questions about that and give feedback. Mike & Stephanie Travers (960 Ridgeway Dr) asked if a textual amendment would affect all MB zoning or just Fairwinds. Governor Breeden said textual amendments would be county-wide. Frank Tuma (1039 Broadview Dr) for clarification on textual amendments. Governor Breeden explained that zoning designations have permitted uses, conditional uses, and special exceptions, which all go through different processes. He reiterated that there is no textual amendment yet, this is preliminary discussion. Joy Tester (981 St Johns Dr) and Diane Chasse (1166 St George Dr) stated they do

not want a housing development at Fairwinds. Jenni Biondi (Bay Head Dr) asked about the effect of public outcry on the county council vs. the owners' requests. Governor Breeden said that the first step is to speak out. He noted that the Goldbergs could have gone much further with plans before discussing with CSCIA. How it affects offices such as OPZ, which has laws to follow, is different than how it may affect people such as council members and the executive. Shayla Powers (1157 Ramblewood Dr) said she was on the advisory board for the recent rezoning, saw issues from all sides, and the ripple effect of decisions. She said public comments go a long way, and the number of people who speak out matters. Town Manager Tewey added that people should speak for themselves instead of counting on others to do so. Bill Aucoin (1147 Latrobe Dr) thanked the board for making the residents aware and asked if the entrance to any development would be from Latrobe Dr, noting his concerns about safety of pedestrians, and if new housing would be part of the Cape. Governor Breeden said the best guess is that an entrance would be there and that no, Fairwinds lots are not deeded into the plats of Cape St Claire, and that our bylaws only allow for single family homes. Fairwinds does pay a Special Community Benefits District Fee (SCBD) but do not have the rights of Cape residents. Mr. Aucoin noted he is not in favor. Jason Haddaway (1172 Southview Dr) also expressed concern about traffic and said that Mr. Goldberg suggested on Facebook that CSCIA buy part of his property. Governor Breeden said CSCIA does not have funds to purchase it and would have to check bylaws regarding acquisition. He added that CSCIA has not purchased property since 1952 to obtain the Woodland Circle area and has not sold property since the county purchased land for the ball fields and fire station in the 1960's. He noted that Mr. Goldberg's comments on Facebook have nothing to do with CSCIA. Tom Schmidt (1210 Hilltop Dr) asked how CSCIA might cooperate with the Goldbergs, noting that he saw in Howard County that development usually won out over farming. He expressed concern about safety also. Governor Breeden said that traffic studies would be done as part of the due diligence. Mr. Schmidt said he is against the development and would be willing to serve on any safety committee that may be formed. Diane Murphy (1105 Neptune Pl) expressed concern about development taking city water from Atlantis as the Goldbergs have purchased a property in that neighborhood that could be used as an access point for water, noting that Atlantis will fight against development. Governor Breeden said there is a legal process to gain an easement to allow for utility connections. A previous request from the Goldbergs to allow for sewer connection across the entrance to Lake Claire was denied by CSCIA. Amy Keish (1107 Neptune Pl) noted concerns about water, drainage and ecological issues as well as traffic and safety. Blair Peterson (Atlantis) agreed that Atlantis is not in support of development. Keith Chapman (1241 Riverbay Rd) asked if the marina would continue to operate. Governor Breeden said that Mr. Goldberg said he would continue to operate the marina and keep his existing residence on the property. A photo of the property was displayed and Governor Breeden pointed out the section currently used as boat storage that is what would be used for housing. He noted that there will be many opportunities for public comment because of zoning, critical area, setbacks, buffers, etc. He added that the Goldbergs plan to build something to generate more income, and that if housing is not approved there will still be a change. Kelly Miller (997 Dogwood Tree Dr) asked if something was going to change, could a survey be done to see what the community would support? Governor Breeden said that was a good idea. Erin Pumphrey (966 Ridgeway Dr) expressed concern about flooding that already exists because formerly gravel roads were paved, and what environmental impact development will have, and noted she is opposed. Governor Breeden reported that any building of any kind will require mitigation. Chuck Hawley (935 Blue Ridge Dr) noted that no one wants development in their neighborhood but that the supply of affordable housing is low and getting worse as prices rise, and that this plan might be good if done well. If there will be a change, would housing be the worst option? Larissa Meeks (1156 Southview Dr) expressed concerns about traffic. Gary Baxter (1195 Ramblewood Dr) stated his opposition and concerns about affordability, Cape residents moving to the new development and renting out their Cape homes, and to the 55+ aspect of the concept preventing younger people from purchasing. Jay (?) Meeks (1156 Southview Dr) asked if the 55+ restriction would be protected. Governor Breeden said that the area schools are not at capacity so there is no moratorium on building. Any deed restrictions would have to be written into the contracts. Lindsay Fitzgerald (1175 Southview Dr) asked how the public can best get information. Governor Breeden said at the county, a public meeting is required before this type of activity and the board is in conversation with the county to get information to make available to the public. David Einstein (1156 Summit Dr) said he thought a different number was given at the quarterly meeting regarding the increased traffic. Governor Breeden said traffic studies have typically estimated 10 trips per day per unit, allowing for the average number of residents going to work, school, shopping, having mail/package delivery, garbage collection, services, etc. There are still about 200 buildable lots in Cape that could add traffic also. Vicky Sanders (1341 Poplar Hill Dr) opposed the development. Governor Breeden suggested that a petition be created to start the process of measuring public opinion in support of or against. It is a normal course of action that has occurred before to prevent hunting offshore at Lake Claire and to create the new crosswalk. He asked that the board be given time to organize feedback. Frank Tuma asked about the time frame. Governor Breeden said with the current MB zoning, there is no allowance for residential building. Mr. Goldberg could add a hotel or a boatel or, as a private owner, could sell to anyone including another marina. He could be asked if he is amenable to another plan. A straw poll was taken with one in support of the development, two abstentions, and the remainder of the attendees were opposed. Wayne Newton, land development consultant for Messick and Associates, thanked the board for explaining the concept and having conversation. He presumed that Mr. Goldberg would continue to live at the property and thought a 55+ community would fit best with Cape St Claire. Mr. Newton will discuss the reaction of the community with Mr. Goldberg. Jason Haddaway asked if similar situations are occurring in the county or state. Governor Breeden said that question has not been asked of the county. There are several marina zoning designations with different rules. Until something concrete is presented, not much can be done. Thomas Schmidt said the most lucrative but positive solution is needed to satisfy the most people. Brad Knopf (1018 Magothy Park Dr) suggested that with the popularity of the clubhouse as a rental venue, perhaps a banquet facility would be a positive option.

