

**Critical Area Commission
Chesapeake and Atlantic Coastal Bays
Meeting at 100 Community Place, Crownsville, Maryland**

May 4, 2022

~ DRAFT ~

Program Implementation Subcommittee

Attendees: Greer (Chair), Beulah, Blazer, Ferguson, Herr Cornwell, Hewitt, Lewis, Merritt, McCarthy, Schmidt (for Mulkey), Taylor

Item 1. Commissioner Ferguson moved to approve the Project Subcommittee meeting minutes from the April 6 meeting. Commissioner Hewitt seconded the motion. Motion passed unanimously.

Item 2. Town of Denton - Critical Area Program Comprehensive Review Presented by Annie Sekerak

On March 11, 2022, the Town Council of Denton voted to repeal and reenact the Town's Critical Area program through the adoption of Ordinance No. 728, which was drafted following a comprehensive review of the Town's Critical Area Program. Critical Area staff recommend approval with minor changes as listed in the staff report, based on consistency with current law and regulations.

Commissioner Greer asked if the Town had reviewed the proposed changes and if they were agreeable. Mr. Don Mulrine (Town Manager, Denton) replied yes.

Commissioner Ferguson made a motion to Concur with Refinement and Approve as proposed. Commissioner Hewitt seconded. Motion carried unanimously.

Item 3. Town of Denton – Critical Area Map Update
Presented by Annie Sekerak

The Town Council of Denton voted on March 11, 2022 to approve a minor update to the Town's Critical Area map through the adoption of Ordinance No. 729. The minor update consists of replacing the label "Buffer Exemption Area" with "Modified Buffer Area" to be consistent with the language in the updated Critical Area program (to be reviewed by the Commission on May 4, 2022). No changes to the 1,000-foot boundary or Critical Area designations are proposed. COMAR was updated to use the term Modified Buffer Area instead of Buffer Exemption Area in 2012. Therefore, the map change is consistent with the Critical Area regulations. A copy of the map is attached to the staff report.

Commissioner Lewis made a motion to Concur with Refinement and Approve as proposed. Commissioner Hewitt seconded. Motion carried unanimously.

Item 4. St. Mary's County - Text Amendment – Adding Solar Definitions

Presented by Lisa Hoerger

On March 1, 2022, the Commissioners of St. Mary's County adopted a text amendment (Ordinance 2022-06) to the St. Mary's County Comprehensive Zoning Ordinance (SMCZO). The text amendments are listed in the staff report, and are consistent with the relevant chapters of COMAR concerning solar development projects in the Critical Area. Commission staff recommends concurrence with the Chairman's determination, and recommends approving the text amendment as proposed.

Discussion – Commissioner Taylor asked for clarification on the changes to the soil types, and Bill Hunt (St. Mary's County) replied that it just corrects a misspelling in the original definition, and a mis-abbreviation of some of the soil types.

Commissioner Hewitt made a motion to Concur with Refinement and Approve as proposed. Commissioner Taylor seconded. Motion carried unanimously.

Item 5. Dorchester County – Bill No. 2022-2: Nonwater-Dependent Structures on Piers

Presented by Alex DeWeese

On March 1, 2022, the Dorchester County Council adopted Bill 2022-2. The Bill includes the addition of the definition of nonwater-dependent project in Chapter 68-1 of the Dorchester County Code, as well as inclusion of language regarding such projects in Chapter 68-5 of the Dorchester County Code. A copy of Bill 2022-2 is attached to the staff report.

Commissioner Ferguson made a motion to concur with Refinement and approve as proposed. Commissioner Taylor seconded the motion. Motion passed unanimously.

Item 6. Talbot County – Town of Easton: Comprehensive Review of Critical Area Program

Presented by Nick Kelly

On March 2, 2022, the Town Council of Easton voted to repeal and reenact the Town's Critical Area Program through the adoption of Ordinance No. 767. This ordinance was drafted following a comprehensive review of the Town's Critical Area Program. The comprehensive update brings the Critical Area portion of the Town's zoning ordinance into conformance with the requirements of the Critical Area Law and regulations. Two changes were made to accommodate the Town's local needs, as outlined in the staff report.

Commissioner McCarthy made a motion to concur with the Refinement and approve as proposed. Commissioner Taylor seconded the motion. Motion passed unanimously.