

MINUTES

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

March 12, 2025

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
Ben Etherton, Talbot County
Jenelle Gerthoffer, Worcester County – Coastal/Town of Ocean City
Allison Gost, Department of Transportation
Anita Grant, At Large
Rosa Hance, At Large
Debbie Herr-Cornwell, Department of Planning
Catherine McCall, Department of Natural Resources
Mira Morgan, Department of Housing and Community Development
Alisha Mulkey, Department of Agriculture
Jim Palma, Department of Commerce
Hitesh Patel, Somerset County
Tammy Roberson, Department of Environment
Brian Roche, Dorchester County
Lisa Rodvien, Anne Arundel County
Dave Wilson, Worcester County Coastal

Commission Members Not in Attendance:

Tim Adams, Prince George's County
Earl "Buddy" Hance, Calvert County
Travis Marion, Cecil County
Larry Porter, Caroline County
Annie Richards, Kent County
Pat Young, Baltimore County

OPENING REMARKS

Chair Fisher called the meeting to order and welcomed everyone. Dr. Nick Kelly confirmed the presence of a quorum. After approval of the January 29, 2025 meeting minutes, Chair Fisher honored former Executive Director Kate Charbonneau, who accepted a permanent position as Assistant Secretary for Aquatic Resources at the Maryland Department of Natural Resources. He thanked her for the years of hard work and support.

APPROVAL OF MINUTES

Commissioner Conway moved to approve the minutes from the January 29, 2025 meeting. Commissioner Patel seconded. **Motion carried unanimously.**

COMMISSION EDUCATION

MARSH MIGRATION

Presented by: Charlotte Shearin, AICP and Molly M. Mitchell, Ph.D. (Virginia Institute of Marine Science)

Program Manager Shearin and Dr. Mitchell presented for information – *The Impacts of Marsh Migration on Coastal Landscapes*.

ITEMS FOR VOTE

SUMMARY REPORT – Washington Suburban Sanitary Commission (WSSC) Memorandum of Understanding (MOU) – General Approval.

Presented by Annie Sekerak, AICP. Project Committee recommendation: Approval.

Ms. Sekerak presented in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. Staff from the Critical Area Commission and the Washington Suburban Sanitary Commission (WSSC) have worked together to update the existing General Approval Memorandum of Understanding (MOU) between WSSC and the Critical Area Commission. The draft MOU was presented to the Project Committee in February 2024 for preliminary review and WSSC is now requesting final Critical Area Commission approval. Commission staff recommend approval of the updated MOU between WSSC and the Commission.

The previous MOU was signed in 2003. The updated MOU as proposed would expedite the review of several additional types of minor maintenance activities. The proposed additions are similar in nature to minor activities that have been included in similar MOUs that the Commission has with other state agencies.

Following the presentation, Ms. Sekerak turned the floor over to Chair Fisher, who recognized Project Committee Chair Conway. Commissioner Conway moved on behalf of the Project Committee to approve the updated MOU. Commissioner Bunker seconded the motion. **Motion carried unanimously.**

FULL PRESENTATION - Mapping: City of Salisbury – Critical Area Map Update (Wicomico County) – Approval.

Presented by Susan Makhoulf, AICP. No prior Committee review.

Ms. Makhoulf presented in accordance with the staff report, the contents of which have been incorporated into and made part of the minutes. The City of Salisbury is requesting approval of an update to their Critical Area map. Under Critical Area law and COMAR 27.01.11, each local jurisdiction is required to update the 1,000-foot Critical Area boundary using the best available information and technologies every eight (8) years. This is the first boundary line update for the City of Salisbury.

Following a brief request for a clarification from one of the Commissioners, Chair Fisher asked for a motion to approve the City of Salisbury's Map Update. Project Chair Bunker so moved. Commissioner Wilson seconded. **Motion carried unanimously.**

POLICY UPDATE

DEIJ Draft Policy – Part 2

Presented by Charlotte Shearin, AICP.

