

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

**August 2, 2023**

**Program Implementation Subcommittee Minutes**

**Subcommittee Members:** *Bunker, Gerthoffer, B. Hance, Herr-Cornwell, Nock, Porter, Rodvien, Stephens*

**Other Commissioners:** *R. Hance, McCall, Roberson*

**Guests:** Brennan Tarleton (Talbot County), Cassie Dyson (Dorchester County), Joanna Birch (Baltimore City), Susan Webb (Dorchester County), Ryan Showalter (attorney), Aaron Harding (Cecil County), Brendan Mullaney (attorney)

**Item 1. Approval of March and June Minutes**

Commissioner Porter motioned to approve the March and June Program Subcommittee Minutes. Commissioner Stephens seconded the motion. All voted in favor. Minutes approved.

**Item 2. Refinement: Baltimore City – Critical Area Management Program Manual Text Update**

Presented by Kate Durant

The City of Baltimore proposes minor updates to its Critical Area Management Program (CAMP) Manual to better implement its Critical Area Program. The updates range from correcting a typographical error to amending language to clarify sections related to afforestation, mitigation, and planting credits. Updates are detailed in the staff report.

**Discussion:** None. Commissioner Stephens motioned to approve the text updates as proposed. Commissioner Porter seconded the motion. All in favor. Motion passed.

**Item 3. Refinement: Cecil County – Critical Area Boundary Map Update**

Presented by Mike Grassmann

On May 16, 2023, the Cecil County Council approved Bill 2023-7, officially amending the County's Critical Area maps to update the 1,000-foot boundary in accordance with Critical Area law. Due to the update, there was a gain of 2,040 acres of Critical Area and a loss of 2,227 acres, resulting in a net loss of 187 acres. Cecil County also had six preexisting Critical Area extensions, four of which did not change. One of the extensions was changed due to private properties opting out of the extended Critical Area, and another extension area was remapped to fit a growth allocation boundary.

**Discussion:** None.

Commissioner Rodvien motioned to approve the map update. Commissioner B. Hance seconded the motion. All in favor. Motion passed.

**Item 4. Refinement: Dorchester County – Suicide Bridge Restaurant Growth Allocation**

Presented by Mike Grassmann

Dorchester County is requesting growth allocation to reclassify 4.1 acres of the Suicide Bridge Restaurant Parcel (Tax Map 12, Parcel 24) from Limited Development Area (LDA) to Intensely Developed Area (IDA) and 6.86 acres to reclassify a portion of the adjacent Parcel (Tax Map 12, Parcel 16) from Resource Conservation Area (RCA) to LDA. The new IDA designation will allow the business the ability to construct a 1,000 square foot (sf) platform over open water for expanded outdoor restaurant seating and the new LDA designation will allow the business to keep an unpermitted overflow parking area currently located in the RCA.

Commission staff accepted the growth allocation for processing on May 3, 2023. On June 2, 2023, Chair Fisher determined that this growth allocation could be processed as a refinement to Dorchester County’s Critical Area.

The applicant submitted a request to revise to Condition #1 in the staff report. The original condition read as follows: “To ensure compliance with all Critical Area requirements for new IDAs, Dorchester County shall prohibit the non-water-dependent structure and the expansion of the seating capacity over the water until after the site is connected to the Twin Cities Wastewater Treatment plant.”

The amended condition submitted by the applicant is as follows: “To ensure compliance with all Critical Area requirements for new IDAs, Dorchester County shall prohibit expansion of seating capacity until after the site is connected to the Twin Cities Wastewater Treatment Plant. The Suicide Bridge Restaurant shall keep the Critical Area Commission and Dorchester County reasonably informed on the status of upgrades to the Town of Secretary Wastewater Treatment Plant (“WWTP”) and connection of the restaurant to the upgraded WWTP by providing a written status report at least every six months and copies of any tidal wetlands and building permits authorizing over the water deck seating.”

