

May 11, 2005

**NEW MARKET MASTER PLAN  
2005**

**I. THE ROOTS OF A COMMUNITY**

New Market was founded in 1793 and has evolved into a stable residential community with a strong and historic center focused on Main Street (or Old National Pike or Rt. 144). It is now an incorporated municipality of Frederick County and recognized on the National Register.

The historical development of the town had a strong influence on the manner in which past land use decisions were made and will continue to be a significant factor in the decision-making of tomorrow. Once a major stopping point for settlers traveling on the National Pike from Baltimore to points west, New Market at its earliest was a booming commercial center, boasting numerous rooming houses, taverns, inns, and stores. In fact, the first house built after the town was founded was used as a tavern. A variety of service occupations existed as well, such as blacksmiths, wagon makers, wheelwrights, tanners, etc. all toiling to support the diverse needs of travelers passing through. With few exceptions, these individuals resided on the property where the service took place. Throughout most of its history, New Market's land uses have been predominantly residential in nature, surrounded for the most part by land zoned for agricultural use by the County. Among the few early industrial establishments which did exist were a metal and bone button factory and a forge for making wrought iron nails. Located nearby were a mill near Monrovia, a glass factory, a woolen factory, and a tannery, although it is not known whether these industries were active concurrently.

After the opening of US Route 40, a multi-lane freeway which replaced the National Pike and diverted most of the through and commuter traffic away from town, New Market was left much to itself until recently. Today, the town again serves a transient population, but one of a quite different sort - tourists in search of diversion instead of pioneers in search of a new life. The nature of the commercial enterprises currently in operation makes New Market unique among all towns in the County. Of those establishments located in the town, about twenty are antique shops, the first having opened in 1936. At one point, the town became identified as the "Antiques Capital of Maryland" and is still well-known for its primary commodity.

Few, if any, service establishments now exist. There are currently three food enterprises: two restaurants and one carry-out delicatessen. Reminiscent of times past, there are two bed and breakfast inns. Again, most of the individuals conducting business reside on the premises. One trucking terminal has been in operation for over sixty years, commencing prior to the adoption of the zoning ordinance. Land devoted to public and semi-public uses is still smaller in percentage than in other communities. An elementary school was located in the town in the early 1800s. Two separate schools existed at one point, later combined into a single institution in the mid-1960s. The present elementary school, built in 1931, has been expanded at least twice. Supplemented by a middle school in 1979, the acreage taken up by these schools accounts for almost all of the public land use. The town has a fair share of semi-public institutions: three churches, two fraternal organizations, a grange hall, a fire hall, a Post Office, and a town office and hall.

Whether described as a rural community in the 1992 Master Plan of New Market, or as a "district community" in the draft Frederick County Region Plan of 2003, the Town of New Market retains its historical importance to Frederick County, the State of Maryland, and indeed, the nation itself. This historical significance resides in the architecture of the homes and antique shops in the town's historic

district. These structures represent the architecture of the Post-Colonial, Federal, and Victorian periods of the United States. The historic district formed by these structures is the town's most important "sensitive area."

The community of New Market had its beginning in 1747, the year when Nicholas Hall began acquiring land. The first land grants in this area were made to John Dorsey and Samuel Plummer in 1743. Hall's estate was known as New Market Plains and was composed of the following acquisitions:

Batchelor's Harbor	105 acres
Dorsey's Friendship (part)	475 acres
Dorsey's Chance	175 acres
Bush Creek Mountain	25 acres
Hunting Lot (part)	226 acres
Hard to Find	38 acres
The Second Surprise Recovered	5.5 acres

The landowners in and around present day New Market were country gentlemen who spent their time fishing and hunting. The work of these large estates was left to slaves, both white and black. One of the more wealthy local residents, William Hobbs, acquired the title "King of Convicts" from his practice of meeting the prison ships in Baltimore and selling his "catch," always keeping the best for himself.

In 1788, Hall laid out the Town of New Market (Hall himself may have come from New Market, England) and the following advertisement appeared in several local papers:

"Laid out for a town to be called New Market, on Public road. Grading from Frederick Town to Baltimore about nine miles from Frederick: Two principle streets in the town are 66 feet, the other 50 feet wide, three others 33 feet wide. Lots are 66 feet front, 165 feet back. There is reserved a lot of ground for a Market House and a Church. The lots are to be sold by Nicholas Hall, living near premises. Lots bounding on Main Street will be sold for 3 pounds current money each. The lots back at forty shillings each; all subject to an annual ground rent of 5 shillings to commence May 5, 1788" (History of Western Maryland, Schart. Vol.1, page 607)

William Plummer, son of Samuel Plummer, built the first home in what is now New Market. Built in 1790 as the main house for the Plummer Farm, it is still standing on the corner of First Alley, on lot #4, in "Plummers Part of New Market." It is registered as the VanKirk Fehr home, currently addressed as 51 West Main Street. (The map immediately following shows the location of each dwelling or shop with the approximate date of erection of the structure.)

Plummer's house was not considered to be in the Town of New Market. Plummer resurveyed the town along Hall's lines in 1792 as far as Fifth and Sixth Alleys, which became known as Plummer's Part of New Market. The lot numbers were different and the lots were subject to a ground rent of 5 shillings per year.

In June of 1793, Hall entered a plan of New Market under a deed of trust in the land records of Frederick County. New Market was laid out into 170 lots.

There were two streets: Main Street and Federal Street. Main Street was part of the National Road between Baltimore and Frederick.

The first lot was sold to William Ballenger for 4 pounds 10 shillings. However, George Smith, a German, had the honor of erecting the first house after the town was laid out. It is still standing on the northwest corner of Main and Federal Streets, currently addressed as 17 East Main Street. Smith used the house as a tavern or inn. It is registered as the Charles A. Jackson home. The house is typical of rural Post-Colonial architecture in Maryland. There have been few or no changes made to the exterior since it was erected.

Looking at the first traceable buyers, we find that William Ballenger bought lots #23 and #90, and built his home, now the Methodist Parsonage, and also lots #28 and #96, where he built another house which today is the Parkside Antique Shop.

William Wood constructed a house on lot #37. At one time, it was used as a private school taught by Miss Annie Pearce. John Roberts purchased lot #40 which at times has been both a store and a hotel. The original structure has seen considerable changes including the addition of a third story. It is now Mealey's Restaurant, currently addressed as 8 West Main Street.

In addition to the lots purchased by George Smith, already mentioned, the fifth purchaser was Caleb Pancoast, who bought lot #21. The structure built on the lot is of the Federal Period (1800-1830). One of the first post offices in the County was started in 1798 in New Market in the structure built on lot #25. It was also used as a hotel. Guests were billeted upstairs and the only means of exit was through a small room in which sat the owner or watchman. The guests were thus always sure to pay their bill. The house also contained a "whiskey room" selling whiskey by the glass. This was also a general store, and in 1840 it was known as the National Hotel. This structure is currently addressed as 5 West Main Street.

During the Civil War, the Downey home on lot #24 and "necessary building" behind it, housed the guns and ammunition of the Linganore Mounted Guard. This caused considerable excitement in the community until seized by Union troops. Lot #27 is the site of one of the buildings used during the Civil War as a Union Army guardhouse. The Downey home is one of the few examples in the town of the Revival Period of architecture. One of the principle features of the Revival Period was moving the door to one side of the front of the house instead of making it the central feature. The lines around the door are long and vertical and the trimming is simple.

In March, 1878 the Town of New Market became incorporated. About this same time, the town's population was 402, practically the very same as estimated for January 1, 1969.

New Market has some of the best examples of restored Federal Period homes in Frederick County. Most of the structures in the Historic District date to the Federal Period; however, many have been remodeled with Victorian era alterations or changed so as to obliterate all but a fraction of their original architecture.

The Stull Kemp home, currently addressed as 14 West Main Street, is one of the best examples of the Federal Style in New Market. Made up of red brick with two end interior chimneys, it exhibits practically all of the characteristics of that period. It has curves, festoons, and interlaces on the exterior cornices. In the past, the doorways were the focal point for decorative detail. The Fanlight Door, or a door having the pediment pierced by a fanlight, became popular in this country during the Federal Period. The doorway to the Stoll Kemp home has such a treatment coupled with ionic columns on each side.

The Palmer home, currently addressed as 20 West Main Street, was built in 1800, and shows some of the characteristics of the Post-Colonial Period as well as the Federal. Its three chimneys, each in the middle are typical of the Federal Period. The window treatment shows the influence of the Post-Colonial Period. The John Morris Prosser home, currently addressed as 25 West Main Street, is another example of

Federal Period architecture. It is the only stone house in New Market. The wooden portion of the house is a later addition, The high upper story windows show the Post-Colonial influence.

The town has some very good examples of the Victorian style of architecture (1835-1900) within the Historic District. The house currently addressed as 33 West Main Street, built around 1880, is such an example. Victorian houses generally had irregular plans, jagged outlines, and a sense of verticality.

## II. THE MASTER PLANNING CHALLENGE

Until recently, New Market was typical of most rural communities in physical form, with single family homes placed on narrow lots lining a single main street. Almost without exception, building followed the original plat lines laid out in 1793. Interspersed, but concentrated in the center of town, were a few small-scale commercial uses serving the local needs of townspeople, such as a grocer, post office, and auto garage. Gradual yet hardly noticeable changes occurred when the occasional new residence was built. This image changed somewhat in 1980 when a major subdivision of single family homes was built on the west end of New Market, distinctly changing its physical shape and practically doubling its population (from 110 to 192). Since then, another large parcel on the north boundary of the town was annexed and also laid out for residential use, with the potential for adding another 338 people, again almost doubling the population. Still another annexation in 2004, the Orchard at New Market, will bring 104 single family homes, over 300 new residents, and 43,000 sq ft of retail and office space. Harbingers of the future, these three annexed areas are symbolic of factors which must be taken in to consideration in future planning in ways which were not conceived of during the writing of the previous Master Plans. The town is faced with many challenges, the greatest being to achieve and maintain over a long period of time desirable land use balances which retain and enhance New Market's quality of life, its separate identity, its sense of community, and its fiscal viability.

Given the unique nature of New Market, this challenge presents some difficulties. Finding a balance between two seemingly contradictory themes, preservation vs. expansion, is not a simple problem. Preservation issues are characterized by the rural setting, the predominantly residential character of developed land, the historic district and other historical places throughout the community, consciously evolved parks and open space, and the physical form of the existing neighborhood. Expansion issues are characterized by growth pressure from outside the town boundaries, increasingly complex municipal financing questions, a more complicated infrastructure as existing public facilities are outgrown and support mechanisms become inadequate, and the search for equitable solutions to increased demands for more choice and flexibility in the use of land.

The purpose of a Master Plan is twofold. First, a Plan is an indication of community values as provided by residents and local leaders. These values are stated in terms of visions and strategies which describe a desired future condition for the community. The second purpose involves the role the Master Plan plays in the decision-making process. The statement of visions and strategies serves as a guide for local planning and elected officials when reviewing development proposals, zoning issues, annexations, and public works projects.

The background information and data compiled for this Plan provides several viewpoints that should enable the town to deal more effectively with growth and development. First, past trends dealing primarily with development rates and population characteristics are addressed. Second, existing conditions, including environmental factors, the level of community facilities available, and zoning, are addressed. The last viewpoint looks to the future, which is embodied in the land use plan. It is hoped that by learning from the past and looking at the present conditions, the community can better shape its future.

It is important to point out that a Master Plan is a guide for the development of a community and does not cast in stone what should or shouldn't be done. Throughout this document reference is made to visions, policies, and action statements. By designating various portions of the plan as such, both its intent and flexibility are reinforced. Because conditions change in a community, the Master Plan must be flexible enough to address any significant changes and cannot be a static, rigid document.

New Market, as required by State laws, has prepared or is subject to a variety of specific plans and ordinances. Among them are the Zoning Ordinance, Subdivision Regulations, Sediment Control Ordinance, Stormwater Management Ordinance, Forest Conservation Program, and Flood Plain Ordinance. While providing more detailed information and policy, all plans and laws shall be in compliance with and conform to the town's Master Plan. Should policy or programs not conforming with the Plan be desired, when such changes would benefit the public as determined by the New Market Mayor and Council, the Plan may be amended according to the procedures set forth in Article 66B of the Annotated Code of Maryland.

New Market affirms its intention to operate as a "citizen" of Maryland by following the State's growth management program designed to encourage economic growth, limit sprawl development, and protect its natural resources. The Maryland Economic Growth, Resource Protection, and Planning Act took effect in 1992 and reshaped how citizens, developers, the State, counties, and towns think about planning, growth, and resource protection.

Most local jurisdictions in the State establish priority areas for growth and corresponding areas for resource protection. The Act encouraged building on that base with consistent development regulations and targeted infrastructure investment by the State. A basic premise of the Act is that the comprehensive plans prepared by counties and towns are the best place for local governments to establish priorities for growth and resource conservation, and that once those priorities are established, it is the State's responsibility to back them up.

The Planning Act required that county and municipal plans be implemented by laws, ordinances, and regulations that are consistent with the Plan and the visions contained in the Act. It also required that funding decisions for public sector projects – both local and State – be consistent with the Plan and the visions. The fundamental concept of "consistency" under the Act is that land use regulations and land use decisions should agree with and implement what the Plan recommends and advocates. A consistent regulation or decision will show clear support for the Plan or be neutral – but it should never undermine the Plan.

During the 2009 Legislative session, the eight planning visions of Maryland's 1992 Planning Act were replaced with twelve new visions to address a broader spectrum of issues. These new planning visions are the State's land use policy, and a local jurisdiction is required to include them in their comprehensive plan and implement them through zoning ordinances and other regulations.

1. Quality of Life and Sustainability: A high quality of life is achieved through universal stewardship of the land, water and air resulting in sustainable communities and protection of the environment.
2. Public Participation: Citizens are active partners in the planning and implementation of community initiatives and are sensitive to their responsibilities in achieving community goals.
3. Growth Areas: Growth is concentrated in existing population and business centers, growth areas adjacent to these centers, or strategically selected new centers.
4. Community Design: Compact, mixed-use, walkable design consistent with existing community character and located near available or planned transit options is encouraged to ensure efficient

use of land and transportation resources and preservation and enhancement of natural systems, open spaces, recreational areas, and historical, cultural, and archeological resources.

5. Infrastructure: Growth areas have the water resources and infrastructure to accommodate population and business expansion in an orderly, efficient, and environmentally sustainable manner.

6. Transportation: A well-maintained, multimodal transportation system facilitates the safe, convenient, affordable and efficient movement of people, goods and services within and between population and business centers.

7. Housing: A range of housing densities, types, and sizes provide residential options for citizens of all ages and incomes.

8. Economic Development: Economic development and natural resource-based businesses that promote employment opportunities for all income levels within the capacity of the State's natural resources, public services, and public facilities is encouraged.

9. Environmental Protection: Land and water resources, including the Chesapeake Bay and its coastal bays, are carefully managed to restore and maintain healthy air and water, natural systems and living resources.

10. Resource Conservation: Waterways, forests, agricultural areas, open space, natural systems and scenic areas are conserved.

11. Stewardship: Government, business entities, and residents are responsible for the creation of sustainable communities by collaborating to balance efficient growth with resource protection.

12. Implementation: Strategies, policies, programs and funding for growth and development, resource conservation, infrastructure, and transportation are integrated across the local, regional, State and interstate levels to achieve these visions.

These visions give local jurisdictions a succinct statement of Maryland's priorities for their plans. However, the visions are intended as the beginning of the planning process, not the end. New Market starts with the visions, applies them to its own situation, and establishes its own priorities and paths to realization.

#### **NATURAL RESOURCES: OPPORTUNITIES AND CONSTRAINTS**

The historic district of New Market is the base upon which the town's economy and quality of life reside. It is the most "sensitive area" of New Market and this Plan begins with a detailed description of its growth and character. It is hoped that this emphasis on the historical district as the historic, economic, and cultural base of the town will impress upon Town officials, County officials, State officials, and representatives of the development community the importance of future development enhancing, rather than diminishing, the district's character and importance.

New Market is no less concerned with the more traditional view of sensitive areas; the one that includes floodplains, wetlands and streams, threatened and endangered species habitat, steep slopes, the Chesapeake Bay Critical Area, and mineral resources. This Plan provides prescriptions for protecting and

managing all of these resources. These actions are found throughout the “Visions, Strategies, and Actions” portion of the Plan.

### **Regional Geology and Soils**

The entire New Market area is underlain by crystalline rocks of the Piedmont physiographic province. The different rock types of the area include: the Urbana Formation, Sam’s Creek Metabasalt, Wakefield Marble, the Marburg Schist, the Ijamsville Formation, and the Libertytown Metarhyolite. These rocks have been folded and faulted during mountain building episodes in geological history to form a highly complex geologic subsurface. The bedrock units make up a fractured rock, water table type aquifer.

Article 66B, Annotated Code of Maryland, requires that each Comprehensive Plan contain a mineral resources element. The town has no commercial quality mineral resources which could at some point in the future be extracted or which should be reserved for future use. The town is of such size and character that reservation of land for mineral extraction is not appropriate in any event.

The major soil types in the New Market region are Manor and Linganore soils. These soils are generally shallow, well to excessively drained, with fair to moderate agricultural capability. While areas of prime agricultural soils are limited in the New Market region, the Soil Conservation Service has identified some farmland within the region which is of statewide importance. This farmland generally consists of Capability Units II and III soils and therefore would qualify for participation in the state's voluntary preservation program.

**KEY ISSUE:** Almost all of the area in and around the town comes under the “severe limitations” category for on-site septic systems because of slopes, a high water table, and high soil permeability rates. The preliminary nitrate loading assessment, calculated in 1989, indicated that a minimum lot size of 2.7 acres is necessary to prevent overloading of the groundwater with nitrates from on-lot wastewater disposal systems.

### **Water Supply**

The climate of New Market is temperate and moderately humid. The mean annual temperature falls between 52 and 55 F. The summer weather is generally 120 days in length and temperatures are usually moderate, but extremes as high as 109 F are not unknown. Although winter extremes have been as severe as -21 F, the average winters are usually fairly mild.

In the New Market area, precipitation averages approximately 40 inches per year. Of this, 28 inches are generally evaporated or transpired by vegetation. Approximately six inches are direct surface runoff into streams. This leaves approximately six inches of actual groundwater recharge during an average year. This recharge may be significantly lower during dry or drought years. (Source: R.E. Wright Associates, Hydrogeological Study of the Monrovia, New Market, and Ijamsville Area, Frederick County, MD, October 1989.) Precipitation is distributed evenly throughout the year from three inches in February to four inches in July and August. The average annual snow fall is approximately 25 inches.

Local rock formations exert a major influence on the quantity, quality, and availability of ground water. Both quantity and quality of groundwater is a primary concern of the community. The Sams Creek Metabasalt rock formation, on which the town resides, produces wells with an average yield of 11 gallons per minute. Adjacent to the town’s eastern boundary is a band of Wakefield Marble. Further study is required to determine average yield from this rock formation. Groundwater levels fluctuate in response to

withdrawal from wells. In the New Market area, the effect of pumping from domestic wells is not widespread; such effects normally are confined to a few tens of feet from each well. In the New Market area, the water table is generally a subdued replica of ground surface topography; as such, groundwater movement often follows surface water drainage patterns. As a result, the groundwater recharged to the area is generally equivalent to the amount of precipitation which infiltrates to the area.

There are two bodies of surface water that are intimately related to the Town of New Market. The Davis Branch of Bush Creek is a very small creek no more than 3 to 4 feet at its widest. This creek presently serves as a carrier and purifier for the effluent discharged by the New Market Sewerage Treatment Plant, located on the eastern edge of town. It drains into Bush Creek, a tributary of the Monocacy River. The creek serves as an exporter of groundwater by removing water from the town's aquifer. Linganore Creek is located 1.5 miles north of New Market. It is statistically important to the town as its stream flow rates (through its watershed area) reflect the amount of groundwater available in the town's aquifer. The town's aquifer is contiguous with the Linganore Creek Watershed.

**KEY ISSUE:** The entire individual water supply system for New Market currently comes from private wells. The town has recognized for some time the necessity of a safe community water supply and in 2003 signed a Water Service Area Agreement with the County. This Agreement addresses allocation for existing and planned development (Brinkley Manor and Royal Oaks) within the Town boundary. It does not allocate water or sewer capacity to properties outside the current municipal limits.

### **Floodplains and Wetlands**

New Market lies in the Piedmont physiographic province. The Piedmont is gently rolling land of moderate relief. The land is well-drained by very small creeks and runs. There are no 100 year floodplains located within the town. Annual floodplains (defined by soil type) are located to the east of New Market along Maryland Rt. 75 and to the southwest. Annual floodplains are also located north of town, running north and east of New Market Farms. A small wetlands is located within the town, east of Ninth Alley and south of Main Street. Other wetlands are located to the north, east, and south of town.

### **Agricultural and Forestry**

Agricultural, woodland, and undeveloped land uses constitute the greatest proportion of the land area around New Market; 83% of the region as defined by the County is classified in these categories. The vast majority of these lands are farmland or uncultivated fields. Typically, the forest stands are located along streams or other steeply sloped areas which have not proven useful for crop production or pasture. The only significant wooded area within the town limits is northwest of Royal Oaks and consists of approximately 100 acres of forest land. This is identified by the Town as a Nature Preserve.

## **THE BUILT ENVIRONMENT: OPPORTUNITIES AND CONSTRAINTS**

### **Thoroughfares**

Accelerated development within New Market and in the surrounding area makes action to secure adequate transportation resources a critical issue. During the period which this plan addresses, highways will almost certainly remain the most important transportation issue.

Within New Market, Main Street (Route 144) is a Minor Arterial Street and Old New Market Road (Route 874) and Royal Oak Drive are Collector Streets. Other existing streets are primarily Local Access Streets or Alleys. A collector road is planned to move traffic from the planned Royal Oaks development located north of the historic district east across Rt. 874 through the Marley Gate Development and Mansfield property to MD Route 75. The extension of Royal Oak Drive to Brewster Drive remains a possibility.

Because of its location on a collector road, much of the traffic using New Market's two main roads does not come from an origin nor travel to a destination within the town. Unless transportation routes are drastically modified to redirect most commuter traffic around the town rather than through its center, the town will continue to bear the burden of commuter traffic through its territorial limits. According to a 2002 State Highway Administration traffic study, 8275 vehicles per day pass through New Market on Main Street. The County's Ijamsville Road Corridor Study predicts that this volume will increase to 10,000 vehicles per day in 2005 and 15,600 by 2020. This is an unacceptable volume of traffic for a small town Main Street in terms of pedestrian and vehicular safety and impact on the adjacent residents. Speeding, noise, vibration, and dust do not create attractive residential conditions in the Historic District.

During the next twenty years, Lake Linganore is likely to be the point of origin of a very large percentage of the additional traffic passing through the town to other destinations. This makes the provision of a safe, convenient bypass connecting Boyer's Mill Road with MD Rt 75 a critical concern for New Market. The County Comprehensive Plan shows a major collector road originating in the vicinity of the Boyers Mill Road and Finn Drive intersection, running in a southeast direction to Rt 75. This roadway will serve the Lake Linganore area and any development occurring north of New Market.

While residential development in the surrounding area is likely to be the source of increases in traffic, certain other factors will have an effect. Major commercial development approved for properties on Rt 75 south of Interstate 70 will likely draw traffic from residential developments west of New Market. Similarly, the lack of westbound access to Interstate 70 at Meadow Road diverts a substantial amount of westbound traffic through New Market. Completion of the I-70 interchange at Meadow Road is a high priority.

**KEY ISSUE:** The need for an alternate route parallel to Main Street was recognized as early as 1969, when the New Market Master Plan included a bypass north of the town. Currently, existing and planned development obstruct that proposed route. Royal Oak Drive, the collector road at one time proposed as a bypass follows a route which is far less likely to divert traffic from Main Street (known as Route 144 outside the town limits). Furthermore, no proposal has been made for development required to make the final linkage between existing and proposed portions of Royal Oak Drive and MD Rt 75. In view of the substantial development planned for the Lake Linganore PUD and other areas to the west of New Market, the northern bypass is the transportation issue of greatest importance to the town.

**KEY ISSUE:** In spite of the overwhelming importance of personal motor vehicle transportation to the Town of New Market, the following additional transportation issues need to be addressed:

- ⌚ Public transportation, primarily bus service within the County.
- ⌚ Services for transit-dependent segments of the population.
- ⌚ Routes and facilities for other than motor vehicles (bicycling, hiking paths).

↳ Routes providing access to parks and other open space.

KEY ISSUE: Anticipated increases in highway traffic will make attention to related issues more important. The following are examples of the types of responses which may be needed;

- ↳ Additional facilities for and regulation of parking.
- ↳ Additional sidewalks and marking of crossing zones.
- ↳ Installation of traffic control signals.
- ↳ Protection of historic structures against damage from vibration and emissions from vehicles.

## Community Facilities

The Town of New Market developed as a way station, providing goods and services to people traveling to the west. Due to the current and projected rapid development around the town, it could again serve as a way station providing services to both residents and travelers. This section of the Plan describes the past, present, and projected utilization of these services and offers recommendations on how to employ them in a financially-efficient as well as an environmentally-sound manner for the future.

### Water Supply

The advantages of a community groundwater supply system are relatively constant water pressure; greater supply available to individual users; reliability of supply; regular quality control/monitoring; avoiding usage of imported water containing industrial contaminants, i.e. heavy metals, and associated infrastructure costs of monitoring and assuring potability; planning flexibility in housing unit location and density; regular professional maintenance; and regulation of individual withdrawals.

The town's proximity to the Baltimore/Washington metropolitan region and Frederick City has created significant development pressure, primarily for residential housing. The possible effects of development on the relatively fragile groundwater resource supply have caused the town to seek water resource planning assistance. In May, 1989, the town commissioned a hydrogeological study. The study area included all the land within a one mile radius of the town center, covering approximately 2,010 acres. Completed in October, 1989, the key results of the Hydrogeological Study of the Monrovia, New Market, and Ijamsville Area included the following:

- ↳ The different rock types in the study area include: Urbana Formation, Sams Creek Metabasalt, Wakefield Marble, Marburg Schist, and Ijamsville Formation. These rocks have been folded and faulted to form a highly complex geological subsurface.
- ↳ The groundwater system in the area is recharged by precipitation which infiltrates into the ground and flows through the folds in the bedrock within approximately 100 feet of the ground surface.
- ↳ The estimated rate at which groundwater is recharged to the study area is 595 gallons per day per acre (gpd/ac) in an average year, and approximately 389 gpd/ac during drought conditions with a 1-year-in-10 recurrence interval.

- ⌚ The amount of groundwater available in the New Market area on a daily basis is 595 gpd/ac in an average year and 389 gpd/ac in a drought year. According to the study, it is more reasonable in water resource planning to use the drought year value as an approximation of groundwater availability in order to provide for a dependable, renewable supply.
- ⌚ Examination of the local topography and geology indicates that areas suitable for development of community water supplies exist in the New Market area. Further geological and/or fracture analysis must be performed in this area to ascertain optimal specific well sites.

For general, conservative planning purposes, one person will be considered to use 100 gallons of water per day. The average household size in Frederick County at the time of the study was 2.82 persons and would therefore use 282 gallons of water per day (gpd). This data indicates that the current population requires approximately 112,990 gpd. Build-out of proposed development could increase that figure tenfold to a total of 1,091,812 gpd. This would exceed the available groundwater recharge to the study area of 781,890 gpd by 29%. Since the study area straddles a watershed divide, there is only a limited potential for capturing groundwater from up-gradient watersheds. As a result, the potential for overdrafting the aquifer and creating interference between adjacent groundwater users will exist with development as proposed.

Existing wells (particularly shallow ones) which previously functioned satisfactorily, may be adversely impacted by a local water table decline resulting from build-out of proposed development. This effect would be most apparent in existing densely populated portions of the study area, especially the town proper. New Market must ensure that its water resources are not depleted when community water systems and the town's system come on line. The town will take steps to protect not only sites for its own water system wells and towers but also its recharge area.

In 1995, New Market entered into a participation agreement with the developer of Royal Oaks subdivision which provided that the town would be responsible for the lines, tanks, and filtration system for existing town residents and the developer would pay the remainder. The town system was to be an insurance policy against the drawdown of the town aquifer due to the increase in residential growth surrounding the town. By 1998, the town system had not been started and the county invited the town to be part of the county system which was creating a loop around the town with 2 million gallon storage tanks on the east and west sides of town. After several years of negotiation, a concept was developed that would allow the incremental construction of a County-owned water distribution system, within the Town, to provide a water supply for the community. The Water Service Area Agreement, signed in April, 2003, allowed the Town and County to optimize the design and operation of a water supply system that will bring to New Market a defined water supply for both current residents and planned growth within the Town

Surface water is considered by some to be necessary to supplement groundwater sources for either existing systems or the proposed area-wide system. Frederick County foresees the Potomac River as a prime water source for central Frederick County in the future. Should development of water and sewer treatment mechanisms follow this course, it is of utmost concern that the routes taken to transfer water to and from the river are environmentally secure and that the discharge into the river itself is of sufficient purity so as not to further pollute the Chesapeake Bay.

**KEY ISSUE:** In cooperation with the Maryland Department of Natural Resources and the Frederick County Department of Public Works, water resources in the New Market area should be

deliberately considered and managed to ensure an acceptable water supply now and in the future.

#### Sewer

The town is presently served by the Frederick County sewer system, with a sewage treatment plant located at the end of Main Street and the interchange of MD Rt 75 and Interstate 70. The plant is permitted for 240,000 gpd. All the taps for the current capacity have been allocated and access to these taps is available on a first come, first serve basis.

A regional sewerage treatment plant is located south of town along Bush Creek, across Interstate 70, and serves the Monrovia sewer service area. The Monrovia sewerage plant is considered a “long-term interim” facility until completion of the planned Bush Creek interceptor. The plant has a design capacity of 200,000 gpd. The taps for the current capacity have already been allocated. Future treatment capacity will depend on the completion of the Bush Creek Interceptor to convey sewage to the Ballenger Creek or McKinney WWTPs for treatment. The Monrovia plant would then be used for pre-treatment or abandoned altogether.

A lack of capacity has resulted from the county not being able to build a larger plant in Monrovia. A temporary plant was planned and a developer built a line to direct sewage flow west of town to the Monrovia interim plant, thus giving more capacity to the existing New Market plant. As of this draft, Frederick County has not established the exact capacity available due to its contractual agreement with the developer who paid to divert the flow. Long range county plans call for an interceptor line large enough to handle all sewer needs currently in the county comprehensive plan.

Water that drains from individual septic systems contains relatively high quantities of nitrates. This loading of nitrogen-rich water in time leaches down to the groundwater. Without adequate dilution, nitrate-nitrogen levels can increase in the groundwater to above the current federal and state public health standard of 10 mg/liter (source: R.E. Wright Associates). In the New Market area, the acreage necessary to renovate the wastewater from a single family home is 2.7 acres if on-site water is used and 2.2 acres if imported water is used.

