



Maryland

DEPARTMENT OF PLANNING

May 27, 2021

Mark Long, Chairperson
Emmitsburg Planning Commission
Town of Emmitsburg
300A South Seton Avenue
Emmitsburg, MD 21727

Dear Mr. Long:

Thank you for forwarding the Town of Emmitsburg's Draft 2021 Comprehensive Plan Amendment. We appreciate your participation in the state plan review process.

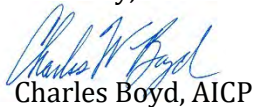
The Maryland Department of Planning (Planning) feels that good planning is important for efficient and responsible development that adequately addresses resource protection, adequate public facilities, community character, and economic development. Keep in mind that Planning's attached review comments reflect the agency's thoughts on ways to strengthen the Town's proposed amendment as well as satisfy the requirements of the State Land Use Article.

The Department forwarded a copy of the draft amendment to State agencies for review including, the Maryland Historic Trust and the Departments of Transportation, Environment, Natural Resources, Business and Economic Development, and Housing and Community Development. To date, we have received comments from the Maryland Historic Trust, Maryland Housing and Community Development, Transportation, Commerce and the Environment 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 Town's public hearing record. Furthermore, Planning also asks that the Town consider our comments as revisions are made to the draft plan amendment, and to any future plans, ordinances, and policy documents that are developed.

Please feel free to contact me at (410) 767-1401 or Susan Llareus, Local Assistance & Training Planning Supervisor, at susan.llareus@maryland.gov

Sincerely,



Charles Boyd, AICP
Director, Planning Coordination

Cc: Zach Gulden, MPA, Town Planner & Zoning Administrator
Susan Llareus, Planning Supervisor
Joseph Griffiths, Local Assistance and Training Manager



Maryland DEPARTMENT OF PLANNING

Maryland Department of Planning Review Comments May 27, 2021 Town of Emmitsburg Comprehensive Plan Amendment Draft 2021

The Maryland Department of Planning (Planning) has reviewed the Town of Emmitsburg's Draft 2021 Comprehensive Plan Amendment (*Draft Amendment*) and offers the following comments for your consideration. These comments are offered as suggestions to improve the draft comprehensive plan and better address the statutory requirements of the Land Use Article. Other state agencies as noted have contributed comments. Others may have comments submitted under a separate cover. If comments from other agencies are subsequently received by Planning, they will be forwarded to the town in a timely manner.

Summary of the Draft 2021 Comprehensive Plan Amendment

This *Draft Amendment* is for the limited purpose of expanding the municipal growth element (MGE) to include three properties at the periphery of the town, and to change the land use element to accommodate modification of uses for four properties already within the MGE. As submitted, all the changes to the comprehensive plan are limited to Chapter Three – Growth Area and Zoning.

The most recently approved plan by the Town of Emmitsburg is the 2015 Comprehensive Plan, adopted on November 16, 2015. Prior to that, the 2009 Comprehensive Plan governed land planning for the community. The 2015 Comprehensive Plan (2015 Plan) consists of 12 chapters including: Sustainability and Quality of Life; Public Participation; Growth Area and Zoning; Community Design; Infrastructure and Water/Sewer; Transportation and Circulation; Demographics and Housing; Economic and Community Development; Environmental Protection; Resource Conservation; Stewardship; and Guidelines and Implementation. This *Draft Amendment* contains references to the 2009 and 2015 revisions and the 2021 proposed modifications to Chapter Three.

The properties proposed to be added to the MGE, and anticipated to be annexed into the town in the future are listed below with the addresses and tax account numbers:

- Property A – 17443 Irishtown Road (1105-159016)
- Property B – 17439 Irishtown Road (1105-159024)
- Property C – No address (1105-172233)

The addition of Properties A and B to the MGE are for the purpose of a future development of approximately 48 single-family detached homes. Property C is intended to be used for woodland afforestation purposes (for a 25-year period) and the town is considering annexing the property into the town as a commercial zoning district.

