

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Robert S. McCord, Secretary
Sandy Schrader, Deputy Secretary

Maryland DEPARTMENT OF PLANNING

August 5, 2020

Robert Hanson, Planning Commission Chair
501 Court Lane, Room 111
PO Box 107
Cambridge, MD 21613

Dear Mr. Hanson:

Thank you for the opportunity to comment on the draft 2020 Comprehensive Plan (Draft Plan) for Dorchester County. The Maryland Department of Planning (Planning) feels that good planning is important for efficient and responsible development that adequately addresses resource protection, adequate public facilities, community character, and economic development. Please keep in mind that Planning's attached review comments reflect the agency's thoughts on ways to strengthen the Draft Plan, as well as satisfy the requirements of Maryland's Land Use Article.

The Department forwarded a copy of the Draft Plan to several state agencies for review including, the Maryland Historical Trust and the Departments of Transportation, Environment, Natural Resources, Commerce, Housing and Community Development, and Agriculture. To date, we have received comments from the Maryland Historical Trust and the Departments of Environment, Transportation, and Housing and Community Development, and these comments have been included with this letter. Any plan review comments received after the date of this letter will be forwarded upon receipt.

Planning respectfully requests that this letter and accompanying review comments be made part of the county's public hearing record. Furthermore, Planning also asks that the county consider state agency comments as revisions are made to the Draft Plan, and to any future plans, ordinances, and policy documents that are developed.

Please feel free to contact me at (410) 767-4500 or Keith Lackie, Regional Planner for the Lower Eastern Shore, at (410) 713-3464.

Sincerely,

Charles W. Boyd, AICP
Director of Planning Coordination

Enclosures: Comments on the draft Comprehensive Plan for the Dorchester County.

cc: Keith Adkins, County Manager
Christopher Drummond, Planning Commission Attorney
Joseph Griffiths, Manager - Planning, Local Assistance and Training
Tracey Gordy, Senior Regional Planner - Planning, Lower Eastern Shore Regional Office



**Maryland Department of Planning
Review Comments
Draft 2020 Dorchester County Comprehensive Plan**

General Comments:

The Maryland Department of Planning (Planning) has reviewed the *2020 Dorchester County Comprehensive Draft Plan (Draft Plan)* and offers the following comments for your consideration. These comments are offered as suggestions to improve the *Draft Plan* and better address the statutory requirements of the Land Use Article. Other state agencies, as noted below, have contributed comments. Still others may have comments submitted under separate cover. If comments from other agencies are subsequently received by Planning, they will be forwarded to the county in a timely manner.

Minimum state Law Requirements for Municipalities

Maryland's Land Use Article sets forth the required components of a local comprehensive plan but does not mandate a specific format. As such, local governments have addressed these required elements in a manner that fits the needs of their community and the resources available to respond to the issues explored during the planning process. The following checklist summarizes an assessment as to whether each required local plan element is addressed in the county's *Draft Plan*.

Checklist of Maryland Code (Land Use Article) requirements for local comprehensive plans in Maryland			
State Comprehensive Plan Requirements	MD Code Reference	Additional MD Code Reference	2020 Dorchester County Draft Plan page references
(1) A comprehensive plan for a charter county or municipality MUST include:	L.U. § 1-406 (a)		
(a) a development regulations element	L.U. § 1-406 (a) (1) (i)	L.U. § 1-407 -- Development Regulations Element	Page 11-2 / incorporated into Plan Implementation Element
(b) a housing element	L.U. § 1-406 (a) (1) (ii)	L.U. § 1-407.1 -- Housing Element	Pages 7-1 through 7-10
(c) a sensitive areas element	L.U. § 1-406 (a) (1) (iii)	L.U. § 1-408 -- Sensitive Areas Element	Pages 4-1 through 4-28
(d) a transportation element	L.U. § 1-406 (a) (1) (iv)	L.U. § 1-409 -- Transportation Element	Pages 8-1 through 8-11
(e) a water resources element	L.U. § 1-406 (a) (1) (v)	L.U. § 1-410 -- Water Resources Element	Pages 5-1 through 5-9

Checklist of Maryland Code (Land Use Article) requirements for local comprehensive plans in Maryland			
State Comprehensive Plan Requirements	MD Code Reference	Additional MD Code Reference	2020 Dorchester County Draft Plan page references
(f) a mineral resources element, IF current geological information is available	L.U. § 1-406 (a) (2)	L.U. § 1-411 -- Mineral Resources Element	Not Applicable
(2) A comprehensive plan for a charter county MAY include a priority preservation area (PPA) element	L.U. § 1-406 (b)	For PPA Requirements, see § 2-518 of the Agriculture Article	None, please see comment on page 9 below
(3) A designation of areas for fisheries use, but ONLY IF the charter county was required prior to adoption of home rule to include a fisheries element in accordance with L.U. § 3-113	L.U. § 1-412		Pages 10-9 through 10-12
(4) Visions -- A county SHALL through the comprehensive plan implement the 12 planning visions established in L.U. § 1-201	L.U. § 1-414	L.U. § 1-201 -- Visions	Pages 1-3 & 1-4 Visions Listed. Visions Incorporated Throughout Document.
(5) Growth Tiers -- If a county has adopted growth tiers in accordance with L.U. § 1-502, the growth tiers must be incorporated into the county's comprehensive plan	L.U. § 1-509		Pages 3-17, 3-18 & Appendix B

As shown in the above checklist, all required elements are included in the *Draft Plan*, as identified in §1-406 (a) of the Land Use Article of the Maryland Annotated Code.

Maryland Department of Planning Introductory Comments:

- Maryland's Planning Act of 1992, and subsequent legislation in 2000 and 2009, requires that the Twelve Visions (Visions) be included and implemented through the *Draft Plan*. The county did a good job of incorporating the Visions into meaningful plan goals and recommendations.
- The maps in the *Land Use Chapter* provide a broad overview of the county but are difficult to interpret at the scale necessary to determine the boundary designations of growth areas. This could prove problematic at the parcel level when determining specific land uses for properties; especially in the case of water and sewer plan amendments. These maps should be made available online in a digital, parcel-based format such that individual parcel land uses can be readily and accurately determined. Another option is to include additional large-scale maps in the

appendix focused in and around the municipalities, villages and county growth areas that show the parcel-based designations.

