

MINUTES

**Critical Area Commission for the
Chesapeake and Atlantic Coastal Bays
1804 West St., Suite 100
Annapolis, MD 21401**

March 4, 2026

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

Commission Members in Attendance:

Derek Bland, Wicomico County
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
Allison Gost, Department of Transportation
Glenn Gillis, Harford County
Anita Grant, At Large
Debbie Herr-Cornwell, Department of Planning
Sandy Huffer, Queen Anne's County
Catherine McCall, Department of Natural Resources
Mira Morgan, Department of Housing and Community Development
James Palma, Department of Commerce
Hitesh Patel, Somerset County
Annie Richards, Kent County
Tammy Roberson, Department of Environment
Lisa Rodvien, Anne Arundel County
Dave Wilson, Worcester County Coastal
Pat Young, Baltimore County

Commission Members Not in Attendance:

Tim Adams, Prince George's County
Ben Etherton, Talbot County
Earl "Buddy" Hance, Calvert County
Rosa Hance, At Large
Alisha Mulkey, Department of Agriculture
Brian Roche, Dorchester County

OPENING REMARKS

Chair Fisher called the meeting to order and welcomed everyone. Dr. Nick Kelly conducted a roll call to confirm a quorum.

APPROVAL OF MINUTES

Chair Fisher asked for a small correction to be made to page 2 of the minutes, regarding the James Island Restoration. The request was to insert, for clarification, the words, "...if funding is delayed" at the end of the first sentence in his comments. Commissioner Conway moved to approve the minutes from the January 21, 2026 meeting with the above noted correction. Commissioner Palma seconded. **Motion carried unanimously.**

ITEMS FOR VOTE/CONCURRENCE:

PROJECT COMMITTEE

SUMMARY REPORT – St. Mary’s County – Town Creek Elementary School Mobile Classroom

Presented by Michael Macon. Project Committee Recommendation – Approval with conditions.

Mr. Macon presented in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. The Department of Design and Construction with St. Mary’s County Public Schools is seeking to relocate a double-classroom mobile unit from Leonardtown Elementary School to Town Creek Elementary School. The school proposes replacing the two existing mobile classroom units that are deteriorated beyond their useful life and require demolition and removal. The proposed double-classroom mobile unit will provide Town Creek Elementary School with the necessary classroom space to meet State and County educational requirements.

The project requires approval under COMAR 27.02.06 (Conditional Approval of State or Local Agency Programs in the Critical Area) due to exceedance of lot coverage limits. Commission staff recommends approval of the project with a condition.

Discussion:

Commissioner Huffer asked what would happen if at some point in the future the school has to vacate the site, would that come before the Critical Area Commission? Todd Whitlock responded that if that happened the land would revert to the County for them to use as they see fit.

Chair Fisher asked, as a follow-up, what would happen to the double-wide school trailer if at some point it is not needed. Mr. Whitlock replied that it would be moved to a school that needed it. **Chair Fisher** then referred to the site plan, saying that it looks like the tree line is a good distance away from the proposed site for the trailer, and asked why so much clearing is needed. Mr. Macon stated the site plan was a bit inaccurate and showed a picture of the site and the trees that needed to be removed.

Commissioner Roberson noted that since the Project Committee met, the County received its Sediment and Erosion Control approval. Michael Macon indicated that a stormwater management approval was not required since the disturbance was less than 5, 000 square feet. Therefore, the applicable condition listed in the staff report was satisfied.

Vote:

Motion to Approve: Commissioner Roberson

Second: Commissioner Bland

Final vote: Motion passed unanimously.

PROGRAM COMMITTEE

SUMMARY REPORT – Queen Anne’s County – Text Amendment: Growth Allocation Alternative Provision

Presented by Maggie White.

Program Committee recommendation – Concurrence; Approval.

Ms. White presented in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. Queen Anne's County has submitted County Ordinance #25-12 for review and approval by the Critical Area Commission. The proposed text amendment amends section § 14:1-76.D of the County’s Zoning Code related to growth allocation standards. Specifically, it proposes alternative location standards to allow nonadjacent growth allocation for an existing non-profit institutional use that provides primary or secondary education or is used as a youth camp. Upon reviewing the submitted materials and given that the County addressed comments provided by the Program Committee in October 2025, Commission staff recommended concurrence by the Critical Area Commission with the Chair to process this text amendment as a refinement and further recommends that the Chair approve the text amendment as proposed.

Discussion: None

Recommendation: Commissioner Bunker read the recommendation of the committee that the Commission concur with the Chair’s determination of refinement, and that the Chair approve the text amendment as proposed.

Chair Fisher acknowledged the Program Committee’s concurrence and said their recommendation stood as his final decision.

SUMMARY REPORT – Worcester County – Mapping Mistake Amendment: 10702 Assateague Rd.

Presented by Katie Hayden.

Program Committee recommendation – Concurrence; Approval.

Ms. Hayden presented, in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. On November 18, 2025, the County Commissioners of Worcester County approved Resolution 25-26, to reclassify 2.19 acres of the County’s Critical Area from Resource Conservation Area (RCA) to Limited Development Area (LDA) on the grounds of a mistake at the time the Critical Area was originally mapped. The property is located at 10702 Assateague Road in Berlin MD (Attachment 1). Commission staff recommends concurrence by the Critical Area Commission with the Chair to process this map amendment as a refinement and further recommends that the Chair approve the map amendment as proposed.