In addition to the amendment to expand the MGE, this amendment also includes changes to the existing land use map (Figure 3-1, 2015 Emmitsburg Growth Boundary Suggested land use Designations and Proposed New Roads, page 3-4) for the following properties.

- Property D – 17381 North Seton Avenue (1105-168031)
- Property E – 17319 North Seton Avenue (1105-170427)
- Property F – 17307 North Seton Avenue (1105-164885)
- Property G – 17308 North Seton Avenue (1105-161886)

The above referenced land use map will be superseded by the proposed land use map (Figure 3-1 2021 Emmitsburg Growth Boundary Suggested land use Designations and Proposed New Roads, page 3-4).

Property D is proposed to change from low-residential to medium-residential density land use for the purpose of a development of 34 single-family detached homes and 29 townhouses. The town is considering annexing the property into the town.

Properties E, F, and G are all currently shown on the land use plan as low-residential land uses. There are existing non-conforming commercial uses on the properties including a restaurant, an auto service garage, and a former auction establishment. The town is proposing to change the land use designations to commercial for all three of the properties. The town is considering annexing the properties into the town.

Minimum State Law Requirements for a Municipality

Maryland's Land Use Article (LUA) sets forth the required components of a local comprehensive plan but does not mandate a specific format. As such, local governments address 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.

LUA § 3-112 - Municipal Growth Element, governs the requirements for the inclusion of a MGE in the comprehensive plan of a Maryland municipality and is discussed below. Even though this *Draft Amendment* only modifies the MGE, because it includes the addition of housing and an increase in population, it effects other elements of the comprehensive plan, as discussed in the subheading Conformance to Section 3-201(a) of the Land Use Article.

In addition to the requirements of § 3–201(a) and (b) of this article, a planning commission must also implement the Maryland State Visions through the comprehensive plan, as discussed in the subheading Maryland State Visions Section 3-201(c) of the LUA immediately below.

Maryland State Visions Section 3-201(c) of the Land Use Article:

Maryland's Planning Act of 1992, and subsequent legislation in 2000 and 2009, requires that the Twelve Visions (12 Visions) of the State of Maryland be included and implemented through the comprehensive plan. Those visions are found in the Maryland Economic Growth, Resource Protection, and Planning Policy, part of the State Finance and Procurement Article, Subtitle 5-7A. Maryland law requires all local comprehensive plans be consistent with the 12 Visions. Planning believes these visions can be integrated into the *Draft Amendment* while respecting the vision set forth for the development/redevelopment/re-use of the properties proposed for inclusion in the MGE and those in which the proposal is to change the current land use map to accommodate current market conditions. The 2015 Plan lists the 12 Visions on pages B-1 and B-2 but does not delve into how the plan

integrates these visions into the comprehensive plan from the town's perspective. Statements supporting the 12 Visions could be highlighted in the *Draft Amendment* in the areas that discuss the corresponding subject matter. For example, a specific vision that relates to the expansion of the municipal growth element and the land use changes could be emphasized in the *Draft Amendment*:

Growth Areas. The vision states "Growth is concentrated in existing population and business centers, growth areas adjacent to these centers, or strategically selected new centers."

Conformance to Section 3-201(a) of the Land Use Article

The following is an analysis of the submitted *Draft Amendment* regarding the required elements, as stated in the Land Use Article for a local jurisdiction in accordance with Section 3-201(a):

1. The planning commission for a local jurisdiction shall include in the comprehensive plan the following elements:

(i) a community facilities element;

This plan update does not describe any population growth projections or how public services and infrastructure might be affected within the proposed municipal growth areas including those necessary for: (i) libraries; (ii) recreation; (iii) water and sewerage facilities; (iv) public safety, including emergency medical response; (v) stormwater management systems sufficient to ensure water quality both inside and outside the proposed municipal growth area; (vi) and public schools. Is the increase in density accounted for on Properties A and B as proposed to be added to the MGE? Is the change from low- to medium-residential land use and its associated increase in density on Property D accounted for regarding needed infrastructure to serve the future population?

