

**Critical Area Commission
Chesapeake and Atlantic Coastal Bays**
Meeting held via Google Meet

December 5, 2025

Program Implementation Committee Minutes

Committee Members in Attendance: *Bunker (Chair), McCall (Co-Chair), Bland, Burris, Herr-Cornwell, Gerthoffer, Gillis, Huffer, Mulkey, Richards*

Guests: Myra Hughes, Chris Longmore, Catherine Skeeter, John Houser, Stacy Clements, Jaime Fowler, Betsy Vennell, Jessica Andritz, Mick Blackstone

1. Welcome and Roll Call:

- Charlotte Shearin called the meeting to order and conducted a roll call to confirm a quorum. Steve Bunker, Committee Chair, welcomed all attendees.
- Ms. Shearin noted that the meeting was streamed live to the public, and captioned minutes would be made available on the Commission's website.

2. Approval of Minutes from October 24, 2025

- Motion to Approve: Commissioner Gerthoffer
- Second: Commissioner Richards
- Vote: The minutes were approved unanimously.

3. REFINEMENT – MOTION REQUIRED: Town of Millington – Comprehensive Review

Presenter: Katie Hayden. Recommend Concurrence with the Chair's determination of refinement; Approval with conditions.

Ms. Hayden presented, in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. The Mayor and Council of Millington have approved the comprehensive update to the Town's Critical Area program as required by State law. The Town last updated their Critical Area program in 2012.

Discussion: None

Motion to concur: Commissioner Gillis moved to concur with the Chair's determination of refinement and to approve with conditions.

Second: Commissioner McCall

Motion passed unanimously.

4. Town of Greensboro – Comprehensive Review

Presenter: Annie Sekerak. Recommend Concurrence with the Chair's determination of refinement; Approval with conditions.

Ms. Sekerak presented in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. The Mayor and Council of Greensboro have approved the comprehensive update to the Town's Critical Area program as required by State law. The Town last updated their Critical Area program in 2012.

Discussion:

Commissioner Gillis pointed out a minor error in the report, at Section 17.19, under the "ecologically significant" section. The word 'one' should be included in the sentence that starts with, "Upper Choptank River is 'one' of the ..." Ms. Sekerak will make the change before review by the full Critical Area Commission.

Motion for Concurrence: Commissioner Richards

Second: Commissioner Burris

Vote: All in favor. Motion passed unanimously.

5. Town of North East – Comprehensive Review

Presenter: Charlotte Shearin. Recommend Concurrence with the Chair's determination of refinement; Approval with conditions.

Ms. Shearin presented in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. The North East Town Commissioners have approved the comprehensive update to the Town's Critical Area program as required by State law. The Town last updated their Critical Area program in 2005.

Discussion: None.

Motion for Concurrence and approval with conditions: Commissioner Gillis

Second: Commissioner Gerthoffer

Vote: Motion passed unanimously.

6. St. Mary's County – Text Amendment: New RCA Use, Non-Medical Day Care

Presenter: Michael Macon. Recommend Concurrence with Chair's Determination; Return with Changes to Be Made

Michael Macon presented in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. The St. Mary's County Commissioners have approved a text amendment to the County Code that would allow non-medical day cares as an allowed use in the Resource Conservation Area.

Michael Macon asked for feedback from Commissioners on the following questions:

- Are there additional restrictions needed for Limited Standard (b) to maintain land uses and policies of the RCA, as the proposed language states the following:

*No use may apply for a variance to exceed lot coverage limits established by Section 41.6.3 if the property on which the use is proposed is eligible for impervious surface trading in accordance with Section 41.5.3.i.(3).

- If so, what is the best way to do this? Potential Corrective Ideas could be:
 - An upper limit on the square footage of lot coverage allowed via a variance?
 - An upper limit on the percentage of lot coverage allowed via a variance?
 - Requiring any lot coverage permitted via a variance be constructed of permeable materials?
 - Requiring minimization of all accessory structures, exhaustion of the County's lot coverage trading provisions, and waivers or variances to other County requirements prior to seeking a lot coverage variance?
 - Limiting the use to the early education only uses found in the definition when the use occurs in the RCA?
 - Some combination of these options?
 - Some other potential option?

Discussion:

Commissioner Gillis asked whether there are other places where there are provisions to allow more than 15% coverage. Michael Macon said a variance would be required. Dr. Nick Kelly said if the lot coverage is constrained or the number of users is limited would be okay in the RCA; otherwise, it would go to growth allocation.

Commissioner Gerthoffer asked whether there is a way to limit the lot coverage or would that allow the possibility to do something else? Is there anywhere else where there is a maximum limit on lot coverage? Ms. Shearin said there is a maximum lot coverage set and usually tied to more intense uses. An example would be a religious facility where the limit is 20,000 square feet of lot coverage or 15%, whichever is less. Commissioner Gerthoffer said that she would prefer a lot coverage cap.

