



Maryland DEPARTMENT OF PLANNING

December 1, 2023

Chairman Mark Carney
Town of Middletown Planning Commission
31 West Main Street
Middletown, MD 21769

Re: Town of Middletown Draft Comprehensive Plan, October 2023

Dear Chairman Carney:

Thank you for requesting Maryland Department of Planning (MDP) comments on the Town of Middletown Comprehensive Plan (Draft Plan), submitted October 2, 2023. MDP believes that good planning is important for efficient and responsible development that adequately addresses resource protection, adequate public facilities, housing, community character, and economic development. Please keep in mind that MDP'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 Historic Trust, the Departments of Transportation, Environment, Natural Resources, Commerce, Department of Disabilities, and Housing and Community Development. To date, we have received comments from the Maryland Historic Trust and the Departments of Transportation and Natural Resources, 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.

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

Please feel free to contact me at (410) 767-4500 or Susan Llareus, Planning Supervisor and Regional Planner for the Maryland Capital Region, at susan.llareus@maryland.gov

Sincerely,

Charles Boyd, AICP
Assistant Secretary for Planning Services

cc: Cindy K. Unangst, Staff Planner
Joseph Griffiths, Local Assistance and Training Manager, Maryland Department of Planning
Susan Llareus, Planning Supervisor, Maryland Department of Planning



**Maryland Department of Planning
Review Comments
December 1, 2023**

**Town of Middletown Draft Comprehensive Plan-
Dated September 2023**

The Maryland Department of Planning (MDP) received the Draft Middletown Comprehensive Plan, dated September 2023 (Draft Plan) from the Town of Middletown on October 2, 2023. These comments are offered as suggestions to improve the Draft Plan and better address the statutory requirements of the Land Use Article (LUA). Other state agencies, as noted below, have contributed comments and others may submit comments separately. If comments are subsequently received by MDP, the department will forward them to the town.

Note: After the receipt of the original Draft Plan and the distribution to other state agencies, MDP received an email on October 18, 2023, updating the Implementation Section. Comments relating to the Implementation Section contained herein relate to the later version.

Draft Plan Summary

This Draft Plan is a full update to the adopted and approved Town of Middletown 2010 Comprehensive Plan (effective March 28, 2010). The Draft Plan includes chapters on housing, sustainability, and implementation that the 2010 plan did not. These additions provide for advanced land use planning goals and strategies. This update is anticipated to provide land use planning guidance up to the year 2040 (p. 2-1).

Maryland State Visions – Synopsis

Land Use Article Section 3-201 requires Maryland jurisdictions with planning & zoning authority to implement the state’s twelve planning visions (12 visions) through the comprehensive plan. The 12 visions included in Section 1-201 of the LUA reflect the state’s ongoing aspiration to develop and implement sound growth and development policy. The 12 visions address: quality of life and sustainability; public participation; growth areas; community design; infrastructure; transportation; housing; economic development; environmental protection; resource conservation; stewardship; and implementation approaches.

Plan Analysis

The Draft Plan lists the 12 state visions (p. 1-2) and describes the framework for policies and objectives as five major goals that reflect the state visions (p. 1-4). MDP congratulates the town in demonstrating that the Draft Plan fulfills the LUA visions of the State of Maryland.

Municipality Minimum Planning Requirements

LUA Section 3-102 describes the required and optional elements for non-charter county and municipal comprehensive plans but does not mandate how they are to be addressed. The following checklist identifies required plan elements and how the Draft Plan addresses them.

Checklist of Maryland Code (Land Use Article) Element Requirements for Non-Charter Counties and Municipalities			
Comprehensive Plan Requirements	MD Code Reference	Additional MD Code Reference	Reference
(1) A comprehensive plan for a non-charter county or municipality must include:	L.U. § 3-102(a)		
(a) a community facilities element	L.U. § 3-102(a)(1)(i)	L.U. § 3-108 -- Community facilities element.	Chapter 6, Community Facilities (p. 6-1)
(b) an area of critical state concern element	L.U. § 3-102(a)(1)(ii)	L.U. § 3-109 -- Areas of critical State concern element	No discussion
(c) a goals and objectives element	L.U. § 3-102(a)(1)(iii)	L.U. § 3-110 -- Goals and objectives element	Throughout the plan
(d) a housing element	L.U. § 3-102(a)(1)(iv)	L.U. § 3-114 -- Housing element SB-687(2021)	Chapter 3, Housing and Population (p. 3-1)
(d) a land use element	L.U. § 3-102(a)(1)(v)	L.U. § 3-111 -- Land use element	Chapter 2 History and Land Use (2-1) and Chapter 9
(e) a development regulations element	L.U. § 3-102(a)(1)(vi)	L.U. § 3-103 -- Development regulations element	Throughout the plan
(f) a sensitive areas element	L.U. § 3-102(a)(1)(vii)	L.U. § 3-104 -- Sensitive areas element	Natural Features/ Sensitive Environmental Areas (p. 4-1)
(g) a transportation element	L.U. § 3-102(a)(1)(viii)	L.U. § 3-105 -- Transportation element	Transportation (p. 5-1)
(h) a water resources element	L.U. § 3-102(a)(1)(ix)	L.U. § 3-106 -- Water resources element	Water Resources (p. 8-1)
(i) a mineral resources element, IF current geological information is available	L.U. § 3-102(a)(2)	L.U. § 3-107 -- Mineral resources element	Natural Features/ Sensitive Environmental Areas (p. 4-7)
(j) for municipalities only, a municipal growth element	L.U. § 3-102(a)(3)	L.U. § 3-112 -- Municipal growth element	Chapter 9, Municipal Growth Element (p. 9-1)
(k) for counties only if located on tidal waters, a fisheries element	L.U. § 3-102(a)(4)	L.U. § 3-113 -- Fisheries element	N/A
Optional: (2) A comprehensive plan for a non-charter county or municipality MAY include: (a) a community renewal element; (b) a conservation element; (c) a flood control element; (d) a natural resources element; (e) a pollution control element; (f) information concerning the general location and extent of public utilities; and (f) a priority preservation area (PPA) element	L.U. § 3-102(b)	L.U. § 3-102(b)(2)(i)	
(3) Visions -- A local jurisdiction SHALL through the comprehensive plan implement the 12 planning	L.U. § 3-201(c)	L.U. § 1-201 -- The 12 Planning Visions	Completed discussion (p. 1-2 to 1-4)