**Discussion:** There was a lengthy discussion, with requests for clarification on issues such as phragmites removal, stormwater management, water/sewer connections, and timing of construction of new deck. Mr. Ryan Showalter, attorney for the applicant, was available for questions.

Chair Nock asked for a motion and Commissioner Porter motioned to approve with conditions as outlined in the staff report, except Condition #1 is amended as requested by the applicant. Commissioner Stephens seconded the motion.

Commissioner Porter motioned to amend Condition #1 as requested by the applicant. Commissioner Stephens seconded the motion. Voice call as follows: Porter – Yes; Rodvien – Nay; Hance – Yes; Nock – Nay; Herr-Cornwell – Nay. Stephens – Yes; Bunker – Yes; Gerthoffer – Nay. **Motion failed.**

Commissioner Herr-Cornwell then made a motion to approve with the conditions exactly as stated in the staff report. Commissioner Gerthoffer seconded the motion. All in favor. **Motion passed.**

**Item 5. Refinement: Talbot County – Text Amendment: Shore Erosion Control above Mean High Water and Pier Provisions**

Presented by Jen Esposito

Talbot County has submitted a text amendment to their Critical Area Program for approval by the Critical Area Commission. The bill amends several sections of the County Code relating to erosion control measures and structures above mean high water (MHW), private piers, and Critical Area Buffer establishment requirements. The proposed changes that directly impact the County's Critical Area Program included an allowance for shore erosion control above mean high water, a second pier on a parcel, and allowing a pier as a primary use in certain scenarios.

**Discussion:** Brennan Tarleton and Brice Young from the County were available to answer questions. Commissioner Gerthoffer asked if there was a specific project that triggered the proposal for structures above mean high water. Mr. Tarleton replied that there was a project where the banks were being undercut by tree removal, and homeowners were told a living shoreline would be insufficient for stabilizing the shoreline and recommended 'anchoring' soil above mean high water. It was then remarked that most of the issues seem to stem from steep slopes, but the County didn't want to limit it to steep slopes if there are other factors involved. Further discussion followed.

Commissioner Gerthoffer motioned to accept this as a refinement. She further motioned moving forward with the text changes recommended by staff, as the current provision does not meet Critical Area law or COMAR regulations. Commissioner Rodvien seconded. Motion carried unanimously.

**Item 6. Discussion Only – Talbot County Text Amendment: Historic Inn Use in the Resource Conservation Area (RCA)**

Presented by Annie Sekerak

Talbot County is proposing a text amendment to amend Chapter 190 of the Talbot County Code to revise the Table of Land Uses to modify the use parameters for an inn, including allowing an Inn within the Resource Conservation Area (RCA). Currently, Inns are limited to 10 guest rooms with no more than 30 guests and are not permitted within the RCA. This proposal would allow a property owner to establish an inn as a use by special exception on properties zoned as a conservation district, which includes the Critical Area's Resource Conservation Area (RCA). The text amendment also permits an owner up to 12 guest rooms, an increase from 10, with up to six (6) of those rooms being detached from the primary structure, an increase from two (2). Inns must be located on properties that are at least 5 acres in size. The inn may be served by a dwelling (single-family, detached) on the same parcel, so long as the parcel is not located within the Critical Area and is used by either the property owner or a full-time employee of the inn. Additionally, in the RCA the inn must be located partially or wholly within the County's Historic Overlay District (HD) or listed under the National Register of Historic Places.

The Program Subcommittee was asked to discuss the following:

1. Should the County apply a limit to the intensity of the use by restricting lot coverage or the size of the area allowed to be associated with the inn use?
2. The County has indicated that the historic designation or inclusion in the Historic Overlay District restricts how many sites are eligible to be expanded under this proposed language. It is unclear how many total sites this may include, however. Therefore, should the County provide a formal analysis of all potential sites with a future submission? As noted above, this proposal will allow inns to be established in new buildings, not just grandfathered structures. This could greatly expand the number of potential sites for new inns in the RCA.

**Discussion:** Discussion followed.

Meeting adjourned 12:33 p.m.