

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

February 1, 2023

Program Implementation Subcommittee Minutes

Attendees: *Greer (Chair), Ferguson, Gerthoffer, Grant, Herr-Cornwell, Hewitt, Lewis, Malkus, Merritt, Mulkey*

Guests: Zach Smith, Brennan Tarleton, Bryce Yelton

Item 1. Approval of January, 2023 Program Subcommittee Meeting Minutes

Commissioner Ferguson moved to approve the minutes from the January 4 Program Subcommittee meeting. Commissioner Mulkey seconded the motion. All voted in favor. **Motion passed unanimously.**

Item 2. Talbot County – Country Clubs in the RCA Text Amendment

Presented by Jennifer Esposito.

Subcommittee Chair Greer announced that this had been withdrawn by the County.

Item 3. Talbot County – Expansion of Structures Used for Nonconforming Uses Text Amendment

Presented by Jennifer Esposito.

Talbot County has submitted a text amendment to their Critical Area Program for approval by the Critical Area Commission. Bill No. 1525 amends the section of the County's Zoning Code relating to the expansion of nonconforming uses. The intent of the bill is to allow for a greater increase in the expansion of nonconforming uses within structures. Bill No. 1525 was passed by the County Council on September 27, 2022. Ms. Esposito discussed the language as it appears now and the proposed changes by Commission staff to limit the amount of expansion in the RCA.

Discussion:

Commissioner Taylor was not present but submitted a question prior to the meeting, and Ms. Esposito addressed his question during her presentation. Commissioner Ferguson asked about what conversations took place between the Talbot County staff and the CAC, and Ms. Esposito elaborated. Commissioner Greer asked Mr. Tarleton (Talbot County) whether the County approves of the language changes, and he confirmed that they accept it. There were no public comments. Commissioner Merritt moved to approve the amendment. Commissioner Lewis seconded. **Motion passed unanimously.**

Item 4. Final Regulations to Amend Growth Allocation Provisions and Shore Erosion Provisions. Presented by Lisa Hoerger.

At its September 7, 2022 meeting, the Critical Area Commission voted to approve changes to the regulations listed above that include amending and adopting certain regulations, and to authorize Commission staff to forward the draft regulations to the Administrative, Executive and Legislative Review Committee and subsequently to publish these regulations as final regulations in the Maryland Register. The updates to this chapter modernize the drafting style, update certain provisions, and where necessary, delete certain provisions. The proposal was published in the Maryland Register on December 2, 2022 and is attached to the staff report. No comments were received during the official comment period, but Ms. Hoerger stated she did hear from one Riverkeeper with questions about the development chapter and the growth allocation provisions, which she answered.

Discussion: Commissioner Hewitt asked for clarification on the role of riverkeepers, whether they're appointed and if they have any legal backing. Ms. Hoerger explained that there is an umbrella Riverkeeper organization but that individual riverkeepers are not political appointees. She said that they are important because of their input and their roles as liaisons between community members and the Commission.

Commissioner Ferguson moved that the Program Subcommittee approve the motion to publish the regulations as final in an upcoming edition of the Maryland Register. Commissioner Hewitt seconded the motion. Motion passed unanimously.