(ii) an area of critical State concern element;

Planning encourages the town to consider referencing the current "Areas of Critical State Concern" list as discussed within the A Better Maryland plan. Here is a link to the website:

<https://abetter.maryland.gov/plan/pages/areas-of-critical-state-concern.aspx>.

Through A Better Maryland, state agencies deemed these as important areas for collaboration between Maryland and its jurisdictions.

(iii) a goals and objectives element;

The goals and objectives of this *Draft Amendment* are to expand the MGE to include three additional properties for residential growth and to meet woodland conservation requirements in association with MS-4 permits for the town. The changes in the land use of properties already within the MGE facilitates additional residential growth of the community and promotes economic development through the continued use or re-use of properties used for commercial purposes. Planning suggests clarification in Chapter Three describing how the properties proposed to be added to the growth element and the changes in land use meet the existing goals of the 2015 adopted plan. This clarification could also include the establishment of new goals in the *Draft Amendment*.

(iv) a housing element;

The passage of HB-1045 in 2019 has 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 [§3-114](#) of the Land Use Article and §4-1801 of the Housing and Community Development Article. Since this *Draft Amendment* will be adopted after June 1, 2020, and the addition of lands into the municipal growth element include properties for development of housing, the *Draft Amendment* redevelopment should be evaluated by the town for conformance to the requirements of HB-1045, specifically the use of the terms low-income and workforce housing, as applied to both rental and homeownership. Further, a needs assessment for the area should be added to Chapter Seven - Housing and Demographics. Planning has developed a 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.

The city should also be aware of the recent passage of [Senate Bill 687](#) (2021) relating to State and Local Housing programs – Affirmatively Furthering Fair Housing. The intent of the bill is stated in the preamble of the bill. Section 3-114 of the Land Use Article is amended in the bill (effective January 1, 2022) to include the following:

- (d) (1) Local jurisdictions have a duty to affirmatively further fair housing through their housing and urban development programs.
- (2) The housing element of a comprehensive plan that is enacted or amended on or after January 1, 2023, shall include an assessment of fair housing, to ensure that the local jurisdiction is affirmatively furthering fair housing.
- (3) On request of a local jurisdiction, the Department of Planning shall provide technical assistance for the purpose of developing the housing element of the comprehensive plan.
- (4) This subsection does not require a local jurisdiction to take, or prohibit a local jurisdiction from taking, a specific action to affirmatively further fair housing.

This provision is currently not in effect, but Planning is collaborating with state agency partners to develop guidance and resources for jurisdictions to address these new housing element requirements.

(v) a land use element;

Section §3-111 of the Land Use Article states “On a schedule that extends as far into the future as is reasonable, the land use element shall propose the most appropriate and desirable patterns for the general location, character, extent, and interrelationship of the uses of public and private land.” Section §3-111 permits the land use element to include a discussion of agriculture, commercial, forestry (in accordance with § 5-101 of the Natural Resources Article) industrial; recreational, and residential land uses. The *Draft Amendment* provides a short discussion of the proposal for future zoning of each of the properties and discussion of the land use change. For clarification purposes, Planning notes that the actual rezoning of properties occurs simultaneously with the annexation adoption. It should be clearly stated in the text of the *Draft Amendment* that the zoning change would occur as part of the annexation, and emphasize the land use change, as opposed to the rezoning.