- Planning commends the county for proposing the concept of a Sector Area Study. This regional planning tool would help establish and define development and growth patterns and assist with water, sewer, and transportation planning efforts.
- Planning commends the county for proposing a comprehensive study of the failing, shared Bermed Infiltration Pond (BIP) facilities in the neck area of the county for ultimate connection to the Cambridge WWTP. This has been a developing environmental hazard for some time and a comprehensive study to determine the projected costs and methodology necessary to effectively resolve this matter is critical to solving these ongoing septic issues.
- While recognizing that the *Draft Plan* is well-developed and thorough, Planning notes an inconsistency on how various chapters provide strategies. For instance, the listed strategies are identified as ‘strategies’, ‘specific strategies’, ‘implementation strategies’, and elsewhere are referred to as ‘policies and strategies’. Certain strategies are embedded within a subsection of a chapter; however, for the most part, the strategies are listed together at the end of each chapter. Also, some chapters provide strategies that are grouped by topic, while elsewhere these strategies are not parsed out by topic. For ease of reference, Planning suggests that a similar nomenclature for ‘strategies’ is used, a consistent intra-chapter location of strategies is provided, and a consistent grouping of strategies (identified by topic) be utilized throughout the document. Making the suggested revisions may help in referring to the *Draft Plan’s Implementation Chapter*.

Introduction:

- Planning commends the county on a well-developed and comprehensive *Introduction Chapter* to the *Draft Plan*. The chapter describes the interrelationship between the *Draft Plan* and other county plans/ordinances, and acknowledges various state legislation and statutes since the Planning & Zoning Enabling Act through 2013 state legislation (House Bill 409) which revised the comprehensive plan review period from every six (6) years to every 10 years.
- Page 1-4: Planning notes the *Draft Plan* incorporates, by reference, the 2017 Land Preservation, Parks and Recreation Plan (LPPRP) and the 2002 Heart of Chesapeake County Heritage Area Master Plan, updated in 2018.
- Page 1-4: Planning commends the county in the *Draft Plan’s* stated intention to integrate the 2017 County Hazard Mitigation Plan, and associated functional plans, within the framework of the *Draft Plan*.
- Page 1-5: Under Municipal Planning and Zoning, the word “Plans” is missing in the fourth sentence. The Plan should identify the three municipalities that do not exercise planning and zoning authority (Brookview, Eldorado, and Galestown).
- Page 1-8: The *Draft Plan* states, in part, that “Dorchester County generally supports renewable energy sources to lessen dependence on fossil fuels or to reduce energy costs” and “the County should develop requirements and approval processes that would guide solar farms to appropriate places and minimize potential visual and noise impacts to surrounding uses, such as perimeter

landscaped screening and buffers.” Planning commends the county in its desire to develop such requirements/processes and offers to assist the county in this effort by sharing what we have learned from other counties, including the Eastern Shore counties of Queen Anne’s, Kent, Caroline, and Talbot.

- Page 1-8: While Planning commends the county in acknowledging the county’s need for alternative sewerage disposal to BIP’s, we caution the county in the potential adverse impacts of the provision of public sewer service (e.g. sprawl) and encourage the county to consider other alternatives (e.g. ‘package plants’) beyond that of typical public sewer service.

Community Profile:

- Page 2-1: The introduction to the *Community Profile Chapter* indicates that the demographic factors analyzed several issues, to include “education”; however, there does not appear to be any information of educational attainment or related data.
- Page 2-2: The *Draft Plan* states, “the largest increase [in population] was experienced between 2000 and 2010, gaining 1,994 new residents, an increase of 5.0%”. However, population statistics for Dorchester County, as displayed at the State Data Center website, indicate that the increase from 2000 to 2010 is 6.3%. Planning recommends revising this figure.
- Page 2-2: *Table 2.1 – Population* does not maintain a consistent decimal place format for percentages. Planning recommends showing percentages with at least one (1) decimal place throughout the *Draft Plan*.
- Pages 2-3 & 2-4: Planning recommends *Table 2.2 – Municipal Population* and *Table 2.3 – Age* use Census Estimates for the latest population numbers. According to the U.S. Census Bureau, it is advisable to use population numbers from the Census Estimates program when comparing the latest population figures.
- Page 2-6: Planning recommends verifying the values in *Table 2.8 – 2018 Commute* with those reported in the ACS Profile. It appears that the number of persons who drive alone (11,478), as shown in *Table 2.8*, does not match what is reported in the 2014-2018 ACS Profile (11,484). Perhaps this is a typographical error.

Land Use:

- Page 3-2: In the second paragraph of the Overview, it should be mentioned that Brookview, Eldorado, and Galestown do not exercise planning and zoning authority.
- Page 3-5: Noted here is the county’s interest in developing solar power facilities in Dorchester County and the need for the county to zone appropriately for such uses with specific location preferences (e.g. less productive agricultural soil); however, Planning would suggest that a related strategy be reflected in the *Land Use and Implementation Plan Chapters* of the *Draft Plan*.
- Page 3-8: The *Land Use Chapter* shows the population projection of 39,500 by 2040, adding approximately 7,200 people; however, the population discussion on Page 2-2 does not appear to be consistent with the *Land Use Chapter*. Please update the population section of the *Community Profile Chapter* to reflect the analysis in the *Land Use Chapter*. One example is correcting the prediction of 3,050 residents to 4,732 residents between 2010 and 2030 .

