

Critical Area Commission
Chesapeake and Atlantic Coastal Bays
Meeting held via Google Meet

April 11, 2025

Program Implementation Committee Minutes

Committee Members in Attendance: *Bunker (Chair), Etherton, Gerthoffer, Herr-Cornwell, Mulkey, McCall, Porter, Richards, Rodvien, Wilson*

Guests: Carla Gerber, AICP (Kent County), H. Ward Slacum, Jr. (Oyster Recovery Partnership), Brendan Mullaney (Attorney), Chris Judy (DNR), Laurinda Serafin (DNR), Olivia Caretti (Oyster Recovery Partnership), Sarah Franklin (Chesapeake Beach)

1. Welcome and Roll Call:

- Chair: Commissioner Bunker welcomed all attendees and confirmed a quorum of 8 members.
- Meeting was conducted virtually on Google Meet, and the video will be posted online to comply with open meeting requirements.

2. Approval of November 1, 2024 Program Implementation Subcommittee Minutes

Motion to Approve - Commissioner Rodvien

Second – Commissioner Burris

All in favor.

Action: Minutes approved.

3. Kent County – Comprehensive Rezoning: Associated Growth Allocations and Downzoning

- **Presented by:** Katie Hayden. Recommendation: Approval with Conditions.

Kent County is requesting approval of three growth allocations and one downzoning request as part of the county's comprehensive rezoning effort. The county proposes reclassifying the following four areas in the Critical Area:

1. Chester River Yacht & Country Club Marina: 1.438 acres of Limited Development Area (LDA) to Intensely Developed Area (IDA);
2. Haven Harbour South Marina: 3.139 acres of LDA to IDA;
3. Millington Crossing: 58.988 acres of Resource Conservation Area (RCA) to IDA; and
4. Lankford Bay Marina: downzoning of 1.216 acres of IDA to LDA.

Discussion: The presentation was paused after each rezoning request to allow period for questions and comments. Commissioner Bunker inquired about a discrepancy between the floodplain/sea level rise inundation maps and a comment from the Maryland Department of Planning (MDP) in the staff report. Ms. Hayden verified that the project is located outside of the floodplain; Commissioner Herr-Cornwell also clarified MDP's comments.

Commissioner Wilson asked about the status of the wastewater treatment plant associated with the project. Carla Gerber (Kent County) provided an update on the status of approvals for the plant. Commissioner Richards was provided clarification from Ms. Hayden and Ms. Gerber on the LDA clearing requirements. Chair Fisher thanked the County for their work on this matter and suggested providing future mitigation at Rob Vanary Park. Commissioner Wilson inquired about the LDA designation for Lankford Bay; Ms. Gerber explained that an LDA designation is required due to underlying zoning.

Motion to approve: Commissioner Herr-Cornwell

Second: Commissioner Rodvien

Vote: Commissioner Wilson voted nay. All others voted in favor. Motion passed.

4. Town of Chesapeake Beach – Comprehensive Review

- **Presented by:** Annie Sekerak

The Town of Chesapeake Beach has completed a comprehensive review of its entire Critical Area program as required by State law. This is the first comprehensive update to the Town's program.

Discussion: Commissioner Wilson asked a general question on permeable materials.

Motion to Approve: Commissioner McCall

Second: Commissioner Wilson

Vote: Motion passed unanimously.

5. Information Only: Oyster Restoration Best Management Practices

- **Presented by:** Jamileh Soueidan

Ms. Soueidan presented information regarding oyster restoration best management practices (BMP) for consideration as an offset for growth allocation requests associated with aquaculture facilities. Feedback is requested from Commissioners.

Discussion: Commissioner Wilson noted that the oyster BMP may not be successful in the Coastal Bays due to survivability issues. Commissioner McCall recommended that to include this as part of a larger BMP treatment system for the area. She also noted that oysters do not address the water quality concerns Buffer impacts provide, so keep that under consideration. Commissioner Herr-Cornwell recommended having a proximity location for BMPs in relation to the project where Critical Area impacts are occurring; Commissioner Bunker seconded this notion. Commissioner Mulkey noted that the Maryland Department of Agriculture supports innovative ideas like this BMP to support the aquaculture industry. Commissioner Bunker asked for clarification on the calculations to determine the benefits provided with the oyster BMP. Brendan Mullaney, attorney for the property owners that are proposing this BMP concept, provided some background on the project and need for this BMP concept.

Meeting adjourned.

