

MINUTES

**Critical Area Commission for the
Chesapeake and Atlantic Coastal Bays
100 Community Place
Crownsville, MD 21032**

August 7, 2024

CALL TO ORDER: Chair Erik Fisher called the meeting to order at 1:00 p.m.

Commission Members in Attendance:

David Bradford – Worcester County Chesapeake
Steve Bunker, Charles County
Dan Burris – St. Mary’s County
Mark Conway, Baltimore City
Jenelle Gerthoffer, Worcester County – Coastal/Town of Ocean City
Anita Grant, At Large
Alex Hamann, Department of Commerce (for Palma)
Rosa Hance, At Large
Debbie Herr-Cornwell, Department of Planning
Shawn Kiernan, MDOT
Catherine McCall, Department of Natural Resources
Mira Morgan, Department of Housing and Community Development
Hitesh Patel, Somerset County
Larry Porter, Caroline County
Tammy Roberson, Department of Environment

Commission Members Not in Attendance:

Tim Adams, Prince George’s County
Ben Etherton, Talbot County
Earl Hance, Calvert County
Travis Marion, Cecil County
Alisha Mulkey, Department of Agriculture
Jim Palma, Department of Commerce
Annie Richards, Kent County
Brian Roche, Dorchester County
Lisa Rodvien, Anne Arundel County
Dave Wilson, Worcester County Coastal
Pat Young, Baltimore County

OPENING REMARKS: Chair Fisher welcomed everyone, and welcomed the newest Commissioner, Ben Etherton, who was unable to be present due to a family emergency.

APPROVAL OF MINUTES: Commissioner Bunker moved to approve the minutes from the June 12 meeting. Commissioner Patel seconded. Commissioner Bradford abstained from voting, as he was not present at the meeting. Motion passed unanimously.

STAFF PRESENTATIONS

PROJECT SUBCOMMITTEE:

Maryland Transportation Authority – Francis Scott Key Bridge Rebuild – Memorandum of Understanding (Baltimore City)

Summary report presented by Kate Durant in accordance with the staff report.

Following the presentation, Chair Fisher recognized Project Subcommittee Chair Conway, who moved on behalf of the subcommittee that the MOU be approved. Commissioner Patel seconded the motion. **Motion carried unanimously.**

Bellevue Passage Museum – Conditional Approval (Talbot County)

Summary report presented by Annie Sekerak in accordance with the staff report.

Hearing no questions, Chair Fisher recognized Project Subcommittee Chair Conway, who recommended on behalf of the subcommittee that the Commission grant approval of the project, with the following conditions:

1. Prior to the start of construction, Talbot County shall provide Commission staff with a revised planting plan showing 14,252 square feet of mitigation and a signed Planting Agreement.
2. Prior to the start of construction, Talbot County shall provide Commission staff with copies of all final approvals, including stormwater management and sediment and erosion control plans.

Commissioner Hance seconded the motion. **Motion carried unanimously.**

Maryland Department of Natural Resources – Point Lookout State Park Wastewater Treatment Plant Upgrades (St. Mary’s County)

Summary report presented by Jon Coplin in accordance with the staff report. The upgrades are needed to allow for the Wastewater Treatment Plant to continue its functionality and provide visitors with the amenities that they need to enjoy the park.

Chair Fisher commented that WWTP facilities tended to be placed at the lowest point. What were the considerations for this project in terms of sea level rise, coastal hazards, potential impacts? Mr. Coplin replied that the diesel generator had been raised five feet above predicted sea level rise. Hearing no further questions, Chair Fisher recognized Project Subcommittee Chair Conway, who moved on behalf of the subcommittee that the Commission approve the project with the following condition: Prior to the start of work, the Department of Natural Resources shall provide Commission staff with copies of final approvals for sediment and erosion control plans, stormwater management plans, and final Wetland and Waterway authorization from the Maryland Department of the Environment. Commissioner Morgan seconded the motion. **Motion carried unanimously.**

