



## Maryland DEPARTMENT OF PLANNING

April 6, 2021

Jean Moulds  
Chairperson  
Leonardtown Planning and Zoning Commission  
22670 Washington Street  
P.O. Box 1,  
Leonardtown, MD 20650

Dear Chairperson Moulds:

Thank you for the opportunity to review the Comprehensive Plan Amendment (CPA) for the Town of Leonardtown, and for your participation in the state agency plan review process. The Maryland Department of Planning (Planning) believes that good planning is important for efficient and responsible development that successfully addresses resource protection, adequate public facilities, community character, and economic development.

The CPA proposes to add two parcels totaling 95.79± acres of land to the town's Municipal Growth Element. Planning and other state agencies are providing the town with specific comments regarding this amendment to assist the town as it moves forward with consideration and adoption of the CPA. To date, we have received additional comments from the Department of the Environment and the Department of Housing and Community Development, which are attached at the end of Planning's review comments. It is Planning's understanding that the CPA public hearing is scheduled for April 12, 2021. Any plan review comments received after the date of this letter will be forwarded upon receipt.

Please consider that Planning's attached review comments reflect the agency's recommendations and observations on ways to strengthen the CPA, as well as satisfy the requirements and intent of the Land Use Article. Planning respectfully requests that this letter and accompanying review comments be made part of the town's public hearing record. Upon adoption of any plan amendments, please submit an electronic copy of the updated Town of Leonardtown Comprehensive Plan to Planning.

Attached you will find comments from Planning. If you have any questions about this letter, please do not hesitate to contact your Planning Contact; Regional Planner Sarah Lipkin Sularz at [sarah.lipkinsularz@maryland.gov](mailto:sarah.lipkinsularz@maryland.gov).

Sincerely,

Charles W. Boyd, AICP  
Director of Planning Coordination

Enclosure: Comments on the Comprehensive Plan Amendment for the Town of Leonardtown

Cc: Sarah Lipkin Sularz MDP, Joseph Griffiths MDP, Susan Llareus MDP.  
Laschelle McKay, Town Administrator



## Maryland DEPARTMENT OF PLANNING

### Maryland Department of Planning Review Comments April 6, 2021 Draft 2021 Comprehensive Plan Amendment

The Maryland Department of Planning (Planning) has reviewed the Draft 2021 Comprehensive Plan 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 is a Comprehensive Plan amendment (CPA) for the purpose of expanding the growth boundary to include two properties on the west side of Leonardtown, north of Newtowne Neck Road and surrounding the Charles Memorial Gardens Cemetery.

The CPA calls for a total of 95.79 acres of land to be included in the future growth boundary for the Town of Leonardtown. One parcel is located at the physical address 23055 Newtowne Neck Road, and the second parcel does not appear to have been assigned an address at this time. Parcel 192 consists of 29.89 acres, and Parcel 414 consists of 65.9 acres. The CPA indicates a potential annexation petition proposes to use this area as an outdoor recreational facility; although, Leonardtown staff notified Planning that this annexation has been postponed. The CPA states “No clearing or development is planned and the residential zoning would remain.” The CPA also states, “The proposed use of the 95+ acres of residential property will maintain the natural wooded beauty of the property and provide outdoor tourism/economic development for the town without changing the character of the land.”

#### **Minimum State Law Requirements for a Municipality**

Maryland’s Land Use Article sets forth the required components of a local comprehensive plan but does not mandate a specific format. Land Use Article § 3-112 - Municipal Growth Element, governs the requirements for the inclusion of a Municipal Growth Element (MGE) in the comprehensive plan of a Maryland municipality.

#### **General Comments**

Planning commends the town on the noticeable improvements to the procedures for this submission and for its responsiveness to Planning’s previous suggestions. Planning encourages the town to ask for assistance at any time in the future.

Draft 2021 Comprehensive Plan Amendment  
Maryland Department of Planning Comments

Planning is unclear about the entirety of the CPA submission. Are the comments and explanations for each item addressed in the submittal to be inserted into the Comprehensive Plan as amendments or attached to the previously approved documents, or will these amendments stand on their own?

