

MINUTES

**Critical Area Commission for the
Chesapeake and Atlantic Coastal Bays
1804 West St., Suite 100
Annapolis, MD 21401**

November 6, 2024

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

Commission Members in Attendance:

David Bradford, Worcester County Chesapeake
Steve Bunker, Charles County
Dan Burris – St. Mary’s County
Mark Conway, Baltimore City
Ben Etherton, Talbot County
Jenelle Gerthoffer, Worcester County – Coastal/Town of Ocean City
Anita Grant, At Large
Debbie Herr-Cornwell, Department of Planning
Shawn Kiernan, MDOT
Catherine McCall, Department of Natural Resources
Mira Morgan, Department of Housing and Community Development
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:

Tim Adams, Prince George’s County
Earl Hance, Calvert County
Rosa Hance, At Large
Travis Marion, Cecil County
Alisha Mulkey, Department of Agriculture

OPENING REMARKS: Chair Fisher called the meeting to order, and welcomed everyone. Kate Charbonneau confirmed a quorum with roll call.

APPROVAL OF MINUTES: Commissioner Conway moved to approve the minutes from the September 18 meeting. Seconded. Motion passed unanimously.

STAFF PRESENTATIONS

PROJECT SUBCOMMITTEE:

Cape St. Clair Fire Station Replacement – Conditional Approval (Anne Arundel County)

Subcommittee Recommendation: Approve with Conditions

Ms. Jennifer Esposito presented for vote a Conditional Approval request from Anne Arundel County to disturb the Buffer and exceed lot coverage limits in order to replace an existing fire station and build a new parking lot in Cape St. Claire. Ms. Esposito presented a summary of her staff report, the contents of which are incorporated into and made part of the minutes.

Anne Arundel County brought this project before the Project Subcommittee on December 13, 2023, for information only. During that meeting, the Project Subcommittee requested the County identify alternative mitigation sites closer to the project site and explore ways to further reduce the overall impacts on the site, including smaller-scale stormwater practices and opportunities to reduce tree impacts. The updated proposal presented to the Project Subcommittee on October 16th, 2024 reduced impacts to the Buffer. The County also identified a new mitigation site closer to the fire station. The required 5.5 acres of mitigation will be met through a combination of on-site plantings and off-site plantings at Goshen Farm. Goshen Farm is located across Cape St. Clair Rd and owned by the Anne Arundel County Board of Education. The mitigation proposed at Goshen Farm includes invasive species management and replanting. The County has committed to a 10-year maintenance plan.

Ms. Esposito reviewed the requirements for a Conditional Approval and the findings required to be made by the Commission under COMAR 27.02.06. She summarized that the project, in requesting to exceed the lot coverage limits and to impact the Buffer is otherwise in compliance with the regulations and:

1. The development of the fire station aligns with the permitted zoning uses and is a permitted use in the Limited Development Area (LDA). The project has been redesigned to avoid environmental features where possible and to minimize impacts to such features where unavoidable. The project complies with stormwater management requirements, and the County is exceeding the mitigation requirements for the unavoidable impacts;
2. The County is providing mitigation for the Buffer impacts and clearing at a 3:1 ratio. The County is also providing mitigation at a 1:1 ratio for the amount of lot coverage that exceeds the 15% limit. In all, the County is providing over 5 acres of mitigation, both onsite and offsite at Goshen Farm. This includes 3.72 acres of invasive remediation and
3. The existing location of the fires station parcel is the best location on the Broadneck peninsula for safety response times. In addition, redeveloping an existing site reduces environmental impacts elsewhere within the service area and watershed. The project will enhance water quality and plant and wildlife habitat both onsite and at the neighboring offsite location (Goshen Farm). This will be accomplished through substantial mitigation efforts in the expanded Buffer on the fire station parcel as well as offsite at Goshen Farm through invasive removal and management, native species plantings, and through a long-term Forest Management Plan, and a 10-year maintenance and monitoring agreement.

Subcommittee Chair Conway summarized that the Project Subcommittee had a robust discussion of this project to bring the project further into compliance with the Critical Area program. Project Subcommittee Chair Conway moved to Approve the project with the conditions as outlined in the staff report. Commissioner Roche seconded.