**KEY ISSUE:** Use of a community sewer line causes a phenomenon known as groundwater export. This term means that groundwater is taken out of the local watershed and discharged elsewhere. In the case of the town’s sewer service area, water is removed from the local aquifer and discharged to Bush Creek, where it runs off into the Monocacy River. Servicing existing New Market development with new off-site public sewage disposal will create a net export of recharge from the local aquifer. As a result, existing wells, particularly shallow ones, which previously functioned satisfactorily, may be adversely impacted by a resulting local water table decline. This effect would be most apparent in the more densely populated areas of the town. In cooperation with the appropriate Federal, State, and County agencies, sewage disposal in the New Market area should be deliberately considered and managed to ensure a healthful, safe environment.

#### Schools

School facilities are owned and operated by the Frederick County Board of Education. The town’s children are served by New Market Elementary and New Market Middle schools located on West Main Street within the town limits. Linganore High School is approximately 5 miles north of town on Old Annapolis Road.

A detailed discussion of the regional school situation is contained in under the Second Vision in the section titled "Provide the necessary regional public facilities and services."

#### Fire and Ambulance Service

Fire and ambulance service is provided by the New Market Volunteer Fire Department, located on Main Street. The town Fire Pond is located off Md. Ft. 874 and North Alley. The town maintains a standpipe at the pond for fire protection. The pond is cared for by the town.

Due to an increase in the number of requests for aid and a corresponding decrease in availability of volunteers to respond, Frederick County recently created a special taxing district, of which the town is a part. As a result, paid personnel are available between the hours of 9 and 5 at the Fire Hall; service provided thereafter continues to be supplied by the volunteer force.

#### Police and Public Safety

The town is currently served by the Frederick County Sheriffs Department and the Maryland State Police. However, the need for law enforcement service is related to the frequency and character of law violations, which in turn, are determined by the size and character of the community. The region is faced with a rapidly increasing population, which will include urban and suburban concentrations that may increase the need for law enforcement services.

**KEY ISSUE:** Continued growth and development are expected to increase the demand for law enforcement and protection services.

#### Parks and Recreation

The town at present owns and maintains two parks. The first is located on East Main Street and consists of two basketball courts, a tennis court, and a playground. The second is located in the middle of town on Main Street. It consists of a water fountain surrounded by a resting area with park bench seating.

Via the annexation of the Royal Oak Subdivision, approximately 100 acres of land are dedicated for public use, some of which could be used to accommodate hiking and biking trails.

Frederick County has identified New Market as a site for a community park. In addition, Frederick County has selected a location east of New Market for a District Park. The term "District Park" is defined as a large park of over 100 acres providing a wide range of recreational opportunities while remaining as much as possible in a natural state for conservation-related purposes. Along with facilities such as a large picnic area, athletic fields and courts, a playground, and parking areas, the park will include an extensive natural area for hiking and perhaps fishing and camping.

The New Market Elementary and Middle Schools participate in Frederick County's School Community Center Program. The schools provide their facilities for a variety of youth and adult activities after school, evenings and weekends. The facilities at these schools are presently 100% utilized throughout the calendar year.

Other Services

Garbage collection is provided to residents by the town. The town currently contracts for snow removal on streets and alleys not otherwise cleared by State or County highway crews. There are no library facilities; however, the County bookmobile serves the town. There is a branch library of the Carroll County Libraries system in Mt. Airy. The main library of the Frederick County Public Libraries system is located in Frederick City. The County has identified branch libraries in Ballenger Creek and Urbana as short term needs and the Lake Linganore PUD as a long term need. The New Market Historical Preservation Society is pursuing a historical research library.

At present, the town has one employee, the Treasurer/Clerk. The town also employs a Clerk to the Town Council, a Town Attorney, a Town Engineer, and a Town Auditor on a contractual basis.

**NEW MARKET’S REGIONAL CONTEXT**

The population of New Market has remained remarkably stable over a sixty year period while the region surrounding it and Frederick County as a whole have experienced very large gains.

Year	Town of New Market		New Market Planning Region		Frederick County	
	Number	%Change	Number	%Change	Number	%Change
1940	360	22%	2653	15%	57312	5%
1950	301	-16%	2,759	4%	62,287	9%
1960	358	19%	3,596	30%	71,930	15%
1970	339	-5%	6,834	90%	84,927	18%
1980	306	-10%	9,857	44%	114,792	35%
1990	328	7%	15,855	49%	150,208	31%
2000	427	30%	29,107	84%	195,277	30%

Source: Frederick County Demographic and Development Data, March 2004

Family characteristics include factors such as marital status and household size. These factors help to determine what the future population might be, what types of services the community will require, and the type of housing likely to be in demand. According to Frederick County Planning Department sources, trends in the area concerning marital status are in line with those seen nationally, where separations and divorces have been on the increase while fewer marriages are taking place. More single individuals and smaller families generally indicate the potential for an increased demand for smaller housing units. Sociological trends, such as increases in the number of single parents or families where both parents work, are reflected by changes in the type of housing people look for and in the demand for availability of public services such as day care.

Average Household Size			
	Maryland	Frederick County	Town of New Market
1950	3.56	3.60	NA

1960	3.48	3.44	3.35
1980	2.82	2.97	2.73
1990	2.67	2.78	2.58
2000	2.61	2.72	2.47
2010est.	2.53	2.67	2.37

Source: Frederick County Demographic and Development Data, March 2004

Ongoing developments and a recent annexation will increase the population of New Market within the current town limits. The immediate surrounding areas will also experience substantial gains that could affect New Market dramatically. The availability of public water and sewer and the possibility of annexations will dictate the rate at which any increases will take place for residential and other uses. The Historic District may have decreased importance in the future, with respect to population impact, as its size decreases in comparison to the size of other use zones and as other forms of employment complete with retail sales. Employment opportunities directly within the town will not increase significantly. Residential service zones will account for most increases. Because growth is so dependent upon provision of water and sewer facilities and annexation, it is imperative that the Town and County agree on clear policies regarding these issues. Utility plans appropriate to provide business opportunity and build a tax base are vital to serve the growing regional market and population.

The following projections are based on known subdivision approvals, existing zoning, utility availability, development trends, and historic increases to 2000.

Year	New Market Planning Region		Frederick County	
	Number	% Change	Number	% Change
1980	10,627	-	114,792	-
1990	15,855	49%	150,208	31%
2000	29,107	63%	195,277	30%
2010	36,103	24%	238,700	22%
2020	43,094	19%	282,100	18%

Source -Frederick County Demographic and Development Data, March, 2004

The plans of Frederick County provide another regional context. The most recent indication of their plans is contained in the New Market Region Plan [Staff Draft] prepared by the Frederick County Department of Planning and Zoning in November, 2003. The Plan designates New Market and Spring Ridge as District Communities, secondary growth centers within the New Market Planning Region. District Communities characteristically have, or will have, populations between 1,000 and 7,500. Regional communities with a population between 5,000 and 20,000 are designated as the centers for each Planning Region: Linganore and Mount Airy are so designated for the New Market Region.

This approach to regional planning within the County is referred to as the “Community Concept” and “encourages compact and sustainable development and economic growth in suitable Plan-designated areas. To further the Community Concept, coordination, cooperation, and resolution of conflict between the municipalities, the County, and the State is of prime importance. Interjurisdictional coordination and cooperation is integral to the Community Concept. Processes to effectively resolve issues of mutual interest, needs, and priorities between the municipalities, the County, and the State should be on-going in the implementation of this Plan.” (pg 27) This is an extremely important point for the future planning of New Market and its region and will be discussed at length in this Plan.

As defined by the County in 1992 and unchanged in the 2004 Draft, the community growth limits for the Town of New market “extend north to existing development abutting the Town of New Market, east to the New Market/Monrovia service area boundary, south to Bush Creek and west to Boyers Mill Road...”

The County’s 2004 Draft 20-Year Land Use Plan section analyzes three “residential growth scenarios” for New Market in the following manner...”The Town of New Market has indicated a desire to expand their municipal boundaries to incorporate the lands to the north of Town and develop mainly with residential uses. To this end, staff has developed three growth scenarios...These scenarios attempt to provide a better understanding of potential growth and related infrastructure issues for each scenario. The scenarios build upon each other in terms of understanding the cumulative impacts of anticipated pupil yields. However, this is not to preclude or to indicate that the land bays further from Town could not be developed prior to those adjacent to the existing Town limits. Future and current boundaries play a factor in that annexed areas shall be contiguous to the Town and no enclaves created.

“It should be noted that these growth scenarios for the Town of New Market/New Market Community do not expand the current (1993) Planned Growth Area Boundaries. However, they would essentially shift the Linganore Regional Community Boundary to the New Market Community Growth Boundary in anticipation that the properties would possibly be annexed into the Town of New Market as they desire. The Town and County should consider developing a joint annexation agreement following adoption of the Region Plan and Town comprehensive plan update.”

**Scenario 1:** Residential build-out of the 1993 New Market Community Growth Area assuming 3.5 dwellings per acre on 70% of the total acreage and 2.9 persons per household. Current population is 3,508.

- Build-out population of 6,057 (added population of 2,549).
- Additional pupils = 399
- Parks and Recreation - Additional 25 acres of parkland needed.
- Transportation - Extend Royal Oaks Drive to Rt. 75 and connect Brinkley Manor and Orchard at New Market to Rt. 75.
- Other Facilities - Construct a library in the Lake Linganore/Spring Ridge area.

**Scenario 2:** Residential build-out of the 1993 New Market Community Growth Area and the 639 acre Casey Tract north of New Market currently a part of the Linganore Regional Community. Assumes 3.5 dwellings per acre on 70% of the total acreage and 2.9 persons per household. Current population is 3,508.

- Build-out population of 11,265 (added population of 5,208 to Scenario 1)
- Cumulative Additional pupils = 1,187
- Parks and Recreation - Additional 77 acres of parkland needed.

Transportation - New roadway bisecting the Casey Tract and connecting Boyers Mill Rd to Rt. 75.

Other Facilities - Construct a library in the Lake Linganore/Spring Ridge area and add school sites, fire stations, and other facilities as the need is justified.

**Scenario 3:** Residential build-out of the 1993 New Market Community Growth Area, the 639 acre Casey Tract north of New Market, and 283 acre Blentlinger Tract currently a part of the Linganore Regional Community but designated Agricultural and with no planned water and sewer service. Assumes 3.5 dwellings per acre on 70% of the total acreage and 2.9 persons per household. Current population is 3,508.

Build-out population of 13,274 (added population of 2,009 to Scenario 2)

Cumulative Additional pupils = 1,497

Parks and Recreation - Additional 97 acres of parkland needed.

Transportation - New roadway bisecting the Casey Tract and connecting Boyers Mill Rd to Rt. 75.

Other Facilities - Construct a library in the Lake Linganore/Spring Ridge area and add school sites, fire stations, and other facilities as the need is justified.

While New Market may continue to strive for the best internal planning decisions possible, its efforts will be severely constrained without the thoughtful coordination of planning in the surrounding jurisdictions. It is essential that the town be an active participant in all areawide planning processes.

### III. VISIONS, STRATEGIES, AND ACTIONS

When discussing future land use, this Master Plan addresses the ideal, and does not necessarily reflect existing zoning, either within town boundaries or without. Instead, it poses what New Market feels would be the ideal situation, when the town's desires are considered. This distinction is felt to be especially important in areas subject to the oversight of other jurisdictions, who might otherwise consider land use decisions based upon interests other than those of the citizens of New Market.

The policy guidance and land use elements of a Master Plan are among the most powerful tools available to planners. Their primary value is to assure the most desirable distribution, magnitude, and timing of the numerous ways in which demands for land use in the Town of New Market may be satisfied. These decisions will affect not only the immediate material value of property to the current owner and his neighbors but also its real and intangible value to future residents. For this reason, policies and land use decisions must be developed and executed with regard for the significance of each of the other planning elements, such as population, environment, transportation, and public facilities to ensure all zoning categories are addressed in such a way that the most appropriate blend and placement of land uses is achieved over time.

[ILLUSTRATION]

**THE FIRST VISION: New Market's careful management and preservation of its character and historic identity is at the heart of its social and economic vitality.**

The highest priority in New Market is the care and protection of its great resource – the character of the town itself. New Market is a community of diversity; the town is a vital, year-round working community with a mixture of ages, income levels, architectural styles, commercial activities, and physical environments. The threads binding these diverse elements together are a quieter, slower town pace, a sense of intimacy produced by its historic buildings, layout, and small scale, and a mix of homes and shops that is the antithesis of modern commercialism. These qualities are enhanced by certain physical characteristics of the town's layout such as easy walking distances, houses close to the street, sidewalks, vegetation, key focal points of activity, and an identifiable and historic town center.

### **Achieving The Vision**

#### **Overall Strategies**

**#1 *Minimize the impact of destination and through traffic on the community.***

New Market must assure that its transportation needs are met without degradation of the quality of life or historically significant structures or sites, or change to the historic character of New Market. The elected officials of the town shall take action as necessary to coordinate planning efforts between jurisdictions, citizen's groups and non-governmental agencies, and to promote the interests of the New Market community at all levels of government.

Traffic congestion must be alleviated by providing alternative routes for traffic between areas of residential growth and the primary roads leading to commercial and business districts and other facilities both within and outside of Frederick County. A collector road parallel to Route 144 should be provided to allow traffic from points west of New Market to reach Maryland Route 75. Proximity to New Market is important. It should be located no farther north than a line extending westward from Crickenberger Road to connect with Boyer's Mill Road. Specifically, improve and finish Crickenberger Road as a collector road, or build another road, from Route 75 to Boyer's Mill Road, connecting there south of Yeagertown Road. The State should also complete the interchange at Interstate 70 and Meadow Road to allow westbound traffic to enter and eastbound traffic to exit.

**#2 *Maintain and establish the physical connections needed to enhance the walking scale of the town.***

New Market should be established as a model pedestrian/bicycle friendly town by providing sidewalks and paths for the safety and convenience of motorists, pedestrians, residents, and visitors. To this end, the

town shall include provisions for bicyclists and pedestrians in upgrades and newly constructed roads, require that sidewalks and paths be included in any new development, and conduct studies to identify scenic lands and roadways that need improved pedestrian and bicycle access. The sidewalks and alleys that now frame the town should be used as the backbone of an expanded network that connects new development, parks, and the historic district with every part of New Market.

**#3 *New and renovated structures in New Market should be compatible with its historic architectural forms.***

A commitment shall be made to encourage variety of shape, roof line, setback, color, texture, and other factors that are part of the visual or aesthetic urban form, but to especially encourage those which are compatible with or augment the traditional historic architectural forms which make the Town of New Market unique. Compatibility will be gauged by such things as the size and configuration of buildings, the use of materials and landscaping, the preservation of existing vegetation and landscape features, and the location of entrance and exit routes on the project site. Careful analysis will be given to design features which accentuate open space, improved recreational opportunities, protection of natural features, and sensitivity to surrounding development, especially that of a historical nature.

The town will continue to uphold and enforce its architectural regulations within the Historic District and other areas where architectural review is mandated. The Guidelines which have been drawn up for the Historic District shall be immediately available to all residents, especially newcomers. The Historic District Commission shall regularly hold well publicized seminars which address the basic ideology behind its regulations, educate citizens, and thereby strengthen the support needed for their continued enforcement throughout the community. The Historic District Commission/Architectural Review Committee shall review proposed plans and visit sites prior to regularly scheduled meetings.

The town shall plan for future preservation efforts, encouraging and assisting in preservation and rehabilitation of existing structures by:

Continuing to uphold and enforce design guidelines for the restoration and/or modification of buildings or sites identified as having historic or cultural significance and for the design and placement of buildings within or adjacent to identified historic buildings or sites.

Requiring that historic buildings or locations be preserved or incorporated into the design of new development.

Supporting the State Historic District Commission and related County efforts to identify, inventory, and mark all historically and culturally significant buildings and sites identifiable, and investigate measures for historic preservation of those sites not already protected.

**Land Use Policies**

Although it is recognized that uniformity has value, the town shall continue to use zoning categories, land use designations, and density guidelines which may differ from those used by the County and other municipalities, because these unique representations are necessary to preserve its distinctive character. For example, commercial and residential uses shall be encouraged to coexist in the same structural unit, i.e. a residence over a commercial shop or a shop within a residential structure and, along the main

approach to the town, development shall preserve and enhance the historic ambience of New Market. The current residential/antique district should be expanded to include areas that are logical extensions of the uses and character of the current Historic District.

Noise abatement is important to the quality of life. If residential development takes place adjacent to major transportation routes, a variety of approaches shall be considered to mitigate noise impacts, including but not limited to: encourage large lot, single family development to reduce the number of people impacted by noise; encourage deep lots to reduce noise impact, especially those lots abutting a thoroughfare; and promote developer-supplied effective barriers for new development to attenuate noise, either by physical construction or landscaping.

### **Standards, Guidelines, and Administrative Measures**

**Actions To Maintain Community Identity:** A community action committee shall be established whose foremost mission is to preserve and promote the values and sense of community which current citizens appreciate. This can be accomplished through organizing a series of neighborhood functions designed to bring children, young people, and adults together as a community on a regular basis throughout the year. Such events will also form a basis for better public relations both internally and externally.

A landscaping and project maintenance plan shall be submitted to the town as part of every project application. The town will adopt an amendment to the zoning ordinance detailing the requirements of such a plan. Landscaping, especially trees, shall be provided around the boundaries of a project to lessen the visual impact of the development. A zoning provision shall be established which protects trees and shrubs having a trunk diameter greater than 6 inches measured at a level of two feet above the ground.

A sketch plan specifically for the purpose of ensuring compatibility shall be proposed by an applicant prior to consideration and approval of preliminary plats for parcels larger than 3 acres.

Existing programs of sign control shall be continued.

**Actions To Better Manage Uses With Special Impacts:** Religious institutions will be allowed in residential neighborhoods if sufficient off-street parking is provided and the design of the facility is consistent with the character of the neighborhood.

Clubs and fraternal organizations shall be limited to commercial areas. The use of a single family home in a residential area for a club or fraternal organization shall not be permitted.

Facilities providing health care for the elderly and convalescent shall be encouraged. The Zoning ordinance shall guide the placement and standards for development of such facilities. Proposed facilities shall be evaluated based on the location, impacts on services, and neighboring properties.

Building materials and landscaping shall be used to make these special impact land uses less visually obtrusive from neighboring properties.

The town shall develop standards for the location of proposed private schools, which address required off-street parking and street frontage for dropping off and picking up students, access via town streets, noise

control, minimum lot size per pupil capacity, and required landscaping and other visual/noise barriers if the proposed school is to be located adjacent to a residential area.

**Actions To Improve Roads, Parking, and Walkability:** The town should conduct a study of future needs for off-street parking. If a requirement is foreseen, plans will be developed for site acquisition, funding, and construction. Existing parking ordinances shall be reviewed and enforced. Sufficient off-street parking for residents shall be included in the design of all residential projects. Off-street parking for guests shall be included in the design of all multifamily projects.

Conduct a review of the town's ordinances as they pertain to transportation.

Development plans shall assure the ability of residents to walk or bicycle to parks, schools, and residential service areas without crossing uncontrolled crossings on arterial roads whenever possible. Internal roads shall be designed to serve the project, and access to through-traffic shall be discouraged. Developers shall provide easements for turnouts and shelters for buses, to be incorporated into project design for projects along proposed transit routes and to be implemented at the time of project construction in cases where transit routes already exist. Provision shall be made for the safety and integrity of local neighborhoods by authorizing, where necessary, the prohibition of entry to and/or exit from neighborhood streets by means of islands, curbs, traffic barriers, or other roadway design features.

The town shall maintain and periodically update an inventory showing the legal status and physical condition of its streets and alleys, and designating priorities and proposed schedules for maintenance and improvements. The town should designate specifications for the various types of roads, and specify the maximum traffic loads for which each type of road is intended in order to update its road design standards.

The town will enforce requirements that roads be constructed to the appropriate specifications and engineering standards. The town will also develop and apply methods of assessing and apportioning developer fees and/or other assessments to help pay the cost of road improvements and maintenance. New developments shall pay for those traffic studies deemed necessary by the town in cases where the development is expected to have a traffic impact.

[ILLUSTRATION]

**THE SECOND VISION: New Market’s prudent guidance of its geographic expansion and population growth has extended the characteristics of unity, variety, order, and balance that typify the community.**

New development in and around New Market is imbued with the “New Market character” and is judged with consistent standards of design quality, environmental soundness, and fiscal impact. New Market is very careful in assessing opportunities for expansion and change and its standards are applied to maintain the rural character, environmental soundness, and overall visual quality of the town; to retain its predominant residential character along with its housing styles, walking scale, and history; and to encourage the pride of its residents and its stability and independence as a community.

### **Achieving The Vision**

#### **Overall Strategies**

**#1 Expand the current growth area boundaries to better reflect property ownership patterns and potential development opportunities.**

Development outside the Town limits of New Market will profoundly affect its quality of life and financial viability. To assure itself a significant voice in decisions that affect its future, New Market proposes to expand the current growth area for joint planning and potential annexation purposes. The Town has considered existing roads, natural features, especially those affecting the watershed, and common property ownership to logically define a new growth area. The redefined area is shown on the accompanying map. Any growth in this area will impact the future of New Market as a viable municipality and must be carefully coordinated with the County in terms of zoning categories, roadway infrastructure, and water and sewer provision.

The most recent indication of County growth planning is contained in the New Market Region Plan [Staff Draft] prepared by the Frederick County Department of Planning and Zoning in November, 2003. The Plan designates New Market and Spring Ridge as District Communities, secondary growth centers within the New Market Planning Region. District Communities characteristically have, or will have, populations between 1,000 and 7,500. Regional communities with a population between 5,000 and 20,000 are designated as the centers for each Planning Region: Linganore and Mount Airy are so designated for the New Market Region.

This approach to regional planning within the County is referred to as the “Community Concept” and “encourages compact and sustainable development and economic growth in suitable Plan-designated areas. To further the Community Concept, coordination, cooperation, and resolution of conflict between the municipalities, the County, and the State is of prime importance. Interjurisdictional coordination and cooperation is integral to the Community Concept. Processes to effectively resolve issues of mutual

interest, needs, and priorities between the municipalities, the County, and the State should be on-going in the implementation of this Plan.”

As defined by the County in 1992 and unchanged in the 2004 Draft, the community growth limits for the Town of New Market “extend north to existing development abutting the Town of New Market, east to the New Market/Monrovia service area boundary, south to Bush Creek and west to Boyers Mill Road...”

New Market supports these Plan proposals but strongly recommends that the northern boundary of its growth area be expanded. The current boundary splits the 638 acre Casey property (designated as a Planned Unit Development and in the W-5 water category and S-5 sewer category) into two parts and excludes the 282 acre Blentlinger property (designated low density residential). These parcels, if designed as PUD’s, have a development potential of approximately 2500 dwelling units (at a density of roughly 3.5 du/acre) and 125,000 sq. ft. of commercial space. (See accompanying map.)

These properties also hold the key to providing a northern bypass road connecting in the vicinity of Summerfield Rd. on the west to Rt. 75 on the east (very close to the location shown in the County’s 20 Year Plan). The need for an alternate route parallel to Main Street was recognized as early as 1969, when the New Market Master Plan included a bypass north of the Town. Currently, existing and planned development obstructs that proposed route. Royal Oak Drive, the collector road at one time proposed as a bypass, now is a dead-end and will not divert traffic from Main Street (known as Route 144 outside the Town limits). In view of the substantial development planned for the Lake Linganore PUD and other areas to the west of New Market, this is the transportation issue of greatest importance to the Town.

The growth area south of I-70 offers very important opportunities for commercial businesses, employment centers, recreation, and residential. Activity is now beginning to occur in this area and, with appropriate water, sewer, and zoning, a true regional employment and business center can be created. The town anticipates zoning that would allow a variety of mixed commercial/employment/industrial uses in a carefully planned overall environment that could even encompass residential uses in certain areas. Constant attention to this area could create higher paying jobs to offset the higher cost of local housing, limit the miles of through travel on local roads, increase the tax base, keep business local, and foster a greater sense of community.

The “rural buffer” referred to in the County Plan can be provided by the Audubon property (which connects to New Market’s large park) and the Delaplaine property (which runs along the Town’s northern boundary to Rt. 75). Neither of these properties need be included in the Growth Boundary at this time. However, if the employment area south of I-70 fails to materialize, the Delaplaine property could become a viable alternative if given an appropriate mixed use development designation.

**#2 *Encourage cooperative and coordinated planning in the New Market region for the benefit of both the town and the county***

"Suburbanization" is a well-known national pattern. It is driven by the spread of homes to easy-to-develop land, the demands of the automobile, and large national merchandisers. Downtowns that have been successful in combating fringe development have accomplished it by occupying specialty niches unfilled by the competition and creating an attractive, pedestrian-oriented alternative to the parking lot wastelands of auto-oriented convenience shopping. Regions that have been successful in controlling fringe development have developed mechanisms to coordinate public policy planning and decisions among

state, counties, and municipalities. Maryland's "Smart Growth" principles support this approach by calling for directing economic development to existing communities, promoting infill development, preventing sprawl outside growth areas, limiting capital improvements in rural or non-growth areas, preserving open space and environmentally sensitive areas, and promoting mixed use development.

It is important to the improvement and sensible development of New Market that the town work closely with Frederick County officials. Land use and development decisions outside the town limits profoundly affect the quality of life within the town. The town has previously proposed and will proceed in the future to do a New Market/ Frederick County Joint Annexation Study.

The developed land uses of the town are compact and uniform with sprawl notably absent within the Town limits. The high percentage of developed property means that annexation is the safety valve for growth and that it will be the means of property control preferred by developers – it offers more site selection and lower cost. Serious annexation interest has been expressed by developers and landowners north, east, and south of New Market.

These annexation feelers, the lack of a supply of available land within the Town, excessive traffic through town, and the fiscal need for both commercial and residential growth raise important concerns about the future land use pattern. New Market must develop a detailed, cooperative relationship with Frederick County to assure that any growth around its limits is carefully coordinated, consistent in both character and scale, governed by compatible land use regulation, and appropriately served by utilities and roads. While the Town and County now work very well together on sharing regulatory responsibilities and seeking advice and assistance on regional infrastructure issues, this Comprehensive Plan calls for more detailed interjurisdictional cooperation.

One way of developing this improved cooperation is for the County and the Town to enter into an "intergovernmental cooperative agreement" for an agreed-upon growth area. Another method is to coordinate the language of the Comprehensive Plans of both jurisdictions. Either method should accomplish the following purposes:

- Establishes a process by which the County and the Town will achieve consistency between their comprehensive plans and land development ordinances including adoption of conforming ordinances for growth areas, future growth areas, and rural resource areas within an agreed-upon time period along with a method for resolving disputes.
- Establishes a process for review and approval of developments of regional significance and impact (a land development that, because of its character, magnitude, or location, will have substantial effect upon the health, safety, or welfare of citizens in either the Town or the County) proposed within the Town or County.
- Establishes the implementation role and responsibilities of the Town and the County including provisions for public infrastructure services, transportation, affordable housing, and the purchase of real property.

If agreement is reached between the Town and County, the resulting cooperative plans should include the following elements:

- Designated growth areas where 1) orderly development to accommodate the projected residential growth within the next 20 years is planned and 2) commercial, industrial, and institutional uses are planned to provide for the economic and employment needs of the area and to ensure that the area's tax base will be adequate.
- Services are provided or planned for such development.
- Plans for the accommodation of all categories of uses within the area, including housing for all income levels and a reasonable allocation of affordable housing. All uses need not be provided in every participating government, but shall be provided over the area of the plan.
- Plans for developments of areawide significance, especially those involving transportation, community facilities, and utilities.
- Plans for the conservation and enhancement of the natural, scenic, historic, and aesthetic resources of the area.

The Land Use Plan in Section V shows a land use layout for New Market's proposed Growth Area that considers existing roads and natural features, especially those affecting the watershed, which logically define a new growth area boundary. This layout should be the basis for cooperative planning with the County that will allow the participants 1) to shape planning areas based on inherent regional logic and political willingness, and 2) to plan together on issues that need to be examined regionally but to retain local control over implementation and local issues so long as implementation is consistent with an overall multi-jurisdictional framework plan.

### **#3 *Provide the necessary regional public facilities and services***

As part of this planning process, the Town of New Market has recognized that the Town and County may impact each other with unintended consequences. The Town and County do not provide the same services and, although we may share many of the same long run goals, we assign different values to each. Thus, our methods for achieving these goals are different and this sets the stage for unintended consequences. The following observations may help to clarify the Town's positions with respect to regional public services and facilities.

#### Schools

Although certain individual schools are currently over capacity in Frederick County, the "overall system utilization is 96%."<sup>a</sup> In the New Market Region, Oakdale Elementary is 104%, New Market Middle is 102% and Linganore High is 120% of capacity.<sup>b</sup> The County has appropriated capacity projects for New Market Elementary and East County High.<sup>c</sup> These projects will add 150 seats and 1,600 seats

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<sup>a</sup> Frederick County, Adopted Capital Improvements Program Fiscal Years 2005-2010, June 2004, p. 197.

<sup>b</sup> Frederick County Division of Planning, New Market Region Plan Staff Draft, November 2003, p. 53.

<sup>c</sup> County, CIP, p. 200.

respectively.<sup>d</sup> The County has also budgeted capacity renovations to LHS.<sup>e</sup> These renovations will entail closing the school in 2009 for construction with occupancy scheduled for 2010.<sup>f</sup>

Eaglehead on the Lakes developer, Land Stewards, is proposing to forward fund impact fees and contribute the State's share of funding for capacity improvements to both Oakdale ES and Oakdale Middle.<sup>g</sup> Both projects would start in 2007 and add 243 and 300 seats to capacity respectively.<sup>h</sup> Lastly, the developer of the Casey/Blentlinger tract has proffered \$8 million towards the State's share of funding for an elementary school on the Casey property. If they are willing to forward fund their impact fees as well, the construction of this 700-seat capacity school could be expedited.

Tables 1, 2, and 3 show the impact of likely development on school capacity based on the information provided above and using the phasing schedule in Table 4. The phasing schedule in Table 4 is derived from the anticipated build-out of the Town's three current developments and proposed phasing for Casey/Blentlinger. Eaglehead on the Lakes planned build-out is 250 units per year.<sup>i</sup> It should be noted that Eaglehead has been included based on their Phase II conditional planning approval from the Frederick County Planning Commission. Likewise, it should be noted that the Town is not promoting or advocating development outside its growth/annexation area. However, incorporating the most likely development into the model provides a framework to analyze the impact of growth on school capacity. This may be an appropriate starting point to open dialogue with the County on the issue.

Tables 1 through 4 show an average annual construction rate of only 311 units per year for 2005 through 2010. This is 210 units per year less, in years 2005 through 2010, than the current regional average of 521.<sup>j</sup> Over the entire 17-year period, the table shows an average construction rate of only 400 units per year. This is 121-units fewer per year or 2,057 units fewer over the entire period.

