

**WORCESTER COUNTY PLANNING COMMISSION  
MEETING MINUTES – September 2, 2021**

**Meeting Date:** September 2, 2021

**Time:** 1:00 P.M.

**Location:** Worcester County Government Office Building, Room 1102

**Attendance:**

**Planning Commission**

Jerry Barbierri, Chair  
Rick Wells, Vice Chair  
Marlene Ott, Secretary  
Ken Church  
Betty Smith  
Mary Knight  
Brooks Clayville

**Staff**

Jennifer Keener, Deputy Director, DRP  
Kristen Tremblay, Zoning Administrator  
Stu White, DRP Specialist  
Bob Mitchell, Director, Environmental Programs  
Jenelle Gerthoffer, Natural Resources Administrator  
Joy Birch, Natural Resources Specialist  
Roscoe Leslie, County Attorney

**I. Call to Order**

**II. Administrative Matters**

**A. Review and approval of minutes, August 5, 2021**

As the first item of business, the Planning Commission reviewed the minutes of the August 5, 2021 meeting.

**A motion was made by Ms. Ott, seconded by Ms. Knight, and carried unanimously to approve the minutes.**

**B. Board of Zoning Appeals Agenda, September 9, 2021**

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for September 9, 2021. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

**C. Technical Review Committee Agenda, September 8, 2021**

As the next item of business, the Planning Commission reviewed the agenda for the Technical Review Committee meeting scheduled for September 8, 2021. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Committee.

**WORCESTER COUNTY PLANNING COMMISSION  
MEETING MINUTES – September 2, 2021**

**III. Atlantic Coastal Bays and Chesapeake Bay Critical Area Comprehensive Code Update**

As the next item of business, the Planning Commission reviewed an application associated with a text amendment to update and combine the Atlantic Coastal Bays Critical Area Code and the Chesapeake Bay Critical Area Code. Jenelle Gerthoffer, Environmental Programs Natural Resources Administrator, presented to the Planning Commission.

Mrs. Gerthoffer provided a PowerPoint presentation, summarizing the areas where updates are proposed to occur in the Comprehensive update. At the beginning of the presentation, Planning Commission member Brooks Clayville asked if the presentation could be postponed and if staff could present the same information at a later meeting, to which Staff answered this could be done, but also made it known that this is the second time the Comprehensive Code update had been presented to the Planning Commission, as Staff completed a presentation during the February 2021 Planning Commission meeting.

Mr. Clayville also asked if the Comprehensive Code update will be posted on the Department's website and asked how citizens will be made aware of the Comprehensive update, to which Staff responded that the Comprehensive update will be posted on the Department's website, with the ability for questions and concerns to be electronically submitted, and there will be at least two work sessions, one in the northern end of the County and one in the Southern end of the County, where the public can attend to ask questions or provide concerns.

Also at the beginning of the presentation, Planning Commission member Ken Church asked about needing more time to review the Comprehensive update, as he did not receive his packet in the mail and did not want to provide an approval for the Comprehensive update at the meeting without fully reviewing. Staff made Planning Commissioner members aware that the presentation was being done as a courtesy and that Critical Area text amendments are not required to be reviewed by the Planning Commission.

Mr. Church also noted that members of the public have provided letters to the Planning Commission pertaining to the Comprehensive Update and asked specifically about Critical Area Buffer Maps. Staff told the Planning Commission members that the Critical Area maps are not part of the Comprehensive Code update, but that Staff just recently started to work with the Department of Natural Resources (DNR) in reviewing the map updates and that any map updates will be presented to the Planning Commission and the County Commissioners at a later date.

Mrs. Gerthoffer then continued the PowerPoint presentation, ending with a summary of how the Critical Area Code(s) support the *Worcester County Comprehensive Plan*. Planning Commission member Mary Knight asked Staff about what is required for a property owner to remove a tree in the Critical Area and what size the replacement plant needs to be. Staff responded by citing that

**WORCESTER COUNTY PLANNING COMMISSION  
MEETING MINUTES – September 2, 2021**

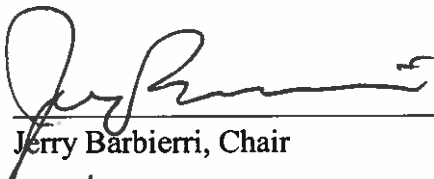
the question could be answered more accurately with site specific information, but generally, if a tree is removed, a tree six (6) feet in height, with a two (2) inch caliper would need to be replanted; however, the required mitigation is dependent of the Critical Area designation of a property and other environmental attributes, such as if the tree is in the buffer.

Mr. Church asked about the estimated timing of the mapping update, to which Staff stated that the map information was received in the last few weeks and Staff is now going through points that are marked by DNR as “points of concern or need for possible site visits” to determine what information we have on those areas and if a site visit will need to be scheduled for the Department and DNR to review. Staff also stated that Worcester was the last County in the State to have its maps reviewed for the update. Ultimately, the mapping update will be separate from the Comprehensive Code update.

Planning Commission member Marlene Ott then recommended that NR 3-121(e) Standards for Bald Eagle Protection, remain instead of being entirely removed, but with a note stating that if the bald eagle once again becomes a threatened or endangered species, then the County will enforce the protective measures listed in the subsection. Staff stated that this can be done and also pointed out that this section is not in COMAR; however, the County can be more restrictive than the State.

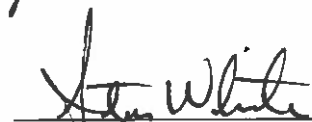
Planning Commission President Jerry Barbierrri asked what the timeline is for the *Worcester County Comprehensive Plan* update, in which the Department of Planning, Review, and Permitting staff stated they plan to start this year, but have additional time to complete due to COVID. At the conclusion of questions from Planning Commission members, it was made aware that if the public has any questions about the Critical Area Comprehensive update that they can reach out to Mrs. Gerthoffer, but there will be a section placed on the Department’s website as well where questions and comments can be provided.

**III. Adjourn** – A motion to adjourn was made by Ms. Ott and seconded by Ms. Smith. The Planning Commission adjourned at 1:33 P.M.



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Jerry Barbierrri, Chair



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Stuart White, DRP Specialist