



## **PLANNING AND ZONING COMMISSION**

### **MINUTES OF THE PLANNING COMMISSION MEETING OCTOBER 25, 2023 6 PM**

- I.** Commission Chair Kathleen Berault called the meeting to order at 6:00 pm. In attendance were Chair Berault, 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.

**II. Approval of the October 25, 2023 Planning Commission Agenda.**

**MOTION:** Commissioner Blackwelder moved to approve the October 25, 2023 Planning Commission agenda. Seconded by Vice-Chair Greengold, all in favor.

**III. Approval of the September 27, 2023 Planning Commission meeting minutes.**

**MOTION:** Commissioner Brown moved to approve the September 27, 2023 Planning Commission meeting minutes. Seconded by Commissioner Weaver.

**MOTION:** Commissioner Blackwelder moved to amend the September 27, 2023 minutes, page 3, under Part 5. Other Habitat Protection Areas to include the wording “and Randle Cliff Natural Heritage” after the words Forest Interior Dwelling Species (FIDS) habitat. Seconded by Commissioner Huhn, all in favor.

**IV. Public Comment on any item on the agenda –**

1. Laura Blackwelder of 3256 Cannoncade Court, Chesapeake Beach. Ms. Blackwelder stated she is speaking as a private citizen and not as a commission member. She read her written comments relating to the Coastal Resiliency Plan into the record and is requesting they be made part of the record of this meeting.

**V. New Business**

1. **Coastal Resiliency Plan** – Chair Berault made a brief statement on the Coastal Resiliency Plan. She stated the Town received \$775,000 in grant funds from the Department of Natural Resources to develop flood risk maps and a flood and sea level rise action plan. The committee is a citizen lead committee that held its first meeting in March of 2022. The Coastal Resiliency Steering Committee has held six public meetings and two public work sessions to engage the public in the planning process. Public comments received have been incorporated into this draft plan. The Plan was due to the State in June of this year per the Memorandum of Understanding (MOU). The Town submitted a draft plan to the State by the due date. However, the State needs to see that the plan is adopted by the Town Council to be in compliance with the MOU and to be eligible for further funding on projects identified in the action plan. The Steering committee is in

the final stages of reviewing the draft plan and is seeking any final comments from the Planning Commission members and any final comments from the public at its next meeting. Chair Berault gave the Commissioners the opportunity to make any comments at this time and encouraged them to submit written comments through the link on the website for review and consideration by the Committee.

## **VI. Old Business**

**1. Critical Area Regulations** – Ms. Franklin provided the Commission with an updated critical area ordinance that incorporated revisions from the Commission’s last meeting. As per Commissioner Brown’s request, she also provided a memo regarding comparison of COMAR 27.01.02.03 and 27.01.02.04 as it relates to allowable uses in the Intensely Developed Areas (IDA) and the Limited Development Areas (LDA).

**Part 5. Other Habitat Protection Area-** A (3), add the FIDS and Randle Cliff Natural Heritage to this sentence.

**Part 6. Water Dependent Facilities** – A (3) ~~“The requirement of COMAR 27.01.02 apply to this chapter section.”~~ Commissioner Blackwelder would like to remove the strikethrough and retain the language. After a brief discussion, Ms. Franklin will review what the impact of COMAR 27.01.02 requirements would be as it relates to this section and make a recommendation at the next meeting. She advised moving ahead with the motion and based on her findings will recommend whether this text should remain or be struck.

**MOTION:** Commissioner Blackwelder moved to remove the strikeout of A (3) and retain the language and revisit this section next month. Seconded by Commissioner Huhn, all in favor.

Further into this section it was realized the rationale of the above COMAR removal. This will be removed as presented. It was noted that all other COMAR references will be retained throughout the document.

### **F. Community Piers and Other Community Boat-Docking and Storage Facilities. # (1)**

After discussion the Commission was in agreement to have Ms. Franklin rearrange points (a), (b), & (c). Have (b) as (a), (c) as (b), then (a) to follow as (c).

**Part 7. Growth Allocation** – No changes.

**Part 8. Grandfathering** – No changes.

**Part 9. Variances** – Removed. Use the variance procedures/standards already in Section 290-32F.

**Part 10. Lot Consolidated and Reconfiguration** – No changes.

**Part 11. Local Development Projects** - No changes.

**Part 12. Program Changes** – Removed. Will use existing section of the Zoning Ordinance, Section 290-29.

### **Part 13. Enforcement –**

**D. Required Enforcement Action** – “When the Town of Chesapeake Beach identifies a violation of this Ordinance it shall take enforcement action, ~~including~~ **which may include**:

**MOTION:** Vice-Chair Greengold moved to remove the strikethrough and keep the word “including” and delete “which may include.” Seconded by Commissioner Blackwelder, all in favor.

The Commission briefly discussed fines associated with critical area violations. These are provided under Section 290-30 of the zoning ordinance. The Commission agreed they would revisit this topic at a later date.

Chair Berault stated the review of the Critical Area ordinance has been completed and entertained a motion to forward to Ms. Franklin for edification and then provide the Commission with a clean document for the Commission to make a final review.

**MOTION:** Vice-Chair Greengold moved to forward the amended critical area document to Ms. Franklin for edification where she then will provide a clean document for the Commission to review. Seconded by Commissioner Brown, all in favor.

Commissioner Brown commented that while the resiliency plan is in draft, on page 30 of that plan, there is a recommendation that says to amend the zoning ordinance, including critical area regulations, to require that all required storm water management practices and techniques for development or redevelopment projects in areas on the 2100 maps as flood area, be proven effective with the 2.4-foot rise in sea level assumed as a base condition. His question to Ms. Franklin is how would we do that and is that something that should be in the critical area regulations? Ms. Franklin will take a closer look at this recommendation.

## **VII. New Business (Continued)**

- 2. Rules of Procedure** – Chair Berault stated the Commission has been provided with a draft copy of Rules of Procedure created specifically for the Planning Commission. Commissioner Brown has submitted a number of amendments he would like to present for consideration.

**MOTION:** Commissioner Brown moved to amend Section 2, paragraph C. Secretary to add the following as C (1), “All proposed Planning Commission agenda items must be approved by the Chair before inclusion in a subsequent meeting agenda. The Chair may consult the Town staff on availability of resources necessary to accomplish an agenda item, before it is included on the agenda. The Chair and staff may determine appropriate agenda topics and availability of resources needed. Seconded by Vice-Chair Greengold. Ayes, Commissioners, Blackwelder, Brown and Greengold. Opposed, Commissioners Berault, Huhn, and Weaver. Resulting in a tie vote, the **Motion Fails**.

The Commission unanimously agreed to change “Secretary to “Commission Clerk.”

**MOTION:** Commissioner Brown moved to amend Section 4-Notice and reword to say “An objective is to inform the public of issues being considered by the Planning Commission by

posting on the Town website the future meeting agenda seven (7) days prior to a Planning Commission meeting. Seconded by Vice-Chair Greengold, all in favor.

Chair Berault stated the Commission will continue discussion on the Rules of Procedure at its next meeting scheduled for November 15, 2023 at 6 PM.

**VIII. Adjournment:**

There being no further comments, Commissioner Hauhn moved to adjourn the meeting at 9:05 PM. Seconded by Commissioner Weaver, 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](http://www.chesapeakebeachmd.gov).