The first three of these properties are the subject of the expansion of the MGE and the last four properties are land use changes proposed in this *Draft Amendment*, and all properties are anticipated to be annexed into the town in the future.

| Property & acreage | Acreage | Proposed land use | Current land use per FRED CO map | Current Zoning per FRED Co zoning | Land use shown in 2015 CP |
|-------------------------------|----------------|--------------------------|---|--|--------------------------------------|
| Property A | 27.26 acres | Low residential | Agricultural | Agricultural | N/A-outside municipal growth element |
| Property B | 1.79 acres | Low residential | Agricultural | Agricultural | N/A-outside municipal growth element |
| Property C | 70.71 acres | Commercial | Agricultural | Agricultural | N/A-outside municipal growth element |
| Property D | 22.97 acres | Medium residential | Low residential | Agricultural | Low residential-within GB |
| Property E | 2.81 acres | commercial | Commercial | General commercial | Low residential-within GB |
| Property F | 0.74 acres | commercial | Commercial | General Commercial | Low residential-within GB |
| Property G | 1.47 acres | commercial | Commercial | General Commercial | Low residential-within GB |

The growth area boundary land use acreage changes depicted in the chart above are as follows: low-density residential land use acreage increases by approximately 6 acres; new medium-density residential account for approximately 23 acres; and commercially-designated land acreage increases by approximately 75.73 acres.

Planning is concerned that there is already a substantial amount of land being proposed for commercial uses outside of the historic downtown area, as designated on the current 2015 land use map. Adding significantly more commercial land may ultimately have a negative impact on the commercial viability of the main street corridor within the historic district. Based on the town’s zoning district provisions (page 3-10, Exhibit A – Chapter Three), all uses in a Neighborhood Commercial District, which tend to be the main street commercial uses, are also allowed under a General Commercial District, which is the future zoning proposed for Property C.

(vi) development regulations element

There is no mention of changes proposed of development regulations anticipated with the expansion of the growth element as proposed, or the changes to the land uses proposed. It is unclear to Planning if the town's subdivision regulations include a cluster option for the development of residential subdivisions, but if not, Planning could provide assistance to the town to develop a set of cluster provisions for consideration. Cluster options for development provide for the protection of sensitive natural features such as streams and woodland, reduce development costs, as well as common open space for residents for private recreational facilities in a common ownership community. If the town believes it is time to update any regulations relating to the development of future housing or commercial development, this would be a good time to provide for a discussion, followed by a zoning text amendment to change the text of the appropriate ordinances.

(vii) sensitive areas element

Properties C, D, E, F, and G are all located in environmentally sensitive areas, as identified on the Maryland Department of Natural Resources (DNR) Merlin Environmental Resource and Land Information Network. [MERLIN-Marylands Environmental Resource & Land Information Network \(state.md.us\)](https://www.merlin.dnr.state.md.us/) The properties described above are identified as having the following features on-site:

- 100 year flood- plain
- Water bodies such as streams or rivers
- Wetland
- DNR Targeted Ecological Areas

Targeted Ecological Area are lands and watersheds of high ecological value that have been identified as conservation priorities by DNR. These areas should be protected from any development to the maximum extent possible, and proper permits should be acquired to ensure that any encroachment into wetlands, streams, 100-year flood plain and other sensitive natural feature of the site are mitigated.

Chapter Nine of the 2015 Plan includes an objective promoting the environmental protection of sensitive lands within the jurisdiction of the Town of Emmitsburg. Planning suggests that the town be especially protective of Toms Creek (Property C), the associated wetlands on Properties C and D, and the existing woodland on all the properties to the greatest extent possible. Methods of protection could be the use of cluster regulations for residential developments, as discussed above, and/or the use of protective easements.

The staff report dated March 19, 2021 discusses the proposed commercial designation of Property C and indicates that the "owner of Property C has agreed to provide the town a 25-year forest conservation easement on the property, to help satisfy the town's MS-4 permitting requirements." It is unclear to Planning if and how such an environmental easement would sunset to allow for commercial uses after 25 years. The town should consult with MDE regarding the MS-4 permitting requirements to help address the uncertainty of the future use of Property C.