- Pages 3-8 & 3-10: The *Draft Plan* does not provide a development capacity analysis showing if the county areas outside municipalities can accommodate growth. As Growth Areas comprise approximately 6.0% of the county's total land area (*Table 3.3, Future Land Use*), a development capacity analysis could show the capacity available in each of the Growth Area land uses as described on Page 3-10 of the *Draft Plan*. Planning can assist the county in completing a development capacity analysis.
- Page 3-10: Under Municipal Growth Areas, and following the bulleted list, there is a statement about the municipalities exercising their own planning and zoning authority. This statement should be further clarified by specifying the municipalities that do not exercise such authority. In the second paragraph of this same section, there is a reference to designated growth areas for municipalities; however, this section fails to mention Cambridge and Vienna growth areas.
- Pages 3-10, 3-12 & 3-13: In the paragraph following the bulleted list, it is stated there is a Suburban Growth Area adjacent to Hurlock, but the map on page 3-11 does not show any Suburban land use adjacent to Hurlock. In this same section, under Strategies (Page 3-13), it is stated that Tier III areas for major subdivisions on septic should be considered for this growth category. This seems contrary to the position stated on Page 3-10 that Suburban Growth Areas are areas outside of municipalities where public facilities can be easily extended, and these areas may ultimately be served by public water and sewer.
- Page 3-11: Figure 3.3 – Sector Study Area shows the municipal growth areas but does not show the county growth areas. The depiction of the county growth areas is important as it indicates where the county expects to grow in relationship to the municipal growth areas. Depicting the county growth areas is also important for determining where a Priority Funding Area (PFA) may be designated.
- Page 3-12: As previously mentioned, Planning commends the county for the recommendation of developing a regional growth “sector plan” for the land adjacent and between the Towns of Hurlock, Secretary and East New Market, and for encouraging inter-jurisdictional coordination between the municipalities and the county.
- Page 3-12: A set goal is to “encourage and concentrate medium-density residential and mixed-use development near municipalities and development corridors where public infrastructure can be extended and where public services can be efficiently provided” within Suburban Growth Areas. To support this goal the county may wish to designate Suburban Growth Areas as Tier I or II and encourage densities of at least 3.5 dwellings per acre to meet the requirement for PFA designation.
- Page 3-12 & 13: Under Rural Residential Growth, it is stated that these are areas “where public infrastructure can be extended”, but conversely it is also suggested that these areas be proposed at Tier III for major subdivisions on septic. More specifically, the partial paragraph at the top of Page 3-13 states, “areas within the Suburban Growth Area may ultimately be served by public water and/or sewer systems,” which conflicts with the proposed Tier III designation.
- Page 3-13: Under Village, it is not clear if the extension of public water and/or sewer is intended for the future. Additionally, in the first paragraph following the goals, the village of Rhodesdale is spelled incorrectly.
- Page 3-13: A stated strategy is to “Consider the Tier Map designated Tier III areas for major subdivisions as appropriate” within Suburban Growth Areas. However, Page 3-18 suggests Tier

III includes only certain areas within the Rural Residential District, Village District or Village Conservation District. Please clarify whether Suburban Growth Areas contain Tier III designations.

- Pages 3-14 to 3-16: It should be clearly stated that conservation areas are not planned for public water and sewer. In addition, in the “Strategies” for each of these conservation land uses, there should be a strategy that addresses failing septic systems being connected to public sewerage to abate hazardous health, safety and welfare conditions. Currently, such a strategy exists only for the Resource Conservation Areas.
- Page 3-15: In the third bullet under Resource Conservation goals, the *Draft Plan* references this land use category as low-density, but elsewhere (Page 3-10) it is classified as very low-density.
- Page 3-16: The village of Crapo is mentioned, but it does not seem to appear on *Map 3.4 – Future Land Use*, or on any of the other maps in this chapter.
- Page 3-17: For non-residential uses, the *Draft Plan* does not contain traditional land use categories such as commercial, institutional, and industrial. Planning is not opposed to this approach; however, notes that the absence of non-residential uses in the *Draft Plan* could prove problematic when determining zoning designations and district boundaries during the comprehensive rezoning process, and when amending the County Water and Sewerage Plan.
- Page 3-17: In the Extensions of Public Sewer section, it unclear if the Village and Village Conservation areas should be included in the list of land use categories that are not intended to be served by public water and sewer.
- Page 3-17: The county’s Draft Growth Tier Map is discussed. The county should recognize that several of its municipalities have adopted Tier Maps and the county Tier Map should align with the municipal Tier Map categories, which currently it does not.
- Page 3-18: *Map 3.4 – Future Land Use* references the location of the Village District. However, the Village area(s) are not visible on the *Future Land Use Map*, possibly due to the map’s scale.
- Page 3-18 & Appendix B: Planning acknowledges the County’s intent to adopt growth tiers under the Sustainable Growth and Agricultural Preservation Act of 2012 (SB236) as depicted in Appendix B and defined on page 3-18. Once the comprehensive plan is adopted, Planning will complete a more detailed review of the growth tier map under Section 1-505 of the Land Use Article. In the meantime, Planning has some preliminary questions about the draft tier map regarding consistency with SB236 and will reach out to Dorchester County for further discussion. If requested, Planning can also provide a more detailed review of the draft tier map before the plan is adopted as provided for under Section 1-503 of the Land Use Article.

Environmental Resources and Protection:

- The *Draft Plan* has incorporated climate change throughout, from acknowledging the risks from sea level rise, nuisance flooding, and severe storms to identifying the need to provide growth areas for communities that will need to migrate away from these at risk areas. There are numerous existing plans and studies that evaluate sea level rise vulnerabilities within Dorchester County and that set forth adaptation strategies towards improving the areas’ physical, economic, and ecological resiliency; and it is noted that these are integrated into the *Draft Plan*. The *Draft Plan* also notes that the ancillary plans and studies will need to be continually reviewed, updated, evaluated, and implemented to address sea level rise resiliency and to ensure consistency in

adaptation and mitigation efforts with federal, state and non-profit organizations.

- Page 4-2: A reference is made to § 3.05 in Article 66B. This article has been superseded by the Land Use Article, § 3-104, which requires a sensitive areas element within a comprehensive plan; and the definition of sensitive areas can be found in § 1-101(o).
- Page 4-4: Planning commends the county's participation in the Community Rating System Program and notes the *Draft Plan* objective to maximize the program's potential (by enhancing its rating), to provide citizens larger discounts with the National Flood Insurance Program.
- Page 4-7: The *Land Use Chapter* recommended that the Critical Area be re-established as an overlay zone, thus the same recommendation should be included under *Environmental Resources and Protection* strategies.
- Page 4-17: Under the heading Priority Preservation Areas, the *Draft Plan* says "The Agricultural Stewardship Act of 2006 authorizes counties to include Priority Preservation Areas (PPA) in their comprehensive plan, and the requirements are mandatory for counties with State-certified programs." As currently written, the draft comprehensive plan does not clearly indicate whether the county is officially designating and mapping a PPA. Also, the text does not signal Dorchester County's intentions about certification¹, but Planning encourages the county to consider it.