Commissioner Burris wanted to remind everyone that St. Mary's County is a peninsula and is limited on what they can do, and that a daycare is needed.

Commissioner Herr Cornwell was concerned that the use will not serve more than 42 individuals at one time. She thinks there should be a different approach rather than tied to a specific number. Should it be limited to the capacity of the building? Jessican Andritz of St. Mary's County said the 42 individuals is based on the particular building. That cap limits the limit on lot coverage because the State will not require more playgrounds and limit the number of parking spaces. Commissioner Herr Cornwell said it seems like an arbitrary number. Dr. Kelly suggested the maximum number be 42, or the maximum capacity of the building, whichever is less. Commissioner Gillis agreed that it would be a good guardrail.

Commissioner Bunker asked where the County goes offsite in looking for impervious surface for trading. Jessica Andritz said no trading is occurring on this site. She said they can remove impervious surface on one side of the building and shift it to another; this could help meet

Americans with Disabilities Act (ADA) purposes to meet that requirement without going over the lot coverage limit.

Ms. Shearin said at this time staff would recommend the text amendment be returned to the County to make changes to the language.

Attorney General Emily Vainieri heard varying options : a maximum cap of what the building allows; a maximum cap of what the building allows or less; and a maximum cap of what the building allows plus an additional limit on the lot coverage exceedance.

Commissioner Gerthoffer suggested adding language specifying some type of institutional use or early childhood facilities to avoid heavier commercial uses.

Commissioner Bunker thinks that having a maximum lot coverage would be clearer than having the number of people in a building.

Michael Macon said the permitting process through the Department of Education has a built-in maximum capacity. He clarified again the two staff recommendations:

- Process as a refinement; and
- Return the text to the County

Jessica Andritz said it would be helpful to have specific language if the amendment is returned.

Commissioner Gillis said the guidance from staff is helpful.

Based on committee discussion, the proposed staff recommendations were amended to include the following changes:

- Limiting the use to early childhood facilities;
- Setting a maximum lot coverage (% or cap); and
- Setting a maximum cap of individuals (based on what the building allows)

Commissioner Mulkey noted in the chat that the question on whether to include non-medical adult day care was not addressed. Ms. Andritz said the Planning Commission has been discussing whether to allow adult day cares in already established places.

Commissioner Bunker said that the use (adult versus child) does not seem to make a difference on lot coverage. Ms. Andritz asked if there was a specific lot coverage limit that would make the Commission comfortable so that she could provide that feedback to her Commissioners.

Emily Vainieri said that typically the use is already permitted in that zone when asking for a variance; here it would be allowing a new use, so in that circumstance, what committees have done in the past is to consider a maximum lot coverage, maximum square footage or both in lieu of asking for a variance, so the variance would not be allowed because it is tied to this new use in the RCA. She wanted to clarify this cap would not allow for a variance beyond that. The

other point about the ADA issue is that the Critical Area program and State law and St. Mary's program already have reasonable accommodation in their program so that could be achieved separate from the variance.

Commissioner Bunker noted we may be setting a standard for other similar requests.

Chair Fisher asked Emily Vainieri about setting the floor at 25%. If there was another grandfathered use at 18%, would that give them an automatic increase to 25%? Should we start at the existing lot coverage as the floor and not a specific number? Also, the variance process is the last resort. For small lots allow additional 500 square feet is allowed if it is previous.

Emily Vainieri said if the committee wanted to go with existing lot coverage that could work. To give the Committee more time for that consideration, the committee can take up the first bullet to consider whether this should be a refinement and not taking action on the second bullet; rather the committee could decide not to make a specific recommendation.

Commissioner Bunker said to start with the existing lot coverage and allow a percentage above that.

Mr. Macon asked if there was a way to tie the minimum necessary for a permit for the back to the education department. **Commissioner Herr Cornwell** concurred with Ms. Vainieri's recommendation. She also liked the cap on the number of individuals.

Chair Fisher asked if it was possible to get a ballpark number of lot coverage that would be needed for this site? Jessica Andritz said there may be six or seven additional parking spaces needed. John Houser, Deputy St. Mary's County Attorney, provided his opinion on how the variance process works, and said that the applicant could request a waiver to parking. Chris Longmore, the attorney for the applicant, said formal engineering has not been done so do not have the total lot coverage needed. The Head Start program may require a playground and there may be other areas to not add additional lot coverage. If there is an ADA requirement, he wants to make sure that it can be handled. Their intent is to reduce the existing lot coverage and limit it to existing buildings.

Commissioner Bunker asked whether the 25% lot coverage limit is sufficient. Mr. Longmore said they know they will need to add a playground so they may need additional lot coverage if they cannot use some of the existing parking.