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<sup>d</sup> Ibid., p. 200.

<sup>e</sup> Beth Pasierb, email, December 13, 2004.

<sup>f</sup> Ibid.

<sup>g</sup> James Rada, "Developer pushing school construction", Frederick News-Post, p. A-1 & p.A-13., Diana Mota Morgan, "Developer drafts plan to address Linganore schools' growth", Gazette, November 24, 2004, p. A-19.

<sup>h</sup> Rada, op. cit., p. A-1.

<sup>i</sup> Morgan, op. cit., p. A-19.

<sup>j</sup> Frederick County Division of Planning, op. cit., p. 21.

Table 1

<b>High School Capacity/Development Phasing Schedule</b>							
	2005	2006	2007	2008	2009	2010	2011-2021
<b>Beginning Marginal Capacity</b>	0.00	-103.11	-118.12	-134.08	1393.54	73.82	1271.59
Thomas Johnson HS (Marginal Capacity)	160.00						
Linganore HS (Marginal Capacity)	-250.00	0.00	0.00	0.00	-1254.00	1254.00	0.00
East County HS (Increased Capacity)	0.00	0.00	0.00	1600.00	0.00	0.00	0.00
<b>Total Marginal Capacity</b>	-90.00	-103.11	-118.12	1465.92	139.54	1327.82	1271.59
<b>Subdivision Pupil Yield</b>							
Royal Oaks (120 DU's)	3.80	4.75	4.75	4.75	4.75	0.00	0.00
Brinkley Manor (105 DU's)	1.90	3.80	4.75	4.75	4.75	0.00	0.00
Orchard @ New Market (104 DU's)	0.00	6.46	6.46	6.65	0.00	0.00	0.00
Casey/Blentlinger (2,500 DU's)	0.00	0.00	0.00	32.25	32.25	32.25	225.73
Eaglehead (3,937 DU's)	0.00	0.00	0.00	23.98	23.98	23.98	259.53
Meadows (39 DU's remaining)	7.41	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Added Yield</b>	13.11	15.01	15.96	72.38	65.73	56.23	485.26
<b>Ending Marginal Capacity</b>	-103.11	-118.12	-134.08	1393.54	73.82	1271.59	786.33

Table 2

<b>Middle School Capacity/Development Phasing Schedule</b>							
	2005	2006	2007	2008	2009	2010	2011-2021
<b>Beginning Marginal Capacity</b>	0.00	54.65	42.80	330.20	265.77	206.58	154.90
New Market MS (Marginal Capacity)	-17.00	0.00	0.00	0.00	0.00	0.00	0.00
Oak Dale MS (Marginal Capacity)	82.00	0.00	300.00	0.00	0.00	0.00	0.00
<b>Total Marginal Capacity</b>	65.00	54.65	342.80	330.20	265.77	206.58	154.90
<b>Subdivision Pupil Yield</b>							
Royal Oaks (120 DU's)	3.00	3.75	3.75	3.75	3.75	0.00	0.00
Brinkley Manor (105 DU's)	1.50	3.00	3.75	3.75	3.75	0.00	0.00
Orchard @ New Market (104 DU's)	0.00	5.10	5.10	5.25	0.00	0.00	0.00
Casey/Blentlinger (2,500 DU's)	0.00	0.00	0.00	29.05	29.05	29.05	203.32
Eaglehead (3,937 DU's)	0.00	0.00	0.00	22.64	22.64	22.64	249.03
Meadows (39 DU's remaining)	5.85	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Added Yield</b>	10.35	11.85	12.60	64.43	59.18	51.68	452.35
<b>Ending Marginal Capacity</b>	54.65	42.80	330.20	265.77	206.58	154.90	-297.45

Table 3

<b>Elementary School Capacity/Development Phasing Schedule</b>							
	2005	2006	2007	2008	2009	2010	2011-2021
<b>Beginning Marginal Capacity</b>	0.00	297.10	278.93	652.61	563.61	486.67	1117.22
New Market ES	101.00	0.00	150.00	0.00	0.00	0.00	0.00
Oak Dale ES	-18.00	0.00	243.00	0.00	0.00	0.00	0.00
Deer Crossing ES	221.00						
Casey/Blentlinger ES						700.00	
<b>Total Marginal Capacity</b>	304.00	297.10	671.93	652.61	563.61	1186.67	1117.22
<b>Subdivision Pupil Yield</b>							
Royal Oaks (120 DU's)	4.60	5.75	5.75	5.75	3.75	0.00	0.00
Brinkley Manor (105 DU's)	2.30	4.60	5.75	5.75	3.75	0.00	0.00
Orchard @ New Market (104 DU's)	0.00	7.82	7.82	8.05	0.00	0.00	0.00
Casey/Blentlinger (2,500 DU's)	0.00	0.00	0.00	40.24	40.24	40.24	281.70
Eaglehead (3,937 DU's)	0.00	0.00	0.00	29.20	29.20	29.20	321.22
<b>Total Added Yield</b>	6.90	18.17	19.32	89.00	76.95	69.45	602.92
<b>Ending Marginal Capacity</b>	297.10	278.93	652.61	563.61	486.67	1117.22	514.30

Table 4

Subdivision	2005	2006	2007	2008	2009	2010	2011-2021
Royal Oaks (120 DU's)	20.00	25.00	25.00	25.00	25.00	0.00	0.00
Brinkley Manor (105 DU's)	10.00	20.00	25.00	35.00	15.00	0.00	0.00
Orchard @ New Market (104 DU's)	0.00	35.00	35.00	34.00	0.00	0.00	0.00
Casey/Blentlinger (2,500 DU's)	0.00	0.00	0.00	250.00	250.00	250.00	1750.00
Eaglehead (3,937 DU's)	0.00	0.00	0.00	250.00	250.00	250.00	3177.00
Meadows (39 DU's remaining)	39.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b>	69.00	80.00	85.00	594.00	540.00	500.00	4927.00

Roads

Main St. currently experiences the passage of 8,300 vehicles per day (vpd).<sup>k</sup> In 1972, the volume was only 1,450 vpd<sup>l</sup> but by 2002 had grown to 6,300 vpd.<sup>m</sup> The Ijamsville Road Corridor Study predicts traffic volume will be 10,000 vpd by 2005 and 15,600 by 2020 without major improvements to the regional road network.<sup>n</sup> The Study did not contemplate the completion of the Meadow Rd. I-70

<sup>k</sup> State Highway Administration

<sup>l</sup> Ibid.

<sup>m</sup> Ibid

<sup>n</sup> The Traffic Group, Ijamsville Road Corridor Study, May 12, 2000, Exhibit 6.

interchange or the Town's "streetscape" project. Figures 1 through 4 illustrate traffic scenes from Main St. over the last 33 years.

**Figure 1**



1972  
1450 vpd

To prevent Boyers Mill Rd. from falling into Level Of Service F status (failing), the Study recommends extensions from Boyers Mill southwestwardly towards Ijamsville Rd. and easterly towards Md. 75.<sup>o</sup> Implementation of this alternative will limit traffic on Main Street to 12,800 vpd by 2020.<sup>p</sup> If the only improvement is extending Boyers Mill to Ijamsville Rd., the 2020 projection of 15,600 vpd does not change.<sup>q</sup>

**Figure 2**



2002  
6,300 vpd

The only improvements appropriated in the current County Capital Improvement Program are for the southwesterly extension of Boyers Mill Rd. to Md. 144 to Ijamsville Rd. to Md. 80 to I-270 and the widening of Boyers Mill Rd. itself.<sup>r</sup> The County has also budgeted to widen, construct shoulders, create passing lanes and turning/bypass lanes on Md. 144 west of New Market as well as correcting alignments

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<sup>o</sup> Ibid. pp. 45-46.

<sup>p</sup> Ibid. Exhibit 12.

<sup>q</sup> Ibid. Exhibit 10.

<sup>r</sup> County, CIP, pp. 141 – 154.

along Mussetter Rd.<sup>s</sup> The total cost of these CIP projects is \$12.85 million with all construction to be completed by 2010.<sup>t</sup>

**Figure 3**



2003  
8,300 vpd

There is no appropriation for the easterly extension from Boyers Mill Rd. to Md. 75 commonly referred to as the Crickenberger Rd. or Casey/Blentlinger bypass.

**Figure 4**



December 11, 2004  
10,000 vpd

#### Parks

The County standard for parks is 25 acres/1000 population<sup>u</sup> and it currently provides 475 acres of parkland.<sup>v</sup>The County anticipates a need for an additional 522 acres of parkland by 2020<sup>w</sup> and currently

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<sup>s</sup> Ibid. pp. 141 – 160.

<sup>t</sup> Ibid. p. 143.

<sup>u</sup> FCPC, New Market Region Plan Staff Draft, p. 55.

<sup>v</sup> Ibid. p. 56.

<sup>w</sup> Ibid. p. 55.

spends approximately \$1,200/acre to operate parks.<sup>x</sup> The Town has 106 acres of parkland. Our population is 427<sup>y</sup> and, assuming the build-out of Royal Oaks, Brinkley Manor, Orchard and Casey-Blentlinger subdivisions, the Town's population will be approximately 8,631.<sup>z</sup> This translates into, using County standards, a need for a total of 215 acres of parkland. Table 5 illustrates each subdivision's contribution to the Town's planned total parkland area. This scenario will allow the Town to "contribute" 216 acres of excess parkland to help fill the current deficit of 3,537 acres in County parkland needs.<sup>aa</sup>

**Table 5**

<u>Area</u>	<b>Parkland</b>	<u>Acres</u>
Town		106
Royal Oaks		0
Brinkley Manor		10
Orchard		15
Casey-Blentlinger		300
<b>Total</b>		<b>431</b>

### Utilities

In April, 2003, the Town entered into a Water Service Area Agreement with the County. Three individual wastewater treatment systems currently serve the Town. They are the Lake Linganore WTP, Woodspring WTP and the New Market West WTP.<sup>bb</sup> All annexations that require water and sewer will require an amendment to the WSAA in order to appropriate and allocate utilities to the Town.

The County Division of Utilities and Solid Waste Management currently has capacity for 428 additional EDU's (equivalent dwelling units).<sup>cc</sup> This capacity serves properties both in Town and outside of Town. The Town has obtained 356 of the 428 taps.<sup>dd</sup> Another 35 of the taps have been reserved by a property owner outside of Town limits. Thus, 391 of the 428 taps are reserved.<sup>ee</sup> Only 37 taps remain available and the Town is requesting 4 of these taps to complete Orchard and 17 to serve the needs of existing property owners.<sup>ff</sup>

The future supply of utilities depends upon the completion of the Bush Creek Interceptor and the first phase of the McKinney WTP in 2007 and the size and pace of developer-funded development with its supporting infrastructure.<sup>gg</sup>

<sup>x</sup> Frederick County, Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2003, p.123 & p. 151.

<sup>y</sup> 2002 Census.

<sup>z</sup> Population is estimated at 2.9 persons per dwelling unit. Dwelling units per subdivision are as follows; RO(120), BM (105), Orchard (104), CB(2500).

<sup>aa</sup> 213,935 population/1000 – 1813 acres existing county parkland.

<sup>bb</sup> DUSWM, New Market Water Service Area Agreement Amendment Concept, October 26, 2004, p. 2.

<sup>cc</sup> Ibid..

<sup>dd</sup> Ibid.

<sup>ee</sup> Ibid.

<sup>ff</sup> The Orchard developer, Seawright Corp., currently has 100 of the 391 taps reserved.

<sup>gg</sup> DUSWM, op. cit., p. 3.

## Libraries

There are no library facilities in the New Market Region.<sup>hh</sup> A 15,000 sq. ft., \$5.75 million library is proposed for inclusion in the County's CIP for 2006.<sup>ii</sup> This facility is to open in 2013 in Lake Linganore.<sup>jj</sup> Annual operating costs are estimated at \$500,000.<sup>kk</sup>

There are six libraries in the Frederick County Public Library system. The only planning regions that do not have libraries are the New Market, Urbana, and Adamstown regions. Assuming that it would be appropriate for the remaining regions to each have a library and that this would make the library system adequate for public need, the addition of three new libraries in the County would require \$17.25 in capital costs and \$1.5 million annually to operate.

## Fire & Rescue

New Market is served by the New Market Volunteer Fire Dept. It is mainly staffed by volunteers, but is reinforced with full-time county firemen. NMVFD is in the process of fundraising for a proposed new \$2 million station. This new structure would be located behind the current one and the current station would be razed. The County would prefer this new facility to be located on Rt. 144 east of Rt. 75. However, the current NMVFD President advises that the response failure rate would increase dramatically at the location desired by the County. This is because most of the volunteers live west of Rt. 75 and they would be required to cross two intersections just to reach to station. A failure rate greater than 10% requires the County to take over operations and no one, at this time, intends this consequence.

The County has funded \$2.7 million for a new station to be located in Green Valley to be completed in 2006.<sup>ll</sup> Revenues for this project will come from fire district taxes.<sup>mmm</sup> The County currently employs 129 full-time paid firemen.<sup>nn</sup> There is no standard currently applied to determine the appropriate coverage of fire protection but it has been suggested to reference the Insurance Service Office guidelines when planning for station locations.<sup>oo</sup>

The County's Annual Report identifies revenues and expenditures associated with operating fire and rescue services. These are shown in Table 6.<sup>pp</sup>

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<sup>hh</sup> FCPC, op. cit., p. 67.

<sup>ii</sup> Darrell Batson, email, December 3, 2004, p. 1.

<sup>jj</sup> Ibid.

<sup>kk</sup> Ibid.

<sup>ll</sup> County, CIP, p. 19.

<sup>mmm</sup> Ibid. p. 16.

<sup>nn</sup> Frederick County, Annual Report, June 30, 2003, p. 151.

<sup>oo</sup> Chip Jewell, email, December 9, 2003, p. 1.

<sup>pp</sup> Frederick County, Annual Report, June 30, 2003, pp. 104,119 & 121.

**Table 6**

<b>Fire &amp; Rescue</b>			
Fire Protection			\$746,148
Fire & Rescue Grant			\$353,815
Fire Inspection			\$444,132
Fire & Rescue Companies			\$3,442,593
Advanced Life Support			\$125,952
Aid for Fire, Rescue & ambulance services			-\$353,815
Non Major Governmental Funds (net)			\$1,532,387
<b>Total</b>			<b>\$6,291,212</b>

There are 29 fire and rescue stations in Frederick County and this suggests an average annual operating cost to the county of \$217,000 per station. This does not include revenues and expenses attributable to volunteer activities. Nothing in the Annual Report sheds light on shared expenses and revenues.

**Police Protection**

The County Sheriff has indicated that the industry standard for police protection is 2.2 officers per 1000 population.<sup>99</sup> Current coverage is 1.4.<sup>100</sup> At completion of the Royal Oaks, Brinkley Manor, and Orchard projects, the Town's population will be approximately 1,381.<sup>101</sup> The cost of a Community Deputy is \$83,713 for an officer with seven years experience.<sup>102</sup> The fiscal impact studies for these projects suggest that the Town could afford a Community Deputy at that population.<sup>103</sup> This, in the Sheriff's words, would give the Town "good coverage."<sup>104</sup> However, should Casey-Blentlinger be annexed and developed, the Town's population would require 19 deputies.<sup>105</sup> Table 7 identifies revenues and expenses from the County's Annual Report attributable to police protection.<sup>106</sup>

<sup>99</sup> Sheriff Hagy, conversation at BOCC work session, December 21, 2004.

<sup>100</sup> Frederick County, Annual Report, June 30, 2003, p. 151.

<sup>101</sup> See footnote 26.

<sup>102</sup> Frederick County Sheriff's Dept., Fax Transmittal, December 14, 2004, p. 9.

<sup>103</sup> New Market News, December 2004, Mayor's Note.

<sup>104</sup> Sheriff Hagy, op. cit.

<sup>105</sup> See footnote 26. ((RO(120)+BM(105)+Orchard(104)+CB(2,500)) x 2.9 + 427) current pop./1000 x 2.2.

<sup>106</sup> Frederick County, Annual Report, pp. 104 & 121.

**Table 7**

<b>Police Protection</b>			
Sheriff			\$12,486,402
General Gov't (non major governmental funds)			\$234,818
Public Safety (non major governmental funds)			\$404,681
Charges for Services (non major governmental funds)			-\$556,864
Fines & Forfeitures (non major governmental funds)			-\$101,014
Investment Earnings (non major governmental funds)			-\$5,118
Net Expense			\$12,462,905

With 149 deputies in the county, the cost is \$83,644 per deputy.<sup>yy</sup> This is roughly the same cost the Town would incur from the Community Deputy Program. To add 19 deputies to either the Town or the County would cost \$1.6 million annually.

Given a current county population of 213,935, the countywide deficit in sheriff's deputies to meet industry standards is 65. This would cost the County an additional \$5.5 million in annual operating costs.

**Public Finance**

The County operated on excess revenue over expenses of \$40 million in FY '03.<sup>zz</sup> This includes all governmental and business-type activities in which the County engages. This "profit" constitutes 9% of revenue. The Town's excess revenue over expenses for 2004 was \$26,880 or 13.4% of revenues.<sup>aaa</sup> The County's performance is encouraging from one important perspective - schools. Specifically, the County funds \$156.6 million in school operating costs.<sup>bbb</sup> This accounts for 52.4% of Board of Education revenues and 39.7% of total County expenses.<sup>ccc</sup> In addition, the County pays \$14.1 million in debt service on school construction.<sup>ddd</sup> The Board operates on excess revenue over expenses of \$17 million.<sup>eee</sup> Given the relation of total expenditure to the overall budget and the fact that schools are 96% of capacity suggests that current tax base is carrying itself. Furthermore, where we can identify deficits in services (police protection, parks, and libraries), they add \$11.25 million to current expenses. This would have the effect of decreasing the County's operating income to \$28.75 million.

The County's capital budget for FY '05 is \$126.3 million.<sup>fff</sup> Thirty-seven percent of the FY '05 budget relies on developer impact fees and contributions. Over the entire budget period of 2005 to 2010 the percentage falls to just 15%.

<sup>yy</sup> Ibid. p. 151.

<sup>zz</sup> Frederick County, Annual Report, pp. 24 & 25.

<sup>aaa</sup> Town of New Market, Maryland, Basic Financial Statements and Supplementary Information Year Ended June 30, 2004.

<sup>bbb</sup> Frederick County, Annual Report, p. 16

<sup>ccc</sup> Ibid.

<sup>ddd</sup> Ibid.

<sup>eee</sup> Ibid. p. 34.

<sup>fff</sup> County, CIP, p. 14.

The Utilities portion of the CIP is \$78.6 million.<sup>ggg</sup> Developer contributions account for 34.8% of the total. Capacity fees constitute 56.9%.<sup>hhh</sup> Capacity fees are essentially taps fees paid by the builder or homeowner for the right to connect to the system. Bonds are often issued against the revenue derived from this source of income.

The costs associated with new roads attributable to the Town's growth would be borne by the Town. In fact, as it has been pointed out, this is a burden the County has placed on the Town. There would be little or no impact on the County's budget attributable to new roads in New Market. The Town has demonstrated the potential financial impact of the roads.<sup>iii</sup>

#### Adequate Public Facilities Ordinance (APFO)

The purpose of an APFO is to further efficient growth and development by requiring that facilities be in place before or provided concurrently with development. To accomplish this purpose, an APFO places a constraint on development while infrastructure is being provided or staged. The development constraint must be temporary and a capital improvement program or other financing mechanism must be in place to move the required infrastructure forward. In most cases, developers either build facilities or provide funds for their construction. In some jurisdictions "unofficial" methods are used to get developers to provide or pay for public facilities needed to serve their developments. Adequate Public Facility Ordinances are the most widely used growth management technique in the United States, they are required in some states and encouraged in others. It is essentially a compact between government and the development community that says "you can't build now, but you will be able to within a certain period of time."

There are several APFO benefits: 1) prevent overloading of facilities; 2) provide advance notice to developers about facility requirements; 3) allow rational scheduling of facility improvements as development occurs; and 4) highlight facility shortages and needs.

But there are also several problems or unintended consequences of APFO's. High standards can slow or prevent development (which may be the unstated purpose of imposing such requirements). Development may be promoted in outlying areas where facility capacity exists but where development is not planned to take place. An APFO test is always easier to pass in a rural area and growth may get pushed there in spite of the best intentions. Interjurisdictional conflicts may arise if APFO's push growth into towns or out of towns. APFO provisions can be very complex, containing waivers and exemptions which are often subjective and difficult to administer and enforce. Finally, APFO's do not address maintenance or operation of the facilities they require.

There are a variety of other funding sources available to pay for infrastructure including: Broad-based Taxes, Impact Fees/Benefit Assessment Fees, User Charges, Excise Taxes, Special Taxing Districts including Tax Increment Financing Districts, Surcharges, Developer Contributions, Borrowing/Debt Financing, and Loans and Grants. Each of these has a potential role to play in the provision of needed facilities and must be considered along with APFO.

Because annexation could be involved in the proposed Growth Area, it should be understood that annexations are not governed by the same statutory and constitutional principles as those governing

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<sup>ggg</sup> Ibid. p. 73.

<sup>hhh</sup> Ibid. p. 71.

<sup>iii</sup> New Market News, op. cit.

impact fees and APFO's. Annexation is a discretionary decision by the municipal legislative body and the fees and concessions are a voluntary agreement between the owner and the municipality as a condition of annexation. There is substantial latitude in obtaining fees and concessions from potential annexees and it is limited only by the creativity of the parties. The need is to strike a balance between what the municipality would like and what the developer can afford and still make a reasonable profit or return on investment.

Another key tool that should be considered for use in and around New Market is the Developer's Rights and Responsibilities Agreement. This is a contractual arrangement between the local government and the developer that provides a reasonable certainty to the developer in his ability to develop the project under existing laws (with certain exceptions where necessary for the government to protect public health, safety, or welfare) in exchange for the developer providing public benefits. Since the agreement is discretionary with the government, it can demand and receive exactions that don't necessarily satisfy the legal requirement for a relationship between the need caused by the proposed land development and the proposed exaction/dedication.

The Town of New Market does not currently have an APFO nor has it selected a specific approach to infrastructure provision beyond its use of annexation and development rights and responsibilities agreements. A decision on the range of public facility tools that New Market should avail itself of is one that should be made in detailed consultation with the County.

#### Future Directions

Redistricting could eliminate capacity issues at both New Market Middle and Oakdale Elementary. Redistricting, however, will not solve overcrowding at Linganore High. The construction of East County High will be necessary to solve capacity problem on the high school level unless Linganore High renovations are revised to increase capacity. The Frederick County Planning Commission should investigate expediting the proposed construction of the Casey/Blentlinger Elementary for the purpose of overflow capacity while Linganore High renovations take place. Specifically, using this facility for New Market region ninth graders may alleviate overcrowding during this time. The County Planning Commission used this methodology in 1979 when the construction of New Market Middle fell two years behind schedule. During 1979 and 1980, seventh and eighth grades were sent to Walkersville to attend "Linganore West." Certainly, Casey/Blentlinger is more centrally located in the region for this purpose.

It would appear from the County CIP that all regional road improvements lead to Main St. and 15,600 vpd. The Streetscape Plan for New Market, as currently proposed, may calm traffic, but it will not prevent it. Adding more "teeth", such as adding speed humps, to take a bite out of traffic will have three unintended consequences. First and most importantly, it will have a detrimental affect on the emergency response of fire and rescue equipment. Secondly, it will cause greater traffic congestion on Main St. This will make getting in and out of driveways, alleys and public facilities such as schools and post office more difficult. Lastly, without a bypass, this leaves the residents of Lake Linganore with no reasonable alternatives for getting out. Neither a "beefed up" Main St. nor Gas House Pike would be attractive. This would have the affect of transferring the Town's problem onto the residents of Lake Linganore. This is not good government and supports the need for the Casey/Blentlinger bypass.

Furthermore, a study to determine the effects of the completion of the Meadow Rd. interchange in conjunction with "streetscape" should be conducted. The Town suspects that adding the bypass,

interchange, and streetscape will greatly reduce traffic volume on Main St. The Town also needs to work with the developer of Royal Oaks subdivision to create a connection for Royal Oaks Dr. through Royal Oaks subdivision.

The Town should work with developers to create additional parkland as well as improve existing parkland. To the extent that excess parkland could be used to contribute to overall regional needs, the Town should note that the County is currently funding \$9 million for Grove Stadium Improvements and \$550,000 for the Thomas Pool renovation in Baker Park.<sup>iii</sup> Lastly, the Town needs to be cognizant of the operational costs of parks when reviewing the fiscal impact of future annexations.

Given that amendments to the WSAA are subsequent to annexation as opposed to prior to annexation, the WSAA should be amended to strengthen New Market's growth potential. Specifically, reversing the order of amendments would lead contiguous property owners to Town for annexation. The current situation is revealed by the lack of annexation requests for LI and GI properties South of I-70. Currently, the County treats the Town similarly to individual property owners and developers. That is, first come first served. However, unless the property owner has vested rights in capacity derived from the property, the Town maintains that since its role is to fill a greater public purpose, the County should ascribe a greater priority to the Town with respect to utility appropriations. The Town believes the proper order of utilities should trickle down from the Potomac to the MDE to the County to the Town in order to serve its mutually agreed growth area. All of these bodies belong to the public.

The Town has no authority over the New Market Volunteer Fire Department. Thus, the Town cannot decide the location of a new fire station. However, the risk of a greater failure rate for the County desired location, lends support for the current location or another westerly location on developer-dedicated land.

Where there are standards to apply to public services, it would appear that reaching the desired level of police protection presents the greatest challenge to the Town's and the County's operating budget. This emphasizes the importance of conducting a thorough fiscal impact of future annexations. Furthermore, it adds emphasis to the need for a balanced tax base in both the County and Town.

Financial data extracted from a comprehensive report can not provide sufficient detail to determine exact costs of services. But it does shed some light generally on them as well as on the overall "profitability" of operations. The Town and County should work more closely on identifying cost of services as well as any deficits in the level of services provided.

It would be advisable that the Town and County investigate more thoroughly and jointly the legal implications an APFO and other methods of infrastructure provision. Should the Town consider passing an APFO, it should only do so if the County makes a commitment to make adequate public facilities a priority for the Town's annexation area. This should be coupled with a joint annexation agreement and a WSAA amendment providing for first rights to water appropriations from the Potomac River.

#### **#4 *Explore a variety of methods to discourage premature development.***

*This exploration shall include but not be limited to:*

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<sup>iii</sup> County, CIP, pp.235-239.

- \$ *finding suitable, alternative incentives to offer landowners in exchange for their designating land uses compatible with the Master Plan in cases of rezoning requests;*
- \$ *incorporating these incentives into the Zoning Ordinance;*
- \$ *encouraging the use of a system of checks and balances with respect to water and sewer allocations; and*
- \$ *requiring applicants to submit capitalization plans as the first step in the overall improvement plan submission process, (i.e. prior to negotiation of guarantees), which include financing options for necessary improvements to public service facilities prior to allowing development to avoid problems with capability or funding once building commences.*

**#5 Streamline the Planning Process**

The Planning Act of 1992 directs local governments to streamline regulations to assure achievement of growth management and resource protection goals. Streamlining, in the context of growth management, has a substantive focus -- the Act specifically encourages streamlining within areas designated for development and growth. This Plan designates New Market as the center of a larger growth area and all of the town's development regulations are candidates for streamlining.

The Planning Commission should play a key role in all issues of physical development. The Commission should advise the Mayor and Council on proposed projects, programs, and activities giving particular emphasis to the consistency of proposals with the goals and policies of the Comprehensive Plan.

The development regulations of the town must be modified to achieve consistency with this Plan and to efficiently carry out its purposes. These modifications shall follow several guidelines:

Clear areas of responsibility will be assigned within town government to guide development applications through the regulatory process.

The town's policy shall be to make its development control process clear, current, consistent, and accessible to all concerned and ensure that it does not drive up the cost of construction or sales through unnecessary regulation or complication.

Any required interagency reviews, e.g. with Frederick County, will be conducted in a coordinated and concurrent manner.

All review procedures should be examined to promote administrative efficiency.

All review periods should be time certain.

Regulatory requirements for establishing or expanding businesses should be examined to remove any unnecessary procedures and improve the timeliness of review.

All development regulations should be examined so that unnecessary impediments to Plan-designated growth are systematically eliminated and flexible means of granting relief are introduced.

Attempt to standardize the application process, using standard forms where possible, and to make the

necessary requirements/regulations uniform, so that conformity will be encouraged and necessary requirements can be met in a timely manner. A municipal forms procedure shall be established.

New Market will cooperate with the County to assure that any growth around its limits is carefully coordinated, consistent in both character and scale, governed by compatible land use regulation, and appropriately served by utilities and roads. The town will also continue to participate in any opportunities offered by the County to engage in joint land use decisionmaking for the areas outside the town limits.

Regulatory consistency with this Plan is required in all implementing ordinances, capital improvement programs, and functional plans. This Plan is the dominant policy document and guide for all other land use plans, programs, and regulations and is to be directly linked to the drafting, interpretation, application, and amendment of land use laws and programs.

A formula shall be devised to enable planners to estimate the cost to the town for each residential, commercial, and office/research or light industrial unit in place to more accurately estimate the financial impact each development activity will have, and serve as a guide to setting up fee schedules and the like, should these be proposed.

The town in accordance with the Planning Act of 1992, shall consider the need to prepare and adopt a public facilities financing plan to determine requirements and costs of specific development and propose suitable funding mechanisms.

### **Land Use Policies**

To assure new construction is consistent with adopted growth policies, and expansion of development is balanced, the Master Plan shall be evaluated every 5 - 7 years.

Areas chosen for annexation/development shall be subject to public facilities concurrency and have an adequate level of school facilities; fire, rescue, and police protection; water and sewer facilities; transportation support; recreational opportunities; and other public facilities as identified. Future development will be on community water, designed with the capability of replacing existing well systems in the town if the need arises.

Requests for zoning changes must contain an evaluation of social, financial, and environmental elements which would be enriched by a change in the land use, and further, the cumulative advantages of said change must be shown to offset the disadvantages.

New Market has long had a reputation for its high standards of architectural style and authenticity in its historic district; this same attention to detail shall be applied uniformly to future annexed areas as well through the use of architectural guidelines. New development shall not adversely affect the character of existing areas. The town shall consider adopting a new zoning district, TND Traditional Neighborhood Development, as a variant of the PUD which provides for traditional streets laid out in a grid or modified grid, with alleys (containing garages and garage doors) consistent setbacks, mixed use zoning, village greens and streets containing commercial space with upper level flats and offices, architectural, urban and landscape design standards, narrow streets, small turning radii at intersections, and the like. The town shall also consider modification of the PUD regulations to provide incentives for use of the TND overlay for residential and other parcels allowing residential uses in exchange for increases in density not to

exceed the maximum allowable in the zone.