Commissioner Wilson had a question about the Goshen Farm park site and its protection status. Ms. Esposito clarified that the site is owned by the County Board of Education and maintained by a volunteer organization. Commissioner Rodvien had a question about the extent and methods of invasive species management. The assurance was that the replanting efforts would meet or exceed the environmental impact requirements, with flexibility for adjustments based on Forest Service feedback.

Motion passed unanimously.

PROGRAM SUBCOMMITTEE:

Refinement: Growth Allocation Policy Update (Kent County)

Subcommittee Recommendation: Approve

Ms. Katie Hayden presented a request from Kent County for a refinement to their Critical Area Program to update to the County's Growth Allocation Policy. Ms. Hayden presented a summary of her staff report, the contents of which are incorporated into and made part of the minutes.

On October 22, 2024, the County Commissioners of Kent County approved Resolution 2024-12: Kent County Growth Allocation Policy Revisions. The purpose of the updated policy is to fully enable the comprehensive zoning map update previously approved by the County Commissioners. Specifically, the update will allow for certain growth allocations as a part of the comprehensive rezoning process. If this update to the growth allocation policy is approved, then the County will submit a new growth allocation associated with the County's comprehensive rezoning map update at a future meeting.

Program Subcommittee Chair noted that Program Subcommittee voted to concur with the Commission Chair's determination of a refinement to the County Program and to recommend approval of the update at its meeting on November 1, 2024 and subsequently made a motion to that effect.

Commissioner Richards raised concerns about flooding and environmental impacts on neighboring Queen Anne's County, which lies across the Chester River from the Millington development area. She then asked how cross-jurisdictional environmental considerations and the upcoming process for rule-making to incorporate climate resilience and equity in future allocations would be applied to the potential future growth allocation. Chair Fisher noted that we are in the beginning of this process as it relates to growth allocation. In terms of process, this matter relates specifically to the policy and not yet to the specific site. He recommends that we can have that conversation when the growth allocation is in front of the Commission. Commissioner Wilson also had a question about the total amount of acreage involved in the potential rezoning site. The County did not have the exact acreage by thought it was around 600 acres, with around 60 acres in the Critical Area.

Hearing no further questions, Chair Fisher asked for a second to the motion to approve the text amendment. Commissioner Etherton seconded. All but one voted in favor. Commissioner Wilson voted against. **Motion carried. Chair Fisher** indicated he wished to review everything before making his final decision.

Refinement – Town of Easton – Cohee Property (Talbot Commerce Park) Growth Allocation (Talbot County)

Subcommittee Recommendation: Concur with Refinement and Approve

Ms. Annie Sekerak presented a request from the Town of Easton to grant growth allocation in order to change 8.348 acres of Resource Conservation Area (RCA) to an Intensely Developed Area (IDA) for the Cohee property at Talbot Commerce Park. Ms. Sekerak presented a summary of her staff report, the contents of which are incorporated into and made part of the minutes.

The Town of Easton is requesting growth allocation to change approximately The subject property, owned by Thomas R. Cohee, is located in an existing commercial subdivision known as Talbot Commerce Park (28580 Mary’s Court; Tax Map 25, Parcel 46, Lot 20). Reclassifying the Critical Area overlay designation to IDA, combined with a local change to the underlying zoning, will allow for commercial use of the site that is consistent with the goals and purposes of the Easton Comprehensive Plan and the plan for the Talbot Commerce Park. Chair Fisher determined that the growth allocation could be reviewed as a refinement to the Town’s Critical Area Program.

Hearing no questions, Chair Fisher recognized Program Subcommittee Chair Bunker, who recommended, on behalf of the Program Subcommittee, concurrence with the Chair’s determination of refinement. Commissioner Etherton seconded. **Motion passed unanimously.** Chair Fisher acknowledged the motion and said this would stand as his final decision.

NEW BUSINESS – Chair Fisher:

HB-233 Update

Chair Fisher provided an update to the Commission on implementation of House Bill 233, which addresses equity and environmental justice in the Critical Area and went into effect on October 1, 2024. Local jurisdictions will receive guidance from the Commission, particularly regarding administrative provisions including changes to lot coverage and comprehensive review requirements.

Final Meeting of 2024

The next meeting of the Commission will be in person on December 18. Will work on bylaws, get updates on DEIJ workgroup progress.

Meeting adjourned.

Lynette Fullerton, Commission Secretary

Date of Approval