

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

October 24, 2025

Program Implementation Committee Minutes

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

Guests: John Lewis (Gunston School), Stephanie Jones (QAC), Tony Kupersmith (attorney, Gunston School)

1. Welcome and Roll Call:

- Susan Makhlof called the meeting to order and conducted a roll call to confirm a quorum. Steve Bunker, Committee Chair, welcomed all attendees.
- The meeting was streamed live to the public, and captioned minutes would be made available on the Commission's website.

2. Approval of September 19, 2025 Program Implementation Committee Minutes

- Motion to Approve: Commissioner Gerthoffer
- Second: Commissioner Burris
- Vote: The minutes were approved unanimously.

3. REFINEMENT – MOTION REQUIRED: Town of Hillsboro – Comprehensive Review

Presenter: Annie Sekerak. Recommend Concurrence with the Chair's determination of refinement; Approval with conditions.

Ms. Sekerak presented in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. The Hillsboro Town Commissioners have approved the comprehensive update to the Town's Critical Area program as required by State law. The Town last updated their Critical Area program in 2012.

Discussion:

Commissioner Bunker asked if the sections being taken out will be replaced with something else. Ms. Sekerak replied that the non-water dependent structures on piers and accessory dwelling units are provisional options, and the town decided they do not want these features in their local program.

Motion to concur: Commissioner Rodvien moved to concur with the Chair's determination of refinement and to approve with conditions.

Second: Commissioner Burris

Motion passed unanimously.

4. Town of Elkton – Comprehensive Review

Presenter: Claudia Jones

Ms. Jones presented in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. The Mayor and Commissioners of the town of Elkton have approved the comprehensive update to the Town's Critical Area program as required by State law. The Town last updated their Critical Area program in 1999.

Discussion:

Commissioner Wilson asked about cemeteries in the Critical Area, specifically in the RCA, citing concerns about formaldehyde. Nick Kelly replied that it primarily refers to maintenance of existing non-conforming cemeteries, not construction of new ones. Commissioner Wilson further inquired about the \$1.50/square foot mitigation fee and 20% administrative fee. Dr. Kelly stated that the Commission is working on updating fee-in-lieu guidance to increase rates for deterrence and better mitigation.

Commissioner McCall asked about the sequencing of future updates incorporating equity and resilience. Dr. Kelly replied that new regulations would be effective immediately, even before the 10-year review cycle, since the statute requires regulations be effective even if they are not in a local program. He said that grants are available for program updates.

Motion for Concurrence and approval with conditions: Commissioner Richards

Second: Commissioner Wilson

Vote: All in favor. Motion passed unanimously.

5. INFORMATION ONLY: Queen Anne's County – Text Amendment for Alternative Growth Allocation Standards

Presenter: Maggie White

Ms. White presented in accordance with the memo, the contents of which are incorporated into and made part of the minutes. Queen Anne's County is seeking preliminary feedback regarding a proposed text amendment to provide alternative growth allocation standards to allow for the expansion of a non-profit institutional use. The proposed amendment allows for non-adjacent growth allocations for the expansion of nonprofit institutional uses (secondary education or youth camps) that existed as of June 29, 1988.

Stephanie Jones added some additional context. She said county ordinance 25-12 is a citizen sponsored text amendment. Youth camps and educational facilities are allowable uses in the Resource Conservation Area (RCA) since the Queen Anne's County program was adopted on June 29, 1988. These uses are generally near the water for recreational purposes. Also, these uses are consistent with the comprehensive plan. The plan supports educational and ecotourism uses. Ms. Jones said that expansion of these uses in the RCA can be limited so that it does not become an anchor for future Limited Development Areas

(LDA) or Intensely Developed Areas (IDA). She said stated the parameters of the use and said that when looking at the specificity of those uses, they are generally a conditional use. This is an avenue for those existing uses. The other option would be to add to the list of RCA permitted uses ; however institutional uses are not permitted in the RCA. She said there is 458 acres of growth allocation acreage remaining and there are only four other properties that this text amendment would apply to throughout the county.

Maggie White stated the questions for consideration:

- Does these text amendment meet the goals of the Critical Area law?
- Are the limitations adequate to ensure a growth allocation will not create an anchor for future intense development?

What are the implications of such an alternative standard?

Discussion:

Chair Fisher questioned if all applicable sites are already in the Critical Area and if growth allocation would apply to the entire site or just the expansion. Stephanie Jones (QAC) confirmed most are within the Critical Area and the intent is for the growth allocation to apply to the entirety of the site.

