

MINUTES

**Critical Area Commission for the
Chesapeake and Atlantic Coastal Bays
1804 West St., Suite 100
Annapolis, MD 21401**

November 5, 2025

CALL TO ORDER: Chair Erik Fisher called the meeting to order at 1:00 p.m.

Commission Members in Attendance:

Derek Bland, Wicomico County
David Bradford, Worcester County Chesapeake
Steve Bunker, Charles County
Dan Burris, St. Mary's County
Ben Etherton, Talbot County
Jenelle Gerthoffer, Worcester County – Coastal/Town of Ocean City
Allison Gost, Department of Transportation
Glenn Gillis, Harford County
Anita Grant, At Large
Rosa Hance, At Large
Debbie Herr-Cornwell, Department of Planning
Catherine McCall, Department of Natural Resources
Mira Morgan, Department of Housing and Community Development
James Palma, Department of Commerce
Hitesh Patel, Somerset County
Annie Richards, Kent County
Tammy Roberson, Department of Environment
Brian Roche, Dorchester County
Lisa Rodvien, Anne Arundel County
Dave Wilson, Worcester County Coastal
Pat Young, Baltimore County

Commission Members Not in Attendance:

Tim Adams, Prince George's County
Mark Conway, Baltimore City
Earl "Buddy" Hance, Calvert County
Alisha Mulkey, Department of Agriculture

OPENING REMARKS

Chair Fisher called the meeting to order and welcomed everyone. He introduced new Commissioner, Glenn Gillis, representing Harford County. Dr. Nick Kelly conducted a roll call to confirm a quorum.

APPROVAL OF MINUTES

Commissioner Palma moved to approve the minutes from the October 1, 2025 meeting. Commissioner Bunker seconded. **Motion carried unanimously.**

ITEMS FOR VOTE/CONCURRENCE:

PROJECT COMMITTEE

SUMMARY REPORT – St. Mary’s County Recreation and Parks – Shannon Farm Public Trail

Presented by Katie Hayden. Project Committee Recommendation – Approval with Conditions.

Ms. Hayden presented in accordance with the staff report, the contents of which are incorporated into and made a part of the minutes. St. Mary’s County Recreation and Parks is seeking approval to construct a new public trail at Shannon Farm. The proposed project design incorporates the Project Committee’s recommendations from July 24, 2024. However, even with the reduction of impacts, this project will require Conditional Approval due to the proposed impacts to the Buffer and proposed clearing within Forest Interior Dwelling Bird (FIDS) habitat.

Discussion:

Commissioner McCall asked for more information about the intended use of the trail. She said she was wondering if they anticipate large crowds that could have greater impacts to the Buffer and the forest habitat. Ms. Hayden responded that the primary purpose of the trail is to provide access to allow people down to the beach. Christi Bishop, from St. Mary’s County, added that they don’t anticipate huge crowds initially. Right now the biggest concern is for adequate parking when the farmers’ market is running, because it is very popular.

Commissioner Wilson asked whether the forest canopy would be maintained. Ms. Hayden replied it will be in some areas, and in other areas will not be. That is the reason for the different mitigation requirements.

Commissioner Wilson then asked if the trail will be straight, or will it meander around some of the larger trees. Ms. Bishop said it meanders. The designers were very careful about minimizing the impacts to trees and the wetlands. Commissioner Wilson commented on the grading plan, stating the best thing to go over it would be leaf litter, as it is effective in shading out invasive species. Ms. Hayden replied that the Commission’s Science Advisor, Claudia Jones, had worked with the County on finding a seed mix that is good for FIDS habitat. Commissioner Wilson replied that the wildflowers would still be outcompeted by the invasive species. Chair Fisher said that was something he would be interested in discussing further.

Commissioner R. Hance commented that she was curious about the timeline of the project, and why the county’s first step is to pave rather than do a rough cut through the woods like at Myrtle Point and Elms, and other beach sites that had more of a natural trail system in place before paving. Ms. Bishop responded that the paving is the part that is funded right now. Additionally, the parks that Commissioner Hance mentioned were developed before ADA laws were in effect. All new construction has to be ADA compliant.

