

MINUTES

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

March 1, 2023

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

Commission Members in Attendance:

Sean Eames, Baltimore City
Jeffrey Ferguson, Eastern Shore at Large
Jenelle Gerthoffer, Worcester County – Coastal/Town of Ocean City
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
Charles Laird, Somerset County
James Lewis, Caroline County
Pat Mahoney, Calvert County
Chad Malkus, Dorchester County
Gary Mangum, Queen Anne's County
Alisha Mulkey, Department of Agriculture
Catherine McCall, Department of Natural Resources
Michael McCarthy, Talbot County
Steven Parker, Cecil County
Tammy Roberson, Department of Environment
Steven Taylor, Worcester County – Coastal

Commission Members Not in Attendance:

Tim Adams, Prince George's County
Dawn Jacobs, Kent County
Jennifer Merritt, Worcester County – Chesapeake Bay

CHAIRMAN'S REMARKS: Chairman Deegan provided information about the virtual meeting. He then introduced Jim Palma, soon to be appointed new Commissioner representing the Department of Commerce.

APPROVAL OF MINUTES: Commissioner Mahoney moved to approve the minutes from the February meeting. Commissioner Grant seconded. Motion passed unanimously.

STAFF PRESENTATIONS

PROGRAM SUBCOMMITTEE:

Refinement: Town of Leonardtown – Text Amendment to Allow the Use of Growth Allocation for New IDAs less than 20 acres (St. Mary’s County)

Ms. Annie Sekerak presented a refinement to the Town of Leonardtown’s Critical Area Program in the form of a text amendment for new IDAs less than 20 acres. Ms. Sekerak reviewed her staff report, which is incorporated into and made a part of these minutes.

On February 13, 2023, the Leonardtown Town Council approved a text amendment to the Town Code. Emergency Ordinance No. 215 will amend Section 60-7 of the Town Code to correct minor errors inadvertently enacted by Ordinance 204 (the comprehensive review of the Leonardtown Critical Area program) and to specifically allow for the use of growth allocation for new Intensely Developed Areas (IDAs) less than 20 acres.

Hearing no questions, Chairman Deegan recognized Program Subcommittee Chair Greer, who moved that the Chairman approve the text amendment. Chairman Deegan said he accepts the Commission’s recommendation and that this would be his final decision.

Refinement: Town of Leonardtown – St. Mary’s Nursing Home Growth Allocation (St. Mary’s County)

Ms. Sekerak presented a refinement to the Town of Leonardtown’s Critical Area Program in the form of a growth allocation to change the designation of 12.67 acres of a Resource Conservation Area (RCA) to an Intensely Developed Area (IDA). The subject parcels are located at 42156 Saint Andrews Church Road in the Town of Leonardtown. If the growth allocation is approved, the Critical Area designation will allow for an institutional use of the site, as already allowed by the underlying zoning. The attachment to the staff report includes the growth allocation deduction map, an aerial of the site, and the proposed site plan.

On January 9, 2023, the Leonardtown Town Council voted unanimously to approve the proposed growth allocation. At each stage of the Town process, the growth allocation was found to be consistent with the Town’s growth allocation requirements and the Critical Area standards and factors outlined in COMAR 27.01.02.06.

Commission staff accepted the growth allocation for processing on February 14, 2023. On February 14, 2023, Chairman Deegan determined that this growth allocation could be processed as a refinement.

Hearing no questions, Chairman Deegan recognized Program Subcommittee Chair Greer, who moved that the Chairman approve the growth allocation request. Chairman Deegan said he accepts the Commission’s recommendation and that this would be his final decision.

Town of Perryville – Critical Area Map Update Extension Request (Cecil County)

Mr. Michael Grassmann presented a request from the Town of Perryville for an extension of the deadline to approve their draft Critical Area maps. He presented the staff report, the contents of which are incorporated into and made a part of the minutes. January 28, 2023 was the 24-month deadline for the Town of Perryville, located in Cecil County, to adopt their updated Critical Area

Maps. The Town is unable to meet this deadline due to revising the Town's Critical Area Code as part of the mapping update. The Town expects to adopt the proposed map updates after a public hearing on April 4, 2023. As such, the Town of Perryville is requesting a 90-day extension of the Critical Area updated map adoption timeline; therefore, the new deadline for local approval of the Critical Area maps would be April 28, 2023.

Hearing no questions, Chairman Deegan recognized Program Subcommittee Chair Greer, who moved that the Commission vote to approve the requested extension. Commissioner Taylor seconded the motion. All voted to approve. **Motion passed unanimously.**

LEGAL UPDATES:

Ms. Emily Vainieri had no updates to report.

OLD BUSINESS:

None.

NEW BUSINESS:

No new business. Ms. Charbonneau noted that she would be in touch soon about a possible April meeting.



Lynette Fullerton, Commission Secretary

6/7/23

Date of Approval