Governor Angel made a motion to take a 5-minute recess that was seconded by Governor Lamb and passed unanimously. A break was taken from 8:45 – 8:50 pm.

Becky Benner announced the Garden Club meeting on November 12 and the December 2 wreath making event to create wreaths for the clubhouse, guard shack, and library.

Mrs. Benner reported the Critical Area Commission has approved a plan to use Goshen Farm property for mitigation for the construction of the new fire house. Several acres overrun by invasive species will be partially clearcut and planted with native plants. A concerted effort will be made to save native trees and trees must be monitored for 10 years. Construction could begin as early as next spring. She commended her husband Roy for his deep research and his knowledge of stormwater management to make the plan happen. Goshen Farm Goodies, items made from produce harvested from the farm gardens and beehives, will be available on November 30.

Brad Knopf of Cape Conservation Corps (CCC) reported that 107 native species obtained by grant funding were planted by volunteers at Little Magothy Beach. He thanked Brian Smack and Cliff Dean for allowing use of their water for watering the new plants during this dry spell. Paths at Little Magothy Beach and the Serene Ravine were mulched. The November 15 meeting will feature George Mauer speaking about how to create a bird-friendly yard and a book signing by Ellen Prager and Dave Jones. There will be a silent auction of artwork done by residents of the Cape. The Little Learning Libraries were installed and there will be a celebration as an “open house” on November 16.

ADJOURNMENT

A motion was made by Governor Angel to adjourn to closed session, seconded by Governor Harris and approved unanimously. The meeting was adjourned to closed session at 8:58 pm. The closed session occurred from 9:00 pm to 9:42pm. The November 11, 2024 CSCIA Board of Governors meeting was adjourned at 9:42 pm.