Chair Fisher noted that previous plans showed an emergency access route on the northern part of the property, but the current one does not. Ms. Bishop replied that for that plan to have been approved, it would have had to have the approval of the adjacent homeowners’ association (HOA), and they were not happy with the plan, so that access was removed from the plan.

Commissioner Etherton asked what was the HOA’s main objection to the proposal. Ms. Bishop said it was mainly due to the traffic that would be going through the community.

Chair Fisher asked a follow-up question about the planting plan. He wanted to know if the grasses to be planted along the trail are required as mitigation or just a way to cover the soil that's beneficial. Ms. Jones responded that they are not part of the mitigation calculations but rather to stabilize the area and provide pollinator habitat.

There were more questions and clarifications on planting plans, mitigation, stormwater management.

Vote:

Motion to Approve with Conditions: Commissioner Roberson

Second: Commissioner Grant

Motion passed unanimously.

SUMMARY REPORT – Maryland Department of General Services – Maryland State Police Barrack J Communication Room and Garage Redevelopment

Presented by Kate Durant. Project Committee Recommendation – Approval with conditions.

Ms. Durant presented the staff report, the contents of which are incorporated into and made part of the minutes. The State of Maryland's Department of General Services (DGS) is seeking approval to redevelop a communication room and garage at the Maryland State Police's Barrack J in Annapolis. DGS will demolish an existing vehicle maintenance building and radio communication tower and construct a new vehicle maintenance building, dumpster pad, and sidewalk, as well as repave the existing parking lot. The proposed development will be located on State-owned land in the same location as the existing vehicle maintenance building, radio communication tower, and parking lot.

Discussion:

Chair Fisher mentioned that in the Project Committee meeting when this was discussed, it was determined that stormwater management practices such as green roofs and bioswales were not possible due to utility constraints. He asked if they had considered permeable pavement. Claire Fishman, from Carol Engineering, responded that she believed it was considered but deemed not feasible due to elevation problems. She said she would have to confirm that with the civil engineer.

Vote:

Motion to approve: Commissioner Roberson

Second: Commissioner Rodvien

Motion passed unanimously.

SUMMARY REPORT – Maryland National Capital Park and Planning Commission – National Harbor Public Safety Building and Parking Lot Development

Presented by Jon Coplin. Project Committee recommendation: Approval with conditions.

Mr. Coplin presented the staff report, the contents of which are incorporated into and made part of the minutes. The Maryland National Capital Park and Planning Commission (MNCPPC) is seeking approval to allow the Prince George's County Office of Homeland Security to construct a two-story public safety building and parking along the Potomac River at National Harbor in Oxon Hill, MD. The purpose is to provide MNCPPC and Prince George's County first responders with the ability to coordinate rescue efforts along the Potomac River. The project requires conditional approval by the Critical Area Commission because it exceeds the allowable lot coverage of 15% for areas within Limited Development Area.

Discussion: None

Vote:

Motion to approve: Commissioner Roberson

Second: Commissioner Young

Motion passed unanimously.

PROGRAM COMMITTEE

SUMMARY REPORT – Town of Elkton – Comprehensive Review

Presented by Claudia Jones. Program Committee recommendation – Concurrence; Approval with Conditions

Ms. Jones presented in accordance with the staff report, the contents of which are incorporated into and made a part of the minutes. The Town of Elkton, located in Cecil County, recently completed a comprehensive review of their Critical Area program as required by State law. On August 6, 2025 the Mayor and Commissioners of the Town of Elkton approved Ordinance 3-2025, which incorporates updated requirements, language, and definitions found within the Critical Area Commission's Model Ordinance into the Town's Code. The Town is now requesting that the CAC approve the comprehensive update of their Critical Area Program as reflect in Ordinance 3-2025.

Discussion: None

Vote: Program Committee Chair Bunker moved on behalf of the Committee to concur with the determination of refinement. Further, the Committee recommended approval with conditions as outlined in the staff report. Chair Fisher thanked him said that this stood as his final decision.