In planning for higher density living areas, the following basic principles shall be followed;

- \$ Requests for higher residential densities must contain a statement of established need for increased density which can be justified by factual evidence;
- \$ For reasons of economy and efficiency, high density residential areas shall have gravity flow to sewage facilities, averting the need for pumping stations whenever possible;
- \$ The higher density residential areas shall have the best possible transportation access in order to reduce traffic congestion; and

For large Planned Urban Developments, the town must be able to exercise some discretion in locating public facility sites within approximate boundaries specified by the Master Plan. Those areas designated for the highest densities shall be those closest to the utilities and public facilities. The town shall also adopt design standards compatible with overall planning objectives that encourage creative solutions rather than discourage them. Criteria shall be set which allow for flexibility in siting of various land uses within planned unit developments and traditional neighborhood developments. For example,

- \$ Clustering and other similar zoning approaches may be considered to promote a reasonable level of compatible yet affordable housing;
- \$ All residential parcels exceeding 40 acres are encouraged to be compatible with the Traditional Neighborhood Development concept;
  - A planned-unit shall be an entity with a distinct character in harmony with surrounding development; and
- \$ With the exception of mobile home parks, a development may include a mix of housing types including attached homes, townhouses and duplexes, within the average density allowed, subject to zoning restrictions.

#### **Standards, Guidelines, and Administrative Measures**

**Actions To Better Evaluate Annexation Proposals:** Prior to the annexation of lands to New Market, the applicant shall submit a plan demonstrating the financial feasibility of providing services and facilities to the area proposed for annexation as well as any other information required by the Planning Commission such as a traffic, environmental impact, and fiscal studies.

Criteria to be considered in establishing zoning status of incoming parcels shall include:

- \$ capacity of facilities and municipal and/or county services;
- \$ environmental impacts;
- \$ existing land uses, if any, on and in the vicinity of the annexed land;
- \$ the extent of any natural habitats and features of the landscape which should be preserved; and
- \$ demonstrated need for additional housing, retail commercial uses, other commercial uses, and office/research and light industrial uses as they apply to the specific request.

A set of guidelines and checklists shall be developed to ensure consistency and completeness of requisite petitions, surveys, advertising, record-keeping, and the like when an annexation is proposed and

subsequently acted upon.

**Actions To Improve Design Review:** Design review of materials and landscaping shall be included in the application process, especially with respect to the natural features of a site and preservation of viewscales.

- \$ Homes should generally be in one or two story buildings. Where permitted, buildings exceeding two stories shall follow the contour of the site and be "stepped or terraced.
- \$ To avoid a dormitory or high-rise image, multifamily projects shall generally consist of smaller, multiple buildings (typically 4 to 12 dwelling units per building) rather than a few large multifamily buildings.
- \$ Any hillside or hilltop areas that may be included in a project shall be reserved for open space or one and two story buildings that can be integrated with the natural landscape.
- \$ Buildings on hillsides shall be sited with respect to existing native vegetation or landscaping to reduce their visual prominence, and not impinge upon the viewscape of existing dwellings. Whenever possible, structures shall not extend above the existing treelines.

**Actions To Ensure Adequate Open Space:** All projects shall include adequate open space. Open spaces shall be dispersed throughout a project, unless it is necessary to create a single large open space to preserve an important natural habitat. A residential project should be located adjacent to an existing residential development and/or should be in undeveloped areas of sufficient size to ensure that a residential environment can be maintained and with sufficient space to provide any needed buffers for adjacent or proposed single family development.

- \$ To achieve open space guidelines, a developer may be allowed to group the homes at somewhat smaller lot sizes than would otherwise be permitted, provided the average density does not increase.
- \$ In areas identified as having particular environmental concerns, no more than 30% of a lot shall be covered with an impervious surface.
- \$ All residential development or residential portions of multi-use PUDs shall contain a minimum of 30 percent of the land in natural or improved open space, exclusive of roadways, parking lots, wetlands, and steep slopes.
- \$ Buffering shall be required between adjacent multi-family projects and single family developments located along common boundaries, using a buffering adjacency formula.

**Actions To Improve Access To Recreation:** Recreational facilities for the use of the residents shall be included in project design.

- \$ Each park or recreational facility shall be planned by licensed professional architects, landscape architects, or other specialists so that the highest degree of park design can be maintained.
- \$ Space standards shall be met even though limited finances may delay park development.
- \$ Open space designated for recreational purposes is intended to be useable, both for active pursuits such as ball fields and for passive activities such as picnic areas, nature trails, and the like, and shall not include wetlands and steep slopes.

The town shall work to encourage local and county Parks and Recreation Councils to work in concert to promote the use of school buildings and grounds during the summer for community recreational activities.

The town shall encourage the County to establish park development adjacent to school sites and formation of joint use agreements between school and park districts.

**Actions To Improve The Provision Of Community Services:** Applicants shall be prepared to address the community-wide impact of each proposed land use on the need for public facilities and services, related transportation and housing consequences, and their subsequent effects on the town's resources.

Proposals for those areas planned for high density residential developments shall be reviewed for the purpose of ensuring that the town and/or county is able to support the proposed development before zoning and/or plat approval, subject to analysis of public facilities and financing requirements for anticipated development.

To determine the number and location of new school sites, program capacity standards established by the school board shall be used in addition to related capacity formulas.

The town shall conduct a study to determine the need and level of law enforcement required. The town shall determine its financial capability to implement and maintain its own police department. The town, if it is unable to support its own force, should reserve land for the purpose of providing a future location for a substation of the Frederick County Sheriffs Department. The town shall determine if it has the financial capability to enlist in the Resident State Trooper program.

Consideration should be given to the design standards for public libraries as specified in the Frederick County Comprehensive Plan, especially those relating to minimum square footage, and said standards should be updated to the minimums established by the American Library Association currently in effect at the time of new construction planning for libraries serving New Market residents, irregardless of the status of existing branches already in existence throughout the County. A committee shall be appointed by the Town Council at the time new construction planning commences, who will participate with other community leaders and the Library Board of Directors in devising appropriate library facilities for the area.

The town with the aid of State and Federal agencies shall determine its capability to design, build, and maintain a nature and wildlife center and recreational parkland in the open space adjacent to the Royal Oak Subdivision.

[ILLUSTRATION]

**THE THIRD VISION: New Market's historic district is a balanced mix of residences and local-serving and regional businesses with a distinctive market niche and historic character.**

The most important asset of New Market, its historic district, is readily identifiable in extent, contains a mix of mutually supporting residences, antique businesses, and personal services, and is controlled in architecture, historic quality, and signage. The scale of its buildings is linked to their surroundings and the pedestrian. It is identified as a statewide visitor destination, it is oriented to walkers rather than automobiles and contains a mix of businesses and homes, local and regional operations, and is dominated by locally-owned antique shop and other small businesses.

### **Achieving The Vision**

#### **Overall Strategies**

**#1 *Future use and development of the historic district should reflect the physical development and range of uses current in the Year 2000.***

The residential/antique historic district serving residents and visitors, providing visitor-oriented uses such as antique shops, bed and breakfast inns and the like, shall be preserved and enhanced. Specialty commercial uses may be accommodated to allow for new uses complementary to existing development, subject to all development standards and regulations. Businesses offering goods and services consistent with the historic character of the area, its current uses, and its residential base shall be encouraged and associated residential use requirements shall apply to encourage coexistence in all commercial zones.

**#2 *The scale and appearance of historic district businesses must strongly reflect the historic, small town atmosphere of New Market.***

The town shall plan for future preservation efforts, encouraging and assisting in preservation and rehabilitation of existing structures, such as: continue to uphold and enforce design guidelines for the restoration and/or modification of buildings or sites identified as having historic or cultural significance and for the design and placement of buildings within or adjacent to identified historic buildings or sites; preserve and enhance the visitor-oriented, historic permitted uses in the antique/residential area; and require that historic buildings or locations be preserved.

**#3 *Promote complementary commercial and light industrial development outside of the historic district.***

Areas which are deemed appropriate for light industrial and office/research development shall be identified and annexation studies shall be undertaken to look for industrial or office/research uses which would serve the needs of the town. Industry must have access to transportation facilities. Areas considered best situated for light industrial or office/research use are those close to an existing or easily expanded transportation network, and near available utilities. Campus-like, non-polluting light industrial

or office/research developments with low-rise buildings and landscaped or natural open spaces shall be encouraged in preference over multi-story, office buildings. Proposals for conversion to industrially planned lands can be considered appropriate where it will result in a balance between housing and employment opportunities, would reduce potential commute distances, and would be consistent with the visions and policies of the Master Plan.

### **Land Use Policies**

The town shall continually monitor the zoning categories in the historic district to ease land use and permit administration, to eliminate non-conformities, and to more clearly delimit the range of uses allowed and the desired mix of residences and businesses. This monitoring is necessary to maintain a vibrant and commercially successful historic district.

The town shall consider creating a new zoning category which allows for development of office/research and limited manufacturing uses to provide for the appropriate location of office and nuisance-free research park uses. Warehousing, wholesaling, and general manufacturing uses shall be prohibited in such areas. Development in such a district shall be characterized by an absence of nuisances in a clean and aesthetically attractive setting. Such a district should permit limited manufacturing, fabrication or assembly operations which would, by nature of the product or magnitude of production, be compatible with research, professional or business offices, yet in keeping with the character of the neighborhood. Commercial uses shall be limited to those which are primarily oriented toward servicing those businesses located within the office/research industrial district.

Special purpose uses to fulfill specific high demand needs, such as light industrial parks and shopping centers, shall not be objectionable to other uses or adjacent properties from the standpoint of noise, dust, smoke, light and so forth, and not destroy or damage or create extra maintenance costs. Each commercial or industrial area shall be located and designed to minimize negative factors such as traffic volume, noise, and visual impact on nearby residential and historic areas.

Strip commercial districts characterized by shallow commercial frontage, multiple curb-cuts, and a variety of unrelated businesses shall be prohibited. Instead, retail sales and service type commercial and office/research uses shall be encouraged to locate in identifiable and organized groupings.

Neighborhood business areas shall be pedestrian-oriented, that is, drawing their customers primarily from the residences in the immediate vicinity rather than from outside the town. Ideally, it will be desirable to have commercial areas convenient on each side of I-70 in order to reduce traffic on Rt. 75, with each area having its own zone of influence.

Home occupations, either major or minor, in which a resident operates a small service business within the home in compliance with town regulations and standards shall be encouraged. In addition, the town should consider the need to add a zoning category which allows for joint residential and cottage industry use of a property.

### **Standards, Guidelines, and Administrative Measures**

**Actions To Better Manage Parking Needs:** The town will conduct surveys to determine parking needs and alternative solutions.

New developments shall pay for those parking studies deemed necessary by the town in cases where the development is expected to have a parking impact.

On-street parking shall be provided in the rear of commercial and retail establishments as opposed to in front, whenever feasible.

Adequate off-street parking shall be provided, and the area landscaped to reduce its visual impact from the adjoining properties. Massive paved parking lots shall be avoided, both from an aesthetic and ecological standpoint.

A parking and circulation plan shall ensure that trees and landscaping are provided to break up the amount of paved surfaces and that traffic entering and exiting commercial and light industrial or office/research areas does not adversely affect any nearby existing or future residential developments.

New commercial and office/research or light industrial uses shall be subject to design and parking standards which include: the number and location of allowed curb cuts; landscaping and design of parking areas, emphasizing parking in the rear of buildings; location, size, number, lighting and construction of signs; and configuration and design of commercial and industrial buildings

**Actions To Improve Commercial Site Design:** All commercial development or commercial portions of PUDs when so permitted by the Zoning Ordinance shall contain at least ten percent of land area in natural, improved, or functional open space, exclusive of roadways and parking lots, and exclusive of the open space requirement for residential use.

Public improvements shall be provided by the developer to support a commercial area, such as landscaping on existing streets, street furniture (benches, waste receptacles, planters, etc.), and uniform street and other public signing.

Highway Service Area commercial uses shall be designed in a manner compatible with the spirit and intent of preserving the historic character of the area.

Strip commercial development for great distances along Rt. 144 shall be prohibited for safety and aesthetic reasons.

[ILLUSTRATION]

**THE FOURTH VISION: The natural amenities and environmental resources of the New Market region have been protected to be enjoyed by and serve generations to come.**

New Market is a community that takes special pride in the appearance of its urban spaces, the quality and the preservation of its natural environment, the carrying capacity of its natural resources and infrastructure, and the retention of its places of special beauty and interest. Its residents always have the time to give attention to the connections between past and present, between the natural and the manmade, and between residents and visitors.

### **Achieving The Vision**

#### **Overall Strategies**

**#1 *The town shall protect its natural water supply, and encourage stewardship of the Chesapeake Bay and its tributary lands.***

The town shall take every step possible to ensure the quality of its groundwater and surface water sources and implement well head protection measures when possible. The town shall also require that all development be created using natural groundwater sources and not imported surface water sources.

**#2 *The town shall institute zoning practices which protect and enhance the environment.***

These practices shall:

- § Encourage sound management and protection of groundwater and surface water resources and their quality.
- § Promote diligent, efficient use of water resources and discourage wasteful practices.
- § Preserve or enhance aesthetic qualities of natural drainage courses in their natural or improved state compatible with flood control measures, economic, environmental, and ecological factors.
- § Direct development activity away from 100 year historic and annual floodplain areas to minimize health and safety hazards, property loss, and environmental disruption, and to foster stream enhancement, improved water quality, and recreational opportunities.
- § Prevent construction of large contiguous paved areas unless adequate measures are ensured to reduce runoff.
- § Encourage disposal of storm and domestic runoff on the development site, rather than directing it to draining courses.
- § Discourage urban uses and limiting development in designated aquifer recharge areas.
- § Require areas chosen for expansion to apply a groundwater use plan as part of their site plan application.
- § Ensure that environmental impacts receive equal consideration along with economic and engineering factors as a part of the review process. Included in this should be an evaluation of transportation and air quality effects of major employment generating projects in determining these impacts.

## **Land Use Policies**

The following additional land use designations shall be considered to thoroughly address open space issues:

Open Space Reserve - Intended to protect land with potential recreational value. Its location and extent depend on the presence of scenic, aesthetic, wildlife or other resources which require special protection and may have potential recreational value. It is intended to remain agricultural. Recreational uses must be compatible with adjoining agricultural uses.

Agricultural Reserve - Intended for future development at a density of 3-5 acre lots. It excludes the best soils. As long as held in reserve, no public services will be provided, nor will urban uses or divisions of land incompatible with future urban development be permitted.

Conservation - Intended to protect and preserve areas of natural resources including woodlands, unique biological-ecological systems, wildlife habitat, scenic areas, steep slopes, aquifer recharge areas, wetlands, and water supply sources for the purpose of protecting natural and man-made communities from environmental hazards such as flooding, subsidence, erosion/siltation, drought, and air and water pollution.

The town shall develop a package of incentives and encourage the following uses of open space: additional active parkland, development of designated parkland, increased historic preservation, additional natural open space, preservation of trees and other vegetation, and preservation of natural drainage and aquifer recharge areas.

Aquifer recharge areas in the town shall be recognized and protected and development shall be limited in designated aquifer recharge areas. Well siting surveys shall be done to locate optimal areas for community water supply development. Once identified, these areas identified by the hydrogeological study shall be protected through the zoning and subdivision powers of the town and well head protection ordinance.

When planning a future regional sewage treatment system, primary importance will be given to providing that groundwater recharge will be sufficient to replace all of the water lost from the local watershed. The town would support a single sewer line with capacity capable of meeting current zoned needs. The town does not support use of this pipe for any residential growth as the result of agricultural rezonings. The town also supports closure of New Market plant and Monrovia interim plant upon completion of a single sewer pipe line. The town will continue to work with appropriate state agencies to monitor the sensitive areas of Bush Creek to determine the impact of the Monrovia Interim Plant. *[Is this still accurate?]*

## **Standards, Guidelines, and Administrative Measures**

**Actions To Protect Floodplains:** The town shall adopt and maintain standards for development on or near wetlands and floodplains, so as to protect these critical resources. No development shall be allowed within a 100 year flood plain, historic or annual, and there shall be a 25-foot building setback in areas adjacent to these floodplains

Consideration shall be given to modifying the zoning ordinance to attach special conditions for properties

located in an area subject to flooding to reduce the risks of property damage or injury. These conditions could include underground storm drainage systems capable of handling run-off from a 100-year storm, limits on the amount of pavement and other impermeable surfaces, and drainage fees to help pay for downstream improvements needed as a result of development

**Actions To Improve Environmental Awareness And Monitoring:** The town shall establish a Conservation Committee whose primary function will be to advise the Planning and Zoning Commission. Its secondary functions will be to:

- § review all construction applications to assure that conservation design guidelines are followed;
- § encourage good soil conservation practices and examine impacts of proposed development relating to this as a routine part of the improvement plan evaluation;
- § act as liaison with federal, state, and local officials to promote policies beneficial to conservation of natural resources, vegetation, and wildlife, see that all regulations are properly administered and enforced, similar to the function performed by the Historic District Commission;
- § coordinate to achieve adequate water supply quality and protection;
- § oversee recycling efforts to ensure residents understanding of and compliance with new town and County regulations; and
- § arrange to have the Town engineer monitor construction sites to see that conservation measures are being maintained as agreed upon.

The town shall institute policies and programs to protect and enhance recreational linkages and natural stream areas.

[ILLUSTRATION]

## V. THE LAND USE PLAN

The Proposed Land Use Plan (Figure \_) shows the distribution of all land use categories.

The Historic District Residential Antique area should remain unchanged as to its current zoning intent and mix of uses: 1) to safeguard the heritage of New Market by preserving the district herein which reflects elements of its cultural, social, economic, political, or architectural history ; 2) to stabilize and improve property values in such a district; 3) to foster civic beauty; 4) t strengthen the lcoal economy; and 5) to promote the use and preservation of historic districts for the education, welfare, and pleasure of the residents.

The Residential Antique area should remain unchanged as to its current zoning intent and mix of uses so as to preserve the historic character of areas within the Town of particular historic significance, and to preserve, encourage and strengthen the historically appropriate mixed residential and commercial character of the district, while allowing limited retail and commercial uses which promote and enrich tourism.

Low Density Residential areas are primarily for single-family detached homes, together with other facilities common to residential areas. Such a district may incorporate large lot sizes (one acre or more) in which the green space desired is entirely within the lot or it may incorporate the formation of green space communities in which the lot sizes are made smaller and the area which results from the reduction in lot size below the general standard for the district be provided and maintained as recreation and open space for community residents.

Medium Density Residential areas include the sections of Town where there is or should be a mixture of dwelling types. Single-family, duplexes, and attached housing and limited commercial and service uses would be allowed. The allowed maximum density would be two units per acre.

Planned Residential Development blends low, medium, and high residential densities and building types. This planned development approach combined with clustering to protect open space and sensitive areas is particularly suitable for large plots of land in single ownership with good access to roads and community facilities. It allows for a high standard of land planning and site design because the project can be planned as a single, complete development to be constructed over a period of years as part of a master plan rather than as a series of individual, disconnected parcels. In the PRD zoning district, specific development zones are not pre-mapped. Rather, development categories are expressed as percentages of the completed project. Open space, for example, may be required to be 30% of the total land area with low density residential at 35%, high density residential at 10%, and so on. Even though all residential densities and building types are allowed, maximum or minimum limits would be established to govern the number of units allowed in each density and building type category with an overall maximum density of 3.5 units per acre.

A mixed density /planned development approach is particularly suitable on the large, single-ownership parcels in the northern and southern portions of the Growth Area. Preparation of a PRD zone for New Market should pay particular attention to the varied topography around the town, the need for a bypass to ease traffic on Main Street, the need to protect and nourish downtown businesses, the continuing need for affordable housing, and the need for a very strong plan review process so that the advantages of

flexibility, better design, and a higher level of environmental protection are ensured.

Mixed Residential/Service areas are intended to provide residential areas with the convenience of a limited number of frequently used services in close proximity to their homes. Permitted uses are intended to be of a type, and developed in such a manner, as to be compatible with the residential environment. The uses allowed should be similar to the current Residential Service District with the addition of selected neighborhood retail uses and should allow live/work situations as does the Residential Antique District.

Mixed Commercial areas are intended to be central shopping, service, office, and entertainment centers for the community. The facilities should be grouped together in an attractive and convenient manner with particular attention paid to the safety of pedestrian travel and the protection of adjoining residential areas. This district requires excellent vehicular accessibility from the Town and the region. This district should be similar to the current B-2 Shopping Center District.

Mixed Commercial/Industrial areas are for commercial environments that are enhanced by recreational, employment, light industrial, storage, distribution, and similar activities and to assure the compatibility of the mix of uses by incorporating higher standards of land planning and site design than could be accomplished under conventional zoning categories. These uses do not have objectionable operational aspects such as noise, smoke, odors, or hazards from fire. They are appropriate when infrastructure services are in place and nearby activities are protected from the impacts of the operations. This district is similar to the current Industrial Park District but specifically excludes motor freight terminals or hubs.

Open Space areas are intended to provide natural areas for passive recreation with active recreation limited to walking, biking, and nature paths. This district is similar to the current Open Space District but would not allow schools, churches, active recreation uses, or farms.

Agriculture areas are similar to the current Agriculture District and is to preserve productive agricultural land and the character and quality of the rural environment and to prevent urbanization.

Institutional areas are meant to identify and preserve land for essential public uses such as education, government, or utility facilities.

## **VI. FIVE YEAR ACTION PLAN**

### **YEAR ONE**

#### Growth

1. Begin a formal effort with the County to assure that any growth around New Market town limits is carefully coordinated, consistent in both character and scale, governed by compatible land use regulation, and appropriately served by utilities and roads. As part of this effort, the town's annexation policies should be communicated to Frederick County officials and a mechanism developed to engage in joint land use decision-making for the areas outside the town limits. These discussions should include the creation of a growth boundary for New Market recognized by Frederick County for infrastructure, annexation, and regulatory purposes.

#### Regulations

1. Develop a public facilities concurrency policy that addresses the need for future development to be served by community water and wastewater facilities as well as the issues of school crowding and road capacity and maintenance.

2. As part of the concurrency policy, devise a formula to enable planners to estimate the cost to the town for each residential, commercial, and office/research or light industrial unit in place to more accurately estimate the financial impact of each new development activity.

3. Develop a water supply plan and a water budget for the town and its supporting subdrainage basins. Each development shall be required to share in development of water supply, commensurate with the amount of water required and the available groundwater recharge, and consistent with the municipal water supply plan. Consideration shall also be given to developing an ordinance that requires development projects to maintain pre-development quantity and quality of groundwater recharge.

#### Transportation

1. Use current traffic studies to determine the amount of traffic using New Market for access to other roads and confirm the need for a collector road parallel to Rt. 144 and the need to complete the interchange at I70 to allow westbound traffic to enter and eastbound traffic to exit.

### **YEAR TWO**

#### Transportation

1. Based on the regional traffic study, initiate discussions with the appropriate private and public parties to achieve solutions.

2. Conduct a study to determine future needs for off-street parking and devise methods to accommodate the need.

Regulations

1. Begin revisions to the zoning and subdivision ordinances. All directives contained in the Master Plan shall be addressed.

**YEAR THREE**

Regulations

1. Complete revisions to the zoning and subdivision ordinances.
2. Prepare and adopt new road design standards and specifications.

Administration

1. In coordination with the zoning ordinance revisions, clarify and streamline the regulatory process through standardization, time certain reviews, and consistent application of development controls.
2. Evaluate all design review procedures including those for the historic district and modify as necessary to ensure consistency with other regulatory and administrative procedures.
3. Ensure that environmental impacts receive equal consideration along with economic and engineering factors as a part of the review process.

**YEAR FOUR**

Regulations

1. Evaluate the process for zoning changes per the guidelines spelled out in the Master Plan.

Community Facilities

1. Conduct studies to determine the need and level of law enforcement required, the standards necessary for library provision, and the capability of the town to design, build, and maintain a nature and wildlife center.
2. Develop a package of incentives and encourage the following uses of open space: additional active parkland, development of designated parkland, increased historic preservation, additional natural open space, preservation of trees and other vegetation, and preservation of natural drainage and aquifer recharge areas.

**YEAR FIVE**

Master Planning

1. Evaluate the current Master Plan.

2.0 DESIGN STANDARDS FOR NEW MARKET

2.1 Create Human Scale. Human scale is the proportional relationship of buildings and spaces to people. When components in the built environment are ordered in such a way that people feel comfortable, then human scale has most likely been used. By contrast, a place that is out of human scale, either too small or too large, will tend to make people feel uncomfortable. The reaction is to avoid such a place or to move through it quickly. Significant buildings and sites use monumental scale to create a sense of importance. In these cases, the human scale elements are often incorporated into the project as well. Human scale can be further reinforced by the choice of materials, textures, patterns, colors, and details.

William Wantz 10/23/08 9:08 AM

**Comment:** This section would appear to be more appropriate in a comprehensive plan, as a guide to development, or in the context of a P.U.D. or subdivision regulation.

2.1.1 Characteristics of Human Scale Development

- a. The dimensions of building height and width, street width, streetscape elements, building setback, and other elements are combined so that they establish a comfortable realm for people to move around in and interact in. The dimensions of human interaction govern the design rather than the dimensions of vehicular circulation and convenience.
- b. Buildings are arranged to enclose and define space. This may include locating buildings close to a sidewalk, creating spatial definition.
- c. Buildings have limited height at pedestrian paths and sidewalks. Taller buildings have upper stories that are set back. There is a gradual transition of heights and mass, with the greatest concentration in the center of activity centers.
- d. Building articulation and design details reduce the perceived mass of large buildings. Elements such as openings at street level, decorative elements that mark floor heights such as cornices, porches and awnings are used to break the building down to human dimensions.
- e. Residential forms and proportions are used on commercial and office buildings next to residential areas.
- f. Street trees with protective canopies enclose and define the streetscape.
- g. Street widths are limited when possible, bulb-outs are used at crosswalks, and medians are used to break the street into dimensions comfortable for pedestrians.
- h. Streetscape elements such as sidewalks wide enough for comfortable pedestrian movement, distinctive sidewalk paving, pedestrian-scale streetlights and other fixtures are used to relate to the human dimension.

William Wantz 10/23/08 9:08 AM

**Comment:** Does this conflict with setback provisions?

William Wantz 10/23/08 9:08 AM

**Comment:** This was rejected by the Maryland Historical Trust in the historic district.

2.2 Create a Sense of Place. A “sense of place” creates an image that remains in your mind when you leave that area. This sense can be built on a particular distinctive element, such as a landmark building, a grove of mature trees or a special view. It also can be a mosaic of details that creates a fine-grained streetscape. Individuality of design can give a sense of place, and so can a theme of common design elements, particularly in the public realm.

2.2.1 Characteristics of Sense of Place

- a. Civic open spaces may be located in central parts of a development.
- b. Amenities such as fountains, clocks, or seating areas are provided.

- c. Gateways into an area are marked with signature architecture, public art, and/or landscaping.
- d. A landscaping and/or streetscape theme is used to define the area or the inherent features of a place.
- e. The architecture relates to human scale, is pedestrian friendly and is harmonious with neighboring buildings and the setting.
- f. Outdoor spaces are defined by building arrangement, landscaping, and/or site elements such as fences or walls.
- g. A materials palette or architectural theme may be established for specific areas.
- h. Special features and buildings may be used to terminate vistas.
- i. While an architectural style or landscape theme may create a unified design, some variety and individual expression within that theme provides vitality to an area.

2.3 Connect Uses. A community is made up of both social and physical connections. Connecting uses means making clear pedestrian and vehicular pathways between developments. It also means intermingling compatible uses. A strong sense of community, the highly valued “small-town atmosphere,” depends on having such convenient and easy access to a variety of activities and uses. This connection of uses is very important to the function of a livable, pedestrian-oriented community such as New Market desires. Because many policies of recent decades have resulted in or even required the separation of projects and uses, this all-important design principle perhaps will require the greatest adjustment in how development occurs.

#### 2.3.1 Characteristics of Connectivity

- a. Individual developments are joined together with roads and continuous sidewalks and paths versus a collection of separate development pods. Within a development, easy-to-use internal circulation is provided not only for cars but for pedestrians and bicyclists between all buildings and spaces.
- b. Street stubs to adjacent developable sites are provided in existing developments for future connections between new projects and uses.
- c. Common streetscape elements, materials and designs are used to visually link different areas.
- d. Buildings are oriented to roads and sidewalks with orientation to parking areas being secondary. Buildings and whole developments are not isolated from one another with extensive buffers.
- e. Pedestrian and vehicular links are provided to parks, schools, and other public destinations.

2.4 Provide Transitions. As New Market moves into a pattern of integrated uses and development projects, transitions become more important than ever to ensure compatible neighbors. Traditionally, uses have been separated and projects were designed to stand alone, buffered by landscaping and spatial separation. New Market’s vision calls for bringing activity centers closer together and requiring connections. With good transitions, potential conflicts can be forestalled.

#### 2.4.1 Characteristics of Transitions Between Uses

- a. Complementary architectural design including building height, style, color, materials, mass, footprint and decoration is used to make a transition between

diverse land uses.

- b. Manipulation of massing is used to buffer abrupt changes of scale. For instance, the mass of a multistory development can be stepped back from the street when adjacent to smaller scale development.
- c. Transitions between residential and larger commercial areas are created with mid-sized developments that may include higher density residential, small office and/or retail uses.
- d. Primary building elevations that are visible from the street or neighboring developments generally are not devoted to service functions such as delivery, loading docks, maintenance areas, utility equipment, etc.
- e. Planted buffers or fences and walls are used when architectural transitions would not be sufficient to reduce negative impacts such as rear service entries.
- f. Parks and open spaces can be transition zones between residential and commercial uses.

2.5 Reduce Parking Impacts. A key principle of New Market’s design vision is to reduce the visual impact of parking. This goal includes reducing the image of the “sea of parking” one finds along corridors at retail centers and the “garage-scape” in neighborhoods. Parking is necessary at work, at home, and at destinations throughout the town. However, there is no reason why it needs to dominate the view. Following the Town’s design principles should result in a decreased need for parking spaces, as more sites are accessible on foot and in combined trips. At the same time, the careful placement and design of parking areas will do much to determine how successfully New Market can achieve its other goals of full pedestrian access and good connections.

#### 2.5.1 Characteristics of Reduced Parking Impacts

- a. A portion of parking is placed to the rear or sides of commercial buildings that face a street. This parking is essentially overflow parking for peak usage during the year.
- b.) Buildings are more prominent than parking lots.
- c. On-street parking is provided when feasible to reduce the area of parking lots.
- d. Parking is shared between complementary uses such as churches and office buildings.
- e. Plantings and pedestrian paths are used to divide large lots into smaller lots.
- f. Parking lots are screened with low walls and/or year-round plantings.
- g. Parking lots are well-shaded with trees in order to create a more desirable parking area.
- h. Garages do not dominate the residential street view. In some cases, access and parking are provided at the rear of some residential units.
- i. Structured parking is used in high-density commercial/office areas to reduce the area of necessary surface parking.

