

# MINUTES

**Critical Area Commission for the  
Chesapeake and Atlantic Coastal Bays  
100 Community Place  
Crownsville, MD 21032**

**January 29, 2025**

**CALL TO ORDER:** Chair Erik Fisher called the meeting to order at 1:00 p.m. The meeting was held virtually via Meet.

**Commission Members in Attendance:**

Tim Adams, Prince George's County  
David Bradford, Worcester County Chesapeake  
Allison Gost, Department of Transportation  
Steve Bunker, Charles County  
Dan Burris, St. Mary's County  
Jenelle Gerthoffer, Worcester County – Coastal/Town of Ocean City  
Anita Grant, At Large  
Rosa Hance, At Large  
Debbie Herr-Cornwell, Department of Planning  
Catherine McCall, Department of Natural Resources  
Travis Marion, Cecil County  
Mira Morgan, Department of Housing and Community Development  
Alisha Mulkey, Department of Agriculture  
Jim Palma, Department of Commerce  
Hitesh Patel, Somerset County  
Larry Porter, Caroline County  
Annie Richards, Kent County  
Tammy Roberson, Department of Environment  
Brian Roche, Dorchester County  
Lisa Rodvien, Anne Arundel County  
Dave Wilson, Worcester County Coastal  
Pat Young, Baltimore County

**Commission Members Not in Attendance:**

Ben Etherton, Talbot County  
Mark Conway, Baltimore City  
Earl "Buddy" Hance, Calvert County

**OPENING REMARKS:** Chair Fisher called the meeting to order and welcomed everyone. Nick Kelly confirmed the presence of a quorum with a roll call.

**APPROVAL OF MINUTES:** Commissioner Marion moved to approve the minutes from the December 18, 2024 meeting. Commissioner Bunker seconded. Commissioners Adams, Gerthoffer, Grant and Rodvien abstained as they were not present at that meeting. Motion passed.

**STAFF PRESENTATIONS**

**ITEMS FOR VOTE:**

**UPDATES TO COMMISSION BY-LAWS**

Presented by Nick Kelly

Dr. Kelly presented for vote a proposal by Chair Fisher to amend the by-laws of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays. The By-Laws were originally adopted on December 5, 1984 and amended on October 7, 1988. The proposed update is intended to reflect changes to the Critical Area Law and clarify existing procedures.

Dr. Kelly presented the staff report, the contents of which are incorporated into and made part of the minutes. He summarized the updates in accordance with the staff report.

Following the presentation, Chair Fisher asked for a motion to approve the revisions. Commissioner Marion so moved. Commissioner Grant seconded. **Motion passed unanimously.**

**UPDATES TO THE COMMISSION'S POLICY ON COMMISSION, SUBCOMMITTEE, WORKGROUP AND PANEL MEETINGS**

Presented by Nick Kelly

Dr. Kelly presented a summary of the Procedures for the Commission, Committees, and Workgroups, and Procedures for Panels of the Commission, the contents of which are incorporated into and made part of the minutes. The original document, "Procedures for Subcommittee, Panel and Commission Meetings," was adopted in 1994 and is largely out of date. Commission staff drafted two new procedure documents to replace the original. Dr. Kelly presented the new procedures as defined in the new policies.

Dr. Kelly presented the staff report, the contents of which are incorporated into and made part of the minutes. He summarized the updates in accordance with the staff report.

Following the presentation, Chair Fisher clarified that the procedures govern every major grouping, including the Commission, committees, workgroups, and panels. Panels are formed when a jurisdiction proposes a substantial change to their program. He then asked for a motion to approve the revisions. Commissioner Hance so moved. Commissioner Bunker seconded. **Motion passed unanimously.**

**PROJECT SUBCOMMITTEE:**

**ST. MARY'S COUNTY RECREATION AND PARKS – SNOW HILL MANOR PARK BOAT AND KAYAK LAUNCH – CONDITIONAL APPROVAL**

Presented by Katie Hayden. Subcommittee Recommendation: Approve with conditions.

St. Mary's County Recreation and Parks is seeking approval at Snow Hill Manor Park to construct a boat launch, kayak launch, access roads and parking for beach access, kayak launch users, boat launch users, and users of the park's other amenities including a new playground and pavilion. The project's purpose is to increase public boat access in the county and to increase recreational opportunities for county residents. The project site is located entirely in the RCA and a portion of the project site is located in the 200-foot Critical Area Buffer.

The proposed project design incorporates the Project Subcommittee's recommendations from July 24, 2024. However, even with the reduction of impacts, this project will require Conditional Approval from the Critical Area Commission under COMAR 27.02.06 for non-water dependent impacts to the Buffer (i.e., parking spaces in the Buffer).

