



City of Annapolis

Board of Port Wardens
Department of Planning & Zoning
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MINUTES

BOARD OF PORT WARDENS

Tuesday, February 23, 2021
Virtual Public Meeting
7:00pm

A. CALL TO ORDER: Gene Godley-**Chair**, 7:00pm

B. ROLL CALL:

Members Present: Gene Godley-**Chair**, Willie Sampson-**Vice Chair**, John Butler, Robert Shapiro, Scott Anderson

Staff Present: Dr. Sally Nash-Director, P&Z, Kevin Scott, Kerry Berger-Assistant City Attorney

Others Present: Alderman Arnett

C. APPROVAL OF AGENDA

Mr. Butler moved approval of the agenda as amended to move Old Business Item #1 to the end of the agenda. **Vice Chair** Sampson seconded the motion. The motion passed unanimously in a vote of 5-0.

D. ADMINISTRATIVE

1. January 26, 2021 Meeting Minutes

Vice Chair Sampson moved approval of the January 26, 2021 meeting minutes as written. Mr. Anderson seconded the motion. The motion passed unanimously in a vote of 5-0.

E. OLD BUSINESS

2. PORT2020-026 – Steven Roth and Caroline Blakely, 141 Spa View Avenue: Remove one mooring piling and reinstall it 10' landward and add a 12' wide x 10' boat lift in existing slip 60' channelward of MHW; add PWC lift on existing pier piling 30' channelward of MHW; and install a 10' L x 14' W kayak float 60' channelward of MHW – CONTINUED FROM JANUARY 26, 2021 MEETING

There was no additional written public testimony submitted during the public comment period so **Chair** Godley declared the record closed.

Mr. Anderson moved to approve the application for 141 Spa View Avenue as presented. **Vice Chair** Sampson seconded the motion. The motion passed unanimously in a vote of 5-0.

3. PORT2020-028 – Michael and Melanie Urbanski, 1 ½ Eastern Avenue: Remove and replace 20' section of existing pier for access; remove and replace 840 sf of existing wood deck for access; replenish existing stone revetment in front of wooden bulkhead 70' long x 10' wide x 5' high. All work by barge via water access – CONTINUED FROM JANUARY 26, 2021 MEETING

There was no additional written public testimony submitted during the public comment period so **Chair** Godley declared the record closed.

Mr. Butler moved to approve the application for 1 ½ Eastern Avenue as presented. **Chair** Godley seconded the motion. The motion passed unanimously in a vote of 5-0.

4. PORT2020-029 – Yacht Haven of Annapolis, LLC, 326 First Street: Proposed work to maintenance dredge the existing travel lift well to 9 MLW (105 CY) and to maintenance dredge 4 marina slips to -7 MLW (87 CY) – CONTINUED FROM JANUARY 26, 2021 MEETING

There was no additional written public testimony submitted during the public comment period so **Chair** Godley declared the record closed.

Mr. Butler moved to approve the application for 326 First Street as presented. Mr. Anderson seconded the motion. The motion passed unanimously in a vote of 5-0.

- 5. PORT2020-030 – Edwin and Georgeann Berkinshaw, 115 Spa View Avenue: Maintenance dredge existing boat 50 CY; install topping stone on existing sill; add 10 CY of sand; remove and replace PWC boatlift – CONTINUED FROM JANUARY 26, 2021 MEETING**

There was no additional written public testimony submitted during the public comment period so **Chair Godley** declared the record closed.

Mr. Butler moved to approve the application for 115 Spa View Avenue as presented to include the lateral lines clarification. Mr. Shapiro seconded the motion. The motion passed unanimously in a vote of 5-0.

Chair Godley accepted the following exhibits into the record.

Exhibit Number	Board of Port Wardens Exhibit Type
C.3	Lateral Lines clarification

- 6. PORT2020-031 – John Courtney, 7051 Bay Front Drive: Extend, existing 50’ pier to 75’; Eliminate existing 6’ x 15’ platform on existing pier; add 200 sf “L” head platform on proposed pier extension; add 3’ x 20’ finger and 10,000 lb boat lift – CONTINUED FROM JANUARY 26, 2021 MEETING**

There was no additional written public testimony submitted during the public comment period so **Chair Godley** declared the record closed.

