



NEWSLETTER

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FEBRUARY 2012

PRESIDENTS MESSAGE

As we begin 2012, we should look back with pride on our efforts to keep the Harwood and South County areas in their current rural state. Our efforts during Comprehensive Zoning met with some successes and some disappointments. We now continue the fight in the litigation that we have joined. As with all litigation, we have no assurance how it will come out, but we would always second-guess ourselves if we did not make the effort to do all that we could to preserve our way of life here in South County. Our Councilman, Jerry Walker, let us down siding with the special interests and the wealthy property owners. We should all remember this in the future. So we now must carry on the fight that he should have fought for us.

We wish the best for the New Year to all our Harwood Civic Association (HCA) family.

COMPREHENSIVE ZONING LITIGATION UPDATE

As reported in the Fall Newsletter (October 2011), the HCA joined various other Civic Associations and individuals in a law suit against the County Council challenging several zoning changes made by the County Council in Council Districts 6 and 7 during Comprehensive Zoning. The case has settled into the slow process of litigation in the Circuit Court and is in a preliminary motions phase. The case

number is 02-C-11-164569. A summary of the proceedings to date follows. Subsequent Newsletters will keep HCA members up to date on the proceedings as they unfold.

Fund raising efforts to support the litigation raised \$13,000 from Civic Associations and individuals. HCA contributed \$1500.00 to the legal fund. The Board of Directors determined that HCA should do everything possible to keep the rural integrity of the Harwood and South County areas.

Suits against County Council decisions on comprehensive zoning have also been brought in Frederick and Queen Anne' counties.

THE COMPLAINT

Russell B. Stevenson of the Chesapeake Legal Alliance (CLA) represents the Harwood Civic Association and the other Plaintiffs. CLA is a non-profit organization dedicated to using the law to improve the quality of the Chesapeake. CLA's principal function is to serve as a catalyst and clearinghouse, identifying lawsuits, administrative proceedings, law reform efforts and other legal initiatives whose goal is to reduce pollution in the Chesapeake or otherwise contribute to improving the quality of its waters. CLA solicits the pro bono efforts of private law firms and individual lawyers, matching them with matters that require legal skills.

The Plaintiffs' complaint was filed on October 6, 2011 and contained four counts. The first two counts allege that Bill 44-11 (the Bill addressing

Comprehensive Zoning for Districts 6 and 7) failed to implement and is inconsistent with the General Development Plan in substantial part and is, therefore, in violation of the Maryland Annotated Code, Article 66B and Section 18-2-102 of the Anne Arundel County Code. Count One also alleges that the County Council in overriding the veto of ten amendments acted in an arbitrary, capricious, and unreasonable manner in violation of Maryland Law.

Count Three lists and describes ten amendments to Bill 44-11, all of which the County Executive vetoed (Amendments 9, 22, 25, 26, 27, 30, 34, 37, 43 and 46). Amendments of particular interest to South County residents are: 25 (the properties at 3336 and 3350 Solomons Island Road, near the intersection with Maryland Route 214, rezoned from RA to R1); 26 (properties on Mt. Zion-Marlboro Road containing Boone's Mobile Estates rezoned from RA to R5); and 30 (properties on Crandell Road in West River rezoned from RLD to W2, industrial zoning). The other challenged amendments are outside of South County in Gambrills and Edgewater. Count Three alleges that these amendments violate the Anne Arundel Code and Article 66B of the Maryland Annotated Code because of inconsistency with the GDP and the applicable Small Area Plans and, further, alleges that the amendments are unlawful spot zoning.

Count 4 challenges the rezoning of a parcel at 1625 Old Generals Highway in District 6 known as the "Wedding Chapel" parcel.

The Complaints requests a Declaratory Judgment that Bill 44-11 was adopted in violation of Maryland law and the Anne Arundel Code and, therefore, is void and of no legal effect or, in the alternative, a Declaratory Judgment that the provisions challenged in Counts Three and Four are unlawful and void.

THE COUNTY'S RESPONSE

The County Council is represented by the County Attorney, Jonathan A. Hodgson and his office. On November 2, 2011, The County filed a Motion to Dismiss the Plaintiff's complaint based on lack of jurisdiction and failure to state a claim for

Declaratory Judgment. The County argues to the Court that Plaintiffs have an administrative remedy available to challenge the rezoning which must be exhausted before an action can be brought. The administrative remedy cited by the Defendant is an administrative proceeding against an action taken by the property owner in reliance on the rezoning, such as a request for a building permit. The County argues that the Plaintiffs can challenge the rezoning in such a proceeding for a building permit. The Defendant similarly argues that there can be no claim for a Declaratory Judgment until the property owner takes some action in reliance on the rezoning.