Checklist of Maryland Code (Land Use Article) Element Requirements for Non-Charter Counties and Municipalities			
Comprehensive Plan Requirements	MD Code Reference	Additional MD Code Reference	Reference
visions established in L.U. § 1-201			
Optional: (4) Growth Tiers -- If the local jurisdiction has adopted growth tiers in accordance with L.U. § 1-502, the growth tiers must be incorporated into the jurisdiction's comprehensive plan	L.U. § 1-509		Contained in the WRE (p. 8-4)

Conformance with Section 3-102 of the Land Use Article

The following analyzes whether the Draft Plan meets the requirements of the municipal comprehensive plan elements, in accordance with the LUA.

1. Community Facilities Element - Synopsis

The community facilities element is required to propose, as far into the future as is reasonable, the most appropriate and desirable patterns for the general location, character, and extent of public and semipublic buildings, land, and facilities. These facilities may include, but are not limited to fire stations, libraries, cultural facilities, hospitals, places of worship, school and education facilities, and parks.

Plan Analysis

Chapter 6: Community Facilities provides for an extensive study of the community facilities within the town including schools, libraries, fire and ambulance service, police service, and recreational facilities. The chapter expands the discussion to include other cultural facilities and services such as museums, public art, and the town municipal center. Other organizations that serve as private community facilities or opportunities in the community are also discussed.

MDP recommends the town consider including a discussion of emergency response times if they exist. If emergency response times are not being monitored in the adequate public facilities testing associated with the development review process, then a goal toward this objective could be added to the Draft Plan. Another suggestion is to determine if adequate health care facilities exist in the community to serve the future residents in terms of urgent and/or non-urgent health needs. These topics could be added to the Draft Plan as future studies to guide decision making for updates to the subdivision or adequate public facilities ordinances.

Parkland is abundant in Middletown in that 32% of the land area of the town is in parkland/open space. According to the Draft Plan, “Today there is close to 2,200 square feet of parkland for every resident in town, which exceeds the 1,500 square feet average for towns and cities throughout America. In a study (2020) done by The Trust for Public Land, 85% of Middletown residents live within a 10-minute walk of a park. The national average is just 54%. A park proximity analysis for the Town done by Frederick County in September 2021 shows the entire town within a ½ mile radius of a park. Under the town’s current development rules, new parkland will be added when future neighborhoods are built” (p. 6-4). This abundant parkland likely contributes to a high quality of life for the town residents.

2. Areas of Critical Concern Element - Synopsis

The areas of critical state concern element is required to include planning commission recommendations to determine, identify, and designate areas that are of critical state concern.

Plan Analysis

The Draft Plan should include an analysis of the areas of critical concern as stated above, and encourages Middletown to review the list of designated areas, plans, studies, and programs in the State Development Plan, [A Better Maryland](#).

3. Development Regulations Element – Synopsis

This element should include the planning commission’s recommendations for land development regulations to implement the plan. Regulations are required to be flexible to promote innovative and cost saving site design, protect the environment and identify areas of growth. The areas identified for growth are required to encourage flexible regulations, which should further promote economic development using innovative techniques, streamlining the review of applications, including permit review and subdivision processing.

Plan Analysis

- The Draft Plan explains the town is planning to complete a rezoning of two properties concurrent with the comprehensive plan adoption process.
- MDP recommends incorporating zoning flexibility to allow mixed-use zoning (residential, commercial, institutional, and research/ development uses) in locations where redevelopment or revitalization is desired. Flexibility in design and density acts as an incentive to gain investment interest and may influence economic competitiveness.
- Does the Draft Plan provide for flexible zoning to incentivize adaptive reuse of historic buildings, infill, and redevelopment near and around the town’s historic downtown to further placemaking and draw tourists to this destination?
- Does the Draft Plan promote innovative and cost saving site design that protects the environment and promotes resiliency and sustainability? This could be achieved through greater density in exchange for preservation of natural features, affordable housing, transfer of density, etc.
- Do the regulatory tools allow for and incentivize the development of childcare facilities to meet the needs of the community and to combat child poverty in the town? Note that Frederick County is establishing a tax credit for [Day Care Providers](#) and the town might want to review its zoning code to see if this use could be incorporated into more zones and if streamlining the process can incentivize this use.

