

MINUTES

**Critical Area Commission for the
Chesapeake and Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, Maryland**

January 4, 2023

CALL TO ORDER: Chairman Charles C. Deegan called the meeting to order at 1:00 p.m.

Commission Members in Attendance:

Tim Adams, Prince George's County
Jeffrey Ferguson, Eastern Shore at Large
Anita Grant, Western Shore at Large
Sue Greer, Charles County
Deborah Herr Cornwell, Department of Planning
Sandy Hertz, Department of Transportation
Michael Hewitt, St. Mary's County
Dawn Jacobs, Kent County
Charles Laird, Somerset County
James Lewis, Caroline County
Pat Mahoney, Calvert County
Chad Malkus, Dorchester County
Gary Mangum, Queen Anne's County
Jennifer Merritt, Worcester County – Chesapeake Bay
Alisha Mulkey, Department of Agriculture
Catherine McCall, Department of Natural Resources
Ewing McDowell, Department of Commerce
Steven Parker, Cecil County
Tammy Roberson, Department of Environment
Steven Taylor, Worcester County – Coastal

Commission Members Not in Attendance:

Gail Blazer, Worcester County – Coastal Bays (Town of Ocean City)
Sean Eames, Baltimore City
Michael McCarthy, Talbot County

APPROVAL OF MINUTES: Commissioner Hertz moved to approve the minutes from the October meeting. Commissioner Mangum seconded. Motion passed unanimously.

STAFF PRESENTATIONS

PROJECT SUBCOMMITTEE:

**Maryland Department of Transportation – State Highway Administration – Route 7
Pedestrian Bridge in Elkton (Cecil County)**

Ms. Charlotte Shearin presented for vote the proposal by the Maryland Department of Transportation – State Highway Administration (MDOT SHA) to reconstruct an existing

sidewalk and curb ramps along the southside of MD 7D (Delaware Avenue), install new sidewalks, construct a 10-foot-wide pedestrian bridge over Big Elk Creek, resurface existing driveway entrances, and upgrade roadway signage. Improvements will also include removal of existing pavement along the west side of MD 7D to narrow the roadway and create a grassed area between the roadway and the new sidewalk. The project will extend from MD 281 (Main Street) to Creswell Avenue in the town of Elkton in Cecil County. She presented the staff report, the contents of which have been incorporated into and made part of the minutes. The staff report included an amended condition subsequent to the morning's Project Subcommittee meeting.

The sidewalk improvements were requested by the Town of Elkton and will provide safe ADA accessible connectivity from the historic district along MD 281 (Main Street) to the paved trail at Meadow Park, located east of the Big Elk Creek bridge crossing on the southside of MD 7D. The pedestrian bridge will provide safe access for pedestrians and bicyclists across Big Elk Creek as the existing MD 7D bridge is only wide enough for vehicular traffic. The existing bridge is considered structurally sound by MDOT SHA's Office of Structures; therefore, a prefabricated pedestrian bridge will be installed on the southside of the existing MD 7D bridge. The Town will take ownership of the bridge once installed and will be responsible for all future maintenance.

Commissioner Hertz asked Ms. Vainieri for clarification on how to write the motion in accordance with the revised staff report, and the motion was so revised. Following this, Chairman Deegan recognized Project Subcommittee Chair Hertz, who moved on behalf of the Project Subcommittee that the Commission approve the proposed project with the following conditions:

1. Prior to the start of construction or within 60 days of Commission approval whichever comes first, MDOT SHA shall submit a copy of all final plans, permits, and approvals, including stormwater management plans, MDE stormwater and erosion and sediment control approval, and NPDES approval, to Commission staff.
2. Prior to the start of construction or within 60 days of Commission approval, whichever comes first, MDOT SHA shall provide to Commission staff a planting plan showing the location of the proposed mitigation plantings by the Town of Elkton to meet the required Buffer mitigation and the 10% stormwater management mitigation.

Commissioner Ferguson seconded the motion. All voted in favor. **Motion passed unanimously.**

PROGRAM SUBCOMMITTEE:

Refinement: Anne Arundel County – Growth Allocation Provisions Text Amendment

Ms. Jen Esposito presented for vote a refinement to the Critical Area Program for Anne Arundel County. She presented her staff report, the contents of which have been incorporated into and made a part of these minutes.

Anne Arundel County has submitted a text amendment to their Critical Area Program for approval by the Critical Area Commission. Bill No. 71-22 amends sections of the County's Zoning Code relating to the growth allocation process. The bill allows for designating new IDA lands of less than 20 acres in size, provided that certain criteria are met, and modifies the criteria for rescission of growth allocation.

