

# Maryland Sustainable Growth Commission Meeting

November 25, 2013 / 1:00 p.m. to 4:00 p.m.

St. Mary's County, Joseph D. Carter Building  
23110 Leonard Hall Drive  
Leonardtown, Maryland

## Meeting Summary

**Members:** Jon Laria, Derick Berlage, Greg Bowen, Diane Chasse, Cheryl Cort, David Costello, Sandy Coyman, Charlotte Lawson Davis, David Goshorn, Rich Hall, Don Halligan, David Lever, Ray Skinner, Bryce Turner, Bruce Williams, Steve Wall (rep. Ursula Powidski)

**Attendees:** Kevin Baynes, Aviva Brown, Matt Dolamore, Crystal Heide, Jeff Jackman, Les Knapp, Phil Shire, Christopher Uhl,

### ***Elected***

**Officials:** Leonardtown - Daniel Burris (Mayor), Hayden Hammett (Councilmember), J. Maguire Mattingly (Councilmember),  
St. Mary's County - Francis "Jack" Russell (Commission President) and Cynthia Jones (Commissioner)

**MDP Staff:** Chuck Boyd, Arabia Davis, Jenny King, Karen Kennedy, Pat Russell

### **Welcome and Opening Remarks**

The Chair, Jon Laria, thanked folks for coming to Leonardtown and hoped everyone enjoyed the pleasant ride to the meeting. Mr. Laria acknowledged Mayor Daniel Burris, County Commissioners Jack Russell (President) and Cynthia Jones, Councilmembers Hayden Hammett and Maguire Mattingly to the meeting.

Commissioner Jack Russell welcomed the meeting attendees on behalf of the Town of Leonardtown and St. Mary's County and thanked everyone for coming. Mayor Daniel Burris also welcomed everyone and made reference to the 12 Planning Vision and how the Visions are in line with the Town's planning process. The Mayor asked everyone to take a few minutes while they were in town and visit some of their major attractions.

### **Overview of St. Mary's County and the Town of Leonardtown**

Mr. Phillip Shire, Director of the Land Use & Growth Management Department, gave a presentation entitled, "*St. Mary's County Department of Land Use and Growth Management.*" Mr. Shire noted that most of the county's growth is focused around the Town of Leonardtown and the Lexington Park area. A significant portion of the county (20%) is located in the Critical Area. Most people that work in the county (75%) - also live in the county. St. Mary's County has

completed the land use analysis associated with the SB 236 Septics Bill Growth Tier Map, but the county has not submitted the map for state review at this time. Mr. Shire pointed out that the county adopted in 2008 an annual growth cap, but he noted the imposed limits have not been really tested. Mr. Shire also highlighted the county's current planning efforts updating the Lexington Park Development District Master Plan and the Secondary Growth Area (Town Centers) Master Plans.

Ms. Laschelle McKay, Town Administrator, presented "*Leonardtown: A Maryland Sustainable Community.*" Ms. McKay went over several areas of interest in the town. She pointed out that the Town of Leonardtown is the only municipality in St. Mary's County with the oldest building in the county, Tudor Hall Mansion. Ms. McKay highlighted several major attractions in the town, such as the improved downtown square, which is one of the few remaining intact in Maryland today. This is a beautiful gathering place for residents and visitors. Leonardtown also has developed a new public park, Leonardtown Warf, that features canoe and kayak rentals with tours of McIntosh Run, a 3-mile canoe/kayak trail. The St. Mary's County and Leonardtown also worked with the Port of Leonardtown Winery to establish an award winning cooperative winery, which uses fruit from both local and regional vineyards.

She mentioned that significant population changes have been occurring over the last few years, and that the number of school-aged children has more than doubled, requiring that the construction of new schools. To date there are 3,000 new residents. Ms. McKay noted that several residential developments are beginning to build houses again: Leonard's Grant is almost built out; the Clark's Rest development will contain 205 single family homes and 130 townhouse units; and the Tudor Hall Farm site will extend the town's classic grid pattern and be a mixed use development. Ms. McKay stated that this has been a big year for the town, which received Maryland designations as a Sustainable Community and the Arts and Entertainment District.