4. Housing Element - Synopsis

The housing element is required to address the need for housing within the jurisdiction that is affordable to low-income and workforce households. The housing element is required to also assess fair housing and ensure that a jurisdiction is affirmatively furthering fair housing through its housing and urban development programs.

Plan Analysis

Chapter 3: Housing & Population discusses the housing goals including the state vision for providing “a range of housing types for citizens of all incomes and ages” (p. 3-1). The Draft Plan includes the definitions contained in HB-1045 and a needs analysis (p. 3-5 and Appendix 1). MDP notes that the Draft Plan includes American Community Survey (ACS) Data that have since been updated. Consideration should be given to updating the figures in the Draft Plan to give a more current summary of the housing affordability in the 2023 housing market. See MDP’s [HB-1045 Housing Data Dashboard](#) for updated figures and other housing information. The town should also consider including a comparison of

estimated population and the housing needs through 2040 to accommodate affordable housing needs of the future population.

The Draft Plan does not address the issue of Affirmatively Furthering Fair Housing (AFFH). The town should be aware of the recent passage of [Senate Bill 687](#) (2021) relating to state and local housing programs. The intent of the bill is stated in its preamble. The bill amended Section 3-114 of the Land Use Article (effective January 1, 2023) 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.

MDP published information in this [Maryland Planning Blog](#) shortly after the legislation became effective. To receive future guidance updates from MDP, please submit your email to the “Subscribe to the Planning Blog” dialog box on the blog’s homepage. The fair housing requirements/language contained in [Land Use Article Section 3-114](#) do not define what an assessment of fair housing entails. MDP has developed [this webpage](#), which describes available fair housing resources and best practices and how jurisdictions might consider using them in their housing elements. It includes a section on data and mapping resources which may help with a quantitative assessment. It also includes self-assessment and community engagement questions which could be used to conduct a qualitative assessment of fair housing in Middletown. The town should address this new requirement in the Draft Plan and include a plan objective or strategy to complete a fair housing assessment within the planning horizon.

DHCD also developed this [AFFH survey](#) to help jurisdictions that need to meet the DHCD reporting requirements of fair housing, which are separate from the housing element requirements. The survey does not equate to completing a fair housing assessment, but it does include many fair housing questions and opportunities that could be part of such an assessment.

Through either or both quantitative and qualitative analysis, the housing element should assess the state of fair housing in your community and any impediments to it, including zoning barriers that would limit the development of multifamily housing, such as densities that are so low that it is not practical to develop multifamily product types in the community.

Below are some guidance/examples on how data and stakeholder input could inform a Racially or Ethnically Concentrated Areas of Poverty (R/ECAP) analysis, as well as some options for the analysis itself. According to the [DEMOGRAPHIC AND HOUSING ESTIMATES 2017-2021 American Community Survey 5-Year Estimates for Middletown](#), the non-white community comprises approximately 17% of the population.

Our research into affirmatively furthering fair housing (AFFH) has shown that a traditional US HUD assessment of fair housing includes an analysis of the following four housing issues in a community:

- a. **Patterns of segregation/integration:** Areas within the jurisdiction that are residentially segregated by protected class.

- b. **Racially or Ethnically Concentrated Areas of Poverty (R/ECAPS):** US HUD defines r/ecaps in *metropolitan areas* as census tracts with a non-white population of 50 percent or more and a poverty rate of 40 percent or more (or a poverty rate that is three or more times the average tract poverty rate for the metropolitan area, whichever threshold is lower). For rural areas, HUD lowers the non-white percentage threshold to 20 percent.
- c. **Disparities in access to opportunity:** Areas within the community/jurisdiction that provide access to opportunity, such as good schools, medical facilities, employment centers, positive public health outcomes, and low crime rates. A fair housing assessment would consider if protected classes had less access to such areas.
- d. **Disproportionate housing needs:** An analysis considering whether certain areas or populations within a community, particularly protected classes, have disproportionate housing needs than other areas or populations.

The Land Use Article does not state that these four issues must be included in an assessment of fair housing in a housing element. Hopefully the above information is helpful. MDP encourages the town to discuss the legal requirements of AFFH and the assessment with your town attorney.

5. Sensitive Areas Element – Synopsis

The sensitive areas element is required to include the goals, objectives, principles, policies, and standards designed to protect sensitive areas from the adverse effects of development (more recently referred to as climate change impacts). The LUA also assigns sensitive areas element data provision and review responsibilities to the Maryland Departments of the Environment and Natural Resources.