William Wantz 10/23/08 9:08 AM

**Comment:** Does this encourage off-street parking requirement variances?

2.6 Plan for Pedestrians, Bicyclists, and Transit Users. Emphasis on the pedestrian experience looms large throughout the vision for New Market. It is intended that it be possible to bike or walk between most destinations. Overcoming obstacles to walking from place to place requires evaluation of all components of development, from road dimensions to building arrangement and to parking lot design. It also requires amenities such as sidewalks, plantings, and street furniture. Continuous routes are the key.

#### 2.6.1 Characteristics of Planning for Pedestrians, Bicyclists, and Transit Users

- a. Overall, sidewalks, paths and greenways are connectors between communities, between and within neighborhoods, block-to-block and at mid-block to schools and other high volume pedestrian destinations.
- b. Sidewalks are continuous along public streets.
- c. Sidewalks connect buildings to the public sidewalk and to each other.
- d. A system of bicycle and pedestrian paths is provided town-wide.
- e. Sidewalks are designed to match the future volume of pedestrian traffic.
- f. Safe and frequent crossings are provided for pedestrians.
  - g. Amenities such as street furniture, shade, and shelter are provided for pedestrians where there is a high volume of usage.
  - h. Sites for transit stops are reserved at locations appropriate for commuters and activity center users.
  - i. Bicycle storage is provided at appropriate locations, including parks, focus areas, and office parks.

2.7 Provide Open Space. Even as the amount of land consumed generally has outstripped raw population growth, modern patterns of development generally offer little space for recreation, social gathering, and preservation of natural areas. This design principle calls for outdoor space to be just as integral to the overall development plan as the construction of buildings, roads, and other structures. A wide range of open spaces are possible: public gathering areas in activity centers and office parks; common play areas and miniparks shared by nearby residences; and natural preserves. Setting aside well-designed open areas makes the immediate environs pleasant and fulfilling, giving citizens a convenient outlet for recreation and socialization and doing much to make continued development sustainable in the long run.

#### 2.7.1 Characteristics of Usable Community Open Space

- a. Open space is provided in central, pedestrian-oriented areas in activity centers neighborhoods and in large office/industrial parks.
- b. Scenic views, mature woods or specimen trees, and riparian areas are reserved in new development.
- c. Residential areas have recreation areas within a five-minute walk of each home.

**AN AMENDMENT TO THE 2005 NEW MARKET MASTER PLAN**

**NEW MARKET MUNICIPAL GROWTH ELEMENT**

**11/17/2010**

**MAPS**

- 1. In-Town Development Capacity**
- 2. New Market Proposed Land Use**
- 3. Proposed Extension of Royal Oak Drive**
- 4. Alignment of Proposed New Market Bypass**

**TABLES**

- 1. Population Change**
- 2. Household Size**
- 3. Zoning District Household Capacity**
- 4. 2030 Population Estimates**
- 5. Predicted Peak Hour Vehicle (PHV) traffic along MD 144 (Main Street) - MD 75 to Boyers Mill Road**
- 6. Linganore Feeder Pattern**
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- 8. Smith/Cline Pupil Yields**
- 9. Smith Cline Impact Fees**
- 10. Water and Sewer Tap Allocations**
- 11. Parkland Acreage**

## I. INTRODUCTION

New Market was founded in 1793 and has evolved into a stable residential community with a strong and historic center focused on Main Street (or Old National Pike or MD 144). It is now an incorporated municipality of Frederick County and recognized on the National Register.

The historical development of the Town had a strong influence on the manner in which past land use decisions were made and will continue to be a significant factor in the decision-making of tomorrow. Once a major stopping point for settlers traveling on the National Pike from Baltimore to points west, New Market at its earliest was a booming commercial center, boasting numerous rooming houses, taverns, inns, and stores. In fact, the first house built after the Town was founded was used as a tavern. A variety of service occupations existed as well, such as blacksmiths, wagon makers, wheelwrights, tanners, etc. all toiling to support the diverse needs of travelers passing through. With few exceptions, these individuals resided on the property where the service took place. Throughout most of its history, New Market's land uses have been predominantly residential in nature, surrounded for the most part by land zoned for agricultural use by the County. Among the few early industrial establishments which did exist were a metal and bone button factory and a forge for making wrought iron nails. Located nearby were a mill near Monrovia, a glass factory, a woolen factory, and a tannery, although it is not known whether these industries were active concurrently.

After the opening of US Route 40, a multi-lane freeway which replaced the National Pike and diverted most of the through and commuter traffic away from Town, New Market was left much to itself until recently. Today, the Town again serves a transient population, but one of a quite different sort - tourists in search of diversion instead of pioneers in search of a new life. The nature of the commercial enterprises currently in operation makes New Market unique among all towns in the County. Of those establishments located in the Town, about ~~twenty~~ **ten** are antique shops, the first having opened in 1936. At one point, the Town became identified as the "Antiques Capital of Maryland" and is still well-known for its primary commodity.

Few, if any, service establishments now exist. There is currently only one food business – a pizza carry-out – while the well-known Mealey's and the newer Mallard's are both closed awaiting new operators. Reminiscent of times past, there are two bed and breakfast inns. Again, most of the individuals conducting business reside on the premises. One trucking terminal has been in operation for over sixty years, commencing prior to the adoption of the zoning ordinance. Land devoted to public and semi-public uses is still smaller in percentage than in other communities. An elementary school was located in the Town in the early 1800s. Two separate schools existed at one point, later combined into a single institution in the mid-1960s. The present elementary school, built in 1931, has been expanded at least twice. Supplemented by a middle school in 1979, the acreage taken up by these schools accounts for almost all of the public land use. The Town has a fair share of semi-public institutions: three churches, two fraternal organizations, a grange hall, a fire hall, a Post Office, and a Town Office and hall.

Whether described as the "Antiques Capital of Maryland," or as a "Municipal Growth Area" in the Frederick County Comprehensive Plan of 2010, the Town of New Market retains its historical importance to Frederick County, the State of Maryland, and indeed, the nation itself.

This historical significance resides in the architecture of the homes and antique shops in the Town's historic district. These structures represent the architecture of the Post-Colonial, Federal, and Victorian periods of the United States. The historic district formed by these structures is the Town's most important "sensitive area."

### **A. Maryland's Policies**

During the 2009 Legislative session, the eight planning visions of Maryland's 1992 Planning Act were replaced with twelve new visions to address a broader spectrum of issues. These new planning visions are the State's land use policy, and a local jurisdiction is required to include them in their comprehensive plan and implement them through zoning ordinances and other regulations.

1. **Quality of Life and Sustainability:** A high quality of life is achieved through universal stewardship of the land, water and air resulting in sustainable communities and protection of the environment.
2. **Public Participation:** Citizens are active partners in the planning and implementation of community initiatives and are sensitive to their responsibilities in achieving community goals.
3. **Growth Areas:** Growth is concentrated in existing population and business centers, growth areas adjacent to these centers, or strategically selected new centers.
4. **Community Design:** Compact, mixed-use, walkable design consistent with existing community character and located near available or planned transit options is encouraged to ensure efficient use of land and transportation resources and preservation and enhancement of natural systems, open spaces, recreational areas, and historical, cultural, and archeological resources.
5. **Infrastructure:** Growth areas have the water resources and infrastructure to accommodate population and business expansion in an orderly, efficient, and environmentally sustainable manner.
6. **Transportation:** A well-maintained, multimodal transportation system facilitates the safe, convenient, affordable and efficient movement of people, goods and services within and between population and business centers.
7. **Housing:** A range of housing densities, types, and sizes provide residential options for citizens of all ages and incomes.
8. **Economic Development:** Economic development and natural resource-based businesses that promote employment opportunities for all income levels within the capacity of the State's natural resources, public services, and public facilities is encouraged.

9. Environmental Protection: Land and water resources, including the Chesapeake Bay and its coastal bays, are carefully managed to restore and maintain healthy air and water, natural systems and living resources.

10. Resource Conservation: Waterways, forests, agricultural areas, open space, natural systems and scenic areas are conserved.

11. Stewardship: Government, business entities, and residents are responsible for the creation of sustainable communities by collaborating to balance efficient growth with resource protection.

12. Implementation: Strategies, policies, programs and funding for growth and development, resource conservation, infrastructure, and transportation are integrated across the local, regional, State and interstate levels to achieve these visions.

These visions give local jurisdictions a succinct statement of Maryland's priorities for their plans. However, the visions are intended as the beginning of the planning process, not the end. New Market starts with the visions, applies them to its own situation, and establishes its own priorities and paths to realization.

## **B. The Town's Visions**

The Town visions lead to and complement the basic objectives of New Market as it prepares to meet the challenges ahead. These visions are:

- To control our destiny as a Town rather than being driven by piecemeal growth over which the Town has no control. This requires that decisions be made by the Town and not for the Town.
- To establish New Market as a leader in environmental stewardship and community design by paying strict attention to local and regional environmental needs and actively promoting neighborhood design that reflects the rural, village-like characteristics of New Market.
- To ensure that growth not only pays for itself, but that it also be a source of ongoing revenue for the current and future infrastructure needs of the Town.

The recommendations and directions contained in this Municipal Growth Element are designed to be flexible and should be periodically reviewed and revised as situations warrant. Implementation of these recommendations should be phased-in over time, based upon community priorities, funding, resources, and market pressures. New Market has taken since 1793 to evolve into the community it is today. Future change will occur at a natural pace and it may be many years before some of the recommendations contained in this Element are realized. Certain fundamentals, however, will be observed as today's recommendations are modified and adjusted and development proposals are evaluated. The fundamentals against which all proposals for change will be measured are:

CHANGE MUST FIT Traditional, historic National Pike towns with integrated, multiple layers of land uses will be used as a guide for new development.

CHANGE MUST FIX Responsible changes in land use patterns will result in health, safety, and environmental protection and enhancement, especially when streams and their buffers are restored, forested areas are connected, and other sensitive areas are maintained or restored to their natural state.

CHANGE MUST PAY Changes in land use patterns must result in benefits and resolve problems. The market value realized through society's decisions to promote development (for example, through zoning, annexation, and infrastructure) will be directed toward a community vision of an improved quality of life and to offset initial costs and create substantial continuing revenue for the community.

CHANGE MUST SHARE Concern for the public interest, broadly defined to include current and future residents in our Town and region, will be an integral consideration in changes to land use patterns.

These measures will be translated by New Market into a set of tools for directing future change and managing the pace of that change so that both new and existing communities enjoy the quality of life envisioned by the best of our planning efforts. The tools that will make up such a system include:

- A list of essential public facilities and categories of environmental goals – transportation, schools, water quality, air quality, etc
- Standards for each listing
- Test or performance standards – e.g. levels of service, ratios or qualitative measurements
- Oversight mechanisms
- Evaluations of effectiveness
- Feedback to planning and budgetary processes

### **C. The Town's Objectives**

Our overall objective is to maintain balance in New Market's economic, aesthetic, cultural, and historic elements. This notion is built on a commitment to change at a pace that preserves the Town's special quality of life, preserves its diversity of citizenry and architecture, and preserves open space and the environment, as well as the Town's historic character. We choose to accept orderly, compact, phased, and compatible growth in our Planning Area as our alternative to the suburban sprawl, automobile-dependent development that has consumed hundreds of thousands of acres of valuable land across our country.

These objectives include a commitment to the economic revitalization of the Historic District and to creation of ongoing opportunities for economic development and job creation.

New Market and its logical Planning Area occupy land that has profound implications for the protection and quality of our natural resources. This Plan acknowledges our responsibility to these resources and includes measures to protect and improve them.

These objectives also include a determination to improve the Town’s transportation future. This Plan pictures a community that is congestion-free, connected, and with features that will reduce our dependency on the automobile. It provides broad opportunities for walking and biking.

The final objective is a firm commitment to protect New Market from the fate that has befallen many other locales in Frederick County – development of vast tracts of uncontrolled, unattractive generic housing that virtually obliterate a small town’s character and surrounding open space. The Town is determined that it will not happen here.

## II. THE GROWTH OF NEW MARKET

### A. Population: Past Growth Trends and Patterns

The population of New Market has remained remarkably stable over a sixty-year period while the region surrounding it and Frederick County as a whole have experienced very large gains.

**Table 1. Population Change**

Year	Town of New Market		New Market Region		Frederick County	
	Number	%Change	Number	%Change	Number	%Change
1940	360	22%	2653	15%	57312	5%
1950	301	-16%	2,759	4%	62,287	9%
1960	358	19%	3,596	30%	71,930	15%
1970	339	-5%	6,834	90%	84,927	18%
1980	306	-10%	9,857	44%	114,792	35%
1990	328	7%	15,855	49%	150,208	31%
2000	427	30%	29,107	84%	195,277	30%
2008	465	9%	34,160	17%	228,100	17%
2030	1,444	211%	41,785	22%	323,700	42%

Source: Maryland Department of Planning, 2008, and Frederick County Comprehensive Plan, 2010

Family characteristics include factors such as marital status and household size. These factors help to determine what the future population might be, what types of services the community will require, and the type of housing likely to be in demand. According to Frederick County Planning Department sources, trends in the area concerning marital status are in line with those seen nationally, where separations and divorces have been on the increase while fewer marriages are taking place. More single individuals and smaller families generally indicate the potential for an increased demand for smaller housing units. Sociological trends, such as increases in the number of single parents or families where both parents work, are reflected by changes in the type of housing people look for and in the demand for availability of public services such as day care.

**Table 2. Household Size**

	Maryland	Frederick County
1950	3.56	3.60
1960	3.48	3.44
1980	2.82	2.97
1990	2.67	2.78
2000	2.61	2.72
2030 est.	2.47	2.65

Source: Maryland Department of Planning, February 2009

### **B. Land Use Change**

Until recently, New Market was typical of most rural communities in physical form, with single-family homes placed on narrow lots lining a single main street. Almost without exception, building followed the original plat lines laid out in 1793. Interspersed, but concentrated in the center of Town, were a few small-scale commercial uses serving the local needs of townspeople, such as a grocer, post office, and auto garage. Gradual yet hardly noticeable changes occurred when the occasional new residence was built. This image changed somewhat in 1980 when a major subdivision of single-family homes (Sponseller’s Addition) was built on the west end of New Market, distinctly changing its physical shape and practically doubling its population (from 110 to 192). Since then, another large parcel on the north boundary of the Town (Royal Oaks) was annexed in 1989 and also laid out for residential use, with the potential for adding another 120 homes, again almost doubling the population. Brinkley Manor was annexed in 1999 and designed for 109 homes. Still another annexation in 2004, the Orchard at New Market, will bring 104 single-family homes, over 300 new residents, and 43,000 sq ft of retail and office space. The three annexations total 333 lots. As of May, 2010, 90 homes were occupied and 20 more are under construction.

This growth brings familiar challenges, chief among them how to achieve and maintain over a long period of time desirable land use balances which retain and enhance New Market's quality of life, its separate identity, its sense of community, and its fiscal viability. Given the unique nature of New Market, this challenge presents some difficulties. Finding a balance between preservation and expansion is not a simple problem. Preservation issues are characterized by the rural setting, the predominantly residential character of developed land, the historic district and other historical places throughout the community, consciously evolved parks and open space, and the physical form of the “linear” historic neighborhood. Expansion issues are characterized by growth pressure from outside the Town boundaries, increasingly complex municipal financing questions, a more complicated infrastructure as existing public facilities are outgrown and support mechanisms become inadequate (particularly transportation), and the search for equitable solutions to increased demands for more choice and flexibility in the use of land.

Active subdivision developments will continue to increase the population of New Market within the current Town limits. In time, as the economy recovers, the surrounding areas will also experience gains that could affect New Market dramatically. The availability of public water and sewer and the possibility of annexations will dictate the rate at which any increases will take

place for residential and other uses. The Historic District may have decreased importance in the future, with respect to population impact, as its size decreases in comparison to the size of other use zones and as other forms of employment compete with retail sales. Employment opportunities directly within the Town will not increase significantly. Residential service zones will account for most increases. Because growth is so dependent upon provision of water and sewer facilities and annexation, it is imperative that the Town and County agree on clear policies regarding these issues. Utility plans appropriate to provide business opportunity and build a tax base are vital to serve the growing regional market and population.

The maintenance of its small-town, rural identity is a key element of New Market's community character and as future land use changes are carried out, New Market will insist on the highest quality of development. The preservation of its community character will involve a number of land use principles, including:

- **Compact, high quality residential, employment, and institutional development is desirable:** Current County zoning promotes a land consumptive, low-density residential settlement pattern in the vicinity of New Market. The New Market area has exceptional access and regional mobility possibilities. It is a regionally significant location and its conversion to low density residential development, which is facilitated by current zoning and subdivision rules, represents a lost opportunity for the public interest in thoughtful, long-range development, conservation, and infrastructure planning.

- **Mixed Uses Are Desirable:** The Town wants to maintain a reasonable mix of residential, institutional, and commercial uses within and near its neighborhoods. It does not want to repeat errors of past decades, in which housing was located far from places to shop and work. The Town shall continually monitor the zoning categories in the historic district to ease land use and permit administration, to eliminate non-conformities, and to more clearly delimit the range of uses allowed and the desired mix of residences and businesses. This monitoring is necessary to maintain a vibrant and commercially successful historic district.

The current residential merchant historic district serving residents and visitors, providing visitor-oriented uses such as antique shops, bed and breakfast inns and the like, will be preserved and enhanced. Specialty commercial uses will be accommodated to allow for new uses complementary to existing development, subject to all development standards and regulations. Businesses offering goods and services consistent with the historic character of the area, its current uses, and its residential base will be encouraged and associated residential use requirements will apply to encourage coexistence in all commercial zones.

Outside the historic district and residential areas, land appropriate for commercial, light industrial, and office/research development now exists and annexation studies shall be undertaken to examine bringing these possible employment locations into New Market. Industry must have access to transportation facilities and New Market occupies a key Interstate Highway location. Annexations that result in a regional balance between housing and employment opportunities, reduce potential commute distances, and are consistent with the visions and policies of the New Market Plan will be welcome.

• **Natural Features Should Determine Design:** This means all development should be environmentally sensitive and that the natural character of land to be developed should be maintained. This includes development techniques commonly known as conservation design, and, at the lot level, environmental site design. Streams and wetlands are among the most sensitive features. They must have wide, protective natural buffers, and development must be designed not only to minimize impacts to these features, but also to restore natural functions. Environmentally sensitive development also means creating pedestrian-friendly streets so that people can walk to work, shop, or play.

The Town does not want garages to be the most prominent feature of houses, nor does it want streets that are overly wide and huge parking lots that are unrelieved seas of asphalt. Our streets will be designed to be shared by all potential users and be pedestrian-friendly so that people can walk to work, shop, or play. Every development must provide significant, usable open space as an integral part of projects and neighborhoods – not afterthoughts. This also means the Town will work to improve existing open space to create green corridors of connected open space.

### C. Issues

A central goal of this Plan is to provide a safe, efficient, and attractive transportation system for the Town and region. Future development will require transportation improvements. Proposed land use changes around New Market should be used as a catalyst for a regional assessment of transportation needs, a regional solution, and regional political support. The State Highway Administration's current plans for the New Market area offer an inadequate and piecemeal solution to what is clearly a regional problem.

New Market must join with all municipalities in the region, local businesses, and residents in the region to advocate a regional solution to our collective transportation needs. Landowners and developers who benefit from growth in our neighborhood must contribute to the funding of the transportation solution. No new development should be approved unless it can be determined that it will substantially contribute to improvements in safety and traffic flow in the New Market Planning Area. In addition, no new development will be allowed unless it can be determined that adequate public facilities and infrastructure are in place or are planned and funded for construction within a reasonable time period in conjunction with the proposed development.

The need for an alternate route parallel to Main Street was recognized as early as 1969, when the New Market Master Plan included a bypass north of the Town. Currently, existing and planned development obstruct that proposed route. Royal Oak Drive, the collector road at one time proposed as a bypass follows a route which is far less likely to divert traffic from Main Street (known as MD 144 outside the Town limits). Furthermore, no proposal has been made for development required to make the final linkage between existing and proposed portions of Royal Oak Drive and MD 75. In view of the substantial development planned for the Lake Linganore PUD and other areas to the west of New Market, the northern bypass is the issue of greatest importance to the Town.

New Market must assure that its transportation needs are met without degradation of the quality of life or historically significant structures or sites, or change to the historic character of New

Market. The elected officials of the Town shall take action as necessary to coordinate planning efforts between jurisdictions, citizen's groups and non-governmental agencies, and to promote the interests of the New Market community at all levels of government.

Traffic congestion must be alleviated by providing alternative routes for traffic between areas of residential growth and the primary roads leading to commercial and business districts and other facilities both within and outside of Frederick County. A collector road parallel to MD 144 should be provided to allow traffic from points west of New Market to reach MD 75. Proximity to New Market is important. It should be located no farther north than a line extending westward from Crickenberger Road to connect with Boyer's Mill Road. The State should also complete the interchange at I-70 and Meadow Road to allow westbound traffic to enter and eastbound traffic to exit.

### **III. NEW MARKET'S LAND NEEDS**

#### **A. Future Population Growth Within the Town**

##### **1. Development Capacity by Zoning Category**

MDP completed a draft development capacity analysis for the Town of New Market. This involved collecting, integrating, and interpreting data to make it 'fit' MDP's growth simulation model.

Maryland's local governments committed to performing the Development Capacity Analysis as part of their comprehensive plan updates via the Development Capacity Analysis Local Government MOU (signed by the Maryland Municipal League and Maryland Association of Counties in August, 2004) and the Development Capacity Analysis Executive Order (signed by Governor Ehrlich in August, 2004). These agreements were commitments to implement the recommendations made by the Development Capacity Task Force.

MDP's analysis, while not perfect, was endorsed by the Development Capacity Task Force and many local governments. This analysis produces estimates of the number of dwelling units built by build-out based on existing zoning, land use, parcel data, sewer service, and information about un-buildable lands. The capacity results presented here are based on the latest revisions to the zoning and sewer service areas. This analysis does not account for school, road, or sewer capacity. The estimates are focused on the capacity of the current incorporated land area to accommodate future growth.

#### **Background and Trend Data**

Based on the Census Bureau's most recent population estimates, the Town of New Market had a population of 480 in 2005, an increase of 53 since the 2000 Census (427). In 2000, the City had a total of 159 households. The Town of New Market is expected to grow from 179 households in 2005 to 647 by 2030, an increase of 468.

## Capacity Analysis

The results of the growth model use the default MDP assumptions of the model and the current zoning of the Town. According to MDP's capacity analysis, there is a total capacity of 365 households within the Town limits. There is not sufficient capacity for New Market's projected growth of an additional 468 households by 2030. The MDP map of In-Town development capacity is attached as Map 1.

The capacities for each zoning category are show in Table 3 below.

**Table 3. Zoning District Household Capacity**

Zoning District	New Household Capacity	Acres
AP Amusement Park		17.7
I Institutional		3.4
MC Mixed Commercial		5.2
MRS Mixed Residential Service	26	21.7
OS Open Space*		6.3
R1 Low Density Residential	336	266.9
R2 Medium Density Residential		1.0
RM Residential Merchant	3	41.2
Total	365	363.4

\* This category does not include the acreage contained in the "100-acre Park." This land has no development capacity.

## B. County Growth Assumptions

The most recent indication of County growth planning is contained is contained in the Comprehensive Plan for Frederick County, MD adopted April, 2010. The Frederick County Plan section most directly affecting planning in and around New Market is very important and its key features follow in italics:

***Town of New Market Master Plan*** - *The Town's 2005 Master Plan envisions an expansion of retail uses and service activities along Main Street by designating portions of historic Main Street as Mixed Residential Service and Mixed Commercial. Areas south of I-70 are designated Mixed Commercial/Industrial as well as Planned Residential Development on the Town's Plan. North of I-70, the designated uses mirror the existing land uses. The Town's growth/annexation area generally conforms to the County's delineation of the New Market community growth area with the exception that the Town's plan includes the Blentlinger and Casey tracts, which are designated Planned Residential Development in the Town's Plan and are not included in the growth area on the County's Plan.*

## Community Plan Highlights

***Growth Boundary Revision*** - *The Monrovia enclave, located along MD 75 between the railroad tracks and Bush Creek, is included within the New Market Community Growth boundary. On the south side of I-70 the employment area in the eastern section at the end of Baldwin Rd. has been revised to exclude the 26-acre Atanasoff property.*

**Residential** - Areas designated Low Density Residential within the Community Growth Area includes several existing county subdivisions in addition to the Brinkley Manor, Royal Oaks and the Orchard at New Market developments within the Town of New Market. There is only one area, located east of the Meadows [*sic* Meadow at New Market] development, totaling 90 acres, that is undeveloped land designated Low Density Residential.

**Commercial and Employment** - The majority of employment designated land uses within the entire New Market Region are located in the New Market Community Growth Area. This employment area is located south of I-70 and includes a mix of General Industrial, Limited Industrial, General Commercial and Office/Research/Industrial designations. The Office/Research/Industrial land use plan designation in the southeast quadrant of the Community Growth Area can facilitate the application of a mixed-use zoning classification, which would permit residential and additional commercial uses, in addition to light manufacturing and warehouse uses.

#### **Agricultural and Rural Communities Plan Highlights**

The boundary of Eastern Priority Preservation Area adjoins the eastern edge of the New Market Community Growth Area.

#### **Green Infrastructure Plan Highlights**

The southern boundary of the New Market Community Growth Area is Bush Creek, a major Monocacy River tributary.

#### **Development Staging Mechanisms**

**Annexation** - The New Market Community Growth Area does not necessarily represent an annexation limit for the Town of New Market. Although the Town's 2005 Master Plan designates a growth area that represents their proposed annexation area, it is larger than the County's New Market Community Growth Boundary. Any property that is contiguous to the Town's municipal boundary could potentially be annexed regardless of whether the property is within the County's Community Growth Boundary. However, the county is the sole provider of public water and sewer service to the Town, thereby removing one incentive for county properties to pursue municipal annexation.

**Land Use Plan Designation** - All land within the New Market Community Growth Area has a land use plan designation other than Agricultural/Rural, generally indicating that development would be appropriate on these properties within a 20-year timeframe subject to completion of other staging mechanisms.

**Zoning** - In the employment area south of I-70 some properties designated Office/Research are zoned Agricultural to facilitate the application of the Mixed Use Development (MXD) floating zone. The remaining undeveloped residential area east of MD 75 is zoned Agricultural and would be considered for appropriate residential zoning either through a piecemeal application for a floating zone or Euclidean zoning through a comprehensive zoning process.

#### **Table 10-29: New Market Community Land Use Plan: County Portion**

<i>Land Use Plan Designation</i>	<i>Acres Designated</i>	<i>Acres Undeveloped</i>	<i>Pipeline Dwellings (1)</i>	<i>Undev. Land Potential Dwellings (2)</i>	<i>Total Potential Dwellings</i>
<b>Residential</b>					
<i>Low Density Residential</i>	366	90	0	237	237
<i>Subtotal</i>	366	90	0	237	237
<b>Other</b>					
<i>Agricultural</i>	0	0	0	0	0
<i>Institutional</i>	26	2	0	0	0
<i>Natural Resources</i>	34	33	0	0	0
<i>Subtotal</i>	60	35	0	0	0
<b>Commercial/Employment</b>					
<i>General Commercial</i>	153	122	0	0	0
<i>General Industrial</i>	166	142	0	0	0
<i>Limited Industrial</i>	193	144	0	0	0
<i>Office Research Industrial</i>	133	133	0	0	0
<i>Village Center</i>	6	0	0	0	0
<i>Subtotal</i>	651	541	0	0	0
<b><i>New Market Total</i></b>	<b>1,077</b>	<b>667</b>	<b>0</b>	<b>237</b>	<b>237</b>

**Table 10-30: New Market Community Land Use Plan: Town Portion**

<i>Land Use Plan Designation</i>	<i>Acres Designated</i>	<i>Acres Undeveloped</i>	<i>Pipeline Dwellings (1)</i>	<i>Undev. Land Potential Dwellings (2)</i>	<i>Total Potential Dwellings</i>
<b>Residential</b>					
<i>Low Density Residential</i>	306	177	257	51	308
<i>Subtotal</i>	306	177	257	51	308
<b>Other</b>					
<i>Institutional</i>	7	0	0	0	0
<i>Public/Open Space</i>	111	111	0	0	0
<i>Subtotal</i>	118	111	0	0	0
<b>Commercial/Employment</b>					
<i>General Commercial</i>	11	8	0	0	0
<i>Subtotal</i>	11	8	0	0	0
<b><i>New Market Total</i></b>	<b>434</b>	<b>296</b>	<b>257</b>	<b>51</b>	<b>308</b>

(1) Pipeline dwellings: unbuilt dwellings/units in approved developments.

*(2) Potential dwellings: net (75%) of undeveloped acreage (minus undeveloped acreage in pipeline) at 3.5 du/acre (LDR); 7.5 du/acre (MDR); and 15 du/acre (HDR)*

### **Issues and Opportunities**

- *A road connection between Boyers Mill Road and MD 75 – a New Market Bypass – is part of a County CIP project to examine the feasibility for its potential to reduce traffic on Main Street. In addition, a bypass around New Market may be constructed as part of future municipal annexations.*
- *Prepare a Municipal – County Planning Agreement to address concurrence on appropriate annexation areas.*
- *Address the appropriateness of Mixed-Use Development (MXD) Zoning, which would allow for residential uses, for areas designated LI/ORI.*

### **C. Development Beyond Present Town Limits**

Development outside the Town limits of New Market will profoundly affect its quality of life and financial viability. To assure itself a significant voice in decisions that affect its future, New Market will expand its Planning Area for potential annexation and resource protection purposes. The Town has considered existing roads, natural features, especially those affecting the watershed, and common property ownership to logically define a new planning area. The redefined area is shown on the accompanying Map 2 New Market Proposed Land Use. Any growth in this area will impact the future of New Market as a viable municipality and must be carefully coordinated with the County in terms of zoning categories, roadway infrastructure, and water and sewer provision.

The Planning Area considered by the community has changed from the 2005 Plan. It is a larger area and includes two new land parcels adjacent to New Market, the Ganley Property, and the Audubon Property on Boyers Mill Road. The Planning Area also includes the Smith/Cline parcel west of Boyers Mill Road. The Planning Area is not a projected “Growth Area” but rather a collection of properties whose future use will directly impact the residents and businesses of New Market and their neighbors in Frederick County. The Planning Area is a layer of geography between the County’s New Market Planning Region which extends from Bartonsville to Mount Airy and the current municipal Town Limits.

New Market’s location in the region and its accessibility advantages provide an opportunity to meet the needs of the larger community and region. All land is valuable, but its real estate market value is realized in large part only through public decisions. The value created through the Town’s and the County’s proactive planning, zoning, and infrastructure authority can be translated into measurable improvements to the health, safety, and welfare of area residents. The opportunity is to conserve and efficiently use public funds by concentrating development in areas where public infrastructure and services may be most efficiently provided.

