



PLANNING AND ZONING COMMISSION

MINUTES OF THE PLANNING COMMISSION MEETING SEPTEMBER 27, 2023

- I.** Commission Chair Berault called the meeting to order at 7:00 pm. In attendance were Vice-Chair Cindy Greengold, Laura Blackwelder, Larry Brown, Kelly Huhn, and Rachel Larsen Weaver, Commission members, Sarah Franklin, Town Planner, and Sharon L. Humm, Commission Clerk. Absent was Jan Ruttkay, Commission member.

Chair Berault began the meeting by sharing a quote from Winston Churchill; “We make a living by what we get, we make a life by what we give.”

II. Approval of the September 27, 2023 Planning Commission Agenda.

MOTION: Commission Vice-Chair Greengold moved to approve the September 27, 2023 Planning Commission agenda. Seconded by Commissioner Brown, all in favor.

Commissioner Brown brought to the floor items that were discussed at the last Commission meeting in which Mr. Jakubiak was to advise the Commission on. Commissioner Brown was inquiring if that would be part of tonight’s agenda. RE: 1) Compare land use policies of COMAR 27.01.02.03 pertaining to land use activities within the IDA and COMAR 27.01.02.04 pertaining to land use activities within the LDA and 2) tree definition and standards for removal.

Ms. Franklin will research and provide an answer at the next meeting.

- III. Introduce & welcome new Town Planner Sarah Franklin**– Chair Berault was pleased to introduce and welcome the new Town Planner, Sarah Franklin. Ms. Berault provided a little background on Ms. Franklin and welcomed her to the Commission.

IV. Approval of the July 26, 2023 Planning Commission meeting minutes.

MOTION: Commissioner Brown moved to approve the July 26, 2023 Planning Commission meeting minutes. Seconded by Vice-Chair Greengold, all in favor.

- V. Public Comment on any item on the agenda** – No comments were received.

VI. Old Business

Critical Area Regulations – The Commission was provided with a draft of the revised Critical area ordinance. Chair Berault stated the Commission will start its review from the beginning of the document reviewing the indicated text to be added and the indicated text to be removed for accuracy.

B. Critical Area Program –

Commissioner Brown provided the Town’s adoption date of its Critical Area Program to be inserted- “December 1, 1985.

D. Critical Area Overlay District Map –

E. Applications referred to the Critical Area Commission. - Commissioner Brown recommended the legal name “Chesapeake Bay Critical Area Commission (CBCAC)” be used here and the acronym (CBCAC) could be used throughout the remainder of the document. **Commission Agreed.**

MOTION: Commissioner Blackwelder moved under E. (1) to delete the strikethrough “as specified in COMAR 27.03.01.04” but retain the language. Seconded by Commissioner Weaver. Ayes, Commissioners, Berault, Blackwelder, Greengold, Huhn, and Weaver. Opposed, Commissioner Brown. **Motion Passes.**

MOTION: Commissioner Blackwelder moved that going forward throughout the document, that when a COMAR reference is specified, that it be retained. Seconded by Vice-Chair Greengold. Ayes, Commissioners Berault, Blackwelder, Greengold, Huhn, and Weaver. Opposed, Commissioner Brown. **Motion Passes.**

MOTION: Vice-Chair Greengold moved under E. (3) to insert the words “The Town of” before Chesapeake Beach to read “The Town of Chesapeake Beach” and to continue the same written out format throughout the document when indicated. Seconded by Commissioner Weaver, all in favor.

Part 2. Development Standards in the Critical Area

A. General Requirements in all Critical Area Overlay Zones

(10) (a) Reduce increases in flood frequency and severity that are attributable to development.

MOTION: Vice-Chair Greengold moved to eliminate the words “increases in” so as to read “Reduce flood frequency and severity that are attributable to development;” Seconded by Commissioner Brown, all in favor.

B. Limited Development Areas

(9) A permit issued shall be obtained from the Town before forest or developed woodland is cleared.

Commissioner Blackwelder recommended revising the language in the above sentence to read: “The Applicant shall obtain a permit from the Town before forest or developed woodland is cleared” and continue to use active voice throughout the document where applicable. Also noted, when the word “Town” is used more than once in a sentence, that “Town of Chesapeake Beach” shall be used first, and “Town” used thereafter. **Commission Agreed.**

Part 3. The Buffer

B. Development Activities in the Buffer (5) (a) (vii)

MOTION: Commissioner Blackwelder moved to strike (vii) “Any other approved beneficial use.” Seconded by Vice-Chair Greengold. Ayes, Commissioners Blackwelder and Greengold. Opposed, Commissioners Berault, Brown, Huhn, and Weaver. **Motion Fails.**

MOTION: Vice-Chair Greengold moved to strike (5)(a) (iv) “Restoration of an island.” Seconded by Commissioner Blackwelder. Ayes, Commissioners Blackwelder and Greengold. Opposed, Commissioners Berault, Brown, Huhn, and Weaver.
Motion Fails.

Part 4. Modified Buffer Area (MBA) A. Applicability

NOTE: Section 290-17 G (1) of the zoning ordinance will be inserted in the document under A. Applicability and the term “buffer exemption area” will be replaced with “modified buffer area.” Ms. Franklin will provide the Commission with the Modified Buffer Area map which is a supplement to the Town’s Critical Area Map.

Vice-Chair Greengold brought to the floor her concerns with the Fees in lieu program. She would recommend that the program be eliminated. After discussion and uncertainties related to the program, the Commission agreed to re-visit this issue at its next meeting.

Part 5. Other Habitat Protection Areas

A. Identification

(2) Maps identifying these specific Habitat Protection Areas are maintained by the Maryland Department of Natural Resources Wildlife and Heritage Division.

Commissioner Blackwelder stated the Town has a Forest Interior Dwelling Species (FIDS) habitat and the Randle Cliff Natural Heritage area and this would be the appropriate section to reference the Town’s protective area(s). Ms. Franklin stated that a sentence could be added such as “these maps include but are not limited to” giving reference to the name of the wildlife protection area and a “as of this date.” With that wording, it would make certain any future areas would not be excluded.

MOTION: Commissioner Blackwelder moved to have Ms. Franklin add a sentence to this section that would reference the Town’s habitat protection area(s). Seconded by Commissioner Huhn, all in favor.

The Commission ended discussion for the evening at Part 7. Growth Allocation.

NOTE: Ms. Franklin will modify the draft ordinance and incorporate changes made tonight. Page numbers will be added and any adjustment to renumbering within the document will be revised.

VII. New Business

- 1. Consider a time change of Planning & Zoning Meetings to 6 PM.** – Chair Berault presented the idea of changing the start time of the Planning & Zoning meetings to 6 pm and asked for Commission thoughts. After discussion, Commissioners Berault, Blackwelder, Brown, Huhn, and Weaver were in favor. Vice-Chair Greengold opposed the change. The majority of the Commission was in favor and the new time change of 6 pm will take effect beginning next month.
- 2. Rules of Procedure** – This item will be on next month’s agenda. Commissioner Brown stated he will have amendments to present.

VIII. Adjournment:

There being no further comments, Commissioner Brown moved to adjourn the meeting at 9:13 PM. Seconded by Vice-Chair Greengold, all in favor.

Submitted by,

Sharon L. Humm
Commission Clerk

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