Charlotte Shearin asked what is the size of the outdoor area based on the number of attendees? Emily Vainieri noted that the Maryland State Department of Education, Division of Early Childhood Development, Office of Childcare Office Resource Guide website said 75 square feet or usable play space or one half of the capacity of the center or each child if you are seeking a capacity of 20 or fewer children. One half would be 1,575 square feet, which would be the maximum.

After this discussion, a motion was made.

Motion: Commissioner Herr Cornwell – refinement motion

2nd: Commissioner Burris

Vote: Unanimous

Commissioner Bunker said the committee needed to vote on the second motion, regarding the staff recommendation.

Charlotte Shearin suggested that the first bullet of the motion be deleted. Emily said for the lot coverage piece the existing lot coverage or some amount beyond that.

Commissioner Gillis recommended that the Commission decide on a percentage that gives St. Mary's County a buffer, and if they drastically exceed it then they must go through the variance process. Furthermore, the maximum cap of individuals, it should be the maximum capacity of a the building as opposed to a specific number.

Commissioner Herr Cornwell agrees that having the number is important but is that only applying to this specific use or other uses in the ordinance? John Houser said that this could apply to anything that falls under this use. So the County would have to put in language specific to daycares. Jessica Andritz is concerned about the language that would go under the standards for this particular use and therefore would not apply in other places in the ordinance where certain uses are allowed in the RCA.

Commissioner Bunker said it that the language should provide a specific percentage of lot coverage above the existing lot coverage. Commission staff calculated that to be approximately 3.4% for this site. **Commissioner Bunker** said that 3.5% should be the maximum cap be a cap for the existing building.

Commissioner Herr Cornwell asked if a larger existing building came in this use would not be expanded beyond the 42. Trying to maintain this scale of at this type of use.

Charlotte Shearin stated what the motion is 42 or maximum allowed by the existing building, whichever is less. For lot coverage exceedance, should we specify for lots with vested coverage?

Emily Vainieri said the maximum lot coverage would be either 15% or 3.5% above the exceedance of the existing lot coverage. This would be maximum and there would be no variance allowed beyond that. Chris Longmore clarified the intent. If at 24%, this site could go up to 27.5%? Charlotte Shearin clarified, yes but without a variance.

Commissioner Gillis said the vesting date is often needed. Emily Vainieri said that is already part of the ordinance but can still clarify it here as well.

Motion for Concurrence and Return with Changes to be Made.

Motion: Commissioner Burris - 2nd motion

2nd: Commissioner Herr Cornwell

Vote: Unanimous

5. INFORMATION ONLY: Somerset County – Text Amendment for new RCA use

Presenter: Jamileh Soueidan

Ms. Soueidan presented in accordance with the memo, the contents of which are incorporated into and made part of the minutes. Somerset County is seeking preliminary feedback regarding a proposed text amendment to permit restaurants as an allowed use in the Resource Conservation Area.

Discussion:

Commissioner McCall said this use can have greater impacts than a day-care facility. It may require longer-term parking.

Commissioner Gillis concurs this issue is different than the day care provisions. The County needs to consider the long-term impacts.

Commissioner Gerthoffer shares the same concerns, as this can be approved anywhere else.

Commissioner Bunker said this is an existing commercial use and this proposal would be expanding. Ms. Soueidan said it would open the restaurants to beyond guests at the inn. Catherine Skeeter said the request is from one applicant. The restaurant would be limited to the requirements specified in the underlying zoning designation.

Commissioner Richards asked whether the applicant is seeking to increase impervious surface? Ms. Soueidan said that there is no new development proposed.

Commissioner Richards asked that if this is approved, are there any parking requirements that would result in an increase in impervious surface? Catherine Skeeter said she did not believe there would be a requirement for additional lot coverage.

Commissioner Richards is less concerned about the increase in patrons if the existing facility can absorb that.

Commissioner Herr Cornwell asked will they be taking other rooms in the facility away from the bed and breakfast side of it? DNR's considerations may be more significant based on the answer. Ms. Skeeter said it will not need an increase in dining space, and it would be able to accommodate the increase in patrons without a physical increase in the area to accommodate the restaurant. She cannot confirm if the existing facility will need to undergo conversions for the Health Department. They do have weddings in the yard.

Commissioner Richards asked is this property on sewer? Catherine Skeeter said it is on septic.

Commissioner Richards asked whether the septic is at its capacity? Catherine Skeeter said there are two systems on the property.

Commissioner Bunker asked whether this would allow other restaurants in the RCA? Ms. Skeeter said that it would, but the amount would be low due to the restrictions placed in the code.

Commissioner Richards asked if they knew how many other businesses this would apply to in the RCA? Catherine Skeeter said she was looking at MRC zones to determine that.

Commissioner Bunker added that the bed and breakfast should be limited to existing, vested buildings in the RCA and include a vested date. **Commission Herr Cornwell** concurred.

Next meeting of the Project Committee will be on January 14, 2026.