

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

June 7, 2023

Program Implementation Subcommittee Minutes

Attendees: *Ferguson, Gerthoffer, Herr-Cornwell, Hewitt, Marion, Mulkey, Porter*

Item 1. Town of Perryville – Critical Area Map Adoption: Request for Extension

Presented by Michael Grassmann

The Town of Perryville’s deadline to adopt their updated Critical Area maps was January 28, 2023. On March 1, 2023, the Critical Area Commission approved a 90-day extension, however, the town was unable to meet the extended deadline of April 28, 2023. The local approval process is not anticipated to be complete until July 2023, and the Town is requesting an additional 90 day extension, for a total extension of 180 days.

Discussion: Commissioner Hewitt asked why the Town was unable to approve the maps in the time allotted, and Mr. Grassmann responded that the Town wanted to be able to present their mapping update and comprehensive review of their Critical Area program at the same time and there were some delays with the comprehensive review. Commissioner Ferguson asked what would be the procedure if they are again unable to get approval. Ms. Charbonneau responded that they would come back to the Commission again and reevaluate the options.

Acting Program Subcommittee Chair Herr-Cornwell asked for a motion to approve, and Commissioner Hewitt so moved. Commissioner Ferguson seconded. All in favor, motion passed.

Item 2. Refinement: Queen Anne’s County – Armored Storage Growth Allocation

Presented by Susan Makhlof

Queen Anne’s County is requesting growth allocation to change the designation of 2.811 acres of a Limited Development Area (LDA) to an Intensely Developed Area (IDA) to allow for the construction of a storage facility and all associated improvements. Ms. Makhlof reviewed the project proposal and its conformance with Critical Area law and regulations.

Discussion: Following Ms. Makhlof’s presentation, Commissioner Herr-Cornwell opened discussion by saying that ordinarily time is not given at Commission subcommittee meetings for public comment, but due to the complexity of this issue, time is being allotted for comment from one member of the public, as well as comments from the County.

Bob Zillig read a statement in opposition to this request conveying that he was concerned about the scale of the project. Following this, Stephanie Jones from the County Planning Commission, made a few comments in response to Mr. Zillig’s statement. Notice was given to the public and

there was ample time for input from concerned parties. There followed a lengthy discussion with many questions from Commissioners regarding the water and sewer plans, locations for similar uses, advertisement to the public, consistency with the comprehensive plan, and forest mitigation. Commissioner Hewitt questioned why it was allowed in the first place when it appears to have been a special exception that would not ordinarily have been granted. Hearing from over 100 people would indicate that there is public sentiment against the project. Ms. Jones responded that the project passed the vetting process and was within legal guidelines, or it would not have made it as far as it did. There was also discussion about the size of the project and the County staff indicated that it was reduced from a 4-story building to a 3-story building. Commissioner Gerthoffer asked whether the amount of provided parking could be reduced and thus reduce the footprint of development. The applicant responded that spaces could be reduced from 26 to 20.

After lengthy discussion, Commissioner Mulkey made a motion to concur with the decision of refinement and to recommend approval of the project consistent with the conditions outlined in the staff report, provided the forest mitigation plan was brought back to the Subcommittee for review and approval. Commissioner Marion seconded. **Motion passed unanimously.**

Item 3. Refinement: Town of Ocean City – Critical Area Boundary Map Update (Worcester County)

Presented by Kate Durant.

Commission staff worked with the Town of Ocean City, the Maryland Department of Natural Resources, the Maryland Department of the Environment, and the Eastern Shore Regional GIS Cooperative (ESRGC) to develop updated Critical Area maps for the town. The update resulted in no gains or losses of Critical Area. As part of the mapping update, the Mayor and City Council approved Resolution 2023-03 at their meeting on March 6, 2023. The map update was accepted by Commission staff on April 6, 2023 and Chair Fisher determined the update could be reviewed as a refinement to the Town of Ocean City's Critical Area program on May 3, 2023.

Discussion: None. Commissioner Porter motioned to concur with the decision of refinement and recommend approval. Commissioner Ferguson seconded the motion. Motion passed unanimously.

Item 4. Refinement: Town of Ocean City – Critical Area Text Amendment: Critical Area Statewide Base Map (Worcester County).

Presented by Kate Durant.

The Mayor and City Council approved Ordinance 2023-06 at their meeting on March 20, 2023. The text amendment was accepted by Commission staff on April 6, 2023 and Chair Fisher determined the update could be reviewed as a refinement to the Town of Ocean City's Critical Area program on May 3, 2023.

Discussion: None. Commissioner Hewitt motioned to concur with the decision of refinement and recommend approval. Commissioner Ferguson seconded the motion. Motion passed unanimously.