PROGRAM SUBCOMMITTEE:

Refinement – Town of Elkton – Critical Area Boundary Map Update (Cecil County)

Consent Item

Subcommittee Recommendation: Concur with Refinement and Approve

This item was eligible for consent. Hearing no questions, Chair Fisher asked for a motion to approve the refinement. Commissioner Bunker so moved. Commissioner Porter seconded. All voted in favor. **Motion carried unanimously.**

**Refinement – Text Amendment – Farming and Farm Dual Use (Anne Arundel County)
Summary Report**

Subcommittee Recommendation: Concur with Refinement and Approve with Conditions

A summary presentation was requested for this item and Ms. Jen Esposito provided a summary of the refinement. Anne Arundel County has submitted a text amendment to their Critical Area Program for approval by the Critical Area Commission. Bill No. 62-23 amends sections of the County’s Code related to different farm uses including agritourism, aggregated operations, produce markets, farm stands, and farm dual uses and how those uses may be reviewed and permitted in the various County zoning districts. This use could be located within the Limited Development Area (LDA) and Intensely Developed Area (IDA), but would not be permitted in the Resource Conservation Area (RCA).

Commissioner R. Hance asked for clarification about when a site plan is required, wondering who is exempt from the site review process. Ms. Esposito stated that current County code lists the exemptions. The bill allows for farm bill uses when there is a soil conservation district water quality plan that meets criteria, no local site review is required. CAC is requesting a text amendment to clarify that when the uses are in the Critical Area, the site plan review process would still need to be met, to ensure compliance with Critical Area development standards.

Chair Fisher asked for a motion to approve. Commissioner Bunker so moved. Commissioner Conway seconded. All in favor. Chair Fisher acknowledged the motion and said this would stand as his final decision.

Refinement – Text Amendment – Historic Inns in the Resource Conservation Area (RCA) (Talbot County)

Subcommittee Recommendation: Concur with Refinement and Approve with Conditions.

Ms. Annie Sekerak presented a summary report, in accordance with the staff report.

Hearing no questions, Chair Fisher recognized Program Subcommittee Chair Bunker, who recommended, on behalf of the Program Subcommittee, concurrence with the Chair’s determination of refinement, and further, the Program Subcommittee recommends approval of the request with the conditions as outlined in the staff report. Commissioner McCall seconded the motion. **Motion passed unanimously.** Chair Fisher recognized the motion, and said this would stand as his final decision.

OLD/NEW BUSINESS:

HB-233 – Update to the Critical Area law and program, will have significant implications both for CAC and for local partners who develop and implement Critical Area programs. CAC staff are working on an informational document enumerating the changes that will go into effect on October 1, and offering guidance as to how the changes will be interpreted. Three big areas are affected.

- Law itself changed, for example in regards to lot coverage, accessory dwelling unit provisions
- Climate and equity considerations – Commission has been charged to incorporate climate and equity considerations into the decision-making process. For example, in growth allocations, there are some decisions that are binary, with yes or no answers. Now considering climate and equity. Also considered in local programs, which are updated on a rolling basis. CAC to develop regulations to help guide local jurisdictions.

- Local assistance – making some changes at the staff level to help local jurisdictions.

New Meeting Schedule and Plans for 2025

Chair Fisher thanked everyone for coming, acknowledging the long distance that many people traveled. Next in-person meeting will be in December. For 2025, will be sending out the meeting dates soon. Project subcommittee benefited from having a full 2 weeks before the main meeting, so plan is to move the Program subcommittee ahead as well, so that they get the time they need to give consideration. There will be another retreat in late Spring 2025. We meet in person three times per year. We are considering making one of those meetings at a host site each year, maybe southern Maryland next year, and on the northern or lower shore the following year.

Comments and Discussion

Commissioner Porter mentioned Bill 991, which pertains to the storage of food processing residuals.

Meeting adjourned.



Lynette Fullerton, Commission Secretary

9/18/24

Date of Approval