Plan Analysis

Chapter 4: Natural Features and Sensitive Environmental Areas includes the goals of protection, conservation, and encouraging compatibility with the man-made environment. MDP commends the Town of Middletown for recognizing the importance of sustainability and resiliency; and for including recommendations and policies that will improve existing development and guide future development. While the Strengths, Weaknesses, Opportunities, and Threats Analysis (pg. 1-5) identified climate change as a threat, the Draft Plan does not address or reference climate change directly. However, many of the goals/policies/recommendations address sustainability and resiliency. It is clear Middletown is focused on reducing its environmental impact. These sustainability and resiliency practices will address climate change and are another opportunity for the Draft Plan to acknowledge the issue and its adaptation response. The following are some of the opportunities where the town could include more discussion on climate change adaptation.

- (pg. 4-5) The Draft Plan notes the importance of groundwater resources to the town and that the town's water supply comes from four springs and 23 wells. This section is an opportunity to address any climate concerns associated with changing precipitation events and the potential impact on water supply.
- (pg. 7-8) Recommendation #7 - "Develop and implement a functional green infrastructure plan to protect, connect, and enhance the Town's natural assets and support their role in ensuring future resiliency." The functional green infrastructure plan should address climate change adaptation issues and the town should consider adding language to this effect in the Draft Plan.
- (pg. 7-9) Recommendation #10 - "Promote sustainable building practices using the U.S. Green Building Council's LEED program or a similar system for government and commercial construction projects." Sustainable building practices should address climate adaptation issues and the town should consider adding language to this effect in the Draft Plan.

- (pg. 7-12) Middletown Policies - #4 - “Adequate shading of paved surfaces will be provided in parking areas and along streets to the extent possible.” This policy is linked to the discussions relating to tree canopy (p. 7-3 and 7-4) and landscape standards (p. 4). It could address heat island issues, but the link is not directly referenced. This is an opportunity for the Draft Plan to acknowledge the issue and potential adaptation responses.
- MDP recommends the town work with the Maryland Department of the Environment (MDE) and Maryland Department of Natural Resources (DNR) on sensitive areas issues. MDP can assist as needed to facilitate an agency meeting or provide contact information.
- MDP recommends the town consult the [Prince George’s County Landscape Manual](#) (effective 2022) for examples of a regulatory aspects for development/redevelopment of residential and commercial land uses that will address heat islands, biodiversity, and other resiliency and sustainability issues.

6. Transportation Element - Synopsis

The transportation element is required to reasonably project into the future the most appropriate and desirable location, character, and extent of transportation facilities to move individuals and goods, provide for bicycle and pedestrian access and travel ways, and estimate the use of proposed improvements.

Plan Analysis

The Transportation chapter appears to meet the purpose and requirements of this element. The following comments are provided for additional consideration to further the transportation element of the Draft Plan.

- The Draft Plan's goal is to reduce traffic congestion and encourage environmentally friendly forms of transportation (p. 5-6); however, three new roads, some located outside of the existing town limits, would likely increase vehicular traffic throughout the town and may impact adjacent land use. Has the town developed a phasing or implementation strategy for future roadway construction?
 - Planning a well-connected street grid roadway network (as opposed to constructing several bypass-type collectors as identified on map 5-4) in undeveloped and potential growth areas may help guide future development and multimodal options but may also remove vehicle trips from the downtown area having a negative impact on economics of that area.
 - The town may want to consider promoting information on commuter choice programs and alternative transportation to help reduce in-town and pass through traffic. There are [multiple incentive programs](#) to support alternative transportation, e.g., transit, ridesharing, and telework/flexible work, for commuters in Maryland. These programs are available for Middletown residents.
- MDP appreciates the town’s recommendation to require developers to finance the construction of roads and bicycle and pedestrian improvements near development projects (page 5-8 and 9-11). These developer mandatory improvements are generally limited to frontage improvements and those necessary to address adequate public facilities. Adjustment to the subdivision regulations may be necessary to achieve this strategy with a stated goal to address multi-modal connectivity, increase walking and biking in the community, and improve the connectivity for and health of the residents.
- MDP understands that the town has collected information on the condition of its sidewalks in the Pedestrian Safety Sidewalk Enhancement Plan 2012 (Page 5-7). This referenced plan, along with a sidewalk and bicycle trail gap analysis would be helpful to include in the Draft Plan so that readers understand where the missing links are. The town can also use this information to prioritize potential future improvements.

- To improve bicycle and pedestrian connectivity within the town, the state provides various funding and technical support programs for local efforts to improve pedestrian and bicycle facilities. Here is the link to the website that features the Maryland Department of Transportation (MDOT)'s active transportation programs: <https://www.mdot.maryland.gov/tso/pages/Index.aspx?PageId=24> . In addition, please review the Federal Highway Administration (FHWA)'s report on "[Small Town and Rural Multimodal Networks](#)," which provides best practice examples to enhance pedestrian and bicycle networks in rural communities and small towns.
- If the town wishes to expand its EV charging infrastructure, technical and financial assistance programs are available. Please refer to the Maryland's EV website at https://marylandev.org/local_ev_resources/.
- Mapping considerations
 - The Roads by Jurisdiction Map (p. 5-1) is difficult to read with many layers. Consider replacing this map with a table of roads and their jurisdiction.
 - The Traffic Volume Map (p. 5-2) would be improved by varying the line thickness to differentiate AADT capacities.
 - The Walkway and Trail Map (p. 5-3) could be simplified so it is easier to read with fewer layers.

