



PLANNING AND ZONING COMMISSION

MINUTES OF THE PLANNING AND ZONING COMMISSION APRIL 26, 2023

- I. Commission Chair Cindy Greengold called the meeting to order at 7:00 pm. In attendance were Kathleen Berault, Laura Blackwelder, Larry Brown, and Jan Ruttkay, Commission members, Christopher Jakubiak, Planning & Zoning Administrator, and Sharon L. Humm, Commission Clerk. Absent was Kelly Hauhn, Commission member.

II. **Approval of the April 26, 2023 Planning & Zoning Agenda.**

MOTION: Commissioner Berault moved to approve the April 26, 2023 Planning & Zoning agenda. Seconded by Commissioner Ruttkay, all in favor.

III. **Approval of the March 22, 2023 Planning & Zoning meeting minutes.**

MOTION: Commissioner Berault moved to approve the March 22, 2023 Planning & Zoning meeting minutes. Seconded by Commissioner Ruttkay, all in favor.

IV. **Public Comment** – None Received.

V. **Continue discussion on Critical Area Regulations:**

Before moving forward with the Critical Area discussion, the Commission wanted to re-visit a few items from the minutes of the March 22nd meeting.

Commissioner Blackwelder had concerns about the word “any” in the following statement and if there would be any legal implications as written. She would recommend consulting an attorney on this.

#5 RCA Uses

- (a) Existing industrial and commercial facilities, including those that directly support agriculture, forestry, aquaculture, or **any** residential development not exceeding the 1-per-20-acre density, shall be allowed in RCA’s.

After a lengthy discussion, it was agreed that Mr. Jakubiak would revise the language in the paragraph to address concerns of the Commission, send to the Critical Area Commission for their review and comments, and bring back to the Planning Commission at its May meeting.

The Commission asked Mr. Jakubiak if he could make arrangements to have critical area staff attend a meeting to discuss matters of concern.

Commissioner Brown had concerns with the highlighted wording in the following statements:

D. Resource Conservation Areas (RCA)

#1. Nothing in this Section shall limit the ability of a participant in any agricultural easement program to convey real property encumbered with such an easement to family members provided that no such conveyance will result in a density greater than one dwelling unit per 20 acres **“except as may be further restricted by the underlying zone.”**

MOTION: Commissioner Brown moved to strike the highlighted wording and replace with “unless the underlying code mandates the residential density be fewer than one unit per 20 acres in which case the underlying code would apply.” Seconded by Commissioner Blackwelder, all in favor.

#4 Density

(a)-Land within the RCA may be developed for residential uses at a density not to exceed one (1) dwelling unit per 20 acres **“except as may be further restricted by the underlying zone.”**
In calculating the 1-in-20-acre density of development that is permitted on a parcel located within the RCA.

MOTION: Commissioner Blackwelder moved to strike the highlighted wording and replace with “unless the underlying code mandates the residential density be fewer than one unit per 20 acres in which case the underlying code would apply.”
Seconded by Commissioner Ruttkay. Ayes, Commissioner Blackwelder.
Opposed, Commissioners Brown, Berault, and Ruttkay. **Motion Fails.**

MOTION: Commissioner Brown moved to strike the entire #4 Density (a) paragraph and replace with the following: “No new residential development will be permitted in the RCA.” Seconded by Commissioner Ruttkay, all in favor.

Part 3 The Buffer.

Mr. Jakubiak resumed discussion on the Critical Area regulations. Beginning with Part 3-Buffer, Mr. Jakubiak stated the big change, with respect to the model ordinance, reflects changes made to the buffer. Previously the buffer was basically 100 feet irrespective of where you were in the critical area. In the new code from the State, it reflects changes that were made about a decade ago that expanded the buffer in the RCA to 200 feet, and to 300 feet in certain circumstances, which are not in the Town’s current critical area law. The other change is that the part of the buffer that is already developed, such as anywhere in the center of Town, being known as the buffer exempt area, is now called the modified buffer. This means it has been modified by development but still has to meet buffer requirements. Lastly, the Town’s critical area laws were changed in coordination negotiation with the Critical Area Commission about fifteen (15) years ago, so it did not have to meet these sort of planting requirements and strict distance requirements, it provided more flexibility for redevelopment projects. The Commission could carry this flexible language currently in the Town code forward, if it chooses.

Mr. Jakubiak directed the Commission to section 290-17 Critical Area - D. Buffer Regulations of the Town’s current zoning code. Mr. Jakubiak discussed the current requirements. The Commission had concerns about the cutting or clearing of trees in Town. Mr. Jakubiak drafted and provided to the Commission last month, a document relating to tree removal in the critical area for Commission’s

consideration. If accepted, this would be added as a new section to the code. Discussion continued and Mr. Jakubiak addressed questions and concerns.

Mr. Jakubiak suggested the Commission read Section G. General Development Standards and be prepared to discuss at the May meeting along with reviewing the draft document on removal of trees.

Chair Greengold announced that at next month's meeting she would be suggesting a few changes to the schedule, such as taking a recess in August, and changing November and December's meeting dates due to the holidays.

VII. Adjournment:

There being no further comments, Commissioner Berault moved to adjourn the meeting at 9:15 PM. Seconded by Commissioner Brown, all in favor.

Submitted by,

Sharon L. Humm
Commission Clerk

Note: This meeting can be viewed in its entirety on the Town website on the Planning Commission page www.chesapeakebeachmd.gov.