Leonardtown's website posts several versions of the town's comprehensive plan. The town's Planning and Zoning Commission webpage includes a link to the Comprehensive Plan (2010 version) [<https://leonardtown.somd.com/government/ComPlan2010.pdf>]. However, the Town Ordinances webpage [<https://leonardtown.somd.com/government/index.htm>], also includes [Ordinance No. 200](#) (with an effective date of 8/31/20) and [Ordinance No. 168](#) (with an effective date of 3/30/2015) which amended the 2010 Comprehensive Plan, again specifically page 11-8 of the plan. Planning highly recommends replacing the 2010 Plan version of Section 11 – Municipal Growth Plan Element, page 11-8, with the most recently adopted 2020 Comprehensive Plan Amendment page 11-8 or if the current CPA is adopted consolidate all Growth Areas on to one map. Planning offers its assistance if technical assistance is needed to prepare this updated map. Additionally, the analysis on development capacity, public facility impacts, and protection of sensitive areas included in the CPA should be incorporated into the existing text of Chapter 11 of the 2010 Plan.

Planning suggests that the town confirm that the project proposed in this CPA supports the section “The Vision for Leonardtown” of the 2010 Comprehensive Plan, page 1-3; specifically bullets 2, 3, and 5.

The CPA would benefit from more details about the anticipated land use and any long-term uses for the property, to understand the future impacts on the town's development, its character, and public facilities, as required by Land Use Article § 3-112. Planning notes that the referenced recreational facility appears to be a private commercial enterprise, and not a public facility. A clear rationale for adding these two parcels to the town's MGE Growth Area and eventually annexing these parcels would help Leonardtown residents and other stakeholders better understand the future build-out of the community and any needed infrastructure to support the future annexation.

The town may want to consider questions such as: What is the purpose of the expansion of the growth area in the long term? Is the land intended to be developed for residential uses at some time in the future? Will future development be phased over time? Planning also notes according to St. Mary's County Zoning Map, the parcels are currently zoned Rural Preservation District (RPD), which permits “low-density residential development that is designed to preserve or enhance the County's rural character” and allows one dwelling per five acres. Any future annexation of the properties included in this CPA would likely be inconsistent with the current county zoning from a density perspective as the permitted residential density of all town residential zoning categories is greater than a 50% increase in

density of the county zoning district. If development is anticipated within five years of annexation, a waiver from the county appears necessary.

Planning notes that the use of the property as an off-road vehicle/jeep trail can generate a substantial amount of noise due to the engines on some of these types of vehicles. This may be incompatible with the adjacent cemetery use, at which visitors would likely prefer a quieter, solemn setting.

The CPA states that "no clearing or development is planned...." It should be noted that based on Planning's research of this topic most all-terrain vehicle trail systems are designed and built with a subsurface that is structurally sufficient to handle the weight of the vehicles, and without stabilizing structural support, the land may erode into the streams and wetlands. It is anticipated that structural materials such as gravel, and heavy equipment may be needed for grading, stabilizing, and leveling of the trails. Bridge building may be necessary to keep the trail above waterways, even if they are small intermittent streams. The municipality should be aware that the construction of vehicle trails is a process that will require oversight in preventing the degradation of the sensitive lands within the subject property such as limiting erosion, preventing, and minimizing pollution and to protect the forest and wetlands on the property and surrounding properties. The property owner or operator of the facility should be directed to the local jurisdiction that reviews use and grading permits for the proposed facility either at the town or the county level.

A source for information relating to the design, construction, and maintenance of these types of facilities is the non-profit National Off-Highway Vehicle Conservation Council. The Pennsylvania Department of Conservation and Natural Resources has also published resources on trail design and development that the town may find helpful. Primarily, Planning suggests the town and property owners review and consider the [2004 Pennsylvania Trail Design Manual for Off-Highway Recreational Vehicles](#). A more recently published [Guidelines for Sustainable, Non-motorized Trails](#) may also prove useful, particularly if the town anticipates the trail system might be used for non-motorized vehicles. The Maryland Department of Natural Resources (DNR) Forest Service manages off-road vehicle trails in state forests. While DNR approval does not appear necessary for this private trail development, Planning suggests that the town and property owner contact DNR to ensure that the appropriate procedures are followed for sustainable management of the forested area and safety for trail users. To learn more about DNR's management of and requirements for off-road vehicle trails, visit <https://dnr.maryland.gov/forests/Pages/orv/trails.aspx>. The town should also consider contacting Cheryl Wise at [cheryl.wise@maryland.gov](mailto:cheryl.wise@maryland.gov), DNR's representative on the Southern Maryland Regional Resources Workgroup for more information on or potential state contacts for off-road trail development.

