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## Maryland DEPARTMENT OF PLANNING

November 8, 2021

Ms. Kathleen Maher, Director  
Hagerstown Planning and Code Administration  
One East Franklin Street, Room 300  
Hagerstown, Maryland 21740-4987

LOCAL PLAN REVIEW: Hagerstown Comprehensive Plan Amendments 2021

Dear Ms. Maher:

Thank you for the opportunity to review the proposed amendments to the Hagerstown Comprehensive Plan. The 2021 amendment to VisionHagerstown2035 provides an update to the city's Transportation Element. The Department forwarded a copy of the Hagerstown Comprehensive Plan amendment to several State agencies for review including, the Maryland Historic Trust and the Departments of Commerce, Environment, Housing, Natural Resources, and Transportation. Any plan review comments received after the date of this letter will be forwarded upon receipt.

Please consider that Planning's comments reflect the agency's recommendations and observations on ways to strengthen the city's plan, as well as satisfy the requirements and intent of the State Land Use Article.

Planning respectfully requests that this letter be made part of the city's public hearing record.

Please feel free to contact me at (410) 767-4533 or Joe Rogers, Western Maryland Regional Planner, at (301) 777-2161. We appreciate your participation in the plan review process.

Sincerely,

Charles W. Boyd, AICP  
Director, Planning Coordination

cc: Jill Baker, Washington County Planning & Zoning Director  
Joe Griffiths, Manager Local Assistance and Training  
Joe Rogers, Western Maryland Regional Planner

Enclosures: Maryland Department of Planning Review Comments,  
Maryland Department of the Environment Review Comments



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# Maryland DEPARTMENT OF PLANNING

## **Review Comments City of Hagerstown Comprehensive Plan Amendments November 8, 2021**

The Maryland Department of Planning (Planning) has reviewed the draft amendments to the vision Hagerstown 2035 City of Hagerstown Comprehensive Plan (Plan) and offers the following comments for your consideration. These comments are offered as suggestions and/or comments to improve the Plan and better address the statutory requirements of the Land Use Article. Other state agencies as noted 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 city in a timely manner.

### **Summary of the Draft Comprehensive Plan Amendment**

The 2021 amendment to the Plan updates the Transportation Element as it relates to the plans for R. Paul Smith Boulevard and other road alignments for vacant tracts in the southeast area of the city, updates the transportation improvements that have occurred since 2018, and updates the transportation planning of the Hagerstown-Eastern Panhandle Metropolitan Planning Organization completed since 2018 (HEPMPO).

### **General Comments**

The Maryland Department of Disabilities reviewed this amendment and suggests that the city please consider adding language consistent with the Americans with Disabilities Act (ADA) where applicable. Planning notes that such actions might be supportive of Policy 5-6, which states that “The City encourages alternatives to automobile travel”.

Please consider the referencing of any Historic Districts where new transportation corridors have been planned. As these corridors are being planned for future development it would be helpful to understand if these corridors contribute any historical significance to the area.

Per Map 5-5 it appears that the planned roads to the south of Funkstown are outside of the Priority Funding Area (PFA). This area is also included in Hagerstown’s Medium Range Growth Area on Map 2.4 of the Plan. Planning notes that a PFA Map amendment may be required if the county or city wish to seek state funding for the road project. Another option is for the city to ensure that it meets the minimum zoning requirements of State Finance and Procurement Article §5-7B-03 for PFA certification upon annexation of the properties.

## **Transportation**

Staff notes that the proposed comprehensive plan amendment did not change the transportation policies on page 5-10 and the transportation implementation actions on pages 5-11 and 5-12. The amendment on page 5-9 adds Map 5-5 to the Plan and calls for a future traffic study to assess the traffic issues and make roadway improvement recommendations. Planning recommends adding a transportation action to reflect this update.

Planning suggests adding brief summaries and a map that detail the discussed transportation changes, including the new transportation projects proposed by the draft 2050 HEPMPO Long Range Transportation Plan as discussed on page 5-9. Planning understands that these changes have not been adopted by the HEPMPO. Without a detailed map, it is difficult to understand where these projects will be located. Since the 2050 HEPMPO plan has not been adopted by the HEPMPO, Planning recommends that the city consider extending the Plan approval until after the Long Range Transportation Plan is formally adopted.

## **Tier Map**

While reviewing the proposed amendment, Planning identified a revision to Hagerstown's 2012 growth tier map within the Water Resources chapter of the adopted VisionHagerstown 2035 plan on Map 4-3. As a reminder, under Section 1-504 of the Land Use Article of the Code of Maryland, the City of Hagerstown must notify Planning each time it amends the adopted growth tier map. Planning will review the amended tier map as provided for in Section 1-505 of the Land Use Article. To begin, please provide the following GIS datasets to facilitate Planning's review:

- Amended growth tier map
- Growth areas identified on Map 2-4 (Medium-Range Growth Area, Long-Range Growth Area)
- Existing and planned sewer service areas (if maintained separately from the tier map), as approved and/or modified by the Maryland Department of the Environment



# Maryland

## Department of the Environment

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

Ben Grumbles, Secretary  
Horacio Tablada, Deputy Secretary

October 13, 2021

Joseph Rogers  
Maryland Department of Planning  
301 West Preston Street  
Suite 1101  
Baltimore, MD 21201

RE: Hagerstown Proposed Comprehensive Plan Amendment for 60-Day Review  
MD20210913-0742  
Response Code: R1 Generally Consistent with Qualifying Comments

Dear Mr. Rogers,

Below are the comments from the Maryland Department of the Environment regarding the above referenced project.

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. Any 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.

6. 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.

7. 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