

# MINUTES

**Critical Area Commission for the  
Chesapeake and Atlantic Coastal Bays  
1804 West Street, Suite 100  
Annapolis, Maryland 21401**

**February 3, 2021**

**CALL TO ORDER:** Chairman Charles C. Deegan called the meeting to order at 1:00 p.m. Chairman Deegan announced that the meeting was being held remotely on Microsoft Teams due to the current public health emergency. He shared that the meeting was being recorded and streamed live to the public and that a copy of the recording would be made available on the Commission's website. Executive Director Kate Charbonneau did a roll call to confirm the Commission members in attendance.

**Commission Members in Attendance:**

Tim Adams, Prince George's County  
Curtis Beulah, Harford County  
Gail Blazer, Worcester County – Coastal Bays (Town of Ocean City)  
Jeffrey Ferguson, Eastern Shore at Large  
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  
Matt Johnston, Anne Arundel County  
Charles Laird, Somerset County  
James Lewis, Caroline County  
Pat Mahoney, Calvert County  
Gary Mangum, Queen Anne's County  
David Marks, Baltimore County  
Jennifer Merritt, Worcester County – Chesapeake Bay  
Catherine McCall, Department of Natural Resources  
Michael McCarthy, Talbot County  
Ewing McDowell, Department of Commerce  
Julie Oberg, Department of Agriculture  
Steven Parker, Cecil County  
Tammy Roberson, Department of Environment  
Donald Sutton, Kent County  
Caroline Varney-Alvarado, Department of Housing and Community Development

**Commission Members Not in Attendance:**

N/A

**APPROVAL OF MINUTES:** Commissioner Mike Hewitt motioned to approve the January 6, 2021 minutes, and Commissioner David Marks seconded. All voted to approve.

**STAFF PRESENTATIONS**

**Renewable Energy Regulations – Vote for Final Publication in the Maryland Register**

Ms. Lisa Hoerger presented an overview of the regulations to be voted on, and reviewed the work to date.

On November 12, 2020, at a special meeting, the Commission reviewed the proposed changes and proposed new draft regulations concerning renewable energy regulations in COMAR, Title 27. The purpose of these regulations is to provide development standards for minor (2 MW or less) and major (greater than 2MW) solar projects in the Critical Area on private lands, State lands, and lands owned by local jurisdictions. The regulations balance the State's renewable energy goals while providing measures to protect habitat and water quality in the Critical Area. Specifically, the regulations create a mechanism to permit major solar energy generating systems in the resource conservation area without the use of growth allocation; in lieu of this, a reservation of development rights mechanism is required. The regulations apply to all three Critical Area designations (intensely developed areas, limited development areas, and resource conservation areas). The regulations include provisions related to buffer disturbance, forest clearing, habitat protection areas, mitigation, and density provisions for location in the resource conservation area of the Critical Area.

At the November 12, 2020 meeting the Commission voted to give the staff permission to publish the draft in the Maryland Register as proposed regulations. The regulations were published in the December 18<sup>th</sup> edition of the Maryland Register and the public comment period ran through January 19, 2021. There were not public comments during this period. If the staff is allowed to submit the regulations as final, the notice would appear in the February 26, 2021 edition of the Maryland Register, with a final effective date of March 8, 2021.

Following Ms. Hoerger's presentation, Chairman Deegan recognized Commissioner Catherine McCall, who moved on behalf of the Renewable Energy Regulations Workgroup to authorize Commission staff to publish the regulations as final regulations in the Maryland Register. Commissioner Jeff Ferguson seconded the motion. **Motion passed unanimously.**

**PRESENTATION:**

Annie Sekerak and Michael Grassmann presented an update on their work as Circuit Riders.

**LEGAL UPDATES:**

Assistant Attorney General Emily Vainieri had no legal updates.

  
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Lynette Fullerton, Commission Secretary

4/7/21  
Date of Approval