PLAINTIFF'S OPPOSITION TO THE DEFENDANT'S MOTION TO DISMISS

Plaintiffs responded that the doctrine of exhaustion of administrative remedies only requires that Plaintiffs exhaust the remedy intended by the legislature as the primary means of challenging the validity of a government action. The legislature did not intend that an indirect appeal of a permit or a subdivision approval was the primary means of challenging the validity of legislative actions taken in the course of comprehensive zoning. Plaintiffs further pointed out that Maryland law does not provide an administrative procedure for challenging the validity of the County Council's comprehensive zoning decisions, nor does Anne Arundel County law. The challenge or appeal of a permit or subdivision approval clearly does not provide an adequate means of challenging an invalid comprehensive zoning decision by the County Council. Accordingly, Plaintiffs argued that a suit for an injunction or declaratory judgment is the proper form of action.

INTERVENORS

Several property owners who obtained rezoning under Bill 44-11 have moved to intervene in the litigation. Further these Intervenor have also moved to dismiss claiming that all necessary Defendants have not been joined, that the Plaintiffs lack standing, and that the Plaintiffs have failed to state a claim upon which relief can be granted.

COURT SCHEDULING

The Court issued a Scheduling Order on November 11, 2011 setting key dates for the case. Indicative of the glacial pace of proceedings in the Circuit Court, the order stated that the case is to be completed by April 3, 2013. There are a number of other dates, which need not be enumerated here. Of significance for our immediate needs is that the Court set a hearing date on the Motion to Dismiss for February 13, 2012.

THANKSGIVING FARM HARWOOD'S FAMILY WINERY

One of the earliest references to winemaking occurs in Genesis: "And Noah began to be a husbandman, and he planted a vineyard." Throughout the succeeding centuries wine has become an integral part of the culture and economy of a significant part of the world. Ben Franklin stated that "Wine makes daily living easier, less hurried, with fewer tensions and more tolerance." The English poet, Lord Byron, was of the opinion that "Wine cheers the sad, revives the old, inspires the young, makes weariness forget his toil."

In 1996 the Heimbuch family purchased the fifty-eight acre Thanksgiving Farm, part of an original three hundred and thirty-two acre farm, Richland, along Harwood Road. The goal was to practice some sort of agriculture, and to that end the family granted Anne Arundel County a conservation easement. After a brief experimental period of raising beef cattle, the Heimbuchs decided to pursue the possibility of a vineyard and a winery. Doug Heimbuch had been an amateur winemaker for a number of years, but his scientific background and natural curiosity led him to explore the possibility of a full-scale operation. Through study and experimentation he concluded that the grapes of the Bordeaux region of France would be a good choice as the two areas had similar climatic and soil conditions.

Root-grafted stock was shipped from a nursery in

California. The first vines were planted in 1998. Currently there are thirty-three hundred plants growing on nine acres. Four varieties of red grapes: Merlot, Cabernet Franc, Petit Verdot, and Cabernet Sauvignon, are utilized to create three blended red wines and one white, which is not a blend.

Wine making is a science as well as an art. It is a labor of love and a test of patience. Three to four years must elapse between the harvest of the grapes and the presentation of the wines for sale. First, the grapes are hand harvested and then transferred to the winery for the fermentation process. The process lasts a month with most of the grapes being fermented on their skins. Those to be used for the white wine have their skins removed so that the wine will gain color from the skins. During this time period, yeast is added in order to convert the natural sugar to alcohol. Next, the young wines from the four varieties are sampled in order to determine the appropriate composition of the various blends. Their signature wine, Meritage, is blended first. The remaining red wines become their Farmhouse Red. Their Dry Rose and Franc Blanc, the unblended white, are made from juices fermented off their skins. The red wines are aged in French oak barrels while the white wine is aged in stainless steel tanks until bottling. The aging process takes about a year. The red wines undergo a final process known as "fining" in which extra tannins are removed prior to bottling. They then continue to age for another year or two. The white and rose wines are bottled and ready for sale in less time.