A major requirement of the certification program is the designation and adoption of a PPA in a comprehensive plan. Planning would like Dorchester County to clearly state in the comprehensive plan whether or not the county is officially designating and mapping a PPA at this time, for example, with the establishment of an Agricultural Conservation area shown on map 3.4 on page 3-9.

If establishing a PPA, Dorchester County should indicate in the comprehensive plan how the PPA meets the statutory criteria under Section 2-518 of the Agriculture Article. To be certified, the county's comprehensive plan must also include a PPA plan element, parts of which already appear in the plan though not organized into a separate plan element. Additional certification requirements are discussed in COMAR 34.03.03.

Dorchester County's farmland preservation program is performing at a high level. Planning data, the best available as of July 27, 2020, show 53,997 acres under easement in Dorchester County, the sixth highest total in the state. When publicly owned land is added, the total acres of preserved land rises to 124,963 acres, second only to Montgomery County. Also, relatively little farmland in Dorchester County is converted to development: Since 1990, just 4,658 acres of farmland have been subject to the agricultural land transfer tax, which is only about 1/3 of the acreage converted in the "average" Maryland County and the lowest total in the state after Kent and Somerset Counties.

Dorchester County might be reticent about seeking certification because the financial gains appear small. Certification allows a county to retain 75% of locally generated agricultural land transfer tax instead of 33%, but over the past decade Dorchester has seen only 109 acres subject to ag land transfer tax. The extra ag transfer tax funds the county would gain through certification would hardly cover the cost to administer the program. On the other hand, costs would be low because

¹ The statutes for the certification program and PPA can be found in the State Finance and Procurement Article, Division I, [§ 5-408](#); Land Use Article, Division I, [§ 3-102 b.2.vii](#); Agriculture Article [§ 2-518](#). Regulations for the program can be found in COMAR Title 34, [section 34.03.03](#).

the initial certification period lasts for three years and reporting requirements have recently been streamlined.

In any event, Planning would be happy to work with Dorchester County on providing needed language within the draft comprehensive plan and on navigating the certification process if the county chooses that route.

- Page 4-22: Planning recommends *Map 4.1 – Flood Hazard* be revised to better distinguish Zone A from Zone AE.
- Page 4-23: It appears that the legend of *Map 4.2 – Sensitive Species Resource Area* does not identify all the features that are mapped.

Water Resources:

- Planning commends the county on the carefully-considered and well-supported composition of the *Water Resources Chapter*, and on the integrated focus on protection of the county's predominant natural resources and conservation areas, adherence to environmental regulations, and sustainability of county water and sewer systems.
- Although Planning recognizes that approximately 94.0% of the county's future land use is very low density, Planning would still recommend that the county analyze more than one future land use scenario to demonstrate the difference in future impervious cover and future forest cover, including in particular watersheds. Depending on the future land use scenario, there may be certain watershed(s) that would be impacted more than others. Currently, the WRE does not discuss other land use scenarios, such a scenario with potential forest loss. These analyses may result in revisions to the suitability of receiving waters.
- Planning notes that, although impervious surface cover data is unavailable for the county, the coverage can be derived from the high-resolution land cover data available at the [Chesapeake Conservancy website](#).
- Page 5-2: Planning recommends that the water supply details for Water Service Sanitary District "SD #6" be provided on Page 5-2.
- Page 5-5: In the Denied Access Lines and Priority Funding Areas section and as previously mentioned, the question arises whether the Village and Village Conservation land use areas should be included in areas not planned for public facilities? In addition, a PFA exception (not exemption as stated in the *Draft Plan*) was not granted to all of McKeil Point subdivision, instead only 12 lots which are served by BIP #1 within McKeil Point subdivision. Planning requests that the *Draft Plan* be revised to reflect that the exception was limited to 12 lots of (and not the entirely of) this subdivision.
- Page 5-7: As full build-out impervious surface coverage analyses were not conducted for the Suburban Growth and Village growth areas due to the very low county land area percentages (i.e. 0.5% and 0.01%, respectively), and due to the resulting insignificant potential stormwater runoff impacts, Planning recommends adding a statement to indicate this rationale on Page 5-7. Planning also recommends adding a statement to indicate that forest cover is not expected to change based on the future land use, throughout the *Draft Plan*'s planning horizon.

Historic and Cultural Preservation:

- Please see the attached letter from the Maryland Historical Trust.

Housing:

- The passage of HB-1045 in 2019 resulted in the requirement of a Housing Element in all comprehensive plans adopted after June 1, 2020. It should be noted the new law requires a comprehensive plan to address the need for low-income and workforce housing, using the definitions contained in §1-407.1 of the Land Use Article and §4-1801 of the Housing and Community Development Article. Since this Comprehensive Plan will be adopted after June 1, 2020, Planning recommends that the county evaluate the housing element for conformance with HB-1045, which requires jurisdictions to plan for housing for low-income households based on 60% of the United States Department of Housing and Urban Development Area Median Income (AMI) and 60% - 120% AMI for workforce households. Page 7-4 of the *Draft Plan* estimates Dorchester households at 60% of AMI or below but does not estimate households in the range for workforce housing. The county may want to consider the inclusion of such an estimate.
- Planning has developed Housing Element Models & Guidelines to address the recent legislation (HB 1045), which is contained within the [Maryland Department of Planning website](#) as a tool for local jurisdictions.
- Page 7-2: There appears to be an error in the description of multifamily units. The *Draft Plan* states, "the share of multi-family housing units (apartments and townhomes) increased from 15.0% to 16.0%." Multi-family units generally reference apartments and condominiums. Planning is not sure if the *Draft Plan* is referencing 'townhouse-style condominiums' in discussing "the share of multi-family housing units", and suggests some clarification is appropriate.
- Page 7-2: Comparing growth in housing units with growth in population may not be an appropriate comparison. The *Draft Plan* states, "while over 2,000 housing units have been added to the county housing stock between 2000 and 2018, a 14.0% increase, the population has increased only 5.0% in comparison." Population includes the household population and group quarters population. Planning suggests it may be more appropriate to compare growth (percentage increase) in housing units and household population or compare growth between housing units and households, for this type of analysis.
- Page 7-5: Planning recommends inflation be considered, when presenting the values in *Figure 7.4 – Median Household Income and Home Value (2018)*, by using a Consumer Price Index deflator to compare dollar values across time.
- Page 7-5: The *Draft Plan* notes the concerning rise of foreclosures in the county multiple times. While many strategies on page 7-10 support education for homeowners, Planning suggests that the county consider the development of specific educational and counseling resources to assist homeowners who are struggling to maintain their mortgage payments. [Delmarva Community Services, Inc](#), located in Cambridge and mentioned on page 7-10 as a housing resource for individuals with developmental disabilities and seniors, also

