

Open Work Session

Relocation of 2,770.9 Square Feet of a Forest Conservation Easement – 104 Paddock Drive, Fruitland December 7, 2021

Ms. Marilyn Williams, Land Development Coordinator with the Department of Planning, Zoning, and Community Development, came before Council. She said Council has approved similar requests earlier in the year in the same subdivision. She explained, this is a subdivision where the forest conservation areas were placed on each individual lot, which really prohibits a lot of expansion within the lot as far as any accessories. She said, in this case, the owner is requesting that the forest conservation easement area that was placed on his lot be put into an offsite mitigation bank.

Mr. Cannon said he remembers the last request, and this takes the homeowners by surprise when they buy a house and then maybe want to put in a pool. He then asked if there are any measures the Council or the Executive can take together to restrict development to the extent that these surprises come about. He further asked if there is something they can do ahead of time before the homeowner buys the property and ends up coming into all of these types of expenses and additional problems. Ms. Williams responded, now that she is doing the forest conservation planning, she has seen that the developers are more conscious of this. She said, in the County, they really encourage that forest conservation areas not be placed on the individual lots. She clarified, in some of the City's, that may not be the case, but she thinks they are all very conscientious of that now and it is not done very often. She said, generally speaking, she will see outparcels take up all the forest conservation that is not going to be used for development. Mr. Cannon said, if they know that it is probably the right thing not to apply that to the owner, do they think maybe the County should take some measures so with the change of guard they do not drop the ball, to which Mr. Wilber responded, that is a good point because these plats have forest conservation areas on them, but the real estate industry selling the homes does not necessarily focus on that, so it is a surprise to a homeowner.

Mr. McCain said all the parties should know that, and they were put on there originally for a reason, but the real estate folks should 100 percent know that.

Ms. Williams said, when people call and say they are purchasing a property, they always encourage them to get a copy of the plat of the property so they can see that. She said she thinks the trend is to not do this anymore, but to place it on an outparcel.

Mr. Holloway said they have the same issues in some of the developments where they have folks who do not know about the overflight of the Airport, and then a few years later they cut their tree tops down. He said he thinks the real estate industry should be more on top of informing people. He said he knows there is a Right to Farm Act where things are revealed to potential buyers, so is there anything to put something into a real estate settlement so this would be revealed, to which Mr. Wilber responded, as Ms. Williams said, it shows on the plat, so it could be an educational issue where the Board of Realtors could explore both the avigation easements and these forest conservation easements. He said it is there on the plat, but is not necessarily something that is focused on.

Mr. McCain said all Maryland real estate contracts have a homeowner disclosure statement that has to be signed, which is pretty detailed, and things like this are on there. He said easements are one of the things that are on the disclosure statement. Mr. Holloway said people are just not paying attention.

Mr. Hastings said the Maryland Realtors Association is trying to put together a potential Enhanced Easement Awareness Act for this Legislative Session, which is an issue that comes about for a lot of different eased properties and folks just do not seem to know, so they are trying to figure out what more they can do. He said a lot of times it is just that the buyer is unaware, so hopefully there might be a little bit of a Legislative fix in the future for properties.

Ms. Williams said education for the realtors themselves is beneficial too. She said she gave a talk at a realtor's office, and there are tools out there that can be used by the public.

Mr. Dodd said this requires a public hearing, which can be held January 4 at 6:00 p.m. [Public hearing was postponed to January 18, 2022 at 10:00 a.m.]

There was no further discussion.



Larry W. Dodd, President, District 3



Joe Holloway, Vice President, District 5



John T. Cannon, At-Large



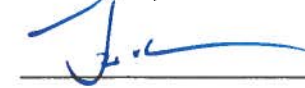
William R. McCain, At-Large

_____ absent _____

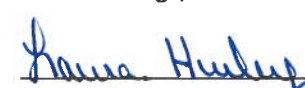
Ernest F. Davis, District 1



Nicole Acle, District 2



Josh Hastings, District 4



Laura Hurley, Council Administrator