

**Critical Area Commission
Chesapeake and Atlantic Coastal Bays**

**December 3, 2025
Project Committee Minutes**

Committee Members in Attendance: *Roberson (Co-Chair), Bland, Bradford, Gost, Grant, R. Hance, Morgan, Palma, Patel, Roche, Young*

Guests: Adam Brown, Kevin Smith, Jennifer Coolahan, Gus Yazdani, Michelle Harden, Morgan Rawlings, Cherinet Asale

1. Welcome and Roll Call:

- Commissioner Roberson read the standard statement for virtual meetings, noting that the meeting was being streamed live to the public and that captioned minutes would be made available on the Commission's website.
- Jennifer Esposito opened the meeting with a roll call and noted there was a quorum. She also noted that the meeting was being recorded.

2. Approval of Minutes from October 22, 2025

- Motion to Approve: Commissioner Morgan
- Second: Commissioner Bradford
- Vote: All but one voted in favor of approving. Commissioner Patel abstained as he was not present at the last meeting. The minutes were approved.

3. VOTE – APPROVAL REQUESTED: Maryland Department of Transportation (MDOT)– Repeal and replace the existing MDOT/CAC Memorandum of Understanding

Presenter: Jonathan Coplin. Recommend approval.

Mr. Coplin presented for vote in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. Maryland Department of Transportation requests approval to repeal and replace the existing Memorandum of Understanding with the Critical Area Commission, incorporating non-substantive updates and establishing a Model Ecosystem Mitigation Banking Program (Exhibit B) for use by Modal Administrations.

Discussion:

Commissioner Roberson raised a concern regarding the order of preference for mitigation. Currently, fee-in-lieu (FIL) is listed before Mitigation Banks. She argued that mitigation banks should be a higher priority due to ecological assurance and timely implementation. She noted the FIL option lacked guardrails regarding the proximity of the mitigation to the impact site. Mr. Coplin explained that fee-in-lieu was intended as a "last opportunity" for local jurisdictions to fund shovel-ready projects.

Commissioner R. Hance stated she agreed with Chair Roberson, suggesting that without strict language regarding readiness and geography, FIL funds might sit unused. She proposed clarifying language to ensure projects are geographically close and ready for implementation.

Commissioner Roche asked for clarification about mitigation plantings, mentioning that there are always places that need replanted, especially on the Eastern Shore, with

various nonprofits always involved in some sort of restoration project, and also throughout the state. Mr. Coplin replied that mitigation plantings must benefit the Critical Area, so plantings are limited to the counties that have Critical Area land. Also, mitigation sites are expensive, and if you don't have the expense of buying the land that would be preferred. SHA usually does a pretty good job of site selection and working with nonprofits to find sites.

Commissioner Gost wanted to confirm that the fund/question would apply to any of the other MDOT modal units.

Assistant Attorney General Emily Vainieri suggested edits to the conditions.

The updated included:

Commission staff recommend approval of the updated 2025 Maryland Department of the Transportation – Critical Area Commission Memorandum of Understanding with the following conditions:

A. Commission staff and MDOT shall coordinate on finalizing non-substantive changes to the Memorandum of Understanding prior to the December 17 Commission meeting.

B. Commission staff shall work with MDOT to clarify the mitigation selection language on page 2 of Exhibit B regarding how fee-in-lieu funds will be prioritized and implemented (e.g. geographic scope and readiness).

VOTE:

- **Motion to approve:** Commissioner Palma
- **Second:** Commissioner Grant
- **Motion passed unanimously**, except for Commissioner Gost, who abstained.

4. VOTE – APPROVAL REQUESTED: MDOT State Highway Administration (SHA) – Creation of an Ecosystem Mitigation Banking Program as new Exhibit B1 to the MDOT MOU

Presenter: Jonathan Coplin

Mr. Coplin presented for vote in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. SHA is seeking approval for the creation of a new Ecosystem Mitigation Banking Program. This document will be included as Exhibit B1 to the MDOT MOU.