7. Water Resources Element – Synopsis

The water resources element (WRE) is required to consider available data provided by MDE to identify drinking water that will be adequate for the needs of existing and future development proposed in the plan, as well as suitable receiving waters and land areas to meet stormwater management and wastewater treatment and disposal needs. MDE and MDP are available to provide technical assistance to prepare the water resources element, ensuring consistency with MDE programs and goals.

Plan Analysis

The municipal growth element (Chapter 9) states that all future growth will happen only when adequate water resources are available; however, even if the town is confident that it will not over-allocate water and sewer capacity to new development, it should still have a plan for how to accommodate the projected 2040 demand for water and sewer from both residential and nonresidential growth. MDE can assist the town in projecting potential demand from new nonresidential growth.

- The Draft Plan should discuss this projected 2040 demand for water and sewer and describe what methods the town would need to pursue to accommodate this demand. Doing so will give the town a sense of the magnitude of effort to accommodate the projected 2040 growth and will improve its chances of contributing to sustainable growth in the region by accommodating that growth as part of the municipality instead of in the county.
- Another opportunity to ensure this type of growth is to explore with MDE the possibility of implementing a program like the Carroll County agricultural preservation water recharge credit program, which the county uses to support smart growth densities within its municipalities. To determine available capacity as of 2022 or 2023, the Draft Plan needs to also list the current sewer capacity use (the Draft Plan only lists current water demand).
- Clarification is needed to explain the projected 432 additional building units through 2040. (p. 9-4) Are these building units all dwelling and are they additive to the 203 dwelling units specific to infill development? (p. 9-5) Further, projected population growth calculations seem to be inconsistent with other parts of the document. Also see the discussions under the municipal growth element below.

The following recommendations are based on the [2022 Water Resources Element \(WRE\) Guidance Update](#).

- A checklist of best practices to identify and plan for suitable receiving waters is within the 2022 WRE Guidance at <https://planning.maryland.gov/Pages/OurWork/envr-planning/water-resources-mg/2022/02/framework-checklist.aspx>. The state requests that local governments meet the best practices in this WRE Guidance Update as best as they can within the limitations of cost and time. The town has addressed some of these elements in its WRE chapter and other chapters, such as discussing the Catoctin Creek TMDL for sediment (Chapter 4), explaining that there are streams and wetlands in the town (Chapter 4), describing the town's plans to upgrade the WWTP to ENR, referencing instructions for how residents can install residential drywells, stating that the town is exploring how to protect the water supply from PFAS contamination; as well as discussing the town's Floodplain Ordinance (Chapter 4), Adequate Public Facilities Policy, and stormwater management regulations. Some examples of best practices from the checklist that the town should consider implementing include explaining the Water Use Class and assessment status for waters within the town's development areas; conducting a Pollution Risk Assessment; load reduction tracking; and identification of recurrent flooding areas and evaluation of whether climate change and planned development will worsen those conditions, along with changes to the land use plan where warranted.
- All local jurisdictions in Maryland are and will continue to experience climate change impacts on water resources and water infrastructure (water, sewer, and stormwater), as well as water impacts on communities. The WRE should be adjusted to include strategies focused on improving local understanding of current or expected water-related climate change impacts at the local level, and if sufficient information exists, the chapter should add strategies to address these impacts. Best practices for integrating water-related climate change adaptation into the comprehensive plan are listed at <https://planning.maryland.gov/Pages/OurWork/envr-planning/water-resources-mg/2022/03/climatechange-checklist.aspx>.
- If the land use changes in the Draft Plan are planned in a watershed(s) prone to riverine or urban flooding, then the WRE should be adjusted to incorporate the flooding-related components of the 2022 WRE guidance. See <https://planning.maryland.gov/Pages/OurWork/envr-planning/water-resources-mg/2022/02/framework-cwa-wqfloodmgmt.aspx>. At a minimum, the WRE should indicate the extent of current local knowledge concerning flood-prone areas and should discuss whether implementation of the land use plan will increase, decrease, or have no effect on those flood-prone areas. If the local government does not know what type of impact implementation of the land use plan will have on flood-prone areas, then at a minimum, the WRE should call for a study to determine this. MDP acknowledges that Chapters 4 and 7 discuss flooding, the Floodplain Ordinance, and mitigation policies; however, there does not seem to be a specific evaluation of how the growth scenario would (or would not) affect flood-prone areas.

8. Goals and Objectives Element - Synopsis

This element requires that comprehensive plan goals, objectives, principles, policies, and standards guide the development, economic growth, and social well-being of the community.

Plan Analysis

The major goals of the Draft plan (p. 1-4) provide the framework for existing and future policies and objectives. These goals mirror the state visions and have been documented as such. Each of the nine sections of the Draft Plan also include goals and objectives based on the chapter topics. MDP recommends that all policies and recommendations meet the needs of the community in an equitable and inclusive manner and be data driven, with qualifiable metrics to assist in annual reporting.

9. Land Use Element - Synopsis

The land use element is required to reasonably project into the future the most appropriate and desirable patterns for the general location, character, extent, and interrelationship of the uses of public and private land.