(viii) transportation element

The town should consider potential highway safety issues the proposed general commercial land use proposed for Property C (along with other planned commercial properties along US 15) might generate in the future. Access to US 15, [a principal arterial](#) in the Maryland State Highway Administration’s roadway functional classification, is managed or controlled. These planned and proposed commercial uses along US 15 need prudent access management and controlled planning to maintain traffic safety.

(ix) a water resources element.

The *Draft Amendment* to the 2015 Plan includes expansion of the growth area boundary, as depicted on Figure 3-1 “2021 Emmitsburg Growth Boundary, Suggested Land Use Designations, and Proposed New Roads”, to encompass several additional parcels to be annexed into the town, and amendments to the land use for several parcels already within the growth area.

The 2015 Plan includes an “Infrastructure Water and Sewer” chapter (as the Water Resources Element [WRE]), which states that “the comprehensive plan needs to show that there is a balance between any proposed changes in land use and the capacity of the water and sewer facilities” (page 5-1). A new wastewater treatment plant (WWTP) with Enhanced Nutrient Removal for Emmitsburg began operating circa July 2015; however, the chapter notes that there is no increase in hydraulic capacity associated with the treatment system upgrade. The Emmitsburg water supply system draws from surface water (Rainbow Lake) and wells (wells 1–7 and J) and is capable of treating up to 600,000 gallons per day. Tables 5.2 and 5.3 (pages 5-5 and 5-6) in the 2015 Plan show the total water system and sewer system capacities compared to water and sewer demand, and the remaining available capacity.

Since the amendment includes new development and areas being annexed into the Emmitsburg growth area that will require public water and sewer service and likely increase impervious surface coverage, the WRE chapter and Tables 5.2, 5.3, and 5.4 (Land Availability & Water Demand) should be updated to provide analysis of how the proposed changes in land use that will affect the town’s water resource planning. The WRE chapter should also be amended to update the status of the Emmit Gardens Water Treatment Facility. Page 5-6 of the chapter indicates that “[t]he plan will need to evaluate any requests for rezoning in terms of water capacity, and consider the best way to invest this limited commodity.”

(2) If current geological information is available, the plan shall include a mineral resources element.

The *Draft Amendment* should address the above issue if current geological information is available.

(3) The plan for a municipal corporation that exercises zoning authority shall include a municipal growth element.

The *Draft Amendment* modifies the MGE previously included in the 2015 Plan and is discussed above in the Summary of the Draft 2021 Comprehensive Plan Amendment, the Maryland State Visions 3-201(a) of the Land Use Article and the Conformance to Section 3-201(a) of the Land Use Article.

Growth Tier Map

On January 23, 2013 Emmitsburg notified Planning that it had adopted Frederick County's growth tier map dated December 20, 2012. As provided for in § 1-509 of the Land Use Article, if the town does not incorporate the growth tier map into the comprehensive plan by the time the town conducts the 10-year review of the plan under § 1-416(a) or § 3-301(a) of the Land Use Article, the town's growth tier map shall be considered not adopted for purposes of § 9-206 of the Environment Article. If the town intends for the growth tiers to remain adopted, Planning recommends the town either: (a) formally incorporate the county tier map into the comprehensive plan and ask the county to amend its tier map to reflect the town's revised growth boundaries; or (b) adopt its own tier map (updated to reflect the revised growth area) and formally incorporate it into the comprehensive plan.

Planning also notes that there are mapping disparities between the town and the county boundaries as stated in the text in Chapter Three on pages 3-6 and 3-7. The modifications to the text for this update add the proposed changes to the MGE as described in the *Draft Amendment* to the list of mapping disparities. Planning suggests rather than listing the disparities, that transparency and discussion could resolve them, and Planning is willing to work with the jurisdictions to help solve these inconsistencies.