Chairman Deegan recognized Program Subcommittee Chair Greer, who stated that the Program Subcommittee concurs with the Chairman's determination that the text amendment be processed as a refinement to Anne Arundel County's Critical Area Program. Further, she recommended that the Chairman approve the text amendment as outlined in the staff report.

Chairman Deegan said that he accepted the recommendation, and that this would be his final decision.

LEGAL UPDATES:

Ms. Emily Vainieri had no updates to report.

OLD BUSINESS:

None.

NEW BUSINESS:

Chairman Deegan mentioned that Stuart Chaney, who spoke at the last Commission meeting, would be receiving the Admiral of the Chesapeake award the next week.



Lynette Fullerton, Commission Secretary

2/1/23

Date of Approval

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

January 4, 2023

Program Implementation Subcommittee Minutes

Attendees: *Greer (Chair), Adams, Ferguson, Grant, Herr-Cornwell, Hewitt, Lewis, Malkus, Merritt, Mulkey, Taylor*

Guests: Kelly Krinetz (AA County)

Item 1. Approval of October Program Subcommittee Meeting Minutes

Commissioner Taylor moved to approve the minutes from the October 5 Program Subcommittee meeting. Commissioner Lewis seconded the motion. All voted in favor. **Motion passed unanimously.**

Item 2. Anne Arundel County – Growth Allocation Provisions

Presented by Jennifer Esposito.

Anne Arundel County has submitted a text amendment to their Critical Area Program for approval by the Critical Area Commission. Bill No. 71-22 amends sections of the County's Zoning Code relating to the growth allocation process. The bill allows for designating new IDA lands of less than 20 acres in size, provided that certain criteria are met, and modifies the criteria for rescission of growth allocation.

Discussion: Commissioners Greer asked whether all three criteria need to be met, and Ms. Esposito confirmed this was the case. Commissioners asked about specific sites in the County that might be affected. Ms. Krinetz from Anne Arundel County stated that there is currently one GA request in the works. There shouldn't be too many because there is a limited growth allocation acreage remaining that would be available for such requests. Commissioners also had questions about the three-year timeframe and Ms. Krinetz responded that the timeframe already exists but that this proposal clarifies it further.

Commissioner Adams moved to concur with the Chairman's determination of a refinement and recommend the Chairman approve the Critical Area Map update as outlined in the staff report. Commissioner Ferguson seconded the motion. **Motion passed unanimously.**

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

January 4, 2023

Project Implementation Subcommittee Minutes

Attendees: Hertz (Chair), Grant, Jacobs, Laird, Mahoney, Mangum, McCall, McDowell, Parker, Roberson

Guests: Eric Freidly, Harmony Miller

Item 1. September Project Subcommittee Minutes.

Commissioner Hertz asked for a motion to approve the Project Subcommittee meeting minutes from the October meeting. Commissioner Mahoney so moved. Commissioner Mangum seconded. **Motion passed unanimously.**

Item 2. Maryland Department of Transportation – State Highway Administration – Route 7 Pedestrian Bridge in Elkton (Cecil County)

Presented by Charlotte Shearin

Prior to giving her presentation, Ms. Shearin noted a minor date correction, on page 2, under Permit and Agency Reviews, Maryland Department of the Environment, my staff report stated the original JPA was applied for on June 18 2022 but it should have been June 18, 2020. The Maryland Department of Transportation State Highway Administration (MDOT SHA) is proposing to reconstruct an existing sidewalk and curb ramps along the southside of MD 7D (Delaware Avenue), install new sidewalks, construct a 10-foot-wide pedestrian bridge over Big Elk Creek, resurface existing driveway entrances, and upgrade roadway signage. Improvements will also include removal of existing pavement along the west side of MD 7D to narrow the roadway and create a grassed area between the roadway and the new sidewalk. The project will extend from MD 281 (Main Street) to Creswell Avenue in the town of Elkton in Cecil County.

Discussion: Commissioner Parker noted that the area around Delaware Avenue floods regularly and the road has to be closed 2-3 times a year. Wondered if this is the best plan for this area. Ms. Shearin responded that the funds are not available for a bridge replacement that would solve the flooding issues, and the main issue they're dealing with is pedestrian safety. However, SHA is aware of the flooding concerns. Ms. Vainieri made note that the recommended 60 day timeframe within the staff recommended conditions are not tied to a specific date. She recommended that the words "of Commission approval" be added after 60 days to both conditions.

Commissioner Parker made a motion to approve the project with a recommended change to condition. Commissioner Mangum seconded. Commissioner Hertz abstained from voting. **Motion passed.**