SUMMARY REPORT – Town of Hillsboro – Comprehensive Review

Presented by Annie Sekerak. Program Committee recommendation – Concurrence; Approval with Conditions

Ms. Sekerak presented in accordance with the staff report, the contents of which are incorporated into and made a part of the minutes. The Town of Hillsboro recently completed an effort to comprehensively review and update their Critical Area program as required by State law. On June 16, 2025, the Hillsboro Town Commissioners voted to amend the Town's Critical Area program within the Hillsboro Zoning Ordinance through the adoption of Ordinance No. 87. The proposed updates ensure compliance and consistency with the Critical Area law and regulations.

Discussion:

Commissioner Hance asked if it would be possible to receive some information on how many jurisdictions have adopted the model ordinances. She also wondered about the accessibility of the language used in the model ordinances. Charlotte Shearin replied that she would share this information together.

Commissioner Gillis commented that the Comprehensive Reviews are supposed to be done every 10 years, but the two today are both well past that. Chair Fisher replied that there was a bit of a backlog, but that due to legislation passed in 2024 and it became a high priority to update programs to reflect the climate and equity considerations.

Vote: Program Committee Chair Bunker moved on behalf of the Committee to concur with the determination of refinement. Further, the Committee recommended approval with conditions as outlined in the staff report. Chair Fisher thanked him and said that this would stand as his final decision.

REGULATIONS:

FULL REPORT – Permission to Publish as Final Regulations – 27.01.15, Enforcement (New Chapter)

Presented by Kate Durant.

Ms. Durant presented in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. At the July 9, 2025 Commission meeting, Commission staff provided a review of the draft regulations. The Commission voted to approve the draft regulations and authorized Commission staff to forward the draft regulations to the Administrative, Executive, and Legislative Review (AELR) Committee, and subsequently to publish those regulations as proposed regulations in the Maryland Register. The proposal was published in the Maryland Register on August 22, 2025 and is attached to the staff report.

Ms. Durant proposed one non-substantive change to the proposed regulations based on conversations with AELR after the regulations were published in the Maryland Register. The proposed change will better align the proposed regulations with the statute. The Commission was asked to vote to authorize the staff to publish these regulations with the non-substantive change as final regulations in the Maryland Register. If permission is granted, the final notice will tentatively appear in the December 1, 2025 edition of the Maryland Register with a final effective date of December 11, 2025.

Discussion: None

Vote:

Motion: Commissioner Grant moved to approve the non-substantive changes and to publish the regulations as final.

Second: Commissioner Hance

Motion passed unanimously.

FULL REPORT – Permission to Publish as Final Regulations: Updates to Title 27.03, Project

Applications and Notice

Presented by Lisa Hoerger.

Ms. Hoerger presented in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. At the July 9, 2025 meeting Commission staff provided a review of the draft regulations and provided updates made to the draft due to public comments received and discussion by the Commission at its June meeting. The purpose of updating COMAR 27.03.03, Notice Requirements for State Agency and Local Agency Development and COMAR 27.03.04, Categories of Applications to be Submitted to the Executive Director is to make updates due to changes in the Commission staff's reorganization of duties and priorities, changes in the effectiveness of local government review of development applications, and changes to the Commission's meeting schedule.

Discussion: None

Vote:

Motion to approve: Commissioner Hance
Second: Commissioner Richards
Motion passed unanimously.

LEGAL UPDATES

Presented by Assistant Attorney General Emily Vainieri.

AYRES CREEK FAMILY FARM (Worcester County Circuit Court)

The property owner challenged the Commission's December 2023 denial of Worcester County's request to reclassify the property from Resource Conservation Area (RCA) to Limited Development Area (LDA). Ayres Creek dismissed its case against the Commission because the property was undergoing Worcester County's critical area boundary line remapping. The remapping moved the boundary line waterward, and a portion of the property, including the clubhouse, was removed from the critical area. The case became moot. Most of the property remains RCA. The portion removed from the critical area is now subject to county zoning requirements, not Commission standards.

NEW BUSINESS

Chair Fisher thanked commissioners for attending the field days this year, and announced plans for more next year, in different locations.

He announced a new "Critical Area College," a new educational resource available on the Commission's website.

The next meeting will be in person on December 17.

The first workgroup meeting for the new Climate and Equity regulations is scheduled for November 6, 1-2:30 p.m. If interested in joining please contact Kate Durant.

Meeting adjourned.



Lynette Fullerton, Commission Secretary

12/17/25

Date Approved