Vice Chair Sampson moved to approve the application for 7051 Bay Front Drive as presented. Mr. Shapiro seconded the motion. The motion passed unanimously in a vote of 5-0.

- 7. PORT2020-033 – Chesapeake Region Accessible Boating (CRAB), 7040 Bembe Beach Road: Remove and dispose of the existing fixed timber pier complex that contains 37 berths including all existing mooring pilings; construct a new 8’ wide, timber deck floating pier complex with 15 berths including 3 boat lifts; install a 30’-35’ transition ramp to access the floating pier from the existing fixed timber bulkhead; all support pilings will be within the 8’ width dimension of the floating piers and will extend 9’ in height from MLW; install 12 mooring pilings as part of 8 of the berths – CONTINUED FROM JANUARY 26, 2021 MEETING**

There were two written public testimony submitted during the public comment period that **Chair Godley** submitted into the record but with no other comments **Chair Godley** declared the record closed.

Mr. Butler moved to approve the application for 7040 Bembe Beach Road as presented. Mr. Anderson seconded the motion. The motion passed unanimously in a vote of 5-0.

Chair Godley accepted the following exhibits into the record.

Exhibit Number	Board of Port Wardens Exhibit Type
C.6	Revised Staff Memorandum dated 1/15/21
C.7	Revised Plans with Lateral Calculations

Chair Godley accepted the following exhibits into the record.

Exhibit Number	Board of Port Wardens Exhibit Type
T.1	Michael and Elizabeth Williams Letter dated 1/21/21
T.2	Anne Weathersby Letter dated 1/21/21

- 1. PORT2020-023 – Gerry Perham, 954 Creek Drive: To install an after-the-fact 8’ x 14’ floating kayak launch platform – CONTINUED FROM JANUARY 26, 2021 MEETING**

Chair Godley clarified that the Board heard the application at its October 27, 2021 meeting and continued it to the November 24, 2021 meeting where the **Chair** closed the record. He noted that as a courtesy, **Chair Godley** continued the application to the next meeting to allow the City and the parties to reach an amended solution. At the January meeting, Dr. Nash requested to continue the application. Since the last meeting, there were requests to submit additional information, opposing statements, additional communications from a community organization, court documents and ex-parte communication despite the closing of the record. He consulted the Office of Law regarding the ex-parte communications and noted this would not alter his ability to render a fair decision. He has also received press inquiries that he did not respond to it. Lastly, the City passed an ordinance mandating the Port Wardens to consider public access in its decisions specifically to not have any structures interfere with

navigation between public access and navigable waters. He asked if the BPW should open the record to accept additional submissions and reminded them of staff conditional approval of the application.

Chair Godley asked both Ms. Berger and Mr. Schaller to provide a briefing on when the piling was constructed, who owns the piling and are they willing to remove it. The other issue to address is to determine if this is an easement/right of way or is it a specific property right that will allow alteration of the lateral line. The BPW asked Mr. Schaller to comment on anything pertinent to the new ordinance as it relates to impeding or interfering with navigation. Mr. Butler requested that the City provide the configuration of the piling or cove prior to 1980 and requested a copy of the aerial photo used to draw the harbor line.

Chair Godley moved to continue the application until the BPW has received requested information and including any written comments received from the public relating to the requested information above. Mr. Butler seconded the motion. The motion passed unanimously in a vote of 5-0.

G. MISCELLANY

Mr. Butler asked for a closed session because he has concerns relating to the Rules and Procedures. **Chair** Godley said that the closed session is on the March 23, 2021 meeting agenda.

H. ADJOURNMENT

With there being no further business, **Chair** Godley moved to adjourn the meeting at 7:47pm. Mr. Anderson seconded the motion. The motion passed unanimously in a vote of 5-0.

The next meeting of the Board of Port Wardens is March 23, 2021 at 7:00pm as a virtual meeting.

Tami Hook, Recorder