The grapes are harvested in late fall, but during the growing season they are subjected to all sorts of challenges from expected weather patterns to hungry birds and other animals, and in some cases, fungus. After the labor of the harvest is over, each plant must be pruned by hand in order to ensure a bountiful crop the following year.

Doug and Maureen Heimbuch, the farm's proprietors, cheerfully share their love and enthusiasm for the family enterprise. Even with all of the challenges, they are certain they would do it all over again.

See photo on page 6

There are plans for possible vineyard expansion, and other South County landowners interested in trying their hands at winemaking will find them a ready resource.

Thanksgiving Farm is the only commercial winery in southern Anne Arundel County. Wine tasting is available on Sundays between 1-5. Two of their varieties, the Meritage and the Franc Blanc, are available for purchase in area wine stores. Wines may also be ordered via their website or purchased at the farm.

SOUTH COUNTY FAITH NETWORK HELPING YOUR NEIGHBORS

Seven years have passed since the Anne Arundel County Department of Aging realized that seniors and disabled individuals in South County had needs that could not be handled. The faith community of South County answered the call to step forward and assist their neighbors. This marked the formal birth of the South County Faith Network (SCFN), an interdenominational, not-for-profit organization dedicated to improving the quality of life for seniors and disabled adults in southern Anne Arundel County. SCFN serves the citizens of Churchton, Deale, Friendship, Galesville, Harwood, Lothian, Shady Side, Tracy's Landing and West River. Clergy and lay people together shared the county's vision and continue to guide the works of the SCFN.

The SCFN uses local volunteers to provide informal, home-based care and services that enable at-risk individuals to remain in their homes and enjoy a higher quality of life than they might otherwise experience. The greatest needs of the community are light house cleaning, grocery shopping, transportation to appointments and church services, errand running, yard work, minor home repairs, home maintenance and friendly visits. All of our services are provided at no cost to the community. Donations for materials are always welcome but no client is turned away for being unable to contribute. These are the members of our community who need help the most.

Volunteering talents and time is a huge commitment, but if you feel a call to serve others weekly, monthly or less frequently please consider reaching out to help in your own community. Recognizing the needs of your community and referring a neighbor for assistance is another vital way in which you can assist the SCFN. Please feel free to contact Mary Catherine Ball, Executive Director - 410.867.1128 or socofaithnet@verizon.net. We will personally visit with every individual and assess each situation to provide the best service possible to South County.

HARWOOD REAL ESTATE 2011

In 2011, activity in the Harwood real estate market was similar to 2010. Sixteen homes and one parcel of land went to settlement compared to fifteen homes in 2010.

Eleven of the properties were detached homes on parcels of deeded land while five were mobile homes. The mobile homes ranged in price from \$6000 to \$45,000. Time on the market averaged forty-eight days. The detached homes averaged one hundred ninety days on the market. Sales prices ranged from \$260,000 for a home on eight acres in need of major repairs to a new construction waterfront home on two acres that sold for \$1,100,000. Seller subsidies were frequent and ranged from \$10,000 to \$15,000 on eight of the eleven detached homes.

As of December 31 there were four properties under contract including a waterfront estate with an asking price of \$5,200,000. There are currently fourteen active listings. Three of them are mobile homes, which range in price from \$24,995 to \$59,900. The eleven detached homes range from \$169,900 for a home still under construction to \$999,000 for an estate home on 5.61 acres.

Buyers and sellers continue to disagree on property values. Of the sixteen properties sold in 2011, only three of them settled for the asking price. The remaining closing prices averaged 89.7% of the listed prices.

ANNE ARUNDEL COUNTY FARMERS MARKETS

Here is a list of the Farmers Market for Anne Arundel County as published on the Maryland Department of Agriculture website. Our local Framers Markets are well attended with farm fresh produce and other products. We encourage you to attend one of the County Farmers Market and support our local farmers. Please note the periods and times of operation. For further information call 410-841-5770.