provides foreclosure assistance.

- Page 7-10: Planning is pleased to see the *Housing Chapter* includes the strategy calling for expanding transportation service access to elderly population. Having adequate transit service to elderly and vulnerable population supports the county's housing goals. In addition, as demand for senior housing increases due to aging population, the county should consider a strategy that encourages locating senior housing development in the town center areas and near service establishments.
- 7-9 to 7-10: Planning commends the county for thoroughly describing its existing housing programs and strategies, which cover a broad range of housing planning issues and actions that can encourage affordability for all its residents, including strategies for increased residential density in designated growth areas, and coordination with municipalities on supportive water and sewer infrastructure.

Transportation:

- The *Transportation Chapter* is generally well-written and includes a thorough discussion of existing transportation facilities, services, and related issues. The *Draft Plan* also provides a clear vision, goals, and strategies that support multimodal transportation.
- Most proposed transportation strategies offer general guidance. More detail is recommended to strengthen the *Implementation Chapter* and help the public understand how strategies will be addressed.
- Page 8-2: The *Draft Plan* lists seven (7) specific goal statements that are also included on pages 8-9 and 8-10 as transportation strategies. The county may want to avoid duplicating goals with strategies, and vice versa. More specific, strategy-crafted statements, such as: "...assign high priority to improvements located within designated growth areas..."; or "priority should be given to the maintenance and enhancement of existing roadway..." should be located in the strategies section. Conversely, broad statements such as: "...integrate land use and transportation policies to make them mutually supportive..."; and "...encourage transportation alternatives such as..." should be in the goals section.
- Page 8-4: In coordination with the Maryland Department of Transportation (MDOT), State Highway Administration (SHA), the county should clarify if the county supports the projects in SHA's Highway Needs Inventory. Local support is an important factor for state funding consideration.
- Page 8-9: Planning suggests revising the strategy, "update US-50 limited access policies with MDOT SHA, as appropriate" to add language calling for discouraging strip-type developments in designated growth areas and low-density development in Agricultural Conservation areas along US-50 to support existing *Draft Plan* land use goals.
- Planning recommends the county include a Transportation Demand Management (TDM) strategy, such as encouraging telework and carpooling, to reduce single occupancy vehicle (SOV) travel. Planning appreciates that the Plan includes goals and strategies to address multimodal

transportation solutions, traffic safety, access management and other strategies; however, SOV travel and long distance commuting will continue to place high transportation costs on residents, impact quality of life, and be harmful to the environment. The county may want to coordinate with MDOT to develop strategies and actions to incentivize teleworking and carpooling. For more information on TDM programs in Maryland, please check this MDOT's Commuter Choice website: <http://www.mdot.maryland.gov/newMDOT/Commuter/Commuting>.

- Planning recommends the *Transportation Chapter* include a transportation strategy(s) to recognize and address multimodal transportation needs in the Sector Study Area. In coordination with MDOT SHA, the Sector Study Area Plan should include evaluations on how these roadways may be impacted and what strategies should be considered. Perhaps, for the MD 16 corridor, access management strategies may be considered to encourage developments in cluster nodes and discourage strip or leapfrog low density residential developments. Low density residential development in the Rural Residential Growth Area will have adverse transportation impacts including encouraging SOV travel and hard to be serviced by alternative transportation such as transit, biking, and walking.
- Planning staff strongly suggests the county include a transit strategy to address the transportation needs for aging and vulnerable populations, including low-income and minority residents. In working with the Transportation Development Plan team and MDOT Mass Transit Administration, the county may want to explore strategies such as [Mobility As A Service \(MaaS\)](#) and transportation network companies' service (e.g., Uber or Lyft) to improve demand-response public transportation service to elderly, physically challenged, and low-income population.
- The county may want to address emerging transportation technologies and their impacts on transportation planning, e.g., electric vehicles (EVs), connected and autonomous vehicles (CAVs), and shared-mobility services (e.g., Uber and Lyft).
- The *Draft Plan* recognizes the value of converting un-used railroad tracks to non-motorized trails, which will encourage non-motorized transportation, recreational and economic development opportunities (e.g. eco-tourism). [The 2017 Maryland Strategic Goods Movement Plan and 2015 Maryland Statewide Rail Plan](#) call for potential track and bridge/culvert rehabilitation and updates for the Delmarva Central Network. The county should work with MDOT to evaluate the feasibility of Rails to Trails in the county.
- To assist small towns and rural communities to plan incremental bicycle and pedestrian facility improvements, the Federal Highway Administration published “Small Town and Rural Multimodal Networks” (https://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/small_towns/), a resource guide for design guidelines and best practices in a rural setting. MD State Highway Administration publication, “When Main Street Is a State Highway,” may help the county coordinate safety and walkability improvements on state highways (<http://www.sha.maryland.gov/OHD/MainStreet.pdf>) and (http://www.mdot.maryland.gov/newMDOT/Planning/Bike_Walk/Programs.html).
- Planning recommends the *Draft Plan* include a map of existing and proposed transportation projects, including roads, trails, sidewalks, cycle paths, and other facilities. This will help provide a context for how the individual projects will fit together in a larger countywide network and will also provide direction regarding the county’s transportation priorities.

