

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

September 23, 2026

Program Implementation Committee Minutes

Committee Members in Attendance: *Bunker (Chair), McCall (Vice-Chair), Burris, Gerthoffer, Gillis, Hance, Herr-Cornwell, Huffer, Richards, Wilson*

Guests: Cynthia McCann (DNR), Mark Harman (Indian Head), Travis Witmer, Michael Burlbaugh, Tom Bodor, Cassie Hoy (Dorchester County), Thomas Neugebauer (Robinson Terminal, Civil Engineer), Sue Greer (Robinson Terminal attorney)

1. Welcome and Roll Call:

- Charlotte Shearin called the meeting to order and confirmed a quorum. Ms. Shearin noted that the meeting was streamed live to the public, and minutes would be made available on the Commission's website.
- Commissioner Bunker, Committee Chair, welcomed all attendees.

2. Approval of Minutes from August 12, 2026

- Motion to Approve: Commissioner Wilson
- Second: Commissioner Gillis
- Vote: The minutes were approved unanimously.

3. REFINEMENT – MOTION REQUIRED: Dorchester County – Critical Area Map Update

Presenter: Jon Coplin. Recommend Concurrence with the Chair's determination of refinement; Approval.

Mr. Coplin presented, in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. Dorchester County is requesting approval of an update to their Critical Area map. Under Critical Area law and COMAR 27.01.11, each local jurisdiction is required to update the 1,000-foot Critical Area boundary using the best available information and technologies every twelve years. This is the first boundary line update for the County.

Discussion:

Commissioner Wilson commented that it would be helpful to have the maps available in the staff reports so they can review the changes beforehand. Ms. Hoerger responded that the maps are available on the Commission's website. They are not emailed due to the size of the files.

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

Second: Commissioner McCall

Motion passed unanimously.

4. REFINEMENT – MOTION REQUIRED: Town of Church Creek (Dorchester County) – Critical Area Map Update

Presenter: Jon Coplin. Recommend Concurrence with the Chair's determination of refinement; Approval.

Mr. Coplin presented, in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. The Town of Church Creek is requesting approval of an update to their Critical Area map. Under Critical Area law and COMAR 27.01.11, each local jurisdiction is required to update the 1,000-foot Critical Area boundary using the best available information and technologies every twelve years. This is the first boundary line update for the Town.

Discussion: None.

Motion for Concurrence: Commissioner Herr-Cornwell

Second: Commissioner Gillis

Vote: All in favor. Motion passed unanimously.

5. REFINEMENT – MOTION REQUIRED: Town of Indian Head (Charles County) – Robinson Terminal Growth Allocation

Presenter: Michael Macon. Recommend Concurrence with the Chair's determination of refinement; Approval.

Mr. Macon presented, in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. The Town of Indian Head is requesting growth allocation to reclassify and reconfigure the Critical Area designations at the Robinson Terminal property to result in 6.56 acres of Limited Development Area and 9.66 of Intensely Developed Area.

Discussion:

Commissioner Gillis asked how the recently updated Forest Conservation Act (FCA) would impact the project. Dr. Kelly replied that the CA requirements supersede FCA requirements within the Critical Area.

Commissioner Wilson commented that part of the project was outside of the Critical Area so forestation requirements would be under the FCA, and ask about the type of vegetation onsite. Mr. Macon showed the slide with the vegetation overlay. Susan Makhlof explained that she and other staff had made a site visit a year before. The existing forest is divided into several areas, as outlined in the report submitted with the growth allocation application.

Commissioner Huffer asked about the size requirements for new plantings, and survival requirements. Michael Burlbaugh (Elm Street Development) responded that they are working with the town on the growth allocation. Based on an analysis by Wetlands Studies

and Solutions, two areas are within the Buffer. One area has high invasives, and the other has gaps. Both areas will be replanted in coordination with staff. Outside the Buffer there will be 2-inch caliper trees to fill in the gaps, which will increase survivability. Per town requirement the trees need to be 12 inches in diameter when mature. Additional plantings include street trees every 35 feet, with new plantings every year, eventually resulting in about a 40% increase in canopy size.

Sue Greer, attorney for the applicant, thanked the staff and Commission, and shared some comments. Condition #3 states that growth allocation shall adhere to the time of year restrictions on clearing from April 1 to September 30 for protection of the northern long-eared bat. There are no issues with that condition except a desire for a possible rewording. They were hoping it could read simply that it would adhere to the time of year requirements of the Maryland Department of the Environment because sometimes the TOY restrictions get tweaked. Dr. Kelly clarified that the TOY restrictions come from DNR Wildlife and Heritage Service.

Condition #5 currently indicates planting will be done on two acres of town owned land. The Town has been working with the Resiliency Commission on plantings in the town. 100 trees have been planted already, with another planting planned for the fall. Considering how small the town is she is not sure if there are another two acres available for additional plantings. Mr. Burlbaugh agreed, requesting there be a bit of flexibility in that mitigation requirement. Chair Fisher conceded that based on the constraints some flexibility is warranted, that replanting outside of town boundaries should be allowed.

After further discussion, the last sentence of Condition 5 was reworded to read, "In addition, the plan will include 2 acres planting or equivalent mitigation, through planting, invasive removal, reforestation initiative, or other measure approved by Commission staff, prioritizing land within or adjacent to the Town."

Motion for Concurrence: Commissioner Burris

Second: Commissioner Herr-Cornwell

Vote: All in favor. Motion passed unanimously.

Meeting adjourned at 2:10.

Next meeting of the Program Committee will be on October 28, 2026.