

Critical Area Commission
Chesapeake and Atlantic Coastal Bays
Meeting held via Teams

March 15, 2024

Program Implementation Subcommittee Minutes

Subcommittee Members in Attendance: *Bunker (Chair), McCall (Co-Chair), Gerthoffer, B. Hance, Herr-Cornwell, Hewitt, Mulkey, Porter, Rodvien*

Guests: Gris Batchelder (Baltimore County), Regina Esslinger (Baltimore County), Stephanie Jones (Queen Anne's County)

Item 1. Approval of February Minutes

Commissioner Porter motioned to approve the February Program Subcommittee Minutes. Commissioner Hewitt seconded the motion. All voted in favor, with one abstention (Herr-Cornwell). Minutes approved.

Item 2. Information Only: Text Amendment – Waterfront Marinas/Restaurants in MBA (Baltimore County)

Presented by Susan Makhlof

At the request of the County Executive, Baltimore County staff from the Department of Environmental Protection and Sustainability have developed a proposed text amendment to address redevelopment of existing waterfront marinas and restaurants that are mapped Modified Buffer Area (MBA). Critical Area Commission staff have provided feedback and guidance throughout this process. The purpose of this Program Subcommittee discussion is to provide preliminary feedback to Baltimore County regarding the draft text amendment. The text amendment is planned to be submitted to the Project Subcommittee again on April 26th and to the full Critical Area Commission for final review and approval at the May 1st Commission meeting. Baltimore County wants to ensure that any questions from the Commission are addressed well in advance before this final review.

Discussion: Ms. Makhlof presented in accordance with her memo. After the presentation, she recognized Regina Esslinger from Baltimore County Department of Environmental Protection and Sustainability to review how the mitigation options would be implemented with some examples. Following the presentation, Ms. Makhlof recognized Program Subcommittee Chair Bunker, who opened the floor for discussion.

Chair Fisher led the discussion with questions related to stormwater management and asked the County to clarify if those were already existing requirements and whether Buffer practices could also count as stormwater practices. The County stated that the policy is for projects that disturb less than 5,000 square feet and are generally exempt from State regulations. Further, staff would review the policy to ensure Buffer and stormwater are addressed separately. Stormwater practices, such as green roofs, would be monitored by the County through their existing

stormwater engineering section. If practices fail, the County directs applicants on specific requirements to bring them back into compliance or identify other mitigation opportunities.

The discussion also clarified that these requirements only apply to waterfront marinas and restaurants and would not apply to existing properties that were converted to another use, such as multi-family residential. The County does not anticipate many applications each year, but the Baltimore County Marine Trades Association had expressed a lot of frustration with the current requirements and with these new provisions there may be an increase in small projects like pavilions or similar structures.

Commission staff reiterated that they would follow up with the County on the stormwater management questions and ensure requirements are met separately.

Item 3. Non-Water Dependent Structures on Piers (Queen Anne's County)

Presented by Susan Makhlof

On February 13, 2024, the Queen Anne's County Commissioners conceptually approved Ordinance No. 24-01: Nonwater-Dependent Structures on Pier. The ordinance amends the Queen Anne's County Code to allow nonwater-dependent projects on piers consistent with State law. The proposed text amendment will add definitions of nonwater-dependent projects and piers to Section 14:1-11 and update Section 14:1-49 to allow nonwater-dependent projects on piers.

Discussion: There was a minor correction to the staff report in reference to the County not Town, but no other discussion was had. Program Subcommittee Chair Bunker motioned to concur with the Chair's determination of refinement. **Motion passed unanimously.**

Item 4. New Meeting Schedule

Chair Fisher asked for feedback on the new Subcommittee meeting schedule and asked if the Subcommittee would consider moving the meetings back one week. The general consensus is not yet given calendars have already been blocked off. Chair Fisher agreed that the meetings would stay as scheduled through June, and we'll revisit later in the year.

Meeting adjourned at 9:56 a.m.