Discussion:

Emily Vainieri and staff made some amendments to the recommendation to state the following:

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Commission staff recommend approval of the Exhibit B1: State Highway Administration Technical Guidance Document for Mitigation Banks with any additional modifications finalized between MDOT and the Commission staff in Exhibit B.

Commissioner R. Hance noted that she recalled there were a number of sites identified when original discussing mitigation banking. With the approval of this document, would those sites be used for mitigation banking? Jon Coplin stated that those banks were approved and the ability to use those banks would be based on this document. SHA confirmed.

Commissioner R. Hance confirmed that for those already in the ground, the existing list would be used. Would this just be for future projects?

Jen Esposito said that a comfort level came out of the workgroup to use Federal watersheds to establish future regional banks.

VOTE:

Motion to approve with condition: Commissioner R. Hance

Second: Commissioner Grant.

Motion passed unanimously.

5. VOTE – University of Maryland, Baltimore (UMB) – Donaldson Brown Center Pavilion Construction Project

Presenter: Maggie White

Ms. White presented for vote in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. UMB proposes to construct a pavilion within the expanded Critical Area Buffer for special events hosted at the Donaldson Brown Center located in Cecil County.

Discussion:

Commissioner Roberson asked what the event capacity is and whether it will change? Maggie White said the capacity for indoors is 49. Outdoor space will be used to hold larger events.

Commissioner Roberson asked what has been the capacity using the temporary tent? Kevin Smith (UMB) said that they would expect not to exceed that capacity and events would not get bigger; UMB is just looking to not have to take down temporary tents.

Commissioner Roberson stated there is 4,851 square feet of proposed disturbance which is just under what would trigger a stormwater management plan or an erosion and sediment control plan, and if the plans change that could require the need for those plans. She noted that 100 cubic yards of fill material stored or moved on site could also trigger those plans. Kevin Smith said he will make sure that those disturbances will stay under the trigger.

Chair Fisher said that the public benefit and the equity bill mandates public access and he wanted to hear more about the COMAR conditional approval requirements and the 2024 equity bill. Jennifer Coolahan said the facility does conferences and retreats. This includes

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when the Governor holds meetings, public history tours, college classes for native landscapes, gardening clubs, Cecil County Health, the ARC, and others. The pavilion gives the ability to have more than 49 people for a conference so that they are not turning people away.

Commissioner Roberson asked whether there is a fee and is there any plan to expand on the public access piece? Jennifer Coolahan said yes there is a fee, including for the food, and that public access is provided and there are plans to expand the public access.

Chair Fisher said the public benefit includes an impressive list of groups. Since a lot of programming is not environmentally oriented, he asked whether they thought about signage or materials to understand the connection between where the public has been and what they have seen? Jennifer Coolahan said the Maryland Tree Program has been there and want to have paths. She said they are open to ideas. Chair Fisher said maybe that more can be explored after the meeting. He added when there is a Buffer impact, the Commission looks for an environmental experience or interaction. He preferred anything that would help people interpret the site.

Chair Fisher asked if the pavilion is open, like a three season structure? Jennifer Coolahan said it is an open structure. Chair Fisher then asked if total impacts throughout the year are similar to what is happening now? Kevin Smith said yes.

Chair Roberson said it appears mitigation is occurring outside the Critical Area and why that was selected and why the open spaces in the Critical Area are not being utilized? Michelle Harden said the main goal was to expand the existing forest canopy. Also, there is some erosion in the area where some of the trees are proposed for planting. Kevin Smith said tree plantings that get too tall take away from the beauty and the view of the Susquehanna.

Commissioner Patel asked if the site would be ADA compliant? A solid surface rather than grass? Michele Harden said there is an existing path for wheelchairs. The area is flat. Kevin Smith said currently there is a brick pathway. Commissioner Patel further asked whether the paths connects to the pavilion? Kevin Smith said the path will be close to the pavilion and there will be ADA mobile bathrooms during events.