- The county may want to include a strategy to consider paving shoulders for bicycle users if it is feasible and appropriate as part of the roadway maintenance program.
- The county may want to consider developing a Complete Streets policy to provide greater transportation options for automobile, bicycle, and pedestrian travel for all roadway users.

Community Facilities:

- Pages 9-12 & 9-13: Planning notes the *Community Facilities Chapter*'s discussion on Dorchester County Recreation & Parks Department seemed to miss an opportunity to include climate change considerations. With the investments that are required to purchase and maintain parks and recreational areas, Planning suggests the risks associated with climate change should be addressed in how new park and recreational areas are selected and how existing facilities are maintained.
- Page 9-13: A brief but informative summary of Dorchester County's 2017 LPPRP is provided, including goals and strategies. The *Draft Plan* summarizes the results of proximity and equity analyses by saying that the LPPRP found gaps in service and recommends "guiding the investment of parks and recreational facilities near population centers, while preserving natural resources and agricultural areas and providing equitably dispersed recreational opportunities to residents in small municipalities and rural areas".
- Pages 9-13, 9-14 & 9-17: Planning notes the *Draft Plan* identifies threats and hazards to county critical facilities and maps their respective locations. Planning commends the county in integrating the goals and strategies identified in the 2017 County Hazard Mitigation and Flood Mitigation Plans with those of the *Draft Plan*, and in identifying the specific agencies with which coordination will be required for implementation.

Economic Development:

- Page 10-4: The county should consider addressing the jobs and labor pool imbalance as identified in the *Economic Development Chapter* by including a 'jobs and labor balance strategy' in the *Economic Development Chapter* and referencing the transportation goal calling for encouraging transportation alternatives to reduce the dependency on automobiles.
- Page 10-7: Please correct the typo (in the 2nd paragraph of the 2nd column) to indicate the Heart of Chesapeake Country Heritage Area (emphasis added).
- Page 10-15: Planning recommends including a discussion of Maryland Enterprise Zones referenced in *Map 10.2 – Economic Programs*.
- Pages 10-19 & 11-9: The *Draft Plan* refers to the One Maryland Program as Maryland One. Please revise the name for accuracy.
- Page 10-19: Planning notes that, while there were a few indirect strategies related to minimizing adverse effects of climate change to the economy, greater specificity (within the *Economic Development Chapter*) on addressing climate change would strengthen the *Draft Plan*.

Plan Implementation:

- Page 11-2: Planning suggests it is confusing to state in the introduction of this chapter that a more detailed work program needs to be developed for the strategies outlined in the Plan. The *Draft Plan* stated that the Planning and Zoning Department will take the lead in developing this supplemental implementation work program. It seems unlikely, given the staff size and time constraints, that the Planning Department will be able to accomplish this task. It is also unclear why the *Plan Implementation Chapter* does not actually contain a recommended work program instead of simply repeating all of the strategies previously mentioned throughout the Plan. At a minimum a detailed process of moving forward with plan implementation should be discussed.
- As mentioned in the above comment, the *Plan Implementation Chapter* repeats most of the strategies from the previous chapters of the Plan; however, Planning notes some of the previously stated strategies are missing from the Resource Conservation Areas, Solid Waste and Recycling, and Libraries sections, while the Wastewater and Hazard Mitigation sections of the *Plan Implementation Chapter* have new strategies not previously mentioned within the *Draft Plan*.

**Maryland Department of Planning Review Comments August 5, 2020
2020 Draft Dorchester County Comprehensive Plan**

STATE AGENCY COMMENTS

The following pages contain comments from other state agencies in support of the Maryland Department of Planning (Planning) review of the 2020 Draft Dorchester County Comprehensive Plan as part of the standard 60-day review period for municipalities. Comments not included here may be submitted under separate cover, or via the state Clearinghouse. If comments from other agencies are received by Planning, they will be forwarded to the county in a timely manner.

Attachments

Page 16: Maryland Historical Trust

Page 18: Maryland Department of the Environment

Page 20: Maryland Department of Housing and Community Development

Page 21: Maryland Department of Transportation

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Robert S. McCord, Secretary
Sandy Schrader, Deputy Secretary

Maryland DEPARTMENT OF PLANNING MARYLAND HISTORICAL TRUST

July 15, 2020

Ms. Tracey Gordy
Senior Regional Planner
Maryland Department of Planning
Lower Eastern Shore Regional Office
201 Baptist Street, Suite 24
Salisbury, MD 21801

Dear Ms. Gordy:

Thank you for the opportunity to review the Dorchester County Comprehensive Plan 2020 Planning Commission draft June 2020 and submit comments on behalf of the Maryland Historical Trust.

The plan is an excellent piece of work: It is extremely well written, clearly thought out and organized. It is apparent from the outset that Dorchester County not only values historic and cultural resources, but realizes and acknowledges with deep understanding that these assets, including archeological resources, are threatened by sea level rise and shoreline erosion. We commend the County for integrating and prioritizing these critical issues and taking many appropriate and collaborative steps that are necessary for successful mitigation as outlined in the Plan Implementation element.

The Historic and Cultural Resources element is particularly detailed, well written and comprehensive. We appreciate the references to the various Maryland Historical Trust programs and resources, and we urge the County to contact us for technical assistance as needed, in particular regarding the reference on page 6-12 for help with architectural analysis in potential Historic Preservation zoning districts, and for help with increasing the awareness of African American history and culture discussed on page 6-11.

Prominent mention of the Heart of the Chesapeake Heritage Area throughout the plan is noted, along with its attendant management plan and importance as both a heritage tourism, planning and economic development tool. We note that the Heritage Area master plan 2018 update is incorporated into the plan by reference on page I-4 and I-5.