Ms. McKay added that transportation issues were one of the biggest challenges facing the town. Town Officials have been working since 2005 to widen Route 5. The town also is working with SHA on sidewalk enhancements along MD 245.

Mayor Burris noted that the town is addressing some infrastructure capacity challenges as well. A major wastewater treatment facility upgrade is scheduled to start construction in FY 2014. The design of the ENR wastewater treatment plant upgrade, completed in 2013, will increase the plant's daily flow up to 910,000 gallons per day. Construction is scheduled to begin in 2014 and go through 2016. Construction of a new well is still scheduled for FY2014 to help meet the growing water supply needs due to growth in town.

Mr. Derick Berlage stated that he was very impressed with the Town's projects.

Mr. Richard E. Hall inquired about the status of the Wharf Park and the Library. Ms. McKay responded that the park is completed and a Request for Proposal is out for a waterfront restaurant, a couple of small shops and 26 town homes. The remodeling of the library, which is a former National Guard Armory building, is currently under design.

Mr. Hall noted that MDP was worked the Town of Leonardtown in the past on several good revitalization projects, and that he expects that there will be more projects in the pipeline that will focus on infill development.

Mr. Laria thanked the County and Town Officials for what they have accomplished and are still doing to improve the quality of lives of their citizens.

Mr. Laria introduced and welcomed Bruce Williams, Mayor of Takoma Park, as new Commission member appointed by the Maryland Municipal League as one of their representatives on the Commission.

### 2014 General Assembly Session

Mr. David Costello stated that the Maryland Department of the Environment anticipates there will likely be legislation to adjust the Bay Restoration Fund eligibility to allow funding for areas with existing failing septic systems that are outside of the Priority Funding Area.

Mr. Don Halligan informed the Commission that that the Maryland Department of Transportation is monitoring discussions at the federal level concerning the reauthorization of the Highway Trust Fund. The Congressional Budget Office estimates that the 2025 federal fuel economy standards will cause gasoline tax revenues to fall by 21 percent by 2040 from the levels expected without the standards, as the older and less-efficient vehicle fleet completely turns over and less fuel is consumed. In order to restore the Highway Trust Fund balance in the face of these trends, Congress will have to increase the level of the user fees, decrease the spending, tap the General Fund, or some combination thereof. Future federal funding that Maryland receives from the Transportation Trust Fund is uncertain and could significantly impact transportation improvements throughout the state. Mr. Halligan reported that the Local and Regional Transportation Funding Task Force, charged with examining methods to raise revenue for local and regional transportation, just had its last meeting. The Task Force report is due by mid-December. Mr. Halligan said that he is not aware of any specific recommendations concerning highway revenues.

Mr. Raymond Skinner mentioned that the Department of Housing and Community Development anticipates legislation that will consolidate some existing multi-family housing programs.

Mr. Hall stated that the Sustainable Communities Tax Credit will sunset at the end of the next fiscal year. He stated that they are looking to reauthorize the existing program and possibly enhance it. The Sustainable Tax Credit Program, formerly the Historic Tax Credit, has been an important resource to promote revitalization in Maryland's cities and towns. MDP is also working with MDE on adjustments to the eligibility for BRF funds.

Mr. Laria informed the body, due to the timing of the General Assembly's legislative calendar and the Commission's upcoming January meeting, it will be important for the Commission to officially express its position on two matters traditionally of concern to the Commission.

- First, the Sustainable Communities Tax Credit is up for reauthorization this year. Mr. Laria noted that while Maryland Department of Planning is still working with the

Administration on the details of possibly expanding the tax credit; the existing Sustainable Communities Tax Credit Program has been an important revitalization tool for communities throughout the state. Mr. David Lever pointed out the economic and job-creation merits of the program, mentioning that the 2009 Abell Report on the Heritage Tax Credits found that the tax credit returned \$8.53 for every state dollar invested. Mr. Laria asked the Commission to consider supporting the reauthorization of the Sustainable Community Tax Credit. Mr. Berlage made a motion to formally support reauthorization of Maryland's Sustainable Tax Credit; seconded by Mr. Coyman. The Commission approved the motion unanimously.