Plan Analysis

Land use is discussed throughout the document. Chapter 2: History and Land Use includes the early history of settlements in the community and how the formation of the community changed over the more than 250 years since its establishment. It includes the Heart of the Civil War Heritage Area program and concludes with the current land use map for the jurisdiction.

Discussion of future land use planning is included in Chapter 9: Municipal Growth. MDP notes that the Draft Plan includes clear and direct discussion of how the comprehensive plan elements inter-relate to the determination of land use to plan for the projected population growth (p. 3-8), by weaving the discussions into the protection of environmentally sensitive features (p. 4-1), protections of viewsheds (p. 4-8), impact of growth on community facility uses (p. 6-1), water resources (p. 8-1), the municipal growth element (p. 9-1), and annexations (p. 9-10). Map 9-3 (dated 9/14/2023) Middletown 20-Year Land Use Comprehensive Plan (after p. 9-17) indicates the future land uses for the town.

- It would be helpful to understand if the land use plan is making any changes to the current land use of properties, and if so, it would be appropriate to list those changes in the Draft Plan, similar to the proposed 2023 Zoning Map.
- A mixed-use land use could add some flexibility into the land use map so that responding to future real estate investment proposals (including rezoning) would be streamlined, particularly where development and redevelopment is desired to revitalize the community.

10. Municipal Growth Element - Synopsis

The municipal growth element (MGE) is only required in Maryland municipal comprehensive plans. The MGE is required to plan for and describe the municipality's past growth patterns, the capacity of land available for new and infill development, and areas outside of the existing corporate boundaries into which the municipality wishes to grow. The MGE is required to calculate the land area needed to satisfy the demand for growth based on population projections and desired densities. The MGE needs to consider and include any rural buffers, transition areas, and sensitive areas to be protected. MGEs are also required to consider and plan for the community facilities and public infrastructure, as well as their financing mechanisms, required to accommodate desired growth. If a municipality wishes to annex land, such areas are required to be included and described in the MGE.

Plan Analysis

Chapter 9: Municipal Growth indicates that the most limiting factors for residential growth in Middletown are adequate water, sewer, and school capacity. However, population projections are not consistent throughout the planning document. On page 2-1, the 2020 population is 4,943 and the projected 2040 population is 6,116, which is an increase of 1,173. On page 9-4, the projected 2040 population is 6,008, which is an increase of 1,065. The WRE seems to use other projections. Forecast projections anticipate the town's population to increase at a rate less than half that of the prior decade (2010 to 2020) and substantially less than the two prior decades of 55% increase (2000-2010) and 45% increase (1990-2000). This decrease appears to be the result of limited water availability, a sewer treatment facility that is located within the 100-year flood plain, and because the Draft Plan calculates the town's growth policy limitation based on the number of units allowed to be built in the growth boundary of 30 units per year (p. 9-4).

- Appendix 2 includes the Adequate Public Facilities Ordinance Policy (Residential Growth Policy) as amended January 10, 2022. It states, "No development will receive more than 20

residential permits per year.” Clarify why the 30 units per year calculation was used in the Draft Plan instead of the 20 units per year, and if needed, adjust the calculations.

- Could the adequate public facilities limitation relating to the number of building permits allowed to be issued per year be made flexible based on an annexation agreement? Is it possible that needed funding in operating town functions through developer financing of certain identified needs of the town (p. 9-7) be balanced until such time as the increase in tax revenues are collected?
- The projections of growth do not seem to consider the use of residential cluster development. Generally, this type of development is warranted to reduce costs and environmental protection, and just makes good design sense and can contribute to placemaking.
- Consider removing the commercial development requirement of contributing parkland, as the Draft Plan highlights the abundance of parkland in the community and there appears to be little to no rational nexus.

11. Mineral Resources Element - Synopsis

If current geological information is available, a comprehensive plan is required to include a mineral resources element. It should identify land that remains undeveloped to provide a continuous supply of minerals, which are defined in the Environment Article. They include clay, diatomaceous earth, gravel, marl, metallic ores, sand, shell, soil, and stone. The element is required to further identify post excavation land uses and incorporate strategies that balance resource extraction with other land uses and prevent, as much as possible, preempting mineral extraction in the jurisdiction.

Plan Analysis

The Draft Plan addresses this element (p. 4-7) indicating there is no mining within the limits of the town.

12. Growth Tiers – Synopsis

MDP notes that the Draft Plan includes an amended growth tier map under the Sustainable Growth and Preservation Act of 2012 (SB 236) (p 8-12 and Map 8-4). Under Section 1-504 of the Land Use Article, if a jurisdiction amends a growth tier map, then the jurisdiction must notify and provide MDP with all information necessary to allow for the department's detailed review required under Section 1-505 of the Land Use Article. Please contact MDP if the town would like detailed pre-adoption technical feedback on the proposed tier map amendment. MDP acknowledges the town's proposal to coordinate with Frederick County regarding consistency between the county and town tier maps and planning efforts within the growth boundary (page 8-12).

Based on the latest GIS data available to MDP, a portion of the town's proposed conservation boundary (greenbelt) described on page 9-12 and illustrated on Map 9-2 is designated Growth Tier 3 by Frederick County, which would allow for major subdivisions on septic systems. This area is beyond the limits of the town's proposed Growth and Annexation Area and proposed Growth Tier Map. SB 236 is silent on municipal greenbelts that are not planned for sewer service; therefore, the county may wish to coordinate with the county regarding the vision for the Tier 3 area.