## 1. Land Needs

2030 population estimates for the various New Market residential development configurations follow in Table 4. The numbers reflect added population growth over the current population of 465.

**Table 4. 2030 Population Estimates**

Source of Estimates	Town of New Market	New Market Growth Area (by County)	New Market Planning Area (by Town)	Total Population	Land Needed in acres (1)
MDP	+ 967	+ 273	NA	+ 1,240	156
Frederick County	+ 816	+ 628	NA	+1,444	182
New Market	+ 816	+ 628	+2,450 (2)	+3,894	490

(1) Density yield with sewer @ 3.0 du/acre

(2) Includes 925 dwelling units on Smith/Cline at a household size of 2.65

The Town recognizes that the projected demand for housing by MDP exceeds its capacity to supply housing within its current boundaries by only 103 units. Thus, Smith/Cline with 925 units, if annexed, would provide added capacity of 822 units. These additional dwellings will clearly impact the school and transportation systems. It is equally clear that schools and transportation are regional issues and should be solved cooperatively by both the Town and County. Therefore, the Town recommends that the County redistribute some of its growth to Smith/Cline, rescind its APFO within municipalities while keeping it strong outside municipal borders. This will have the effect of driving annexations towards municipalities where they can use municipal annexation agreements to exact terms consistent with achieving concurrency for crossing the annexation threshold. The County can accept or deny these terms through the extension of water and sewer.

## 2. Type and Direction of Growth and Annexation

"Suburbanization" is a well-known national pattern. It is driven by the spread of homes to easy-to-develop land, the demands of the automobile and large national merchandisers. Downtowns that have been successful in combating fringe development have accomplished it by occupying specialty niches unfilled by the competition and creating an attractive, pedestrian-oriented alternative to the parking lot wastelands of auto-oriented convenience shopping. Regions that have been successful in controlling fringe development have developed mechanisms to coordinate public policy planning and decisions among state, counties, and municipalities. Maryland's "Smart Growth" principles support this approach by calling for directing economic development to existing communities, promoting infill development, preventing sprawl outside growth areas, limiting capital improvements in rural or non-growth areas, preserving open space and environmentally sensitive areas, and promoting mixed use development.

The developed land uses of the Town are compact and uniform with sprawl notably absent but land to accommodate future growth of population or jobs is not available within the Town. Along with the high percentage of developed property, this means that annexation is the safety

valve for growth and that it will be the means of property control preferred by developers – it offers more flexibility and more cost efficiency. Serious annexation interest has been expressed by developers and landowners north, east, west, and south of New Market.

The selected direction of growth and use of land is shown on Map 2 New Market Proposed Land Use. The properties identified as Smith/Cline, Delaplaine, and Ganley are shown as annexation areas and proposed for planned residential (Smith/Cline) and mixed commercial/industrial (Delaplaine and Ganley). Creation of a new zoning category for land proposed as mixed commercial/industrial will be considered at the time annexation proposals are received. The properties south of I-70 identified as mixed commercial/industrial and planned residential are also included as growth areas per the County Plan. Longer-term conservation with minimal development opportunities exist in the larger Planning Area on the Casey, Blentlinger, and Audubon parcels.

There is a significant opportunity to encourage compact, high quality residential, commercial, and institutional development using only a small portion of New Market's Planning Area. This focusing of development should be accomplished in a manner in which landowners are compensated for reductions in long-term development potential of their land through transfers or agreements with other landowners who benefit from increases in development potential. Innovative tools such as a transfer of development rights mechanism or other means of concentrating growth may be needed.

Thoughtful conversion of targeted farmlands to developed uses could provide a unique opportunity to repair and restore essential functions of the natural resource base and enhance water quality over the long term. Existing woodlands can be preserved and expanded to connect with nearby woodlands. Stream protective corridors and buffers can be enhanced or restored.

Targeted preservation of agricultural and open space areas provides opportunities to connect and enlarge blocks of productive farmland, which could perpetually define the character and function of the larger area around New Market. This is particularly important for the Blentlinger, Casey, and Audubon properties. They can become an important transition area from the Linganore and Eaglehead communities.

The properties proposed for annexation also hold the key to providing a northern bypass road connecting Boyers Mill Road on the west to MD 75 on the east. The need for an alternate route parallel to Main Street was recognized as early as 1969, when the New Market Master Plan included a bypass north of the Town. Currently, existing and planned development obstructs that proposed route. Royal Oak Drive, the collector road at one time proposed as a bypass, now is a dead-end and will not divert traffic from Main Street (known as MD 144 outside the Town limits). In view of the substantial development planned for the Lake Linganore PUD and other areas to the west of New Market, this is the transportation issue of greatest importance to the Town.

The growth area south of I-70 offers very important opportunities for commercial businesses, employment centers, recreation, and residential development. Activity is now beginning to occur in this area and, with appropriate water, sewer, and zoning, a true regional employment and

business center can be created. The Town has created zoning that allows a variety of mixed commercial/employment/industrial uses in a carefully planned overall environment that would encompass residential uses in certain areas. Constant attention to this area could create higher paying jobs to offset the higher cost of local housing, limit the miles of through travel on local roads, increase the tax base, keep business local, and foster a greater sense of community.

The County has placed commercial and industrial zoning in the Planning Area south of I-70. However, since the County has not identified a planning policy in its community plans to encourage municipal annexations, it is highly unlikely that this much needed tax base will ever annex into the Town. The Adventure Park annexation process provides evidence for this assertion. It is important to the improvement and sensible development of New Market that the Town work closely with Frederick County officials. Land use and development decisions outside the Town Limits profoundly affect the quality of life within the Town. The Town has previously proposed and will proceed in the future to do a New Market/ Frederick County Joint Annexation Study in the hope producing a clear and unequivocal annexation policy for future plans and planning.

The Town and County should encourage a balanced mix of residential and non-residential development within the New Market Planning Area so that the community, as it changes, does not become a predominantly "bedroom" or commuter residential location. It cannot be overemphasized that if local commercial/tourism/industrial development does not occur, more reliance will be placed upon residential property taxes to pay for needed services affecting both present and future homeowners.

The Town and County should partner with the State and private sector to invest in the necessary and required infrastructure improvements to facilitate economic development within the Town and Planning Area. The Town and County will designate qualified parts of the New Market Planning Area as "Priority Funding Areas" in compliance with the "Smart Growth" Act of 1997.

The Town and County should coordinate with the State to have New Market designated as a "Revitalization Area" in order to take advantage of the various business development grants, loans, and tax credits offered through this program. This State program is designed to target economic development funding to designated growth areas in accordance with the directives of the Maryland Economic Development, Resource Protection and Planning Act of 1992.

A comprehensive and detailed plan for economic development of the proposed mixed commercial/industrial annexations should be developed with significant input from the community. This plan should identify specific physical design improvements as well as funding and marketing strategies intended to stimulate business development on the sites. An additional focus of the development plan should be to preserve and capitalize on the historic downtown of New Market. Focus should also be accorded to developing strategies which link the downtown to other development locations within the Planning Area. Objectives for downtown economic development include:

- Protect the downtown functions against further diminishment as the Town grows larger.
- Improve visibility and traffic to the Town center.

- Improve visitation/patronage by out-of-town customers by returning the Town to a statewide destination.
- Aid the viability of existing businesses.
- Attract new businesses to create a more viable critical mass.
- Accommodate the long term needs of Town center anchors employers.
- Preserve and enhance the unique physical character of the Town.
- Encourage infill development.

Tourism is predicted to become a leading economic generator in this country and the New Market has a unique opportunity to capitalize on its historic character. Studies have shown that historic tourism visitors stay longer, spend more money and return more often. Historic buildings seldom become truly obsolete. Their reuse may require innovative thinking, careful work and creative financing. The results are always worth the time and effort in the long run.

As a first priority for economic development, every effort should be made to preserve and bolster existing businesses and industries within the Planning Area. These businesses should be the foundation for future economic development in the New Market area.

#### **IV. GROWTH'S IMPACT ON PUBLIC SERVICES AND FACILITIES**

##### **A. Transportation**

##### **1. Auto-based Transportation**

Within New Market, Main Street (MD 144) is a Minor Arterial Street and Old New Market Road (MD 874) and Royal Oak Drive are Collector Streets. Other existing streets are primarily Local Access Streets or Alleys. A collector road is planned to move traffic from the planned Royal Oaks development located north of the historic district east across MD 874 through the Marley Gate Development and Mansfield property to MD 75. The extension of Royal Oak Drive to Brewster Drive remains a possibility. See Map 3 for the proposed extension of Royal Oak Drive.

Because of its location on a collector road, much of the traffic using New Market's two main roads does not come from a single origin nor travel to a destination within the Town. Unless transportation routes are drastically modified to redirect most commuter traffic around the Town rather than through its center, the Town will continue to bear the burden of commuter traffic through its territorial limits.

It should come as no surprise that a major Plan concern is traffic and its affect on our sustainability and quality of life. In 2005, peak hour traffic was 896 VPH (vehicles per hour). The weekday ADT (average daily traffic) was 9,600. New Market has been advising the State and County since August 2002 about traffic concerns. The May 2000 Ijamsville Road Corridor Study formed the basic evidence of a potential problem by predicting that daily traffic volume would nearly double by 2020. Subsequent traffic studies pursuant to the New Market Region Plan rewrite have supported this Study and the Town's position on the need for a bypass.

The following Table 5 uses County studies to show “peak hour vehicle” traffic along Main Street under various development conditions. These studies indicate that a bypass with 13,889 units yields 2,650 VPH on Main Street at peak hour. A February 2008 D analysis shows that with less than ½ the units (6,100) and no bypass actually yields more traffic at peak hour (3,020). This is a volume to capacity ratio (V/C) of 1.14. The March 2006 analysis through February D 2008 analysis shows that large decreases in units leads to very small decreases in Main Street traffic. This seeming contradiction is attributable to the fact that traffic is a function of two variables; units and total network capacity. The New Market transportation system can be described as hierarchical. All roads funnel to Main Street which serves as the collector road for the region. Thus a higher weight or coefficient is attached to the road variable in the equation. Without a bypass, there is simply no other alternative for traffic. The New Market transportation system should be based on a grid network. New Market’s Historic District is an example of a grid network. A grid network provides alternatives for travel that facilitates traffic flow and reduces volume on any one link.

The Town understands that the County set aside funds to study proposed bypass alignments. In fact, this is identified as a County CIP project in the Issues and Opportunities section of the New Market Community Area Plan. In an effort to cooperate with the County, the Town offered to provide all the data collected for the proposed Casey/ Blentlinger bypass. In January 2008, a bypass alternative beginning at the Smith/Cline property was presented to the County. See Map 4 for the proposed alignment.

**Table 5. Predicted Peak Hour Vehicle (PHV) traffic along MD 144 (Main Street) - MD 75 to Boyers Mill Road**

Report/Condition	Background Growth	Approved Developments	Eaglehead Site	Casey-Blentlinger Site	Undeveloped Properties	Comp Plan Reduction	Total PHV	V/C
August 2006								
Existing (2005)							896	0.35
2015	139	914	39	19	0	-31	1980	0.71
2020	108	0	20	10	208	-31	2320	0.83
2025	88	0	0	0	208	-31	2620	0.94
August 2007								
Current							896	0.35
10-Year	308	278	131	0	29	-31	1620	0.58
15-Year	125	119	105	0	353	-31	2320	0.83
20-Year	88	0	23	0	353	-31	2460	0.88
December 2007								
Analysis A – 10-Year	308	381	128	0	110	-31	1800	0.64
Analysis B - 10-Year	308	368	123	0	106	-31	1780	0.64
Analysis A - 2020	125	95	85	0	550	-31	2650	0.95
Analysis B - 2020	125	92	82	0	532	-31	2610	0.93
Analysis A - 2025	103	0	0	0	440	-31	3200	1.14
Analysis B - 2025	103	0	0	0	426	-31	3140	1.12
February 2008								
Analysis C - 10-Year	308	381	110	0	100	-31	1770	0.63

Analysis D - 10-Year	308	381	104	0	96	-31	1760	0.63
Analysis C - 2020	125	95	73	0	500	-31	2560	0.91
Analysis D - 2020	125	95	69	0	482	-31	2530	0.90
Analysis C - 2025	103	0	0	0	400	-31	3070	1.10
Analysis D - 2025	103	0	0	0	385	-31	3020	1.08

Data from Traffic Study(ies) for the New Market Region conducted by the Frederick County Division of Planning

## 2. Non-auto-based Movement

New Market should be established as a model pedestrian/bicycle friendly Town by providing sidewalks and paths for the safety and convenience of motorists, pedestrians, residents, and visitors. To this end, the Town shall include provisions for bicyclists and pedestrians in upgrades and newly constructed roads require that sidewalks and paths be included in any new development, and conduct studies to identify scenic lands and roadways that need improved pedestrian and bicycle access. The sidewalks and alleys that now frame the Town should be used as the backbone of an expanded network that connects new development, parks, and the historic district with every part of New Market.

### B. Public Schools

School facilities are owned and operated by the Frederick County Board of Education. The Town’s children are served by New Market Elementary School (NMES) and New Market Middle (NMMS) schools located on West Main Street within the Town limits. Linganore High School (LHS) is approximately 5 miles north of Town on Old Annapolis Road.

New Market is in the Linganore High School feeder pattern (NMES, NMMS, LHS). Table 6 shows the current and projected enrollments and capacities for these schools through 2014. It should be noted that this projection includes the ultimate build out of the Royal Oaks, Brinkley Manor, and Orchard subdivisions.

**Table 6. Linganore Feeder Pattern**

School	SRC	Current Enrollment	% SRC	Projected 2014 Enrollment	Projected 2014 Enrollment % SRC
New Market ES	702	533	76%	719	102%
New Market MS	881	809	92%	581	66%
Linganore HS	1,600	1,751	109%	1,449	91%

Smith Cline is in the Oakdale High School feeder pattern (Deer Crossing ES, Oakdale MS, Oakdale HS). Table 7 shows the current and projected capacities for the Oakdale pattern through 2014.

**Table 7. Oakdale Feeder Pattern**

School	SRC	Current Enrollment	% SRC	Projected 2014 Enrollment	Projected 2014 Enrollment % SRC
Deer Crossing ES	641	757	118%	711	111%
Oakdale MS	600	579	97%	613	102%
Oakdale HS	1,600	N/A	N/A	1,204	75%

Thus, even with a County APFO there is projected to be capacity issues at three of the six schools in the two tables in 2014. This further demonstrates that in the future the Town will not only face overwhelming traffic issues, but continue to deal with school capacity issues as well. It should be noted that New Market contributes only 52 students to NMES, 19 students to NMMS and 33 students to LHS. This constitutes 7.4% capacity at NMES, 2.1% capacity at NMMS and 2% capacity at LHS. From this it is evident that the Town of New Market is not contributing to school overcrowding. In fact, it provides evidence that APFO alone can not solve concurrency issues. The County must give consideration to the concurrency tools that all municipalities have to offer. Those include but are not limited to municipal annexation agreements, DRRA's, utilities, and moratoria. Further, this proves that concurrency at all levels can only be achieved incrementally. Therefore, we must recognize that concurrency requires long-term planning. Specifically, what will Town residents say in the future when traffic is 3 ½ times more than today, yet we have the same school capacity issues?

In 2009, the Town added Smith/Cline to its annexation area. Smith/Cline is contemplated to have 925 units. Its pupil yield is shown in Table 8.

**Table 8. Smith/Cline Pupil Yields**

School	Yield Factor	Smith/Cline Units	Smith/Cline Pupils
ES	0.27	925	250
MS	0.15	925	139
HS	0.21	925	194

A narrow view of this growth suggests that Smith/Cline will only exacerbate school capacity issues. However, closer examination shows that adding 194 students to Oakdale HS only raises its capacity to 87%. Frederick County Public School system plans show that a 300-seat addition to Oakdale MS is scheduled to begin in 2016. This means that Smith/Cline's MS pupil yield of 139 would put OMS at 83% capacity. Unfortunately, Deer Crossing ES is at its maximum design capacity. Thus, a new elementary school may be required to accommodate the 250 ES students Smith/Cline would generate. There is, however, an elementary school site located on property contiguous to Smith/Cline in Greenview. It is a 15 acre parcel and would accommodate a 460-seat elementary school. It already has water and sewer lines running to it. Thus, it complies with the Smart Growth Vision relating to infrastructure. The cost of this facility would be \$23M. Table 9 shows the contributions to public facilities from Smith Cline impact fees.

**Table 9. Smith Cline Impact Fees**

Type	Units	School Fee	Total School Fees Collected	Library Fee	Total Library Fees Collected	Total Impact Fees
Single-family Detached	925	\$12,963	\$11,990,775	\$770	\$712,550	\$12,703,025

If distributed accordingly, the school impact fees could contribute to approximately half the required funding for a new Greenview Elementary School.

It should be noted that even if Smith/Cline was annexed at the time of this writing, it could not begin to build homes for five years. This is attributable to HB1141 which prevents development on annexed property where the zoning between the annexing municipality and the county is substantially different. It should be further noted that the County has stated that downzoning property around New Market “takes the gun from the municipality’s head” in order to provide a balance of power between the developer and the municipality thus encouraging annexations more favorably towards municipalities.

This potential is recognized in the County Comprehensive Plan in the New Market Community Growth Area section where it states, “A bypass around New Market may be constructed as part of future municipal annexations.” This gives the Town and the County sufficient time to work out a joint planning/annexation agreement that dedicates school capacity reservations to the Town and phases construction build-out with school funding and pupil yields. Regardless, it is evident that an elementary school will be needed in the future. If the Greenview site is chosen, greater justification would be produced to zone and develop Smith/Cline as residential. The Maryland Department of Planning acknowledges that “The loss of agricultural land and the loading of farm roads with residential vehicle traffic lead to a ‘tipping point’ where agriculture is no longer a viable way of life in many of these areas. Few farmers desire increased numbers of motor vehicles, including school buses, on roads that have been used for decades for the movement of tractors, combines and local residents. As such, schools and farms do not usually make the best of neighbors.” Currently we have Deer Crossing to the north and New Market ES and New Market MS to the south of Smith/Cline. It is bisected by Boyer’s Mill Rd. and its commuter traffic. The current situation is not consistent with accepted planning principles.

**C. Libraries**

The Town does not currently have a public library. The closest library can be found in the Town of Mt. Airy or the C. Burr Arts Library in the City of Frederick. The American Library Association suggests that there should be 1,000 sq. ft. of library space for every 10,000 persons. The Town is likely to never reach that population. Nonetheless, the Town may consider asking for the Franklin Smith home to serve as a community library and municipal building as part of a

Smith/Cline annexation. Table 9 above shows the impact fees for public libraries that the County would collect. Similarly, the Town could ask for a reasonable portion of these fees be allocated to equipping and staffing such a library as part of a joint planning/annexation agreement.

## **D. Public Safety**

### **1. Police and Public Safety**

The Town's fire protection is provided by the New Market Vol. Fire Department located 76 W. Main St. It was established in 1954 by the New Market Lions Clubs and locals such as Franklin Smith, Jim Hahn, and Paul Zimmerman. Currently the facility is staffed by its volunteers and no less than two full-time County Fire and Rescue Service employees 24/7.

The Town participated in the Frederick County Sheriff's Department Extra Duty Hours program. It budgets approximately \$12,000/year or \$67/household annually for this service. It receives approximately 340 hours of deputy time. This is an average of 6 ½ hours per week. Most of the activity is focused on speed enforcement. New Market is not a high crime neighborhood. The rule of thumb is one police officer for every 750 persons. The Town may not reach that population for several years. The capacity calculations of this Plan show the Town will have roughly 1,650 households at build out. That yields a population of approximately 4,360 persons. Using the rule of thumb, the Town would need to hire 6 police officers. The current cost per officer under the Frederick County Sheriff's Dept Community Deputy Program is \$100,000/yr. At build out, for six officers, the cost per household would be \$363. Given our low crime rate it is hard to imagine a rate for police protection that would require a doubling of the real property tax rate. The need for police protection should be continuously monitored as the Town grows.

## **E. Water and Sewerage Facilities**

The entire New Market Community Growth Area is identified for public water and sewer Service, however many older Town properties currently rely on individual well/septic. The County and Town have executed a series of Water Service Area Agreements that detail the timing and process for allocating water and sewer taps by the County to the Town. The initial phase of extending water to the Main Street properties was completed in 2009. Existing subdivisions and undeveloped land outside the municipal borders of New Market have the opportunity to connect to public water and sewer service.

New Market is served by the Monrovia Wastewater Treatment Plant (WWTP) and the New Market WWTP. Both of these facilities are interim plants that will be closed when the Bush Creek Sewer Interceptor, a developer-funded project, is constructed which will ultimately convey sewage from the New Market area to the Ballenger/McKinney WWTP.

### **1. 2010 County Water and Sewerage Plan Revisions**

- The County water and sewer service area matches the revised community growth boundary within the New Market Community

- An Agriculture/Rural plan designation replaced the Office/Research/Industrial plan designation on 26 acres in the eastern portion of the community and was removed from the growth area boundary and water and sewer service area

## **2. Current Inventory**

In April, 2003, the Town entered into a Water Service Area Agreement (WSAA) with the County.

The original agreement and its two amendments resulted in a total of 620 water and sewer taps or equivalent dwelling units (EDU). However, the allocation of 500 of these taps was controlled by an Initial Allocation Schedule contained in Section 8 of the WSAA, which limited the number of taps available to the Town and to two new subdivisions until certain infrastructure improvements for the Potomac River Water system were completed.' This original Allocation Schedule was developed long before the Potomac River water system infrastructure was fully designed or under construction. The original language of the agreement requires the completion of the entire 26 MGD New Design Road water system expansion before the later year allocations can be utilized.

The Initial Allocation Schedule was necessary when the original agreement was executed because there was a limited amount of water capacity available from the County's Lake Linganore water supply. Since that time the required infrastructure has been permitted, all of the treated water transmission line has been constructed, the Potomac River (New Design Road) WTP has been increased in capacity by 2.2 MGD and the construction project to expand the WTP to 25 MGD (Maximum) is 57% complete and the new portion of the WTP is scheduled to be commissioned in early 2010 providing capacity in excess of 16 MGD.

In addition to the treatment and transmission infrastructure outlined above, the County completed 2,180 linear feet of water along Royal Oak Drive and Wicomico Court in 2008 and constructed 6,370 feet of water line along Main Street in 2009.

As a result the progress of these infrastructure projects, the Third Amendment to the WSAA provides for the elimination of the initial Allocation Schedule and recognizes the immediate availability of all 620 water and sewer taps, with their allocation based on actual existing sewer service connections and vacant lots within the area of the Town covered by the WSAA, as well as those taps associated with existing Multi-Year Tap Agreements (MYTA), which the County has with two developers.

The original WSAA also limited the total number of sewer taps that would be available for use inside the Town of New Market for new construction to 256 EDUs, until the completion of certain wastewater conveyance and treatment projects. These projects include the Bush Creek interceptor project, the first phase of the McKinney VVWTP project, including its Potomac River Effluent Conveyance lines. Although these projects are not yet complete, their description and scope has changed sufficiently to amend the WSAA so that a clear understanding exists as to what infrastructure needs to be in place to allow for the allocation of additional wastewater capacity to the Town of New Market.

The first Phase of the McKinney WWTP expansion referenced in the early WSAA included the construction of a new WWTP in the McKinney Industrial Park and its associated Potomac River effluent outfall lines. Since the WSAA was executed the planning and design of the McKinney project has changed such that it is now an Expansion of the Ballenger Creek WWTP and the Potomac River effluent outfall will not be needed until flows to the new Ballenger-McKinney WWTP exceeds 15 MGD. Therefore the availability of additional wastewater system capacity, beyond the 256 taps identified for new construction, will only be limited to the construction of the Bush Creek Interceptor and the Ballenger-McKinney WWTP construction, not the treated effluent outfall line.

The Town of New Market has also expressed a desire to recognize additional water and sewer system capacity (beyond the 620) in the third amendment to the WSAA, which would become available with the completion of the referenced wastewater conveyance and treatment plant improvements. This Future water and sewer capacity are shown in Table 1 below and memorialized in the Third Amendment to the WSAA.

Since periodic WWTP plant capacity evaluations performed by the DUSWM can occasionally result in the allocation of some additional taps, based on lower than anticipated actual per EDU flow, a provision has been added to the Third Amendment that would allow for the accelerated allocation of water and sewer taps shown as Future in Table 10 subject to such evaluation. This accelerated allocation of these Future taps would be subject to any County reservation for other MYTA, other agreements or public need as it is defined in the DUSWM Rules and Regulations.

After the Bush Creek Interceptor and the Ballenger-McKinney WWTP construction is completed and operational, the Taps shown in Table 10 as Future would become available to provide additional capacity for existing commercial customers and service to additional properties within the area of the Town covered by the WSAA.

**Table 10. Water and Sewer Tap Allocations**

	Total Allocated	Town of New Market	Royal Oaks	Brinkley Manor	Orchard
Original	500 ea	275 ea	120 ea	105 ea	0
2 <sup>nd</sup> Amendment	120 ea	40 ea	0	0	80 ea
Total Available	620 ea	315 ea	120 ea	105 ea	80 ea
<b>Future</b>	150 ea	126 ea	0	0	24 ea
<b>Total</b>	770 ea	441 ea	120 ea	105 ea	104 ea

### 3. Water Demands Created by Projected Growth

For general planning purposes, one dwelling unit will be considered to use 250 gallons of water per day. Using the MDP estimate of 179 households in 2005 and assuming that all homes were

connected to a public water system, usage would be 44,750 gallons per day (gpd). Build-out to a population of 4,359 or 1,645 dwelling units would increase that figure to 411,000 gpd.

Surface water is considered by some to be necessary to supplement groundwater sources for either existing systems or the proposed area-wide system. Frederick County foresees the Potomac River as a prime water source for central Frederick County in the future. Should development of water and sewer treatment mechanisms follow this course, it is of utmost concern that the routes taken to transfer water to and from the river are environmentally secure and that the discharge into the river itself is of sufficient purity so as not to further pollute the Chesapeake Bay.

#### **4. Sewer Demands Created by Projected Growth**

The Town is presently served by the Frederick County sewer system, with a sewage treatment plant located at the end of Main Street and the interchange of MD 75 and I-70. The plant is permitted for 240,000 gpd. A regional sewerage treatment plant is located south of Town along Bush Creek, across I-70 serves the Monrovia sewer service area. The Monrovia sewerage plant is considered a “long-term interim” facility until completion of the planned Bush Creek interceptor. The plant has a design capacity of 200,000 gpd. The availability of additional wastewater system capacity, beyond the 256 taps identified for new subdivision construction in the original New Market WSAA, will only be limited to the construction of the Bush Creek Interceptor and the Ballenger-McKinney WWTP construction, not the treated effluent outfall line. Future treatment capacity will depend on the completion of the Bush Creek Interceptor to convey sewage to the Ballenger Creek or McKinney WWTPs for treatment. The Monrovia plant would then be used for pre-treatment or abandoned altogether.

One dwelling unit is considered to produce 250 gallons of wastewater per day. Using the MDP estimate of 179 households in 2005 and assuming that all homes were connected to a public sewer system, usage would be 44,750 gallons per day (gpd). Build-out to a population of 4,359 or 1,645 dwelling units would increase that figure to 411,000 gpd.

#### **F. Stormwater Management**

The Town is making progress toward adopting the significant changes to environmental laws related to stormwater management as a result of the Stormwater Management Act of 2007. Frederick County now enforces these regulations for the Town.

#### **G. Recreation**

The Town owns and maintains two parks. The first is located on East Main Street and consists of two basketball courts, a tennis court, and a playground. The second is located in the middle of Town on Main Street. It consists of a water fountain surrounded by a resting area with park bench seating.

Via the annexation of the Royal Oaks Subdivision, approximately 100 acres of land are dedicated for public use some of which are now being developed for active recreation. The remainder could accommodate a network of hiking and biking trails connecting to the Town.

Frederick County has identified New Market as a site for a community park. In addition, Frederick County has selected a location east of New Market for a District Park. The term "District Park" is defined as a large park of over 100 acres providing a wide range of recreational opportunities while remaining as much as possible in a natural state for conservation-related purposes. Along with facilities such as a large picnic area, athletic fields and courts, a playground, and parking areas, the park will include an extensive natural area for hiking and perhaps fishing and camping.

The New Market Elementary and Middle Schools participate in Frederick County's School Community Center Program. The schools provide their facilities for a variety of youth and adult activities after school, evenings and weekends. The facilities at these schools are presently 100% utilized throughout the calendar year.

The County standard for parks is 25 acres/1000 population and it currently provides 475 acres of parkland.<sup>1</sup>The County anticipates a need for an additional 522 acres of parkland by 2020 and currently spends approximately \$1,200/acre to operate parks. The Town has 106 acres of parkland. Our population is 465 and, assuming the build-out of Royal Oaks, Brinkley Manor, Orchard and Smith/Cline subdivisions, the Town's population will be approximately 4,359. This translates into, using County standards, a need for a total of 107 acres of parkland. Table 11 illustrates each subdivision's contribution to the Town's planned total parkland area. This scenario will allow the Town to "contribute" 89 acres of excess parkland to help fill the current deficit of 3,537 acres in County parkland needs.

**Table 11. Parkland Acreage**

<b>Location</b>	<b>Acres</b>
Town	106
Royal Oaks	0
Brinkley Manor	10
Orchard	15
Smith/Cline (assumed)	65
<b>Total</b>	<b>196</b>

**H. Burdens on Municipally Provided Services and Infrastructure Lying Beyond the Proposed Municipal Growth Area**

No burdens on New Market-provided services and infrastructure lying outside the preferred Annexation Area can be identified at this time.

**I. Infrastructure Summary**

**Schools:** Redistricting could eliminate capacity issues at both New Market Middle and Oakdale Elementary. Redistricting, however, will not solve overcrowding at Linganore High. The construction of Oakdale High School was necessary to solve capacity problems on the high school level. The Frederick County Planning Commission should investigate expediting the proposed construction of the Casey/Blentlinger Elementary for the purpose of overflow capacity while Linganore High renovations take place. Specifically, using this facility for New Market region ninth graders may alleviate overcrowding during this time. The County Planning Commission used this methodology in 1979 when the construction of New Market Middle fell two years behind schedule. During 1979 and 1980, seventh and eighth grades were sent to Walkersville to attend “Linganore West.”

**Roads:** It would appear from the County CIP that all regional road improvements lead to Main St. and 15,600 vpd. The Streetscape Plan for New Market, as currently proposed, may calm traffic, but it will not prevent it. Adding more “teeth”, such as adding speed humps, to take a bite out of traffic will have three unintended consequences. First and most importantly, it will have a detrimental affect on the emergency response of fire and rescue equipment. Secondly, it will cause greater traffic congestion on Main St. This will make getting in and out of driveways, alleys and public facilities such as the schools and post office more difficult. Lastly, without a bypass, this leaves the residents of Lake Linganore with no reasonable alternatives for getting out. Neither a “beefed up” Main St. nor Gas House Pike would be attractive. This would have the affect of transferring the Town’s problem onto the residents of Lake Linganore. This is not good government and supports the need for a Smith/Cline bypass.