- Second, the Commission has in the past taken a position on the State's funding of core Smart Growth programs. Mr. Berlage directed the Commission's attention to the table of Smart Growth Program Funding Levels from FY 2007 to FY 2014. Mr. Berlage reminded the Commission that they supported a \$35 million funding level for FY 2014 last year, which was almost achieved. This year, Mr. Berlage encouraged the Commission to consider supporting a Smart Growth Program funding level of \$40 million. He stated that this increased funding is important to address the revitalization efforts in our existing communities. Mr. Berlage pointed out that the increase in Core Smart Growth Funding would include the Sustainable Community Tax Credits, Community Legacy, Neighborhood Business Works, the Strategic Demolition and Smart Growth Impact Fund, and several other programs. Mr. Bryce Turner made a motion to support funding Smart Growth Core Programs at the \$40 million level; the motion was seconded by Mr. Greg Bowen. The Commission approved the vote unanimously.

Mr. Laria mentioned that he would like to discuss the concept of a dedicated funding source for smart growth activities at another time.

Mr. Skinner advised the Commission that the Smart Growth Investment Fund Workgroup is wrapping up its assigned duties. The workgroup, which included State agencies and representatives of the private sector, began meeting in the spring and continued through summer to explore revitalization funding alternatives. Mr. Skinner stated the workgroup examined various public-private financing options around the country, with the charge of recommending the design and creation of an investment fund that would encourage and support smart growth projects in designated Sustainable Communities. The workgroup's report to the Governor and the General Assembly is due by December 31<sup>st</sup>. The Commission will receive the final report in January.

### **2014 /Sustainable Growth Awards Update**

Mr. Laria and Greg Bowen mentioned that the number of nominations received for this round of Sustainable Growth Awards far surpassed the number of nominations that were received last year. In total, 29 nominations were received and reviewed by the Award Selection Committee.

Both Mr. Laria and Mr. Greg Bowen, chair of the Awards Selection Committee, stated that they were very pleased with the number of good submissions. Mr. Laria asked whether the meeting participants had any questions or concerns with any of the nominations that were presented (see below for the Awards Selection Committee's recommendations):

Leadership and Service Awards:

Mr. Fred Lazarus

Ms. Ellen Janes

Southern Maryland Agricultural Development Commission (SMADC)

Sustainable Communities Awards:

Arts and Entertainment (A&E) Districts Program

Master Plan for the Development of Gibbons Commons

Preservation/Conservation Awards

Frostburg Grows

Kent County Farmland Preservation Program

Maryland Coastal Bays Program

Mr. Laria pointed out that the Commission held an emergency meeting, via conference call, on November 1<sup>st</sup> to endorse the Awards Selection Committee's recommendation. However, pursuant to the Commission's bylaws the Commission must ratify any actions taken at the emergency meeting at the next regularly scheduled Commission meeting. Therefore, at this time Mr. Laria called for motion to ratify the vote taken at the emergency meeting. Mr. Berlage made a motion to ratify the emergency meeting action to endorse the Awards Selection Committee's recommendation for the eight Sustainable Growth Award recipients; the motion was seconded by Ms. Cheryl Cort. The motion was carried unanimously.

**Presentation on Smart, Green & Growing Initiative and Smart Growth Communications**

Ms. Valerie Berton, Communications Director of MDP, provided an overview presentation on the Governor's Smart, Green & Growing Initiative as Maryland's branding of Smart Growth. She advised members that the new website for the Smart, Green & Growing Initiative is very helpful. The website can be found at [http://green.maryland.gov/smart\\_growth](http://green.maryland.gov/smart_growth). This website is intended to serve as the State's Green information hub. Pursuant to Governor O'Malley's directive, the Smart, Green and Growing Initiative started in 2009. The website is intended to serve as a one-stop shop for sustainability ideas and a resource for residents, businesses, organizations, and government.