VOTE:

Motion to approve: Commissioner R. Hance

Second: Commissioner Gost

Motion passed unanimously.

6. INFORMATION Anne Arundel County – Jennifer Road Parking Lot Project

Presenter: Jamileh Soueidan

Ms. Soueidan presented for information in accordance with the memorandum provided, the contents of which are incorporated into and made part of the minutes. Anne Arundel County requests preliminary feedback from the Project Committee regarding a proposed parking lot along Jennifer Road located in Annapolis. This project impacts the expanded Buffer to steep slopes and requires conditional approval by the Commission.

Commissioner Roberson asked why the proposed location is preferred? Adam Brown said this site was selected because it was the area that would minimize disturbance to the

environmental features like the expanded Buffer and steep slopes and it was also flat. The rest of the area is very encumbered with steep slopes. Commission Roberson asked if they considered a garage? DPW said it was considered but there was a budget restraint. Pete Stone said the existing parking lot immediately abuts steep slopes. There are also existing stormwater facilities. Commissioner Roberson asked what was the price difference for a parking garage? DPW said they could can research and provide that information.

Commissioner R. Hance said it seemed like there was a lot of pavement onsite. Could reconfiguring the existing lot accommodate more parking? She had concerns about the Resource Conservation Area. The response was that there is no land to park now. They also park at the hospital. Adam Brown said the overflow is currently on Jennifer Road which is on a pedestrian and biking lane. Commissioner R. Hance asked if there are typically 55 cars on that road? DPW said the detention center wants more than 55 spaces.

Commissioner Roberson asked if there is any stormwater management features associated with the new construction. DPW stated there is none at this location. DPW is working internally to offset stormwater through one of their other restoration projects. Commissioner Roberson asked where the stormwater would be treated? DPW said no stormwater is proposed for this project and it is being handled through an offset. There is drainage with an adequate outfall. Commissioner Roberson asked whether there is a way to tie into the existing stormwater features with the existing parking lot. DPW responded that stormwater will not be treated in any way but there will be a direct discharge through a conveyance system. The stormwater will be managed offsite at another location for what this site would have needed and within the same watershed.

Commissioner R. Hance asked if the site is accessible via public transportation and was there any discussion of a transportation agreement to transport people from another offsite parking area? DWP does not have that information.

Chair Fisher asked that because there is a fire station nearby, could shared parking occur at the fire station. Jamileh Soueidan said they do use some of the fire station parking. DPW said they did not have available space for the detention center. Chair Fisher asked if this has to be in the Critical Area? Could it be built on the stormwater facility and put as much stormwater treatment in the Critical Area portion with soft treatment? Peter Stone said that could be feasible but not certain if DPW looked at that option. Jen Esposito said treating stormwater in the Resource Conservation Area would still require a conditional approval. Also, she asked what are the county's mitigation options to fulfill the remaining two acres of mitigation? Adam Brown said that is currently being discussed. Jen Esposito asked if the Committee had any feedback on mitigation.

Chair Fisher said there is a bus shelter on site. Is there a problem with an allowable use in the RCA because generally the parking lot would be an accessory to the institutional use.

Commissioner Bradford was surprised the site is not already mapped as an Intensely Developed Area. Adam Brown said they are looking at the code.

Commissioner Roberson summarized the comments. The committee asked that the County ensure that all areas and options are evaluated. They suggested looking at options outside the Resource Conservation Area/Critical Area, and also to look at the current parking lot to see if

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there is a redesign to allow for more parking spaces. Commissioner Roberson noted that stormwater related to the new parking lot is still under review and there will be a direct discharge. The Committee also suggested looking at public transportation and shuttle services to eliminate the need for the parking lot, and to look at shared space and switch the current stormwater feature with the proposed parking lot which would require conditional approval.

Next Project Committee meeting will be held on January 14, 2026.