

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

April 6, 2022

**Program Implementation Subcommittee
Minutes Approved by Program Subcommittee on 5/4/2022**

Attendees: Greer (Chair), Adams, Ferguson, Herr Cornwell, Hewitt, Johnston, Lewis, Merritt, Mulkey

Item 1. Town of Indian Head - Critical Area Program Comprehensive Review Presented by Charlotte Shearin

On September 7, 2021, the Town Council of the Town of Indian Head voted to repeal and replace the Town's Critical Area program through the adoption of Ordinance No. 08-01-21, which was drafted following a comprehensive review of the Town's Critical Area Program. Critical Area staff recommend approval with minor changes as listed in the staff report, based on consistency with current law and regulations.

Commissioner Hewitt made a motion to Concur with Refinement and Approve as proposed. Commissioner Ferguson seconded. Motion carried unanimously.

Item 2. Anne Arundel County - Text Amendment Uses in the RCA
Presented by Michael Grassmann

Anne Arundel County is seeking approval of Ordinance #106-21, which proposes to amend the County's Critical Area Program in order to allow farm alcohol production facilities as an approved use in the Resource Conservation Area (RCA) (Article §18-13-206). Because the County is requesting to add a new use to its current list of allowed uses in the RCA, approval from the Critical Area Commission is required. Critical Area staff recommends approval.

Commissioners asked questions related to the use of the facilities and whether they would meet Health standards and parking requirements. Kelly Krinetz of Anne Arundel County stated that any new development will need to be up to code and all normal regulations will be applicable.

Commissioner Lewis made a motion to Concur with Refinement and Approve as proposed. Commissioner Johnston seconded. Motion carried unanimously.

Item 3. Anne Arundel County - Text Amendment Marina Development Standards in MBAs
Presented by Kate Charbonneau

Anne Arundel County is seeking approval of Ordinance #110-21, which proposes to amend the standards for redevelopment of marina properties when designated as Buffer Modification Areas (BMA). The bill adds new requirements to the list of standards and incentives removal of lot coverage near the shoreline.

Commissioners asked for clarification on the “clean marina” certification and grandfathering. Ms. Charbonneau stated that the Clean Marina Program is run by Maryland Department of Natural Resources and sets certain standards for operating marinas.

Commissioner Johnston made a motion to Concur with Refinement and Approve as proposed. Commissioner Ferguson seconded. Motion carried unanimously.

Item 4. Wicomico County - Village Down River: Offsite Mitigation Update Presented by Charlotte Shearin as Information Only

Ms. Shearin gave an update on the status of the various conditions attached to the Village Down River subdivision October 5, 2021 approval granted by the Commission. That approval allowed the County to modify the lot coverage associated with the growth allocation and with the lots within the growth allocation. In January of this year, Commission staff and County staff found an alternative planting staff to satisfy the stormwater offset as Pirate’s Wharf was no longer a viable option. During the discussion, there was a question about the planting site and whether there was a stream nearby the new planting site. Ms. Shearin confirmed that the plantings will be in wooded area adjacent to stream.

Item 4. Baltimore County – Country Club Estates Growth Allocation
Presented by Susan Makhlof as Information Only

Ms. Makhlof gave an update to a growth allocation proposal in Baltimore County that was previously heard for information at the January 5, 2022 Subcommittee meeting. At the January meeting the subcommittee had questions about proposed plantings and how to calculate the water quality and habitat benefits provided by the emplacement of 692 linear feet of living shoreline at the site. The subcommittee requested that the County and applicant work with Commission staff to ensure that all requirements are adequately met. CAC staff worked with staff at MDE, DNR Forest Service, UMES, and VIMS for guidance on the living shoreline project. Ms. Maklof informed the subcommittee that based on guidance from MDE and DNR, CAC staff determined an appropriate credit and basis for making that decision. During discussion, there were questions asking for clarification on 300-foot setback requirements, infrastructure and the effects of the country club on the water quality. Ms. Makhlof responded that all of those requirements will be addressed by the County when the growth allocation is formally submitted.