Preliminary Annexation Considerations

Regarding the future annexation of the properties, Planning provides the following preliminary comments:

- If Properties A, B and D are annexed into the town as low or medium -residential zoning, they will have similar zoning to the areas in the town adjacent to the property, but since the underlying county zoning is an agricultural zoning district, the proposed zoning would be more than 50% increase in density. This will require a waiver from the county if the properties are to be developed within five years at a density greater than 50% of the current county zoning.
- Properties C, E, F, and G are all currently zoned as the county's agricultural zoning district. It appears that the rezoning of the properties as commercial would be a substantial change of use and will require a waiver from the county for commercial development within five years. Planning understands that the properties may be annexed, and development may not begin within five years, or in the case of property C, it may be used for woodland preservation well beyond the restrictive five-year period.
- It is also noted that upon annexing, Property C will need to be connected to the town, most likely through annexing a portion of Creamery Road adjacent to the northern portion of the property where it is adjacent to the existing town boundary. The rest of Creamery Road should continue to be under the county jurisdiction to prevent an enclave, due to parcel account identification number 1105175356 lying outside of the town limits.

Preliminary Priority Funding Area Considerations

Regarding the future Priority Funding Area (PFA) status upon annexation, Planning provides the following preliminary comments:

- Properties A, B, and C are currently zoned as agriculture, are not currently serviced with public sewer and are not part of an existing PFA. If the governing water and sewer plan is amended to indicate that the properties are planned for sewer within ten years, the zoning is changed to a residential zoning of a minimum of 3.5 units per acre (R-1 as proposed for A and

B) and/or commercial zoning (as proposed for C), and are located within the town's MGE, they would qualify as PFA.

- Property D has a sewer category of PS (planned service area with a timeframe of 11 to 20 years). It would not be eligible for PFA with this sewer category unless the governing water and sewer plan is amended to indicate that the property is planned for sewer within ten years, and the zoning is changed to a residential zoning of a minimum of 3.5 units per acre (as proposed in the R-2 zone).
- Properties E and F have a sewer category of S5, which is a mid-range phase plan with a timeframe of 7-10 years. If the zoning is changed to a commercial zoning district, planning will consider it an employment use, and these parcels would qualify as PFA.
- Property G has a sewer category of PS (planned service area with a timeframe of 11 to 20 years). It would not be eligible for PFA with this sewer category unless the governing water and sewer plan is amended to indicate that the property is planned for sewer within ten years, and the zoning is changed to a commercial zoning district as proposed.

Emmitsburg is a Sustainable Community

It should be noted here that the Town of Emmitsburg is a Sustainable Community (7/19/2017), per the Department of Housing and Urban Development. As part of the Sustainable Community designation, quality of life, environment, economy, transportation, housing and local planning and land use are all subjects of the Sustainable Community Action Plan (SCAP), viewed through the lens of revitalization. Planning suggests the town review the *Draft Amendment* for consistency with the SCAP and consider if any of the proposals in this *Draft Amendment* support or contradict the desired outcomes, strategies and action items included in the SCAP. The following is a link to the Sustainable Communities designation for the Town of Emmitsburg: [Sustainable Community Action Plan \(maryland.gov\)](https://www.maryland.gov/ourdivisions/department-of-planning/sustainable-communities/)

General Comments

- Planning commends the town on a thoughtfully constructed *Draft Amendment*.
- Planning encourages the town to ask for assistance at any time in the future.
- Planning appreciates the clarity of the revisions provided in Chapter Three and suggests the use of addresses as an additional property identification to help interested parties identify properties that are the subject of this amendment.
- It would be helpful to see a total acreage of the town, a total of the acreage of the existing growth area, and a total of the proposed growth area to be added to the town with this *Draft Amendment*.