Detailed discussion of the imminent and occurring threat of sea level rise, land subsidence and shoreline erosion is applauded, beginning in the Introduction, continuing into the Environmental

Resources and Protection element and culminating with bold and inclusive strategies for mitigation in the Plan Implementation element. We urge the County to contact MHT should additional technical assistance be needed.

There is only one edit that we could find for your consideration, and it is minor in nature: On page 6-8 in the paragraph on MHT easements, please note that the correct name of the agency is Maryland Historical Trust.

Thank you again for the opportunity to comment on the plan. If you have any questions, please contact me at (443) 802-1475 during the mandatory teleworking period or by email at steven.allan@maryland.gov

Sincerely,



Steven H. Allan, AICP
Local Assistance and Training Planner
Office of Planning, Education and Outreach

Cc Nell Ziehl, Chief, Office of Planning, Education and Outreach
Heather Barrett, MHT
Joseph Griffiths, MDP
Rita Pritchett, MDP

**LAND AND MATERIALS ADMINISTRATION
RESPONSE TO CLEARINGHOUSE PROJECTS**

Project Assigned To	Jennifer Hopper	
Project Review SAI#	MD20200609-0479	
County/Location	Dorchester County	2020 Comp Plan
Received in LMA	6/9/2020	
Due Date to OC	7/6/2020	
PLEASE NOTE:	<input type="checkbox"/> COPY <input type="checkbox"/> CIRCULATED THRU ADMINI.'S <input type="checkbox"/> DUE ASAP	

(Check if Applies): C1 _____ R1 X _____ R2 _____ R3 _____ R4 _____

- X ¹Any above ground or underground petroleum storage tanks, which may be utilized, must be installed and maintained in accordance with applicable State and federal laws and regulations. Underground storage tanks must be registered and the installation must be conducted and performed by a contractor certified to install underground storage tanks by the Land and Materials Administration in accordance with COMAR 26.10. Contact the Oil Control Program at (410) 537-3442 for additional information.
- X ²If the proposed project involves demolition – Any above ground or underground petroleum storage tanks that may be on site must have contents and tanks along with any contamination removed. Please contact the Oil Control Program at (410) 537-3442 for additional information.
- X ³Any solid waste including construction, demolition and land clearing debris, generated from the subject project, must be properly disposed of at a permitted solid waste acceptance facility, or recycled if possible. Contact the Solid Waste Program at (410) 537-3315 for additional information regarding solid waste activities and contact the Resource Management Program at (410) 537-3314 for additional information regarding recycling activities.
- ⁴The proposed project is located near land on which sewage sludge was stored, land applied, or disposed under a sewage sludge utilization permit issued by the Land and Materials Administration. Specific questions regarding this site should be directed to the Sewage Sludge Division at (410) 537-3314.
- X ⁵The Resource Management Program should be contacted directly at (410) 537-3314 by those facilities which generate or propose to generate or handle hazardous wastes to ensure these activities are being conducted in compliance with applicable State and federal laws and regulations. The Program should also be contacted prior to construction activities to ensure that the treatment, storage or disposal of hazardous wastes and low-level radioactive wastes at the facility will be conducted in compliance with applicable State and federal laws and regulations.
- ⁶CERCLA listed site MD-# _____, (name) _____, (Address) _____, is located within approximately _____ miles of (Site/Project being reviewed) _____. Contact the Land Restoration Program at (410) 537-3437 for more information.
- X ⁷Any contract specifying “lead paint abatement” must comply with Code of Maryland

Regulations (COMAR) 26.16.01 - Accreditation and Training for Lead Paint Abatement Services. If a property was built before 1978 and will be used as rental housing, then compliance with COMAR 26.16.02 - Reduction of Lead Risk in Housing; and Environment Article Title 6, Subtitle 8, is required. Additional guidance regarding projects where lead paint may be encountered can be obtained by contacting the Environmental Lead Division at (410) 537-3825.

⁸MDE requests that efforts be made to prevent contamination of the surface and ground water of the State of Maryland during any proposed construction and renovation activities. In the event that spills or other releases of petroleum or hazardous materials occurs from the proposed operations which may potentially impact State waters, MDE requests prompt notification at 1-866-633-4686 (toll free).

X **⁹**The proposed project may involve rehabilitation, redevelopment, revitalization, or property acquisition of commercial, industrial property. Accordingly, MDE's Brownfields Site Assessment and Voluntary Cleanup Programs (VCP) may provide valuable assistance to you in this project. These programs involve environmental site assessment in accordance with accepted industry and financial institution standards for property transfer. For specific information about these programs and eligibility, please Land Restoration Program at (410) 537-3437.

¹⁰The project may cause contaminated runoff from an animal feeding operation (AFO). Please contact the AFO Division at (410) 537-4423 to determine if this AFO will require registration under the General Discharge Permit for Animal Feeding Operations.

¹¹The project will result in increased numbers of confined animals at this animal feeding operation (AFO) and therefore necessitate registration under the General Discharge Permit for Animal Feeding Operations. Please contact the AFO Division at (410) 537-4423 to determine if this AFO will require registration under this permit.

X **¹²**Borrow areas used to provide clean earth back fill material may require a surface mine permit. Disposal of excess cut material at a surface mine may requires site approval. Contact the Mining Program at (410) 537-3557 for further details.

¹³Any project that will remove coal from the site as part of the exaction will require review by the Department. Contact the Mining Program at (410) 537-3557 for further detail.

Additional Specific Comments:

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LARRY HOGAN
Governor

BOYD K. RUTHERFORD
Lt. Governor

KENNETH C. HOLT
Secretary

July 8, 2020

Mr. Joseph Griffiths
Manager of Local Assistance and Training
Maryland Department of Planning
301 West Preston Street, 11th floor
Baltimore, MD 21201

Dear Mr. Griffiths:

Thank you for the opportunity to review the Dorchester County draft Comprehensive Plan (the Plan). The comments below are based on a review of the plan by staff in the Maryland Department of Housing and Community Development (DHCD) Division of Neighborhood Revitalization.

Neighborhood Revitalization staff found the housing element of the Plan to be consistent with the requirements established under House Bill 1045, passed in 2019. In particular, the Plan addresses the need for low income and workforce housing. Because the Dorchester County has an aging housing stock in one of its most populous areas (the City of Cambridge), the County is also dedicating resources and working with critical partners to redevelop those areas that are experiencing high rates of vacancy.