13. Plan Implementation

Chapter 10: Implementation provides the “Strategies for the implementation of the various goals, objectives, and policies set forth in the 2023 Comprehensive Plan.” (p. 10-2)

The Land Use Article Section 1-207(c)(6) requires jurisdictions to submit a comprehensive plan implementation report every five years. MDP reminds the city to adhere to this requirement.

The Town of Middletown is a Sustainable Community

It should be noted that the Town of Middletown has a Sustainable Community Action Plan. 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 Action Plan. The town should compare the documents to align actions and strategies. The following is a link to the city's Sustainable Community Action Plan: https://dhcd.maryland.gov/Communities/Approved%20Sustainable%20Communities/Middletown_app.pdf

MDP commends that town for including Chapter 7: Sustainability and recommends that the town compare the chapter with the above-mentioned approved plan to see that they are consistent.

Conclusion

MDP hopes the town finds the information contained in this letter helpful and offers to provide further assistance as the town prepares for the review and adoption of the Draft Plan. If this plan is approved with the expanded MGE, please provide MDP updated GIS layers of the Growth Areas, as well as the future adopted land use map.

**Maryland Department of Planning Review Comments
Town of Middletown Draft Comprehensive Plan**

STATE AGENCY COMMENTS

The following are state agency comments in support of MDP's review of the Draft Plan. Comments not included here may be submitted under separate cover, or via the State Clearinghouse. If comments from other agencies are received by MDP, the department will forward them to the Town of Middletown as soon as possible.

Attachments

Page 14: Maryland Department of Natural Resources
Page 16: Maryland Historic Trust
Page 18: Maryland Department of Transportation



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

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

Oct 30, 2023

Memo: Middletown Comprehensive Plan Review

To: Susan LLareus
cc: Rita Pritchett

On behalf of the Department of Natural Resources, thank you for the opportunity to comment on the Draft Middletown Comprehensive Plan. The draft plan was distributed to appropriate contacts at the Maryland Department of Natural Resources (DNR) and reviewed. DNR offers the following comments:

Overall, DNR found the Middletown Comprehensive Plan draft to be thorough and thoughtful. DNR supports the Middletown's future goals to increase park space, develop new parks and maintain existing parks/facilities.

The current Plan addresses concerns (i.e., stormwater, sewage effluent, etc.) with the four major stream systems in and around Middletown, Maryland including Catoctin Creek, Hollow Creek, Cone Branch, and Wiles Branch. Based on current data, there are no known rare, threatened, or endangered aquatic species in these streams.

DNR's Resource Assessment Service (RAS) reviewed the document and provided comments regarding the following component of the draft comprehensive plan:

On Page 4-6 – 4-8: The plan states that the Town 'shall restrict development along all creeks and streams and require a minimum 100 ft. buffer from each bank.' 'The buffer shall include the one-hundred-year floodplain, adjacent non-tidal wetlands, annual floodplain soils, adjacent steep slopes and in the absence of any of those sensitive areas, a setback measured from the centerline of the stream channel'.

The Plan continues with 'Steep slopes along streams shall be priority areas for reforestation under the Middletown Forest Resource Ordinance. This shall be implemented by identification of reforestation areas.'

RAS recommends that the county consider increasing the minimum 100 ft buffer from each bank in areas with steep slopes along streams, increasing the required buffer width by 2 feet per 1% of slope (as prescribed by S. Wenger. A review of the scientific literature on riparian buffer width, extent, and vegetation. Office of Public Service and Outreach. Institute of Ecology. University of Georgia 1999). Taking this step would further protect water quality, reduce runoff, filter sediment, and provide the 'aesthetically pleasing areas and habitats for the local plant and animal populations' as stated in the plan.

Thank you for the opportunity to review this document and provide feedback. If you have any questions about these comments or would like further information, please do not hesitate to contact me at 443-534-4151 or christine.burns1@maryland.gov.

Best,
Christine Burns



Susan Llareus -MDP- <susan.llareus@maryland.gov>

Re: Town of Middletown Draft Comprehensive Plan

1 message

Nell Ziehl -MDP- <nell.ziehl@maryland.gov>

Thu, Nov 2, 2023 at 5:50 PM

To: Susan Llareus -MDP- <susan.llareus@maryland.gov>

Hi Susan! I'm not going to be able to participate in the meeting tomorrow, but I have read the Middletown comp plan and do not have comments. Its treatment of historic and cultural resources is satisfactory, and it has all the pieces we look for. I would love for them to implement more standard preservation zoning but I understand that it is an uphill battle. I appreciate that it's even brought up in the plan!

Let me know if you need anything more from me.

THanks,
Nell

On Tue, Oct 24, 2023 at 2:51 PM Susan Llareus -MDP- <susan.llareus@maryland.gov> wrote:

Please feel free to ignore the original deadline of this email as our internal meeting is scheduled for 11/3. It is fine with me if you would like to hold off until after the internal meeting to hear each other's comments and concerns before finalizing your comments. It is possible that one reviewer's comments could affect another reviewer's comments as the elements of the comprehensive plan are inter-related to one another.