Furthermore, a study to determine the effects of the completion of the Meadow Rd. interchange in conjunction with “streetscape” should be conducted. The Town suspects that adding the bypass, interchange, and streetscape will greatly reduce traffic volume on Main St. The Town also needs to work with the developer of Royal Oaks subdivision to create a connection for Royal Oaks Dr. through Royal Oaks subdivision.

**Parkland:** The Town will work with developers to create additional parkland as well as improve existing parkland.

**Water and Sewer:** Given that amendments to the WSAA are subsequent to annexation as opposed to prior to annexation, the WSAA should be amended to strengthen New Market’s growth potential. Specifically, reversing the order of amendments would lead contiguous property owners to Town for annexation. The current situation is revealed by the lack of annexation requests for commercial and industrial properties south of I-70. Currently, the County treats the Town similarly to individual property owners and developers. That is, first come first served. However, unless the property owner has vested rights in capacity derived from the property, the Town maintains that since its role is to fill a greater public purpose, the County should ascribe a greater priority to the Town with respect to utility appropriations. The Town believes the proper order of utilities should trickle down from the Potomac to the MDE to the County to the Town in order to serve its mutually agreed growth area. All of these bodies belong to the public.

**Fire Safety:** The Town has no authority over the New Market Volunteer Fire Department. However, plans to improve the facility at its current location are supported by the community.

**Police:** Where there are standards to apply to public services, it would appear that reaching the desired level of police protection presents the greatest challenge to the Town's and the County's operating budget. This emphasizes the importance of conducting a thorough fiscal impact of future annexations. Furthermore, it adds emphasis to the need for a balanced tax base in both the County and Town.

**General Provision of Community Services:** Annexation applicants shall be prepared to address the community-wide impact of each proposed land use on the need for public facilities and services, related transportation and housing consequences, and their subsequent effects on the Town's resources.

## **V. PROTECTION OF SENSITIVE AREAS IN AND NEAR NEW MARKET**

### **A. The Town shall protect its natural water supply, and encourage stewardship of the Chesapeake Bay and its tributary lands.**

The Town shall take every step to ensure the quality of its groundwater and surface water sources and implement well head protection measures when possible. The Town will also institute policies and programs to protect and enhance recreational linkages and natural stream areas.

### **B. The Town will continue zoning practices which protect and enhance the environment.**

These practices shall:

- \$ Encourage sound management and protection of groundwater and surface water resources and their quality.
- \$ Promote diligent, efficient use of water resources and discourage wasteful practices.
- \$ Preserve or enhance aesthetic qualities of natural drainage courses in their natural or improved state compatible with flood control measures, economic, environmental, and ecological factors.
- \$ Direct development activity away from 100 year historic and annual floodplain areas to minimize health and safety hazards, property loss, and environmental disruption, and to foster stream enhancement, improved water quality, and recreational opportunities.
- \$ Prevent construction of large contiguous paved areas unless adequate measures are ensured to reduce runoff.
- \$ Encourage disposal of storm and domestic runoff on the development site, rather than directing it to draining courses.
- \$ Discourage urban uses and limiting development in designated aquifer recharge areas.

- \$ Require areas chosen for expansion to apply a groundwater use plan as part of their site plan application.
- \$ Ensure that environmental impacts receive equal consideration along with economic and engineering factors as a part of the review process. Included in this should be an evaluation of transportation and air quality effects of major employment generating projects in determining these impacts.

**C. The Town will consider the following additional land use designations to thoroughly address open space issues:**

Open Space Reserve - Intended to protect land with potential recreational value. Its location and extent depend on the presence of scenic, aesthetic, wildlife or other resources which require special protection and may have potential recreational value. It is intended to remain agricultural. Recreational uses must be compatible with adjoining agricultural uses.

Agricultural Reserve - ~~Intended for future development at a density of 3-5 acre lots. It excludes the best soils.~~ As long as held in reserve, no public services will be provided, nor will urban uses or divisions of land incompatible with future urban development be permitted.

Conservation - Intended to protect and preserve areas of natural resources including woodlands, unique biological-ecological systems, wildlife habitat, scenic areas, steep slopes, aquifer recharge areas, wetlands, and water supply sources for the purpose of protecting natural and man-made communities from environmental hazards such as flooding, subsidence, erosion/siltation, drought, and air and water pollution.

The Town shall develop a package of incentives and encourage the following uses of open space in its Planning Area: additional active parkland, development of designated parkland, increased historic preservation, additional natural open space, preservation of trees and other vegetation, and preservation of natural drainage and aquifer recharge areas.

These designations can usefully apply to lands (sensitive areas, conservation easements, and open space) within and surrounding the perimeter of the Planning Area that are meant to retain rural character and remain undeveloped. These areas form a rural greenbelt around New Market and can function as a growth boundary. By directing regional growth into the Town and designated locations within the Planning Area, it is proposed that these conservation areas constitute permanent buffers in the landscape.

Property owners in land conservation areas can be compensated in a number of ways. They are encouraged to participate in a transfer of development rights which would allow them to sell and move development rights from their property for use in areas designated for growth. Property owners in designated growth areas may be required to use development rights transferred from within the Planning Area to achieve the densities necessary for successful development. Property owners could also enter into contractual arrangements or Developer's Rights and Responsibilities Agreements which would cluster development on a single property but share development returns among several owners. Other arrangements for concentrating development

are possible and New Market looks to the creativity of its citizens and neighbors to bring this objective to fruition.

Owners in land conservation areas will also be urged to participate in any of the various land conservation programs available such as the Maryland Agricultural Land Preservation Foundation (MALPF) farm easement purchase program and the conservation easement programs offered by the Maryland Environmental Trust (MET) and the Maryland Historic Trust (MHT). The MALPF ~~and TDR programs~~ allow rural property owners to derive equity from their lands without actually developing them in return for placing easements on the property which prohibit or limit its future development. The MET and MHT conservation easement programs provide tax credits and estate planning benefits to property owners who voluntarily place their lands under easements prohibiting or limiting future development.

**D. The Town has adopted and will maintain standards for development on or near wetlands and floodplains, so as to protect these critical resources.**

No development shall be allowed within a 100-year flood plain, historic or annual, and there shall be a 25-foot building setback in areas adjacent to these floodplains

Consideration shall be given to modifying the zoning ordinance to attach special conditions for properties located in an area outside the 100-year floodplain but still subject to flooding to reduce the risks of property damage or injury. These conditions could include underground storm drainage systems capable of handling run-off from a 100-year storm, limits on the amount of pavement and other impermeable surfaces, and drainage fees to help pay for downstream improvements needed as a result of development

**E. The Town will take action to improve environmental awareness and monitoring.**

New Market will establish a Conservation Committee whose primary function will be to advise the Planning and Zoning Commission. Its secondary functions will be to:

- \$ review all construction applications to assure that conservation design guidelines are followed;
- \$ encourage good soil conservation practices and examine impacts of proposed development relating to this as a routine part of the improvement plan evaluation;
- \$ act as liaison with federal, state, and local officials to promote policies beneficial to conservation of natural resources, vegetation, and wildlife, see that all regulations are properly administered and enforced, similar to the function performed by the Historic District Commission;
- \$ coordinate to achieve adequate water supply quality and protection;
- \$ oversee recycling efforts to ensure residents understanding of and compliance with new Town and County regulations; and
- \$ arrange to have the Town engineer monitor construction sites to see that conservation measures are being maintained as agreed upon.

## **VI. FINANCING OF INFRASTRUCTURE EXPANSION**

### **A. Guiding Standards**

The New Market Planning Area will accept a certain amount of residential growth and commercial and job creating uses in locations and patterns that enhance overall community character and sustainability.

Future planned growth in whatever quantity will be constrained to as small a “footprint” on the land as possible to limit environmental impacts and infrastructure requirements.

Development will be required to help repair past environmental damage as well as improve current environmental functions.

Development will be required to offset initial infrastructure costs and provide them in a manner that creates continuing and substantial revenues for the public.

In return for a possible increase in development costs, developers will receive such benefits as a better mix of uses or greater density on selected sites, a simple approval process for complying proposals, ability to market themselves as part of an enhanced New Market community with a higher quality of life, greater amenities, and less congestion.

### **B. Financing Responsibilities**

The Town and County will work with the private sector and the State to plan, fund, and construct the community facilities, infrastructure, and transportation improvements necessary to correct existing inadequacies within the community and to facilitate development in New Market Planning Area as a designated growth center within the County.

New development will pay its fair-share of the costs associated with community facilities, infrastructure, and transportation needs where demand is generated by the new development. Current residents, businesses, and property owners will not be required to fund capital improvement costs for community facilities, infrastructure, and transportation improvements necessitated by demands solely generated by new development.

No new development will be approved within the Planning Area unless it can be determined that adequate public facilities and infrastructure are in place or are planned and funded for construction within a reasonable time period in conjunction with the proposed development.

The timing and phasing of community facilities, infrastructure, and transportation improvements requiring public investment will occur over time in conjunction with coordinated Town and County Capital Improvement Programs and priorities for Town annexation. Improvements recommended for areas within the Town and proposed annexation areas should receive the highest public-sector funding priority.

## **VII. RELATIONSHIP OF NEW MARKET'S LONG-TERM DEVELOPMENT POLICY TO THE VISION OF ITS FUTURE CHARACTER**

### **A. New Market's Current and Future Character**

To assure new construction is consistent with adopted growth policies, and expansion of development is balanced, the Master Plan shall be evaluated every five years.

Areas chosen for annexation/development shall be subject to public facilities concurrency and have an adequate level of school facilities; fire, rescue, and police protection; water and sewer facilities; transportation support; recreational opportunities; and other public facilities as identified. Future development will be on community water and sewer, designed with the capability of replacing existing well systems in the Town if the need arises.

New Market has long had a reputation for its high standards of architectural style and authenticity in its historic district; this same attention to detail shall be applied uniformly to future annexed areas as well through the use of architectural guidelines. New development shall not adversely affect the character of existing areas.

Implementing the Plan's land use concept will require a new approach to assembling, designing, and evaluating development proposals. First, a mechanism to move development among the Planning Area properties should be an integral part of the Town's zoning and subdivision regulations. If concentrated development, sensitive area protection, and rural preservation are to be achieved, some properties will have development, others will not. But all property owners must be able to benefit from the development potential created and this requires a creative regulatory mechanism.

Second, the ordinances developed to carry out the Plan should provide flexibility and performance criteria which produce a choice in the types of living environment and living units available to the public; maximum open space and recreation areas; a pattern of development which preserves trees and habitat, the natural topography and geologic features, sensitive areas, and protects and improves water quality; a creative approach to the use of land and related physical development; an efficient use of land resulting in smaller networks of utilities and streets and lower housing costs; an environment of stability in harmony with the character of New Market proper; and a more desirable environment than would be possible through the strict application of predetermined height, area, and bulk regulations.

Third, in recognition of the special character of New Market, development specifications should be kept to a minimum but require intensive negotiations with the Planning Commission to achieve the Plan's objectives for compact and efficient residential, business, and commercial development suited to the needs of each specific site. For example, building setbacks, bulk standards, lot sizes, impervious coverage, height, landscaping, bufferyards, lighting, walkways, development density, and road standards shall be determined by the Planning Commission for each individual development in the Planning Area.

The central reason for the Planning Commission's need for wide authority in setting standards is to provide design flexibility, consistent with public health and safety, for properties that bring a range of differing physical and environmental concerns and for applicants who must develop property and construct buildings in accordance with a unified and coherent plan of development. When determining these requirements, the Planning Commission shall consider such factors as the proposed intensity of the development, use mix, design, compatibility with existing or anticipated development on surrounding lands, and compatibility with the lot density and character of New Market.

Fourth, preparation and approval of a Development Master Plan will be required for any development proposal in the Planning Area. This is designed to achieve a unified scheme of development for an entire parcel which will be consistent with the provisions of the Town's Plan, its planning and zoning ordinances, and its growth policies. The unified development shall be master planned as an integrated project with well-designed and coordinated transitions between various land uses and adjacent existing land uses. A phasing plan for various components of the development shall be approved by the Planning Commission as a component of the Master Plan approval. Once approved, a developer will be obligated to comply with the Master Plan when applying for subdivision approval for each phase of the development.

### **B. Joint Planning with Frederick County**

Annexation feelers, the lack of a supply of available land within the Town, excessive traffic through Town, and the fiscal need for both commercial and residential growth raise important concerns about the future land use pattern. New Market must develop a detailed, cooperative relationship with Frederick County to assure that any growth around its limits is carefully coordinated, consistent in both character and scale, governed by compatible land use regulation, and appropriately served by utilities and roads. While the Town and County now work very well together on sharing regulatory responsibilities and seeking advice and assistance on regional infrastructure issues, this Comprehensive Plan calls for more detailed interjurisdictional cooperation.

Immediate targets include:

1. Define the 30-year annexation boundary, without necessarily zoning it for growth.
2. Document with written confirmation by the County that its purpose in downzoning land around New Market was for the express purpose of preserving that land for future annexation and development.
3. Reservation of a transportation corridor for a future by-pass under Article 66B, §6.01
4. Establish a written commitment by the County to amend the WSAA to earmark and provide adequate utility capacity to serve the areas planned for annexation.

5. Consideration of the adopted joint planning agreement in the County's CIP, providing for funding and implementation of annexation-based infrastructure under the County's capital improvements budget.
6. Restricting further development north and west of the New Market Planning Area which may generate more traffic which may, in turn, further overburden the Main Street corridor, until a solution can be funded and implemented.

One way of developing this improved cooperation is for the County and the Town to enter into an “intergovernmental cooperative agreement” for an agreed-upon annexation area. Another method is to coordinate the language of the Comprehensive Plans of both jurisdictions. Either method should accomplish the following purposes:

1. To establish a process by which the Town, the County, and the State will achieve consistency between their comprehensive plans, strategy documents, and land development ordinances including adoption of conforming ordinances for growth areas, future growth areas, and preservation areas within an agreed-upon time period.
2. To establish a process for joint review and regulation of developments proposed within the Town or a defined area of the County.
3. To establish the implementation role and responsibilities of the Town, the County, and the State for public infrastructure services, transportation, business development and other key community support activities as part of a regional planning effort.
4. To produce a cooperatively developed and recognized New Market Plan to be amended to the current plans and strategies of the Town, the County, and the State and, at a minimum, consisting of the following elements:
  - a. Designated annexation areas where 1) orderly development to accommodate the projected residential growth within the next 20 - 30 years is planned and 2) commercial, industrial, and institutional uses are planned to provide for the economic and employment needs of the area and to ensure that the area's tax base will be adequate. The annexation area will include a description of the services provided or planned to include water and sewer, transportation, schools, health, police and fire, parks and recreation, and all other necessary community-supporting functions.
  - b. Designated preservation and rural areas where 1) development is allowed at densities compatible with uses that are or may be permitted and 2) publicly-financed infrastructure services are not provided or planned unless the participating governments agree for health or safety reasons.
  - c. Plans for the accommodation of all categories of uses within the planning area, including housing for all income levels and a reasonable allocation of affordable and workforce housing.
  - d. Plans for developments of regional significance, especially those

involving transportation, community facilities, and utilities.

e. Plans for the conservation and enhancement of the natural, scenic, historic, and aesthetic resources of the area.

f. Plans for the creation of well-designed communities.

The New Market Planning Area Map shows a land use layout for New Market's proposed Planning Area that considers existing infrastructure and natural features, which logically define a new annexation area boundary. This layout should be the basis for cooperative planning with the County that will allow the participants 1) to shape planning areas based on inherent regional logic and political willingness, and 2) to plan together on issues that need to be examined regionally but to retain local control over implementation and local issues so long as implementation is consistent with an overall multi-jurisdictional framework plan.

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**AN AMENDMENT TO THE 2005 NEW MARKET MASTER PLAN**

**NEW MARKET WATER RESOURCES ELEMENT**

**11/17/2010**

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## **Introduction**

The New Market Master Plan's "Water Resources Plan Element" (WRE) is a new Plan element. It is mandated to assure compliance with the requirements of Maryland House Bill 1141 (HB 1141). The purpose of the WRE is to provide additional layers of planning for water resources in relation to existing use and proposed land use, based on an analysis of growth and development trends to assure demands for water supply can be satisfied as Town growth occurs and to assure measures are taken to minimize impacts to water quality.

New Market's water and sewage treatment facilities are managed by Frederick County and provided to the Town based on Water Service Area Agreements that detail the timing and process for allocating water and sewer taps by the County to the Town. Because of the limited influence that the Town exerts in managing growth and the provision of water and sewer facilities in the watershed and County, the Town WRE will freely reference and refer readers to the Frederick County WRE adopted in 2010. New Market is identified as a Community Growth Area (CGA) in the overall County Comprehensive Plan.

The New Market WRE is directly linked a number of other Plan elements. They include: 1) the Land Use Plan; 2) the Municipal Growth Element; and 3) Community Facilities elements. The Water Resources Element addresses three major areas including water (both supply and quality), wastewater treatment and discharge, and stormwater management.

Among other things, preparation of the WRE is an exercise intended to test water resource capacity limits, determine the potential implications of water resource issues for future growth, and facilitate development of coordinated management strategies. The Town of New Market represents a very small portion of the much larger Monocacy River watershed. Since water resource protection issues are of concern watershed-wide, much of the effort to protect or enhance water quality will be dependent on County and State actions and programs. Nevertheless, this plan element evaluates New Market's role in protection of Water Resources in this larger context.

The purpose of the Water Resources Element (WRE), as defined in Maryland House Bill 1141, is to establish a clear relationship between existing and proposed future development; it further establishes the relationship between drinking water sources and wastewater facilities that will be necessary to serve that development and measures to limit or control the stormwater and nonpoint source water pollution that will be generated by new development.

Specifically, the statutory requirements are:

- Identify drinking water and other water resources that will be adequate for the needs of existing and future development proposed in the land use element of the plan, considering available data provided by the Maryland Department of the Environment (MDE).
- Identify suitable receiving waters and land areas to meet the stormwater management and wastewater treatment and disposal needs of existing and future development proposed in the land use element of the plan, considering available data provided by MDE.

- Adopt a WRE in the comprehensive plan on or before October 1, 2009, unless extensions are granted by Maryland Department of Planning (MDP) pursuant to law. Zoning classifications of a property may not be changed after October 1, 2009 if a jurisdiction has not adopted a WRE in its comprehensive plan.

This element of the Plan assesses the Town's access to drinking water sources and wastewater treatment facilities and their ability to support existing and future development. It also identifies suitable receiving waters for existing and future wastewater and stormwater discharges. The Town of New Market, has prepared this Water Resources Element to assure the Town will focus growth to areas best suited to use the existing and planned water and wastewater infrastructure; to nurture efficient patterns of growth, protect and preserve the natural environs, promote economic growth, and support diversity of living environments in the Town.

### **Frederick County Watersheds** [From Frederick County WRE p.7]

Water in Frederick County flows across two major watersheds: the Catoctin Creek watershed to the west of the Catoctin Mountains and the Monocacy River watershed to the east. Both watersheds lie within the larger Potomac River Basin, which drains to the Chesapeake Bay. The headwaters of the Monocacy River are in the Gettysburg, PA vicinity; the free flowing river then meanders 58 miles south to its confluence with the Potomac near the Montgomery County line. Approximately 75% of Frederick County's land area drains to the Monocacy River. There are seven municipalities within the watershed including Emmitsburg, Frederick, Mount Airy, New Market, Thurmont, Walkersville and Woodsboro. In addition, ten unincorporated communities are located in the watershed, which include: Adamstown, Ballenger Creek, Buckeystown, Holly Hills, Libertytown, Linganore, Monrovia, Point of Rocks, Spring Ridge/Bartonsville, and Urbana.

The Monocacy River is an impaired stream and Total Maximum Daily Loads (TMDLs) have been issued by the Maryland Department of the Environment (MDE) for fecal coliform bacteria in the upper and lower reaches of its watershed. Other Draft TMDL's are under review/comment for biological impairment (fish and stream insects), nutrients, and sediment. Two sub-watersheds, Linganore Creek and Double Pipe Creek, have been issued TMDL's for sediment and phosphorus as well as sediment and fecal coliform bacteria, respectively.

### **Planning Framework** [From Frederick County WRE p.3]

The County's land use plan designates twenty-two Community Growth Areas (CGAs) where residential, commercial, and employment uses will be concentrated. Ten of the CGAs are municipalities (New Market is in this category) and their future annexation areas; the remaining twelve are unincorporated communities located in the county. The intent of the land use plan is to direct development to the designated CGAs while protecting the county's green infrastructure and agricultural/rural resources. CGAs will be targeted for public facility and infrastructure financing and improvements. A higher level of available community services is to be expected within a CGA.

Water and sewer service is provided or planned for all CGAs whereas areas beyond the CGA will only be served by future individual well and septic systems. The only exception to this policy, referenced in the County Water and Sewerage Master Plan, is reconciliation of a public health emergency, where public water or sewerage service would be required to maintain health, safety and welfare.

### Population Projections

The County projects a population of 331,700 in 2030, which is an increase of approximately 98,300 people. This population increase would result in a need for an estimated 37,100 new dwelling units. Since new residential development is targeted to CGAs in the land use plan, the majority of new growth should occur in water and sewer service areas. With approximately 61% of the County’s current population located within community growth areas it would be expected that approximately 22,631 dwellings, of the estimated 37,100 dwellings needed by 2030, would be located within the community growth areas, where public water and sewer service is provided. [From Frederick County WRE p.6]

**Table 1: Frederick County Projected Dwelling Needs to 2030**

Projected 2030 Population	331,700	Projected Additional Population 2009-2030	98,300
Current 2009 Population	233,439	Projected 2030 Household Size	2.65
Current Household Size	2.72	Gross Dwellings Needed	37,100

[From Frederick County WRE p.6]

Until recently, New Market was typical of most rural communities in physical form, with single-family homes placed on narrow lots lining a single main street. Almost without exception, building followed the original plat lines laid out in 1793. Interspersed, but concentrated in the center of Town, were a few small-scale commercial uses serving the local needs of townspeople, such as a grocer, post office, and auto garage. Gradual yet hardly noticeable changes occurred when the occasional new residence was built. This image changed somewhat in 1980 when a major subdivision of single-family homes (Sponseller’s Addition) was built on the west end of New Market, distinctly changing its physical shape and practically doubling its population (from 110 to 192). Since then, another large parcel on the north boundary of the Town (Royal Oaks) was annexed in 1989 and also laid out for residential use, with the potential for adding another 120 homes, again almost doubling the population. Brinkley Manor was annexed in 1999 and designed for 109 homes. Still another annexation in 2004, the Orchard at New Market, will bring 104 single-family homes, over 300 new residents, and 43,000 sq ft of retail and office space. The three annexations total 333 lots. As of May, 2010, 90 homes were occupied and 20 more were under construction.

Based on the Census Bureau's most recent population estimates, the Town of New Market had a population of 480 in 2005, an increase of 53 since the 2000 Census (427). In 2000, the City had a total of 159 households. According to the Maryland Department of Planning, the Town of New Market is expected to grow from 179 households in 2005 to 647 by 2030, an increase of 468.

The results of the MDP growth model use the default MDP assumptions and the current zoning of the Town. According to MDP's capacity analysis (see Table 2), there is a total capacity of 365 households within the Town limits. There is not sufficient capacity for New Market's projected growth of an additional 468 households by 2030. The capacities for each zoning category are show in Table 2 below.

**Table 2. Zoning District Household Capacity**

Zoning District	New Household Capacity	Acres
AP Amusement Park		17.7
I Institutional		3.4
MC Mixed Commercial		5.2
MRS Mixed Residential Service	26	21.7
OS Open Space*		6.3
R1 Low Density Residential	336	266.9
R2 Medium Density Residential		1.0
RM Residential Merchant	3	41.2
Total	365	363.4

\* This category does not include the acreage contained in the “100-acre Park.” This land has no development capacity.

The Planning Area considered by the community has changed from the 2005 Plan. It is a larger area, still includes the Casey and Blentlinger properties, and adds three new land parcels adjacent to New Market, the Delaplaine Property, the Ganley Property, and the Audubon Property on Boyers Mill Road. The Planning Area also includes the Smith/Cline parcel west of Boyers Mill Road. The Planning Area is not a projected “Growth Area” but rather a collection of properties whose future use will directly impact the residents and businesses of New Market and their neighbors in Frederick County. The Planning Area is a layer of geography between the County’s New Market Planning Region which extends from Bartonsville to Mount Airy and the current municipal Town Limits.

2030 population estimates for the various New Market residential development configurations follow. The numbers reflect added population growth over the 2008 current population of 465.

**Table 3. New Market 2030 Population Estimates**

Source of Estimates	Town of New Market	New Market Growth Area (by County)	New Market Planning Area (by Town)	Total Population	Land Needed in acres (1)
MDP	+ 967	+ 273	NA	+1,240	156
Frederick County	+ 816	+ 628	NA	+1,444	182
New Market	+ 816	+ 628	+2,450 (2)	+3,894	490

(1) Density yield with sewer @ 3.0 du/acre

(2) Includes 925 dwelling units on Smith/Cline at a household size of 2.65

The selected direction of growth and use of land is shown on Map 1 New Market Proposed Land Use. The properties identified as Smith/Cline (266 acres), Delaplaine (160 acres), and Ganley (55 acres) are shown as annexation areas and proposed for planned residential (Smith/Cline) and mixed commercial/industrial (Delaplaine and Ganley). The properties south of I-70 identified as mixed commercial/industrial and planned residential are also included as growth areas per the County Plan. Long-term conservation with minimal development opportunities exist in the larger Planning Area on the Casey, Blentlinger, and Audubon parcels.

New Market's Municipal Growth Element contains a detailed discussion of the joint planning required with Frederick County. Key to this discussion and the future of water and sewer planning is that "New Market must develop a detailed, cooperative relationship with Frederick County to assure that any growth around its limits is carefully coordinated, consistent in both character and scale, governed by compatible land use regulation, and appropriately served by utilities and roads."

### **Water Service Area Agreement Background**

The entire New Market Community Growth Area is identified for public water and sewer service, however, many older Town properties currently rely on individual well/septic. The County and Town have executed a series of Water Service Area Agreements (WSAA) that detail the timing and process for allocating water and sewer taps by the County to the Town. The initial phase of extending water to the Main Street properties was completed in 2009. Existing subdivisions and undeveloped land outside the municipal borders of New Market have the opportunity to connect to public water and sewer service.

New Market is served by the Monrovia Wastewater Treatment Plant (WWTP) and the New Market WWTP. Both of these facilities are interim plants that will be closed when the Bush Creek Sewer Interceptor, a developer-funded project, is constructed which will ultimately convey sewage from the New Market area to the Ballenger/McKinney WWTP.

In April, 2003, the Town entered into a Water Service Area Agreement with the County.

The original agreement and its two amendments resulted in a total of 620 water and sewer taps or equivalent dwelling units (EDU). However, the allocation of 500 of these taps was controlled by an Initial Allocation Schedule contained in Section 8 of the WSAA, which limited the number of taps available to the Town and to two new subdivisions until certain infrastructure improvements for the Potomac River Water system were completed.' This original Allocation Schedule was developed long before the Potomac River water system infrastructure was fully designed or under construction. The original language of the agreement requires the completion of the entire 26 MGD New Design Road water system expansion before the later year allocations can be utilized.

The Initial Allocation Schedule was necessary when the original agreement was executed because there was a limited amount of water capacity available from the County's Lake Linganore water supply. Since that time the required infrastructure has been permitted, all of the

treated water transmission line has been constructed, the Potomac River (New Design Road) WWTP has been increased in capacity by 2.2 MGD and the construction project to expand the WWTP to 25 MGD (Maximum) is 57% complete and the new portion of the WWTP is scheduled to be commissioned in early 2010 providing capacity in excess of 16 MGD.

In addition to the treatment and transmission infrastructure outlined above, the County completed 2,180 linear feet of water along Royal Oak Drive and Wicomico Court in 2008 and constructed 6,370 feet of water line along Main Street in 2009.

As a result the progress of these infrastructure projects, the Third Amendment to the WSAA provides for the elimination of the initial Allocation Schedule and recognizes the immediate availability of all 620 water and sewer taps, with their allocation based on actual existing sewer service connections and vacant lots within the area of the Town covered by the WSAA, as well as those taps associated with existing Multi-Year Tap Agreements (MYTA), which the County has with two developers.

The original WSAA also limited the total number of sewer taps that would be available for use inside the Town of New Market for new construction to 256 EDUs, until the completion of certain wastewater conveyance and treatment projects. These projects include the Bush Creek interceptor project, the first phase of the McKinney VVWWTP project, including its Potomac River Effluent Conveyance lines. Although these projects are not yet complete, their description and scope has changed sufficiently to amend the WSAA so that a clear understanding exists as to what infrastructure needs to be in place to allow for the allocation of additional wastewater capacity to the Town of New Market.

The first Phase of the McKinney WWTP expansion referenced in the early WSAA included the construction of a new WWTP in the McKinney Industrial Park and its associated Potomac River effluent outfall lines. Since the WSAA was executed the planning and design of the McKinney project has changed such that it is now an Expansion of the Ballenger Creek WWTP and the Potomac River effluent outfall will not be needed until flows to the new Ballenger-McKinney WWTP exceeds 15 MGD. Therefore the availability of additional wastewater system capacity, beyond the 256 taps identified for new construction, will only be limited to the construction of the Bush Creek Interceptor and the Ballenger-McKinney WWTP construction, not the treated effluent outfall line.

The Town of New Market has also expressed a desire to recognize additional water and sewer system capacity (beyond the 620) in the third amendment to the WSAA, which would become available with the completion of the referenced wastewater conveyance and treatment plant improvements. This Future water and sewer capacity are shown in Table 4 below and memorialized in the Third Amendment to the WSAA.

Since periodic WWTP plant capacity evaluations performed by the DUSWM can occasionally result in the allocation of some additional taps, based on lower than anticipated actual per EDU flow, a provision has been added to the Third Amendment that would allow for the accelerated allocation of water and sewer taps shown as Future in Table 4 subject to such evaluation. This

accelerated allocation of these Future taps would be subject to any County reservation for other MYTA, other agreements or public need as it is defined in the DUSWM Rules and Regulations.

After the Bush Creek Interceptor and the Ballenger-McKinney WWTP construction is completed and operational, the Taps shown in Table 4 as Future would become available to provide additional capacity for existing commercial customers and service to additional properties within the area of the Town covered by the WSAA.