**Discussion:**

Commissioner Wilson stated that he sees this as an overall good project. He asked about the extra mitigation plantings and whether they were to fulfill Forest Conservation Act requirements. County representatives replied that it was requested by County residents to maintain a scenic environment.

Commissioner McCall expressed concerns about the possible runoff increase at the boat ramp. County representatives replied that the runoff will drain to the beach, but there is an asphalt curb to keep it separate, as well as dune plantings to provide a natural barrier between the boat launch and beach areas.

Commissioner Hance thanked the County for the new information but reiterated her concern about the project. The mitigation plantings may not be installed in time to mitigate stormwater runoff during the summer. The County replied that the plantings and stormwater management are part of the construction bid.

**Vote:** Commissioner Roberson moved to approve the project. Commissioner Marion seconded. Commissioner Hance voted against, with all others in favor. Motion carried.

**STATE OF MARYLAND – NEW SUPREME COURT BUILDING – CONDITIONAL APPROVAL**

Presented by Kate Durant. Subcommittee Recommendation: Approve with conditions.

Ms. Durant presented for vote a request from the State of Maryland to construct a new building for the Supreme Court of Maryland along Rowe Boulevard in Annapolis. The courthouse will be located on State-owned land that currently houses the Annapolis District Court and is adjacent to lands owned by the Naval Academy Athletic Association.

The project requires conditional approval under COMAR 27.02.06 by the Critical Area Commission because the project exceeds the allowable 15% lot coverage limit. The Project Subcommittee recommends approval with the condition that, prior to the start of construction, the Department of General Services shall submit to Commission staff all final plans and approvals, including but not limited to, the final planting plan and a completed planting agreement form.

**Discussion:**

Commissioner Wilson commented that this project is a good example of infill development.

**Vote:** Commissioner Roberson moved to approve the project. Commissioner Hance seconded. Motion carried unanimously.

**LEGAL UPDATES – Emily Vainieri**

Ms. Vainieri presented legal updates to the Critical Area Commission. The Commission is currently involved in four cases – two in Anne Arundel County Circuit Court, one in Worcester County Circuit Court, and one in Queen Anne's County Circuit Court. Ms. Vainieri provided updates on the first three, and details on the fourth.

EVERETT (AA Co.)

The Critical Area Commission and Anne Arundel County have challenged the Anne Arundel County Board of Appeals' decision to grant an after-the-fact Critical Area variance for an unauthorized shed within the Critical Area Buffer. A hearing was originally set for January 6, 2025, but was postponed to February 24, 2025.

HARRIS (AA Co.)

The Critical Area Commission and Anne Arundel County have challenged the Anne Arundel County Board of Appeals' decision to grant a Critical Area variance for the construction of pool and patio within the Critical Area Buffer. A hearing has been scheduled for April 7, 2025.

AYRES CREEK FAMILY FARM (Worcester Co. Circuit Court)

Worcester County's Critical Area boundary maps are in the early stages of being revised, but it was discovered that for the Ayres Creek property, the CA boundary line is moving forward, meaning that a portion of the Ayres Creek property is being removed from the Critical Area. Based on this, the hearing is being postponed allowing the remapping process to play out a bit further.

CHESTERHAVEN (Queen Anne's Co.)

This case concerns property owned by Chesterhaven Beach Partnership, located along the Chester River and Piney Creek. The property contains approximately 102 acres, 81 of which are in the Critical Area and designated as Resource Conservation Area.

On July 9, 2024, the Queen Anne's County Commissioners approved Chesterhaven's request to include the property in the Chester Growth Area. The Commissioners' decision was also conditioned on the development being limited to 90 lots without the need for Critical Area growth allocation. Because 90 lots are not grandfathered/vested for the purpose of Critical Area law, the development of the property with 90 lots, without using growth allocation, would be contrary to the allowed RCA density of one dwelling per 20 acres.

The Plaintiffs, which include Queen Anne's Conservation Association, Inc., Chesapeake Bay Foundation, Chesapeake Wildlife Heritage, Inc. and a number of nearby property owners, seek a declaration from the Court that the Queen Anne's County Commissioners' July 9, 2024 decision is in conflict with State law and Queen Anne's County Code. The court granted the Critical Area Commission's motion to intervene as a plaintiff in this case. The Commission's intervention is for the limited purpose of ensuring that any declaration made by the Court is consistent with the Critical Area law and regulations.

**Notes:**

Chair Fisher reviewed the timeline for the next Commission meetings and encouraged Commissioners to attend the upcoming Lunch and Learn if able.

**Meeting adjourned.**

  
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Lynette Fullerton, Commission Secretary

3/12/25  
Date of Approval