Annapolis FRESHFARM Market. Annapolis: Donner Parking Lot - Compromise Street. Sunday: 8:30 a.m. to Noon, May 1 - November 20. Contact: Bernadine Prince, 202-362-8889, info@freshfarmmarkets.org. *FMNP Checks (WIC & Senior) & FVC Accepted.*

Anne Arundel County Farmers' Market. Annapolis: Riva Road & Harry S. Truman Parkway. Saturday: 7:00 a.m. to Noon, April 2 - December 17; Tuesday: 7:00 a.m. to Noon, June 7- October 25. Contact: Brenda Conti, 410-349-0317. *FMNP Checks (WIC & Senior) & FVC Accepted.*

Deale Farmers' Market. Cedar Grove United Methodist Church Parking Lot 5965 Deale-Churchton Rd. Thursday: 3:00 p.m. to 6:00 p.m., July 7 - October 25. Contact: Gail Wilkerson, 410-867-4993. *FMNP Checks (WIC & Senior) & FVC Accepted.*

Department of Natural Resources Farmers' Market. DNR parking lot off Taylor Avenue. Thursday: 3:00 p.m. to 6:00 p.m., June 2 - September 29. Contact: Lisa Barge, 410-222-7410. *FMNP Checks (WIC & Senior) & FVC Accepted.*

Westfield Annapolis Farmers' Market. Route 50 & Jennifer Rd. Sears parking lot. Sunday: 11:00 a.m. to 2:00 p.m., January 1 - April 17 (1st and 3rd Sundays); Sunday: 10:00 a.m. to 2:00 p.m., May 1 - October 30. Contact: Brenda Conti, 410-349-0317. *FMNP Checks (WIC & Senior) & FVC Accepted.*

CALENDAR OF EVENTS

The following events are summarized here. We encourage you to **check the applicable organization's Website for more detail.**

March 17, 2012, 10:00 a.m. to 2:00 p.m. Davidsonville Area Civic Association, **Davidsonville Green Expo.** Ruritan Club Community Center, 3358 Davidsonville Road, Davidsonville, MD.

March 24-25, 2012. London Town and Gardens, **Maryland Day Weekend.** \$1.00 admission to London Town and Gardens. 839 Londontown Road, Edgewater, MD.

March 25, 2012, 1:00 to 4:00. Captain Avery Museum, **Maryland Day Open House.** 1418 East-West Shady Side Road, Shady Side, MD.

March 24, 2012, 1:30 to 3:00 PM. Smithsonian Environmental Research Center (SERC), **Maryland Day Contee Farm Hike.** Reed Education Center, SERC. Cost free. Contact: 443-482-2388

March 31, April 14, April 21, May 5, May 26, 9:00 to 11:30 a.m. SERC, **Canoe Excursion.** Reed Education Center. Preregistration required. Cost: \$14 per adult/\$7.00 per child (6-12). **Feb, Mar, April, May, SERC, Citizen Science Programs.** SERC offers a number of Citizen Science programs on a variety of subjects such as bees, reptiles, amphibians, butterflies and insects. Preregistration required. Cost: 10.00 per adult/\$5.00 per child (+10). See the Calendar on the SERC website.

1st Saturday of Feb, March, April, May, 8:00 to 11:00 a.m., Jug Bay Wetlands Sanctuary (JBWS), **Bird Walks.** See the Calendar on the website of the JBWS for the Bird Walks and other educational programs.

April 22, 2010, 3:00 PM, Londontown Symphony Orchestra, **"Rising Stars" Concert.** Annapolis High School, 2700 Riva Road, Annapolis, MD. Order tickets online at Londontown Symphony Orchestra website/Adults \$15.00.

USEFUL CONTACT INFORMATION

This information has changed from prior lists.

County Executive- John Leopold 410-222-1821
jleopold@aacounty.org

Community Service Representative-Bea Poulin
410-222-1260 bpoulin@aacounty.org

County Council Member District 7-Jerry Walker
410-222-1401 jerry.walker@aacounty.org

State Senator District 33-Ed Reilly 410-841-3568
edward.reilly@senate.state.md.us

Delegate District 33B-Bob Costa 410-841-3551
robert.costa@house.state.md.us

State Senator District 30-John Astle 410-841-3578;
800-492-7122, ext. 3578
john.astle@senate.state.md.us

Delegate District 30-Michael Busch 410-841-3800;
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michael.busch@house.state.md.us

Delegate District 30-Herbert H. McMillan 410-
841- 3211
herb.mcmillan@house.state.md.us

Delegate District 30-Ron George 800-492-7122,
ext. 3439 ron.george@house.state.md.us

**AA County Police Police Southern
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HARWOOD CIVIC ASSOCIATION CONTACT INFORMATION

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