**Table 4. Water and Sewer Tap Allocations**

	Total Allocated	Town of New Market	Royal Oaks	Brinkley Manor	Orchard
Original	500 ea	275 ea	120 ea	105 ea	0
2 <sup>nd</sup> Amendment	120 ea	40 ea	0	0	80 ea
Total Available	620 ea	315 ea	120 ea	105 ea	80 ea
Future	150 ea	126 ea	0	0	24 ea
Total	770 ea	441 ea	120 ea	105 ea	104 ea

**Drinking Water Capacity and Demand**

In 2010, New Market had 152 dwelling units on public water and 153 dwelling units on private wells. In Frederick County, drinking water service is either currently provided or planned for properties within the municipal and unincorporated community growth areas. The designated water service areas for the County generally mirror the various community growth areas. Nearly 60% of the County’s residents obtained their drinking water from community water systems in 2006 with the remaining 40% of the population relying on individual wells. [From Frederick County WRE p.16]

Table 5 references the current capacities of the individual County and municipal water systems. Under the county systems are listed the community growth areas served by that particular systems. In particular the County’s New Design System serves several of the County’s unincorporated growth areas in addition to the City of Frederick and the Town of New Market. It is important to note that the capacities referenced in both Tables 5 and 6 are based on existing treatment facilities and water sources and do not include additional water supplies in the planning or development stages. Table 6, however, compares the potential demand from the residential build out of the community growth areas, which may occur over a 20+ year time frame with the current available capacity. While this table illustrates obvious discrepancies between current capacities and potential demand several systems have programmed and planned improvements that will increase their drinking water supplies. [From Frederick County WRE p.16]

**Table 5. Current Drinking Water Capacity and Demand**

Water System	Permitted Capacity gpd	Current Demand	Current Available Capacity gpd	Current Available Capacity EDU (1)
New Design System (serving New Market)	16,000,000	3,602,000	9,998,000	26,991

(1) Assumes 250 gpd per dwelling [From Frederick County WRE p.18]

**Table 6. Current Drinking Water Capacity and Potential Demand**

Water System	Pipeline Dwellings	Undeveloped Potential Dwelling Units	Total Potential Dwelling Units	Current Available Capacity EDU
New Design System (serving New Market)	13,842	10,247	24,079	26,991

[From Frederick County WRE p.19]

The County’s New Design System serves the following Unincorporated Growth Areas: Adamstown, Buckeystown, Ballenger Creek, Frederick Southeast, Holly Hills, Linganore, Monrovia, New Market, Point of Rocks, Spring Ridge and Urbana. The New Design Water Treatment Plant (WTP) has a Potomac River allocation of 16 mgd (daily average) and 26 mgd (month of maximum use). This system also provides water to the City of Frederick has defined in the Potomac River Water Supply Agreement. Using daily average water demand, this system has the capacity to serve about 27,000 additional households. [From Frederick County WRE p.22]

**Water Demand Created by Projected Town Growth**

For general planning purposes, one dwelling unit will be considered to use 250 gallons of water per day. Using the MDP estimate of 179 households in 2005 and assuming that all homes were connected to a public water system, usage would be 44,750 gallons per day (gpd). Build-out to a population of 4,359 or 1,645 dwelling units would increase that figure to 411,000 gpd. Assuming that the pipeline dwellings in Table 6 include the New Market subdivisions that are under construction (333 du), the proposed addition of slightly over 1,000 dwelling units within the Town and in the Smith/Cline annexation would represent roughly 4% of the currently available County water capacity for EDUs in the New Design System.

The 215 acres of mixed commercial/industrial proposed for the Delaplaine and Ganley properties at full build-out could add another 350,000 gpd (at .1 gpd per square foot of commercial and

industrial space). This would represent approximately 5% of the currently available County water capacity in the New Design System.

### **Wastewater Treatment Capacity and Demand**

In 2010, New Market had 305 dwelling units on public sewer and 3 dwelling units on septic systems. Eight municipalities, Fort Detrick, and Frederick County provide community sewerage service. There are three privately owned small community systems serving mobile home and trailer parks. Thirty-one multi-use systems exist in the County; these facilities serve individual businesses or institutional uses such as places of worship and schools. It is important to note that the wastewater treatment capacities described in Tables 7 and 8 reflect current design capacities, which may be increased in the future. In Table 7 the current capacities are compared with the potential demand, which reflects the build out of all of the community growth areas, which may occur over a 20+ year time frame. [From Frederick County WRE p.34]

**Table 7. Current Wastewater Treatment Capacity and Demand**

Wastewater System	Receiving Streams	Permitted Capacity gpd	Current Demand gpd	Current Available Capacity gpd	Current Available Capacity EDU
Ballenger/McKinney System (serving New Market)	Monocacy River	7,000,000	5,238,000	796,000	3,184

[From Frederick County WRE p.35]

**Table 8. Current Wastewater Treatment Capacity and Potential Demand**

Wastewater System	Pipeline Dwellings	Undeveloped Potential Dwelling Units	Total Potential Dwelling Units	Current Available Capacity EDU
Ballenger/McKinney System (serving New Market)	13,795	10,851	24,636	3,184 (1)

(1) Existing Ballenger WWTP only, McKinney expansion will add 11 MGD average daily design flow [From Frederick County WRE p.36]

### **Quality of Effluent/Impact to Water Resources** [From Frederick County WRE p.33]

Wastewater treatment plants (WWTPs) treat raw wastewater to meet effluent requirements established by the Maryland Department of the Environment (MDE). WWTP's are considered point sources since they discharge the effluent directly into streams at single point. MDE issues a National Pollution Discharge Elimination System (NPDES) permit for each WWTP, which specifies the allowable ranges for chemical, physical and biological parameters of discharge. Permits are issued on a five-year planning horizon and set discharge limits for WWTPs.

The contribution of nutrients (nitrogen and phosphorus) from WWTPs is a major water quality problem facing Frederick County streams and impacts the larger Chesapeake Bay watershed. Frederick County WWTPs discharge to main stem sections of the Monocacy River, Catoctin Creek and the Potomac River as well as their tributaries. The type of treatment required at each WWTP is determined by the ability of the receiving stream to assimilate effluent discharge and the overall impacts to the watershed. The County's major streams have limited ability to assimilate pollution due to low flow, seasonal variation in flow, and slow moving stream conditions.

Catoctin Creek has reached its maximum capacity of permitted pollutant loads from the existing WWTPs. Expansion of the WWTPs serving Middletown, Myersville, Fountaindale and Jefferson would require a corresponding reduction in nutrient effluent concentration. Existing WWTP's in the Catoctin Creek watershed are located in the Middletown (two separate plants), Fountaindale, Myersville, and Jefferson.

The Monocacy River is close to reaching its nutrient load limitations. Upgrades to existing plants and diversion of flow from sub-regional plants to the Ballenger/McKinney WWTP where major BNR/ENR facilities are in progress to reduce overall nutrient loading. Smaller plants are also going offline as flow is diverted into the regional WWTPs, reducing pollution in smaller tributary streams. Emmitsburg, Fort Detrick, Frederick, Thurmont, Woodsboro, and Frederick County (Ballenger Creek/McKinney, Crestview, Libertytown, Mill Bottom, Monrovia, New Market, Pleasant Branch, and White Rock) operate treatment facilities that discharge either directly to the Monocacy River or its tributaries.

To take advantage of the higher degree of treatment at the Ballenger/McKinney WWTP the County has been closing smaller, sub-regional plants and diverting the flows to the Ballenger/McKinney plant. In addition to the Libertytown WWTP, which has just recently been closed and diverted to Ballenger/McKinney, four other plants at Monrovia, New Market, the County Landfill, and an Urbana High School plant are expected to be closed and their flows diverted.

As with drinking water supply, the Potomac River has emerged as the panacea for meeting future wastewater disposal needs in Frederick County. Two wastewater treatment plants currently discharge directly into the Potomac River (Brunswick and Point of Rocks) and both the Monocacy River and Catoctin Creek flow directly to the Potomac. The City of Frederick and Frederick County may utilize an outfall line to the Potomac River from the Ballenger/McKinney WWTP to handle the excess of treated effluent that cannot be assimilated by the Monocacy River.

Discharge permits for the Potomac River require the use of denitrification plants with filters. This requirement protects downstream water users and serves to protect the Chesapeake Bay. In the future, the majority of new or expanded wastewater treatment plants will need to employ filtration and nitrification/denitrification to meet strict discharge permits.

Frederick County's Ballenger/McKinney WWTP [From Frederick County WRE p.39]

The County's Ballenger WWTP, expanded to a 6 mgd Biological Nutrient Removal (BNR) facility in 1995, is undergoing significant improvements and expansion to reduce effluent loads while meeting projected demand. The existing facility has a collection system that conveys raw sewage from a large service area to the WWTP and currently discharges directly into the Monocacy River. The current population served is estimated to be 19,900 people. The growth areas served are Adamstown, Ballenger Creek, Linganore, Holly Hills, Spring Ridge/Bartonsville,

Walkersville and Urbana. Two residential areas in Buckeystown are served by the system although the remainder of the community utilizes onsite septic systems.

The average daily flow through the Ballenger WWTP was 5.146 mgd in 2007. Remaining capacity was 0.854 mgd. This capacity could serve an additional 3,416 households at 250 gpd per household. Currently, the plant has a Total Nitrogen Load Cap of 73,093 lbs/year and a Total Phosphorus Load Cap of 5,482 lbs/year. A 1 mgd expansion to the plant is scheduled in 2008 to allow for a 7 mgd capacity while other improvements are occurring.

Future plans are to develop the adjacent McKinney WWTP (12 mgd capacity) south of Ballenger Creek and rename the facility the Ballenger/McKinney WWTP. The expansion will include an upgrade to Enhanced Nitrogen Removal (ENR) treatment requirements. ENR design began in 2006 and project completion is estimated by 2012. MDE has approved an average daily design flow of 18 mgd (6 mgd Ballenger, 12 mgd McKinney) and a combined nutrient loading allocation based on 18 mgd of 219,280 lbs/year total nitrogen (TN) and 16,446 lbs/year total phosphorus (TP). The treatment plant will only be permitted 15 mgd discharge to the Monocacy River; flow beyond 15 mgd could result in increased effluent loading beyond permitted amounts. The County plans to divert treated effluent beyond 15 mgd to a future Potomac River outfall, subject to the acquisition of permits.

Concurrently, the County is decommissioning several County-owned sub-regional WWTPs and diverting their flow to the Ballenger-McKinney WWTP. Since these smaller plants were not required to meet BNR or ENR treatment requirements, this diversion reduces effluent loading to the smaller streams. Recently, five small WWTPs have been decommissioned and diverted; they include Lake Linganore WWTP, Spring Ridge WWTP, Pinecliff WWTP, Buckingham Hills WWTP, and Libertytown WWTP. Four others are planned for decommissioning/diversion; they are Urbana High School WWTP, New Market WWTP, Monrovia WWTP, and Reich's Ford Road Landfill WWTP. Once complete, three additional growth areas will be served by Ballenger/McKinney; they include the Town of New Market, Libertytown and Monrovia. The County's goal is to retain credit from the decommissioning projects to apply to Ballenger/McKinney where additional nutrient capacity will be needed within the next 20 years.

The decommissioning plants and the Ballenger-McKinney WWTP are all located within the Monocacy River watershed. The County's Division of Utilities and Solid Waste Management (DUSWM) anticipates that 20-year demand at Ballenger/McKinney will reach 24 mgd, which is 6 mgd above its design capacity. This is subject to approval by MDE.

Limitations to future service:

1) Middle Bush Creek Interceptor – decommissioning of New Market and Monrovia WWTPs is subject to completion of this project which is completely developer funded; almost complete, right of ways secured.

2) New Market/Monrovia Service Area [From Frederick County WRE p.43]

The County maintains two wastewater treatment plants that serve this area; the Monrovia WWTP located on Bush Creek south of I-70 and the New Market WWTP located on Davis Branch north of I-70. Bush Creek flows directly into the Monocacy River near MD 355 and the Monocacy Battlefield. Davis Branch enters Bush Creek near MD 75. Both plants are planned for decommissioning once the Middle Bush Creek Interceptor project is completed; at that time, wastewater will be transported to the Ballenger-McKinney WWTP.

The New Market WWTP has a current capacity of 240,000 gpd. In 2007, average daily flow was 76,000 gpd. A maximum flow of 229,000 gpd occurred in April of 2007. The average flow per capita in New Market is estimated to be 47 gpcd, which indicates that infiltration and inflow are not excessive in the system. The Monrovia WWTP has a 200,000 gpd capacity and flow averaged 81,000 gpd in 2007. The Monrovia plant also experienced maximum flows in April 2007; the flow was reported to be at 239,000 gpd. The effluent limits for the Monrovia WWTP are established by the discharge stream (like all other plants); in this case Bush Creek.

### **Sewer Demands Created by Projected Town Growth**

One dwelling unit is considered to produce 250 gallons of wastewater per day. Using the MDP estimate of 179 households in 2005 and assuming that all homes were connected to a public sewer system, usage would be 44,750 gallons per day (gpd). Build-out to a population of 4,359 or 1,645 dwelling units would increase that figure to 411,000 gpd. Assuming that the pipeline dwellings in Table 8 include the New Market subdivisions that are under construction (333 du), the proposed addition of slightly over 1,000 dwelling units within the Town and in the Smith/Cline annexation would represent roughly 2% of the available County wastewater capacity for EDUs at completion of the Ballenger/McKinney system.

The 215 acres of mixed commercial/industrial proposed for the Delaplaine and Ganley properties at full build-out could add another 350,000 gpd (at .1 gpd per square foot of commercial and industrial space). This would represent approximately 3% of the currently available County wastewater capacity in the Ballenger/McKinney System.

### **Stormwater and Non-Point Source Assessment**

Development, industry, transportation, and agriculture all increase non-point source pollution to the Chesapeake Bay and its tributaries. Although residential and commercial development can decrease nutrient and sediment delivery to adjacent surface water bodies, increased storm runoff has been linked with higher rates of stream bank erosion and delivery of toxins. Agriculture,

especially corn and soybean row crops, has been linked with elevated nitrogen and phosphorus loads and deteriorated water quality.

This section of the WRE first provides an overview of New Market's Stormwater Management Program. Second, it presents an evaluation of the alternate land use plans (current, county-zoned, and build-out conditions) on impervious cover and non-point source loads to local Chesapeake Bay tributaries.

### **Stormwater Management Program**

The primary goal of the New Market stormwater management program is to reduce flooding, stream channel erosion, and sediment, nutrient, and toxin delivery to the Chesapeake Bay and its tributaries. The Town currently uses the County stormwater regulations and relies upon them for review and enforcement of stormwater plans. The Town intends to adopt the County regulations in the near future and assume responsibility for their enforcement.

In addition, the Town program will discourage structural Best Management Practice measures and will strongly favor nonstructural and Low Impact Development stormwater management measures. This approach is now suggested by the Maryland Department of the Environment in their model stormwater management ordinance.

The Stormwater Management Act of 2007 is based upon Environmental Site Design (ESD) Principles which attempt to mimic natural hydrology on developed sites. As the Town prepares to assume stormwater regulation enforcement, it will incorporate the core principles of Environmental Site Design which are:

1. Increase onsite runoff reduction volumes
2. Require a unified early ESD map
3. Establish nutrient-based stormwater loading criteria
4. Apply ESD technique to redevelopment
5. Integrate ESD and stormwater together at construction sites
6. Provide adequate financing to implement the Act and reward early adopters
7. Develop an ESD ordinance that changes local codes and culture
8. Strengthen design standards for ESD and stormwater practices
9. Ensure all ESD practices can be adequately maintained
10. Devise an enforceable design process for ESD
11. Establish turbidity standards for construction sites
12. Craft special criteria for sensitive and impaired waters of the state
13. Implement ESD training, certification and enforcement

### **Non-Point Source Assessment**

Non-point source (NPS) pollution comes from many diffuse sources, including excess fertilizers and pesticides from agriculture and development, oil, grease, and toxins from development, sediment from improperly managed construction sites, crop and forest lands, and eroding stream banks, and bacteria and nutrients from livestock, pet wastes, and septic systems. The NPS

pollution is delivered to lakes, rivers, wetlands and coastal waters by groundwater discharge and surface water runoff. Excess loading rates have been linked with harmful effects on drinking water supplies, recreation, fisheries, and wildlife. In particular, elevated plant nutrient loads, including total nitrogen (TN) and phosphorus (TP) cause excessive algal blooms which ultimately can cause a reduction in dissolved oxygen concentrations. Survival of open water fish and shellfish requires dissolved oxygen concentrations consistently above 3.2 mg/L (MDE 2006b).

To determine how growth trends and land cover/land use will affect nutrient loadings to the Monocacy River, we used the Maryland Department of Planning’s Nutrient Assessment Spreadsheet. Total nutrient loads were generated for current conditions and future growth scenarios by multiplying loading coefficients and acreages specific to different land cover classes. Within a land cover class, different loading coefficients are applied for pervious and impervious surfaces. Loading coefficients were provided by the Maryland Department of Planning.

*Impervious Surface Cover:* Impervious surface cover, including rooftops and pavement, prevents rainwater from infiltrating the ground and adversely affects stream habitat and water quality by increasing peak storm flow, reducing base flow conditions, and increasing toxins loads from industry and automobiles (e.g., salts, heavy metals, and volatile organic chemical compounds). Stream biotic integrity and water quality generally decline when more than ten percent of a watershed is developed. For the New Market region, impervious surface cover was determined according to the proportion of impervious area associated with different land use/land cover classes (Maryland Department of Planning 2009).

**Table 9. Developed Area in the New Market Area**

Developed area (acres) in the New Market Area estimated from the 2002 MD LULC data			
Land Cover Scenario	Current	Buildout	Change
Current Town Boundary	150	330	+180
County Growth Area	512	1,331	+819
Town Growth Area	512	1,757	+1,245

*Nutrient Pollution:* Nitrogen loading rates (lbs/yr) estimated for the three growth scenarios are shown in Table 10.

**Table 10. Nitrogen Loading Rates**

Land Cover Scenario	Current	Buildout	Change
Current Town Boundary	2,048	3,363	+1,315
County Growth Area	4,892	10,522	+5,630
Town Growth Area	4,892	13,509	+8,616

Phosphorus loading rates (lbs/yr) estimated for the three growth scenarios are shown in Table 11.

**Table 11. Phosphorus Loading Rates**

Land Cover Scenario	Current	Buildout	Change
Current Town Boundary	193	313	+120
County Growth Area	441	915	+474
Town Growth Area	441	1,174	+733

The Monocacy River is an impaired stream and Total Maximum Daily Loads (TMDLs) have been issued by the Maryland Department of the Environment (MDE) for fecal coliform bacteria in the upper and lower reaches of its watershed. Other Draft TMDL's are under review/comment for biological impairment (fish and stream insects), nutrients, and sediment. Given the changing status of the Ballenger/McKinney WWTP and the lack of nutrient and sediment TMDL's for the Monocacy, there is insufficient information available at this time to determine the suitability of the River as "receiving waters." In any case, the Town will make every effort to offset any additional impacts to the Monocacy through sound land use planning, site plan review, stormwater management, and local water quality improvements.

The presence of a TMDL is a sign that pollution control efforts must outweigh additional pollution impacts from future land use change and WWTP flows to prevent further degradation of the waterbody. For the receiving waters in the Town of New Market without a nutrient TMDL, a determination of the suitability of receiving waters cannot be made. However, for waterbodies with nutrient TMDLs, a preliminary assessment can be made. Pollution forecasts, although capable of comparing the relative benefits of different land use plans, are not precise enough to allow for a direct comparison to nutrient TMDLs. The Town of New Market recognizes though that waterbodies with nutrient TMDLs can only be considered suitable

receiving waters if future nutrient impacts are offset. The New Market WRE includes recommendations for pollution control efforts to help achieve that goal. In addition, the Town of New Market recommends refining the pollution forecast in the future to allow for direct comparison to nutrient TMDLs as information becomes available.

### **Water Resources Goals and Objectives**

The Water Resources goal for New Market is:

To maintain a safe and adequate water supply and adequate capacities for wastewater treatment to serve projected growth; to take steps to protect and restore water quality; and to meet water quality regulatory requirements in the Monocacy River watershed.

Objectives to support this goal are:

Assure that existing and planned public water systems meet projected demand.

Assure that existing and planned public wastewater collection and treatment systems meet projected demand without exceeding their permitted capacity.

Assure that the Town's stormwater management policies reflect the most recent state requirements, and encourage Low Impact Development practices in both new development and by existing homeowners.

Maintain land use patterns that limit adverse impacts on water quality.

Continue to focus growth to areas best suited to utilize the existing and planned water and wastewater infrastructure efficiently.

### **Water Resource Strategies and Recommendations**

Beyond establishing a land use planning framework that is supportive of water quality protection efforts, the Town can also initiate measures that further support sound management of stormwater flows to improve water quality. These include:

Promoting bio-retention as a means of treating stormwater runoff. Bio-retention, such as a rain garden, provides stormwater treatment that enhances the quality of downstream water bodies by using soil and both woody and herbaceous plants to remove pollutants from stormwater runoff.

Consider the implementation of a lot coverage limit on all new development.

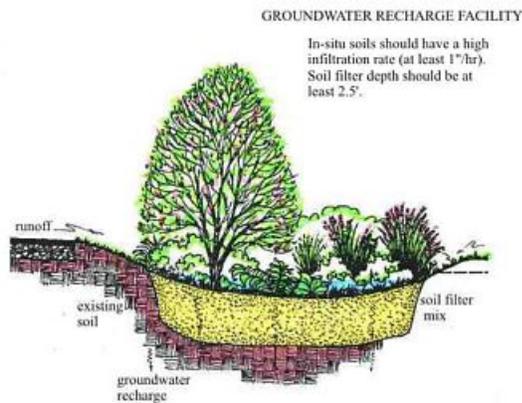
Encourage water quality improvements for existing development through stormwater management techniques such as rain barrels, rain gardens, and native planting plans.

Rain gardens (see Figure 1) are vegetated surface depressions, often located at low points in landscapes, designed to receive stormwater runoff from roads, roofs, and parking areas. The gardens' sandy soils allow stormwater to infiltrate quickly to the native soils below and eventually contribute to groundwater recharge. Pollutants and nutrients in stormwater runoff are removed by rain garden vegetation and soils through biological and physical processes such as plant uptake and sorption to soil particles. In comparison with stormwater release to receiving waters through conventional storm drain systems, infiltrating stormwater through rain gardens reduces peak flows and stressor loadings.

Utilize Low Impact Development (LID) stormwater management techniques and devices in new developments to minimize flows and attenuate impacts near their source. These include:

Bioretention or vegetated depressions that collect runoff and facilitate its infiltration into the ground. These include rain gardens as discussed above. (See Figure 1)

Figure 1 Bioretention Area

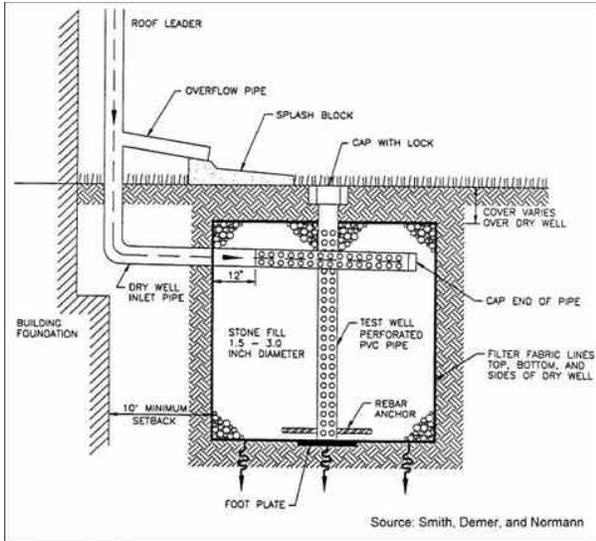


Source: Prince Georges County DER

**Infiltration Trenches:** Trenches filled with porous media such as bioretention material, sand, or aggregate that collect runoff and infiltrate it into the ground.

**Dry Wells:** Gravel- or stone-filled pits that are located to catch water from roof downspouts or paved areas.

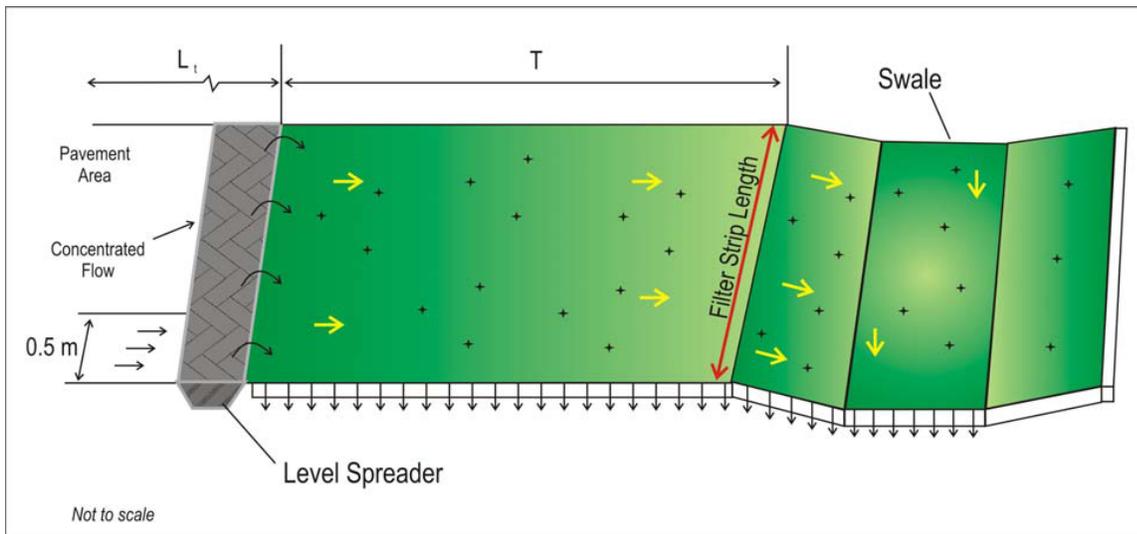
Figure 2. Dry Well Schematic



Source: Stormwater Management for Maine, 1995.

Filter Strips: Bands of dense vegetation planted immediately downstream of a runoff source designed to filter runoff before entering a receiving structure or water body.

Figure 3 Filter Strip

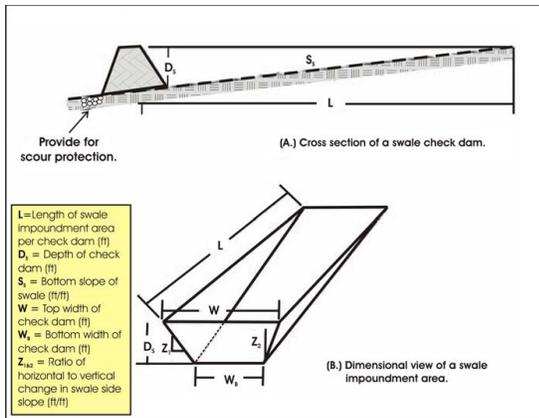


Source: Low Impact Design Manual, US Army Corps of Engineers, 2004

Inlet Pollution Removal Devices: Small stormwater treatment systems that are installed below grade at the edge of paved areas and trap or filter pollutants in runoff before it enters the storm drain.

Grassed Swales: Shallow channels lined with grass and used to convey and store runoff.

Figure 4. Grassed Swale Schematic



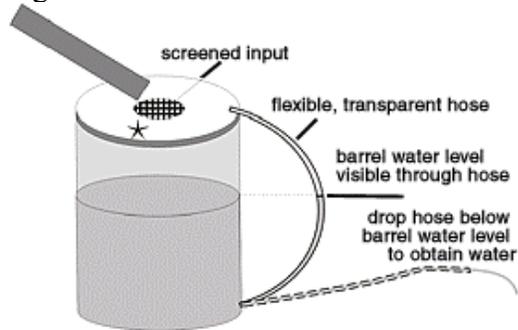
Source: NVPDC, 1991. In EPA, 1999d.

Permeable Pavement: Asphalt or concrete rendered porous by the aggregate structure.

Permeable Pavers: Manufactured paving stones containing spaces where water can penetrate into the porous media placed underneath.

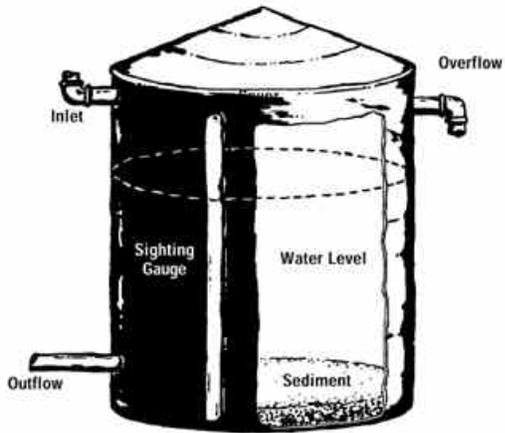
Rain Barrels and Cisterns: Containers of various sizes that store the runoff delivered through building downspouts. Rain barrels are generally smaller structures, located above ground. Cisterns are larger, are often buried underground, and may be connected to the building's plumbing or irrigation system. Rain barrels and cisterns are low-cost water conservation devices that reduce runoff volume and, for very small storm events, delay and reduce the peak runoff flow rates. Both rain barrels and cisterns can provide a source of chemically untreated 'soft water' for gardens and compost, free of most sediment and dissolved salts.

Figure 5. Rain Barrel



Source: Maryland DNR Green Building Program.

Figure 6. Cistern

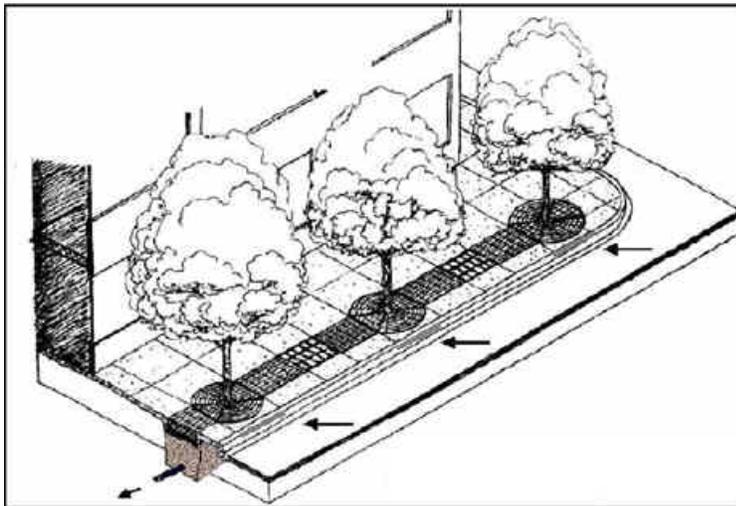


Source: Texas Guide to Rainwater Harvesting.

Soil amendments: Minerals and organic material added to soil to increase its capacity for absorbing moisture and sustaining vegetation.

Tree Box Filters: Curbside containers placed below grade, covered with a grate, filled with filter media and planted with a tree in the center.

Figure 7. Manufactured Tree Box Filter



Source: Virginia DCR Stormwater Management Program.

Vegetated Buffers: Natural or man-made vegetated areas adjacent to a water body, providing erosion control, filtering capability, and habitat.