END MARYLAND DEPARTMENT OF PLANNING COMMENTS

Maryland Department of Planning Review Comments
May 27, 2021
Town of Emmitsburg
Comprehensive Plan Amendment
Draft 2021

STATE AGENCY COMMENTS

The following pages contain comments from other State agencies in support of the Maryland Department of Planning (Planning) review of the Town of Emmitsburg Comprehensive Plan Amendment Draft 2021 as part of the standard 60-day review period for municipalities and non-charter counties. 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 11 | Maryland Department of the Environment |
| Page 13 | Maryland Department of Transportation |
| Page 14 | Maryland Historical Trust |
| Page 16 | Department of Housing and Community Development |
| Page 17 | Department of Commerce |



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

April 27, 2021

Susan Llareus
Maryland Department of Planning
301 West Preston Street
Suite 1101
Baltimore, MD 21201

RE: Local Plan Review: Town of Emmitsburg Comprehensive Plan Amendment
MD20210331-0236

Dear Ms. Llareus,

Below are the comments from the Maryland Department of the Environment regarding the above referenced project. Our response code is R1.

1. Any 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.
2. If 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.
3. Any 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.
4. The 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.
5. 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

Ms. Susan Llareus

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standards for property transfer. For specific information about these programs and eligibility, please Land Restoration Program at (410) 537-3437.

6. 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.

Please let me know if you have any questions or concerns.

Sincerely,

Amanda R. Redmiles

Amanda R. Redmiles
Clearinghouse Coordinator
Maryland Department of the Environment

April 26, 2021

Ms. Susan Llareus
Maryland Department of Planning
301 West Preston Street
Suite 1101
Baltimore MD 21201

Dear Ms. Llareus:

Thank you for coordinating the State of Maryland's comments on the Town of Emmitsburg's Comprehensive Plan Amendment, hereafter referred to as the "Plan." The Maryland Department of Transportation (MDOT) offers the following comments from The Secretary's Office and the MDOT State Highway Administration (MDOT SHA).

General Comments:

- MDOT SHA notes that while the Highway Needs Inventory (HNI) includes US 15 between Biggs Ford Road and Pennsylvania, the HNI does not propose full grade-separation, leaving the existing highway and capacity largely intact as is. It should also be noted that the HNI connotes only need and does not signify a commitment of funding.
- MDOT SHA notes that especially where parcels are proposed to be upzoned and require access to MDOT SHA facilities, i.e., US 15 Business (Seton Avenue), the Town of Emmitsburg should be aware that when development proceeds, access permitting and potential trip mitigation will need to be coordinated with MDOT SHA District 7. Depending on the intensity of development, mitigation such as dedicated left-turn lanes may be merited and/or required along US 15 Business, which currently is a two-lane highway without turn lanes.

Thank you again for the opportunity to review the Plan. If you have any questions or concerns, please do not hesitate to contact Ms. Kari Snyder, Regional Planner, MDOT Office of Planning and Capital Programming (OPCP) at 410-865-1305, toll free at 888-713-1414, or via email at ksnyder3@mdot.maryland.gov. She will be happy to assist you.

Sincerely,



Heather Murphy
Director, OPCP, MDOT

cc: Ms. Kari Snyder, Regional Planner, OPCP, MDOT



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Robert S. McCord, Secretary
Sandy Schrader, Deputy Secretary

April 21, 2021

Ms. Susan Holm Llareus, PLA, ASLA
Regional Planner for Maryland Capital Region
Maryland Department of Planning
301 West Preston Street, Room 1101
Baltimore, MD 21201

Dear Ms. Llareus:

Thank you for the opportunity to review the Town of Emmitsburg Comprehensive Plan Amendment and submit comments on behalf of the Maryland Historical Trust.

This is an amendment to Chapter 3 of the Town's 2015 Comprehensive Plan that adds three properties (A, B and C) to the Town Growth Boundary and changes the zoning classification to four properties (D, E, F and G) within the Town Growth Boundary. Two resources associated with this amendment, although not directly affected by any proposed zoning changes on the adjacent parcels, have been determined to have enough historic significance and integrity to be eligible for inclusion in the National Register of Historic Places, the federal listing of historic and cultural properties maintained by the National Park Service. This evaluation does not carry any regulatory restrictions, but it does mean that any federal or state undertaking (funding, permitting, construction, etc.) must go through a review process with the goal of avoiding, minimizing, or mitigating harm to these important assets.