I suggest that the final comments come to me the following week, no later than Nov. 8th.

Let me know if you have any questions.

Best,

Susan

On Tue, Oct 3, 2023 at 8:53 AM <joseph.griffiths@maryland.gov> wrote:

TO: MDP Comprehensive Plan Reviewers

Town of Middletown has submitted their Town of Middletown Draft Comprehensive Plan on 10/3/2023 to MDP for review and comment.

Comments for this Plan are due to Susan Llareus by **10/30/2023**.

A digital copy of the Plan is available at https://apps.planning.maryland.gov/EMIRC_Files/MD20231003-0796.zip

Please forward your comments to Susan Llareus with a copy to Rita Pritchett by 10/30/2023. It is important that your Division notify Rita and Susan Llareus if comments will not be forwarded for this Plan so that our files will account for all responses requested.

No public hearing has been scheduled at this time.

Thanks,

Joseph Griffiths
Manager of Local Assistance and Training
Maryland Department of Planning
410-767-4553
[Please take our customer service survey.](#)

--



Susan Holm Llareus, PLA, ASLA
Regional Planner for Maryland Capital Region
Planner Supervisor
Maryland Department of Planning
 301 W. Preston St., Suite 1101
 Baltimore, MD 21201
 (410) 767-6087/ (877) 767-6272
susan.llareus@maryland.gov

Please take our customer service survey.

Planning.Maryland.gov
Census.Maryland.gov

<https://facebook.com/MDPlanning>

--



Nell Ziehl
 Chief, Office of Planning, Education and Outreach
 Maryland Historical Trust
 Maryland Department of Planning
 (410) 697-9592
she, her, hers

mht.maryland.gov
Planning.Maryland.gov

October 27, 2023

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 2023 Middletown Comprehensive Plan, hereafter referred to as "the Plan". The Maryland Department of Transportation (MDOT) offers the following comments from The Secretary's Office, the Maryland Transit Administration (MTA), and the State Highway Administration (SHA).

General

- The Plan's analysis of their strengths, weaknesses, and opportunities in the area of active transportation is important for their future vision of an inter-generational community.

Chapter 3: Housing and Population

- Page 27 – MDOT applauds the Plan's goal to work with developers to incorporate and regulate a variety of housing for an inter-generational community.

Chapter 5: Transportation

- Page 43-47 – MDOT is encouraged to see the Plan address increased access for pedestrian and bicycle traffic through infrastructure and parking. The Plan recommends documenting more motor vehicle traffic volumes. Consider also documenting pedestrian and bicycle traffic with motor vehicle traffic volumes to determine increase in traffic and effectiveness of infrastructure improvements.
- Page 43 – Regarding Transportation Goals, this is an opportunity for the Town to refer to MDOT's Context Driven Guide focusing on Complete Streets designs when planning for their transportation goals.
- Page 44 – Regarding the Executive Summary, identifying these 15 goals are exemplary; however, prioritization, funding, and staff execution are necessary for the execution of these goals. What steps are being taken by the Town to prioritize these goals?
- Page 45 – Regarding Goal 1, recommend coordination with SHA on the development of the mentioned parkways.
- Page 46 – Regarding Goal 2, recommend adding "as well as the inclusion of wide obstructive sidewalks." at the end of the goal statement.

Ms. Susan Llareus
Page Two

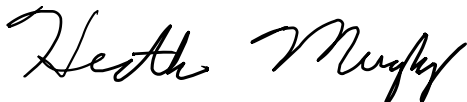
- Page 47 – This page emphasizes traffic counts, parking, and traffic volumes which will change with the construction of the parkway. The town streets should be planned with the residents and businesses in mind and not for through traffic which will be accounted for with the parkway.
- Page 48 – Regarding Congestion, encouraging “friendly forms of transportation” is not mutually exclusive of traffic congestion. Traffic congestion can be an asset in slowing traffic making it safer for all users. A balance of vehicle, pedestrian, public transportation, and bike access is ideal.
- Page 48 – Regarding Pedestrian Safety, narrow roadways can be an asset by slowing traffic.
- Page 48 – Regarding Goal 8, lighting is sometimes overlooked, and it is encouraging to see it listed as a pedestrian safety improvement.
- Page 49 – Regarding Goal 10, has an appeal been formerly requested?
- Page 50 – Regarding Goal 13, we recommend coordinating with Stacey King, Commuter Choice Maryland at 410-865-1279 and/or sking8@mdot.maryland.gov regarding ridesharing and carpooling services.
- Page 50 – Regarding Alternative 14, we recommend coordinating with Molly Porter, Bicycle and Pedestrian Planner, RIPD at (410) 545-5673 and/or mporter@mdot.maryland.gov regarding opportunities to improve bicycle conditions.
- Page 50 – Regarding Alternative 14, MTA no longer operates the referenced 991 commuter bus out of Myersville Park & Ride, but rather the 505-commuter bus does now and terminates in Bethesda.

Chapter 6: Community Facilities

- Page 59 – Regarding the Public Facilities Map, please consider including the linear trails on the Public Facilities Map to better illustrate how existing facilities currently connect the Town.

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