Commissioner Richards asked about the implications if a property with growth allocation changes ownership. Tony Kupersmith, attorney representing the Gunston School, a potential site where this language would be applicable, explained that the growth allocation application is a separate process with constraints on use and a construction completion period. Dr. Kelly stated the Critical Area Commission has not seen this scenario but said they could explore language to address it.

Commissioner Wilson commented on the importance of comprehensive plans and urged closer collaboration between the Maryland Department of Planning and the Critical Area Commission.

Commissioner Richards asked whether the Critical Area staff evaluates to see if the Critical Area provisions conform to the comprehensive plan. Maggie White said it is not just up to the county and that is why we bring these requests in to get feedback to make sure what the county is proposing is in line with their comprehensive plan and the Critical Area provisions. Nick Kelly said that consistency with the comprehensive plan, when considering a growth allocation, is required by the statute.

John Lewis, the head of the Gunston School, gave a history of the property. He said it was founded in 1911, became a nonprofit in the 1960s and the original founder's property was on 35 acres. The school was able to acquire an additional 40 acres which is motivating their current application.

Commissioner Richards asked what the proposed limitations are? Maggie White reread the standards. Stephanie Jones added the point about the specificity of the use and that they do not have these throughout the entire county but want to allow the uses to continue. This text change

would be a limited avenue to allow the uses. By limiting it to 150 acres, the County can be sure it is not using up all the growth allocation.

Commissioner Richards asked if growth allocation was granted to all the parcels and one of the parcels changes ownership what happens? Stephanie Jones said there would be an avenue to make sure that does not happen. That could be to require an administrative subdivision so all the parcels are the same so that it cannot be sold off. This or something similar could be added to the text amendment.

Tony Kupersmith said when the growth allocation application comes in it is a separate process that would occur after this text amendment. That future growth allocation and project would be submitted to the county and the Critical Area Commission. That project would have to show what the applicant is proposing to do with the growth allocation and the Queen Anne's County Code has restrictions on the use and there is a period of time to complete the construction, so there are current rules that might guide the growth allocation.

Chair Fisher asked if the Gunston School ceases to be and is sold off, would the growth allocation revert to RCA or would there be the potential for the site to be redeveloped for any permitted use in the land use classification? Can there be a condition to limit to a specific use? Stephanie Jones said the application is specific to what is on the plan. Nick Kelly said that several jurisdictions, like the Town of St. Michaels, has language that returns the growth allocation. Lisa Hoerger mentioned that Queen Anne's County may already have retractable language for growth allocation in their program. Stephanie Jones said there are other counties with non-adjacency standards to look at to address a change. Nick Kelly said there would be limitations but not an undoing of the language. Certain counties have a way to return growth allocation.

Chair Fisher said this is the exact case that is happening at Aspen. He suggested looking at this between now and the submittal. Also, not on the parcel itself but on the next parcel over would not be adjacent to an IDA or an LDA. Is there any accounting for that? Nick Kelly said any future growth allocation would have to apply and not piggyback and that would need to be made clear. Stephanie Jones agreed.

Tony Kupersmith noted that in the case of the Gunston School, the school was originally established in 1911 and over the course of years the school's offerings have expanded, and by all measures this will continue into the future. All is the distinct use of an educational facility. It will not be subject to a change of ownership. The piggybacking of IDA, as long as the Gunston School acquired additional land in the future, would be comfortable with any refinements. Stephanie Jones it would be easier to say that future applications cannot piggyback.

Commissioner Herr Cornwell stated that we all are with the understanding that the Gunston School is not going anywhere, but we have to keep in mind this will apply to the other three properties and to make sure this is a level playing field.

Commissioner Gerthoffer expressed concern about creating "IDA islands" and emphasized the need for additional language to prevent this effect.

John Lewis (Gunston School Headmaster) provided historical context, noting the school's long-standing presence since 1911 and its role as a community resource.

Commissioner Bunker asked whether the other four properties are educational? Stephanie Jones replied that they were.

Commissioner Richards wanted to know which properties. Stephanie Jones said the four properties are the Gunston School, Apsen Institute, Camp Pecometh, Camp Wright. **Commissioner Herr-Cornwell** requested that the definition for "secondary nonprofit institutional use" be included in future documentation.

Commissioner Bunker and **Chair Fisher** thanked everyone.

Next meeting of the Project Committee will be on December 5, 2025.