Property C - Addition to Town Growth Boundary

[Maryland Inventory of Historic Properties Number F-6-105](#)

Bridge 508 Creamery Road over Tom's Creek is a single span metal Pratt truss bridge owned by Frederick County built in 1928. It is a significant example of its type, and is determined to be eligible for listing in the National Register of Historic Places.

Property D - change in zoning classification

[Maryland Inventory of Historic Properties Number F-6-117](#)

Bridge 10001 Business U.S. Route 15 over Flat Run is a single span concrete arch bridge owned by the State Highway Administration built in 1927. It is a significant example of its type, and is determined to be eligible for listing in the National Register of Historic Places.

Additional information about these structures and the surrounding properties can be found in Medusa, the state's cultural resource information system.

https://mht.maryland.gov/research_medusa2.shtml

Thank you again for the opportunity to comment on the plan. If you have any questions, please contact me at (410) 697-9561 or steven.allan@maryland.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Steven H. Allan". The signature is stylized and cursive.

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
Joseph Griffiths, MDP
Rita Pritchett, MDP



LARRY HOGAN
Governor
BOYD K. RUTHERFORD
Lt. Governor
KENNETH C. HOLT
Secretary
OWEN McEVOY
Deputy Secretary

May 21, 2021

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 proposed Town of Emmitsburg Comprehensive Plan Amendment (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.

Several of the Town's revitalization initiatives have been supported by DHCD's Community Legacy Program over the past five years, including commercial and residential façade improvements, ADA improvements for playground access, and improvements to the Town Square. The Town's revitalization efforts have focused on the older, historic portions of the Town. The focus on the historic core is reflected in Town's most recent Sustainable Community Plan, submitted in 2017.

The properties proposed for annexation and rezoning appear to be generally located outside the Town core and would not directly impact the revitalization activities outlined above. However, zoning changes outlined in the amendment would substantially alter the Town's character. In particular, the elimination of the open space zoning designation and proposed conversion of more than 400 acres of land to low density residential and commercial development is a concern.

Where conversion of farmland is chosen, a mix of densities would create more opportunities for to preserve open space, consistent with the character of the Town. A greater mix of land uses including commercial development, as well as affordable and workforce development could also create opportunities for support through financing programs administered by the Maryland Department of Housing and Community Development. Where commercial development is planned, care should be taken to assure that any new development doesn't pull investment and business development opportunities away from the Town's traditional business district. It should be noted that Town representatives have begun discussion with DHCD staff about applying for Main Street affiliate status to continue the revitalization of Emmitsburg's Main Street.

Again, thank you for the opportunity to comment on the Plan. If you have any questions regarding our comments, please email me at john.papagni@maryland.gov or call 410-209-5807.

Sincerely,

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

John Papagni
Program Officer
Division of Neighborhood Revitalization



MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
2 N. Charles St. Suite 450 • Baltimore, MD 21201 • dhcd.maryland.gov
410-209-5800 • TTY/RELAY 711 or 1-800-735-2258





Larry Hogan | Governor
Boyd Rutherford | Lt. Governor
Kelly M. Schulz | Secretary of Commerce

April 27, 2021

Susan Llareus
Maryland Department of Planning
301 West Preston Street
Suite 1101
Baltimore, MD 21201

RE: Local Plan Review: Town of Emmitsburg Comprehensive Plan Amendment

Dear Ms. Llareus:

I have reviewed the Town of Emmitsburg Comprehensive Plan Amendment and find that it is consistent with this Department's plans and programs.

Feel free to contact me if you have any questions or concerns about this review.

Sincerely,

James Palma
Senior Research Manager

cc. Rita Pritchett
File