Discussion: None.

Recommendation: Commissioner Bunker read the recommendation of the committee that the Commission concur with the Chair’s determination of refinement, and that the Chair approve the map amendment as proposed.

Chair Fisher acknowledged the Program Committee’s concurrence and said their recommendation stood as his final decision.

SUMMARY REPORT – Worcester County – Mapping Mistake Amendment: Center Drive and North Road

Presented by Katie Hayden.

Program Committee recommendation – Concurrence; Approval.

Ms. Hayden presented, in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. On November 18, 2025, the County Commissioners of Worcester County approved Resolution 25-27, to reclassify 6.60 acres of the County’s Critical Area from Resource Conservation Area (RCA) to Intensely Developed Area (IDA) on the grounds of a mistake at the time the Critical Area was originally mapped. The reclassified area borders Center Dr and North Rd at Tax Map 22 Parcel 268 (Attachment 1). Commission staff recommends concurrence by the Critical Area Commission with the Chair to process this map amendment as a refinement and further recommends that the Chair approve the map amendment as proposed.

Discussion: None.

Recommendation: Commissioner Bunker read the recommendation of the committee that the Commission concur with the Chair’s determination of refinement, and that the Chair approve the map amendment as proposed.

Chair Fisher acknowledged the Program Committee’s concurrence and said their recommendation stood as his final decision.

SUMMARY REPORT – Worcester County – Mapping Mistake Amendment: 9537 Croppers Island Road

Presented by Katie Hayden.

Program Committee recommendation – Concurrence; Approval.

Ms. Hayden presented, in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. On November 18, 2025, the County Commissioners of Worcester County approved Resolution 25-29, to reclassify 30.7 acres of the County’s Critical Area from Resource Conservation Area (RCA) to Intensely Developed Area (IDA) on the grounds of a mistake at the time the Critical Area was originally mapped. The property is located at 9537 Croppers Island Road in Newark MD (Attachment 1). Commission staff recommends concurrence by the Critical Area Commission with the Chair to process this map amendment as a refinement and further recommends that the Chair approve the map amendment as proposed.

Discussion: None.

Recommendation: Commissioner Bunker read the recommendation of the committee that the Commission concur with the Chair’s determination of refinement, and that the Chair approve the map amendment as proposed.

Chair Fisher acknowledged the Program Committee’s concurrence and said their recommendation stood as his final decision.

LEGAL UPDATES

Update: CAMPBELL (Circuit Court for Wicomico County): The Critical Area Commission filed a case in Wicomico County Circuit Court in June 2025. We filed the case to challenge the decision by the Wicomico County Board of Appeals which granted a Critical Area variance for the construction of new lot coverage for a driveway in the Critical Area Buffer. This property is in Tyaskin. The parties in the case were the Commission, the County, and the property owners. The way that these cases proceed is that the County transmits the record to the court, the Commission files briefs, and then there is a hearing. Here, after the County transmitted the record, but before we briefed the case, the property owners redesigned their project to move all proposed impacts out of the Critical Area Buffer. They withdrew their original variance request as it was no longer needed based on the redesigned project. So we dismissed our challenge in the Circuit Court because the case was moot. There was no variance to challenge any longer. Even though it was a dismissal, it was absolutely a successful outcome because the impacts will not be constructed in the Critical Area buffer.

New: JODY SACHS (Circuit Court for Dorchester County): On Feb. 20, 2026, the Critical Area Commission joined a case in progress. This case was first filed by the property owner, Mr. Jody Sachs. Mr. Sachs is challenging the decision by the Dorchester County Board of Zoning Appeals to deny him a Critical Area variance for an accessory structure (a screened-in porch) in the Critical Area Buffer. The Commission is participating as a Respondent in support of the County and in opposition to the Petition. The Commission is requesting that the BZA's decision be affirmed, as the variance denial was the correct outcome and the BZA correctly determined that the variance request does not meet the Critical Area variance standards. The next step is for the County to transmit the record to the court and then the Commission will file a brief for the case.

NEW BUSINESS

Chair Fisher provided a status update of the two bills that are in session for 2026.

- **SB 178 / HB 258:** A cleanup bill intended to clarify existing rules without changing substantive requirements.
 - The bill received a unanimous favorable vote from the House Environment and Transportation, Natural Resources and Open Space Subcommittee.
 - It was amended to provide a clear definition of the term "adjacent" in agreement with the Maryland Association of Counties.
- **HB 247:** This bill incorporates 30 years of case law regarding variance standards directly into the statute and supports administrative approvals of variances.
 - The bill was heard in the House and remains under discussion in the subcommittee.

Upcoming Events: Presented by Charlotte Shearin

- **Commission Field Day:** Scheduled for Wednesday, May 6, 2026, at Pocomoke State Park, featuring a kayaking opportunity.
- **Commission Retreat:** Scheduled for Wednesday, June 10, 2026, at the Horn Point Laboratory in Cambridge, MD. The retreat will include a tour of the oyster hatchery and an afternoon visit to the Harriet Tubman Underground Railroad National Park.

The next meeting will be in Crownsville on April 15, 2026.

Meeting adjourned.

Lynette Fullerton, Commission Secretary

Date Approved