Ms. Shearin presented an update on the DEIJ Policy Workgroup. Four goals were identified:

1. Local government engagement;
2. Respect tribal concerns – Planner Michael Macon will be helping coordinate this, working with the Maryland Commission of Indian Affairs;
3. Anti-discrimination statement - Zero-tolerance for hate speech in Commission meetings, both public and closed; and
4. Accountability and transparency – evaluation to occur at intervals and reports to be presented to the Critical Area Commission on policy changes.

Ms. Shearin then presented the implementation goals moving forward, including identifying places within the Commission purview where policy should be applied, measuring success moving forward, and the final steps. She stated that the DEIJ Policy could be ready for a vote by the Commission in May.

LEGAL UPDATE

Presented by Assistant Attorney General Emily Vainieri.

Ms. Vainieri presented legal updates to the Critical Area Commission. The Commission is currently involved in four cases – two in Anne Arundel County Circuit Court, one in Worcester County Circuit Court, and one in Queen Anne’s County Circuit Court.

EVERETT (AA Co.)

The Critical Area Commission and Anne Arundel County have challenged the Anne Arundel County Board of Appeals’ decision to grant an after-the-fact Critical Area variance for an unauthorized shed within the Critical Area Buffer. A hearing was originally set for January 6, 2025, but was postponed to February 24, 2025. She is still waiting for the judge’s opinion.

HARRIS (AA Co.)

The Critical Area Commission and Anne Arundel County have challenged the Anne Arundel County Board of Appeals’ decision to grant a Critical Area variance for the construction of pool and patio within the Critical Area Buffer. A hearing has been scheduled for April 7, 2025. Currently briefing for that.

AYRES CREEK FAMILY FARM (Worcester Co. Circuit Court)

Worcester County’s Critical Area boundary maps are in the early stages of being revised, but it was discovered that for the Ayres Creek property, the CA boundary line is moving forward, meaning that a portion of the Ayres Creek property is being removed from the Critical Area. Based on this, the hearing is being postponed allowing the remapping process to play out a bit further.

CHESTERHAVEN (Queen Anne’s Co.)

This case concerns property owned by Chesterhaven Beach Partnership, located along the Chester River and Piney Creek. The property contains approximately 102 acres, 81 of which are in the Critical Area and designated as Resource Conservation Area.

On July 9, 2024, the Queen Anne's County Commissioners approved Chesterhaven's request to include the property in the Chester Growth Area. The Commissioners' decision was also conditioned on the development being limited to 90 lots without the need for Critical Area growth allocation. Because 90 lots are not grandfathered/vested for the purpose of Critical Area law, the development of the property with 90 lots, without using growth allocation, would be contrary to the allowed RCA density of one dwelling per 20 acres.

The Plaintiffs, which include Queen Anne's Conservation Association, Inc., Chesapeake Bay Foundation, Chesapeake Wildlife Heritage, Inc. and a number of nearby property owners, seek a declaration from the Court that the Queen Anne's County Commissioners' July 9, 2024 decision is in conflict with State law and Queen Anne's County Code. The court granted the Critical Area Commission's motion to intervene as a plaintiff in this case. The Commission's intervention is for the limited purpose of ensuring that any declaration made by the Court is consistent with the Critical Area law and regulations. There is no hearing scheduled yet.

OLD BUSINESS

Town of Easton – Cohee Growth Allocation – Extension Request

Presented by Annie Sekerak, AICP.

The Town of Easton has requested a 90 day extension to fulfil the conditions of approval of a previously approved growth allocation request.

Chair Fisher asked for a motion. Commissioner Etherton moved to approve. Commissioner Burris seconded. **Motion carried unanimously.** Extension granted. New deadline: June 4, 2025.

Additional Notes

Chair Fisher introduced the newest CAC staff member, Maggie White. He then reviewed the timeline for the next Commission meetings and encouraged Commissioners to attend the upcoming retreat in at the Baltimore City Rowing Center if they are able.

Meeting adjourned.

Lynette Fullerton, Commission Secretary

Date of Approval