As noted in the Plan, the recent increase in the number of foreclosures and the gap between incomes and housing cost are concerns. With rising home values as a percentage of income, an aging population and housing stock, a lack of variety of housing types, many County residents may find it difficult or impossible to obtain housing to meet their needs. Staff at the Maryland Department of Housing and Community Development are available to work with Dorchester County staff to identify resources and implement strategies to support continued development and preservation of affordable housing.

Again, thank you for the opportunity to comment on the Plan. If you have any questions regarding our comments, please call me at 410-209-5807.

Sincerely,

A handwritten signature in black ink, appearing to read "John Papagni".

John Papagni
Program Officer
Division of Neighborhood Revitalization

Cc: Rita Pritchett, MDP
Tracey Gordy, MDP



MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
2 NORTH CHARLES, SUITE 450 • BALTIMORE, MD 21201201 • DHCD.MARYLAND.GOV
(P) 410-209-5800 • 1-800-756-0119 • TTY/RELAY 711 or 1-800-735-2258



Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Gregory Slater
Secretary

July 2, 2020

Ms. Tracey Gordy
Regional Planner
Maryland Department of Planning
301 West Preston Street, Suite 101
Baltimore MD 21201

Dear Ms. Gordy:

Thank you for coordinating the State of Maryland's comments on the 2020 Dorchester County Comprehensive Plan, hereafter referred to as the "Plan". The Maryland Department of Transportation (MDOT) offers the following comments.

General Comments

- When making a reference to the State Highway Administration (SHA), please change to Maryland Department of Transportation State Highway Administration (MDOT SHA).

Chapter 1 Introduction

- Page 1-3 – MDOT recognizes and encourages the compact, mixed-use, walkable design consistent with existing community character and located near available or planned transit options.
- Page 1-10 – Please consider inserting a specific reference to bicycle and pedestrian trails.

Chapter 8 Transportation

- Page 8-2 – The goals are aligned with existing MDOT MTA efforts to encourage transportation alternatives such as public transit, bikeways and pedestrian systems which reduce the dependency on individual automobiles. MDOT MTA looks forward to continuing coordination on planning policies and initiatives to ensure thoughtful transportation policies are implemented throughout Maryland.
- Page 8-4 - The MDOT SHA Highway Needs Inventory (HNI) for Dorchester County identifies MD 16 north of Old Ocean Gateway for access control improvements, as well as MD 14 (Rhodesdale Eldorado Road) and MD 16 (East New Market Ellwood Road) for two-lane reconstruction projects. Additionally, there are currently three key county projects listed in the MDOT Consolidated Transportation Program (CTP) for Dorchester County. One of these projects is a bridge rehabilitation; US 50 over the Nanticoke River and there are two drainage improvement projects; MD 331 over Nanticoke River and MD 16 between MD 355 and Brannocks Neck Road.

- Page 8-5 – The Plan, under the Congestion sub-section, encourages land use and development that does not negatively impact the regional roadway network. The MDOT SHA notes that any proposed development or re-development that changes the use of properties adjoining State roads or new access points to State roads will require, an access permit, which may require a traffic impact study and access improvements. For further information, contact Dan Wilson, MDOT SHA District 1 Regional Engineer, at 410-677-4048, or contact Mr. Dallas Baker, MDOT SHA District 1 Assistant District Engineer - Project Development, at 410-677-4000.
- Page 8-6 – Maryland Upper Shore Transit does not provide fixed route service. They are a collaborative agency that provides bus schedule printing and call center support for LEP customers for the upper shore. Upper Shore Transit no longer provides service in Kent, Caroline and Talbot as Delmarva Community Services now provides the service for this region. A Transit Development plan just completed in the Fall of 2019 and is recommended to be mentioned in the Plan.
- Page 8-8 – The Plan encourages tourism around the scenic byways located in Dorchester County. Dorchester County has two national scenic byways, Harriet Tubman Underground Railroad and Chesapeake Country. For information about scenic byways resources, contact Ms. Cheryl Ladota, MDOT SHA Scenic Byways Coordinator, at 410-545-8552 or via email at cladota@mdot.maryland.gov.

Page 8-9 – The Plan identifies a need for Dorchester County to develop a Complete Streets Policy. The MDOT SHA recommends the County coordinate this effort with Mr. Jon Mayer, MDOT SHA Bicycle/Pedestrian Coordinator. Also, the Plan identifies strategies for encouraging bicycle, pedestrian and transit travel. The MDOT SHA RPID oversees the Transportation Alternatives Program and Safe Routes to School Program Federal Highway Administration grant programs, which could be referenced as potential funding strategies. For more information, contact Ms. Christy Bernal, MDOT SHA Transportation Alternatives (TA) Program Manager, at 410-545-5659 or via email at cbernal@sha.state.md.us.

Chapter 9 Community Facilities

- Page 9-9 – Please consider incorporating a component about transit accessibility at County-owned facilities, as many clients rely on transit to access these services.

Chapter 10 Economic Development

- Page 10-12 – Please consider mentioning access for tourists who prefer to use or rely on public transportation to visit Dorchester County.

Ms. Tracey Gordy
Page Three

- Page 10-13,14 – Please consider inserting a segment regarding the critical role that public transit plays in access and opportunity.

Chapter 11 Plan Implementation

- The draft comprehensive plan notes that the Barren Island restoration project is not included in the FY 20 CTP and requests state funding of the project. This project was not included in the Dorchester County 2019 priorities letter and MDOT SHA recommends including the project in future transportation priorities letters to be considered for funding

Thank you again for the opportunity to review the Plan. If you have any questions or issues, please do not hesitate to contact Mr. Ian Beam, MDOT Office of Planning and Capital Programming (OPCP) at 410-865-1280, toll free at 888-713-1414 or via email at ibeam@mdot.maryland.gov. He will be happy to assist you.

Sincerely,



Heather Murphy
Director, OPCP, MDOT

cc: Ian Beam, Regional Planner, OPCP, MDOT