This property is within the Southern Maryland Heritage Area; managed by the Maryland Heritage Areas Authority. Planning asks that the town communicate any proposals on this land to Jennifer Ruffner, Administrator of the program at MHT (410-697-9591) or to Lucille Walker, the Executive Director of the Southern Maryland Heritage Area Consortium at [SoMdHeritage@tccsmd.org](mailto:SoMdHeritage@tccsmd.org).

The property is designated as a Targeted Ecological Area (TEA). TEAs are lands and watersheds of high ecological value that have been identified as conservation priorities by the Maryland Department of Natural Resources (DNR). These areas should be protected from any trail construction and proper permits should be acquired to ensure no encroachment into wetlands, steep slopes, and other sensitive natural feature of the site.

**Suggested Technical Edits/Suggestions**

- The Future Growth map, located on page 11-9 of the 2010 Comprehensive Plan is untitled, with no legend or year. Planning suggests that any graphic, table, map or figure be labeled and ordered for future reference and use.
- On the Future Growth map referenced above, only one area is proposed for future growth. This is labeled on the map as “Hayden Farm”, which is not the proposed area in question in this review. As described above, Planning is unclear about how the text submitted with the CPA will be incorporated into the 2010 Comprehensive Plan. In addition, the last two CPA’s that Leonardtown has submitted to Planning appear to be responses to requests for annexation. Leonardtown followed the proper order of completing a Municipal Growth Area modification prior to annexation, but Planning suggests that the town could better manage its future growth and boundary expansions by analyzing potential growth areas proactively. Planning recommends the town use its next update of the Comprehensive Plan as an opportunity for a large-scale review and summation of where the town would like to grow and to incorporate the results of this review into a new and comprehensive Future Growth Map.

END MARYLAND DEPARTMENT OF PLANNING COMMENTS

**Maryland Department of Planning Review Comments April 6, 2021**  
Draft 2021 Leonardtown Comprehensive Plan Amendment

**STATE AGENCY COMMENTS**

The following pages contain comments from other State agencies in support of the Maryland Department of Planning (Planning) review of the Draft 2021 Comprehensive Plan Amendment 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 6

Maryland Department of Environment

Page 8

Department of Housing & Community Development



# Maryland

## Department of the Environment

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

Ben Grumbles, Secretary  
Horacio Tablada, Deputy Secretary

April 2, 2021

Sarah Lipkin Sularz  
Maryland Department of Planning  
301 West Preston Street  
Suite 1101  
Baltimore, MD 21201

RE: Local Plan Review: Comprehensive Plan Update for the Town of Leonardtown  
MD20210218-0128

Dear Ms. Sularz,

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. 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.

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 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

LARRY HOGAN  
Governor

BOYD K. RUTHERFORD  
Lt. Governor

KENNETH C. HOLT  
Secretary

OWEN McEVOY  
Deputy Secretary



March 11, 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 Comprehensive Plan Update for the Town of Leonardtown (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. In general, the Department supports the Plan as an opportunity to preserve land from development, while expanding recreational opportunities. The following comments and questions apply to specific elements of the Plan:

- In is not clear who will operate and maintain the outdoor recreational facility mentioned in the Mayor's letter. The Town should clarify.
- We defer to MDOT/SHA on the impact of the annexation on the road network but understand, as indicated in the section of the Plan regarding impact on public facilities, that the annexation "would have no traffic impact on the road system as a very limited number of participants would be scheduled by reservation only" at the outdoor recreation facility.
- The Department understands that the annexation would not add any residential development to the Town.
- The Department defers to the Maryland Department of Natural Resources regarding the Plan's compliance with critical area requirements.

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](mailto:john.papagni@maryland.gov) or 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: Ashlee Green, DHCD Division of Neighborhood Revitalization



**MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**  
7800 HARKINS RD • LANHAM, MD 20706 • DHCD.MARYLAND.GOV  
301-429-7400 • 1-800-756-0119 • TTY/RELAY 711 or 1-800-735-2258

