

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

August 2, 2024

Program Implementation Subcommittee Minutes

Subcommittee Members in Attendance: *Bunker (Chair), Adams, Etherton, Gerthoffer, Hance, Herr-Cornwell, McCall, Porter, Wilson*

Guests: Brennan Tarleton (Talbot), Carla Gerber (Kent), Chris Maier (Wharf), George Harms (Wharf), Eric Haddaway (Wharf), Kelly Krinetz (Anne Arundel), Elisa Deflaux (Talbot)

Item 1. Approval of June 7, 2024 Program Implementation Subcommittee Minutes

There were no amendments to the June 7, 2024 minutes.

Motion to Approve - Commissioner McCall

Second – Commissioner Porter

All in favor.

Action: Minutes approved.

Item 2. Information Only – Wharf at Handy’s Point Growth Allocation – Mitigation Planting Locations (Kent County)

Presented by Annie Sekerak

Update on the identified planting locations for the mitigation requirements of the growth allocation request.

Discussion:

- Commissioner Wilson – are the woods contiguous to the proposed planting areas protected in any way? Eric Haddaway – no, not currently within any protected easements.
- Commissioner Bunker – will this project be coming back to the subcommittee for a vote at a later date? Annie Sekerak – yes.

Item 3. Town of Elkton – Critical Area Boundary Map Update (Cecil County)

Presented by Jon Coplin

The Town of Elkton has approved the update to its Critical Area Boundary Map as required by State law. Approval recommended.

Discussion: None.

Action: Hearing no questions, Program Subcommittee Chair Bunker asked for a motion to concur with the Chair’s determination of refinement and to recommend approval in accordance with the staff report and attachment. Commissioner Wilson so moved. Commissioner Hance seconded.

Motion passed unanimously.

Item 4. Text Amendment: Farming and Farm Dual Use (Anne Arundel County)

Presented by Jen Esposito

The Anne Arundel County Council approved text amendments to the County Code related to agricultural uses, including a new farm dual use which will be permitted in the LDA and IDA of the Critical Area. Recommend approval with conditions.

Discussion:

- Chair Bunker – wanted to confirm that the amendment is just to make sure that dual uses would require a site plan in the Critical Area. Jen Esposito (JE) – correct.
- Commissioner Hance – 2 questions – how was bill developed, and what is the difference between requirements for a site plan and a soil conservation plan.
 - Kelly Krinetz – regarding the first question, there was discussion with farmers on how to farm under today’s conditions and how to streamline the review process; goal was to have a process to allow review of plans, considering Critical Area requirements, but streamlining process for dual uses.
 - JE – explained requirements for soil conservation plan.
 - Commissioner Mulkey – Farm plan is exempt from site plan, but the soil conservation district and county still meet on the site to assess. Text amendment would expedite the process for farmers depending on the use.
 - KK – this is not intended to be overly burdensome to farmers, but rather to give us the ability to take a second look at the plan to make sure it complies with the dual use requirements.
 - Commissioner Hance – if project is under a certain square footage, is the plan expedited as in Calvert County? KK – yes.
- Commissioner Gerthoffer – following up Commissioner Hance’s question about square footage, if the specific farm uses aren’t going to site plan review but are going to the soil conservation district, does the soil conservation district review square footage for that structure or is this done before the conservation district? KK – first step is to obtain farm plan. If square footage exemption is met, don’t need to continue through site planning process. This amendment would provide for more specific oversight.
- Commissioner Gerthoffer – dual uses would be allowed in the LDA and IDA, not RCA, correct? KK – yes.

Action: Hearing no further questions, Program Subcommittee Chair Bunker asked for a motion to concur with the determination of refinement with staff recommended conditions as outlined in the staff report. Commissioner Mulkey so moved. Commissioner Hance seconded the motion. **Motion carried unanimously.**

Item 5. Text Amendment: Historic Inns in the Resource Conservation Area (RCA) (Talbot County)

Presented by Annie Sekerak

The Talbot County Council has approved an amendment to the County Code that would allow a new commercial use in the Resource Conservation Area. Recommend approval with conditions.

Discussion:

- Commissioner Hance asked for clarification regarding the allowance for up to six bedrooms to be detached from the primary structure – does it mean they may be detached, or they must be detached? Brennan Tarleton – allowed, not required.

Action: Program Subcommittee Chair Bunker asked for a motion to concur with the Chair's determination of refinement, with conditions as outlined in the staff report. Commissioner Hance so moved. Commissioner Richards seconded. Motion passed unanimously.

Meeting adjourned.