Mr. Coyman agreed with Ms. Berton assessment on the effectiveness of the site. In responding to Mr. Laria's question regarding who maintained the website, Ms. Berton said that DNR manages the website but communication staffs from several state agencies collaborate on the content of the site. Mr. Laria raised the general question to the Commission on how to raise the public awareness of Smart Growth. Several members pointed out the need to advertise and market "smart growth," particularly on the younger generation. There is also need to address the perception of "smart growth," emphasizing the improved quality of life "smart growth" can provide.

**General Updates**

- Accounting for Growth in Maryland Final Report:

Mr. Costello reported that MDE's workgroup had made considerable progress addressing the 54 major issues, but had not reached a consensus on two major issues - (1) baseline allocation and (2) how to deal with the phosphorous load.

MDE is continuing to work with members of the workgroup to resolve baseline issue - trying to determine how much nutrient offset is required from a developer to ensure no future nitrogen pollution in the Bay. The current debate is between using pasture or forest as the baseline to determine the baseline condition. The other issue concerns how much phosphorous offset would be required from new development? He also noted they are looking to the possibility of trading nutrient offsets between the different TMDL sectors. Mr. Costello stated that there is a real desire to reach a general consensus on all the issues before the regulations are prepared. Mr. Costello pointed out that the Accounting for Growth issue is very important issue address so we can maintain the progress that achieve meeting the Bay TMDL.

Mr. Coyman said TMDL trading is an important issue.

- Charles County's Proposed Comprehensive Plan Changes:  
Mr. Hall noted that a letter from the Smart Growth Subcabinet was sent to the Charles County Commissioners with comments concerning the draft County comprehensive plan. The comments addressed a number of issues in the plan. Mr. Hall also testified at a recent public hearing expressing concern about moving forward with the draft plan and noting the plan's significant departure from the County's prior preservation policies. He conveyed the State's interest in working with the county and encouraged them to slow down the adoption process until all the concerns addressed by State agency representatives were addressed. He noted that there is intense conversation taking place by County officials. Mr. Hall said there were at least 300 people in attendance at the hearing. They are now looking at where they want to go next. Mr. Hall said technical assistant has been offered.

Mr. Laria stated he also sent a letter to the County Commissioners expressing the Commission's desire to understand the County's perspective regarding the draft plan, but no response from the County has been received to date.

- Tax Increment Financing Models & Guidelines:  
Members received a press release hand-out. Mr. Boyd stated the Models and Guidelines on Tax Increment Financing (TIF) is completed and available on MDP's web site. MDP is reaching out to local governments that want to know more about TIFs and providing technical assistance upon request. Mr. Laria noted that he found the document to be a useful tool for local planning departments and elected officials, and he encouraged the Commission members to review the TIF document.

Mr. Bryce said he found in the development community, everyone is interested in TIFs. He indicated that we need more TIF districts to help promoted redevelopment.

- 2013 PlanMaryland Progress Report:  
Mr. Hall stated that the PlanMaryland Progress Report is a mandated report; and this is the second one produced by the Smart Growth Subcabinet. A summary page of the report was included in today's handouts. The summary sheet highlights three significant PlanMaryland implementation accomplishments this year - (1) starting to use the PlanMaryland Map in the capital budget review process; (2) providing GIS mapping tools for local government to improve the comprehensive planning process, and (3) improving the state agency coordination and decision-making process to designate Sustainable Communities.

Mr. Boyd said the goal is to finalize the report and submit it to the Governor by the end of December. We also will be forwarding the final product to the PlanMaryland workgroup for their review process.

Mr. Berlage inquired about the PlanMaryland map? Mr. Boyd said an online PlanMaryland Map has been developed that reflects local participation in various state programs, such as Sustainable Communities and Enterprise Zones. Mr. Boyd noted that MDP and other state agencies continue to work with local governments in developing their proposed Planning Area maps and applications.

Mr. Laria said the last agenda item included the workgroup updates. He felt the reports looked self-explanatory and asked members to take a look at them. Comments and/or questions will be discussed at the next Commission meeting.

Mr. Laria adjourned the meeting at 3:57 p.m.