



Maryland DEPARTMENT OF PLANNING

September 23, 2022

Wayne G. Magoon, Chair
Charles County Planning Commission
200 Baltimore Street
La Plata, MD 20646

Dear Mr. Magoon:

Thank you for the opportunity to comment on the draft 2022 Charles County Bryans Road Sub-Area Plan (Sub-Area Plan), 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 Sub-Area plan amends the Charles County Comprehensive Plan (adopted in 2016) and proposes land use, development regulation, transportation network, open space dedication and land preservation, cultural and historical resource preservation and development, and community facilities updates. The Sub-Area Plan is designed to meet the stated objective of ensuring that environmental conservation and community development mutually reinforce one another. Planning is providing the county with specific comments to assist as it moves forward with consideration and adoption of the Sub-Area Plan. To date, we have received additional comments from the Maryland Departments of Transportation and Environment, which are attached to this review. 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 Sub-Area Plan, 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 county's public hearing record. Upon adoption of any plan amendments, please submit to Planning an electronic copy of the adopted Sub-Area Plan and any subsequent text changes to Charles County Comprehensive Plan.

If you have any questions, please feel free to contact Joe Griffiths, AICP, Local Assistance and Training Manager, at joseph.griffiths@maryland.gov.

Sincerely,

Charles W. Boyd, AICP
Director, Planning Coordination

Enclosures: Maryland Department of Planning comments on the Draft Charles County Bryan Road Sub-Area Plan
Other state agency comments on the Draft Charles County Bryan Road Sub-Area Plan

cc: James B Campbell, Director, Charles County Planning & Growth Management
Joseph Griffiths, AICP, Local Assistance and Training Manager, Maryland Department of Planning
Susan Llareus, PLA, ASLA, Planner Supervisor, Maryland Department of Planning
Sarah Diehl, AICP, Southern Maryland Regional Planner, Maryland Department of Planning



Maryland DEPARTMENT OF PLANNING

Maryland Department of Planning Review Comments September 23, 2022 Draft Charles County Bryans Road Sub-Area Plan

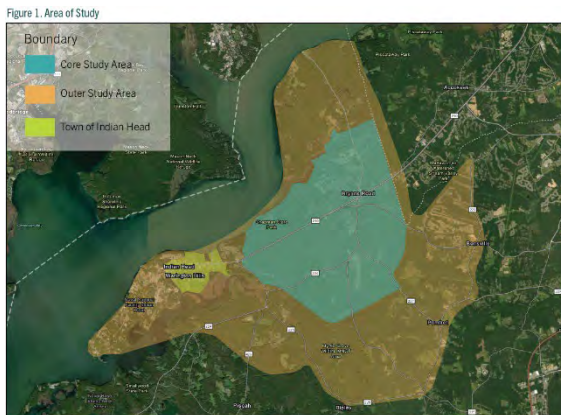
The Maryland Department of Planning (Planning) has reviewed the Draft Bryans Road Sub-Area Plan (Sub-Area Plan) and offers the following comments for your consideration. These comments are offered as suggestions to improve the Sub-Area Plan as it relates to the Charles County Comprehensive Plan, “Quality Places, Natural Spaces” (Adopted: July 12, 2016) (2016 Plan) and better address the statutory requirements of the Land Use Article. Planning received the submission package from Charles County for the Sub-Area Plan on July 27, 2022.

Internal Planning divisions and other state agencies have been sent the formal 60-day review notice to review this draft. To date, Planning has only received comments from the Maryland Departments of Transportation and Environment. If comments from other agencies are subsequently received by Planning, they will be forwarded to the county in a timely manner.

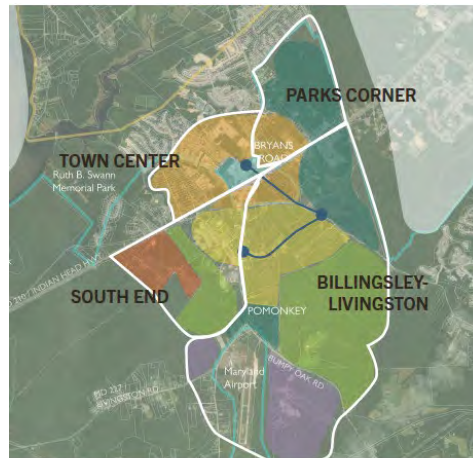
Summary of the Draft Amendment

The Sub-Area Plan consists of three parts: 1.) Existing Conditions; 2.) The Plan; and 3.) Appendix, Summary of Public Engagement.

Two maps, one from the Existing Conditions and one from Part 2, outline the study area.



Existing Conditions Study Area



Map 1. Bryans Road Subarea Plan "Neighborhoods"

The Plan Study Area

In defining a land use plan, which Part 2 also refers to as a Future Land Use Map, page 6 states that it “is an amendment to the County’s Comprehensive Plan.” Charles County adopted the current comprehensive plan in 2016 (2016 Plan). Other than the reference on page 6, the Sub-Area Plan does not directly address how and where it amends or relates to the 2016 Plan. In fact, it is unclear if this amendment is a rewrite or substitute of the previously adopted Bryans Road Indian Head Sub-Area Plan, approved October 23, 2001. Including this information in the introduction would provide clarity.

Also, the 2016 Plan has been updated multiple times since the original approval and description of how this Sub-Area Plan interfaces into the previous amendments would also help the reader understand this small area plan relationship to the previously approved plans.

The Existing Conditions document describes the county's approach and objectives in the 2016 Plan, the positive impacts of that plan, and how they have evolved since that time. Page 6 of the Existing Conditions explains that the 2016 Plan placed environmental preservation at the forefront of planning efforts in the western portion of the county by striking plans for the Cross County Connector, a highway intended to connect Waldorf and MD 210, and designating approximately 21,000 acres in the Bryans Road area as Watershed Conservation District (WCD). Page 3-10 of the 2016 Plan describes the WCD's purpose to protect the Mattawoman Stream valley and watershed by redesignating earlier Deferred Development District areas as WCD and reducing the residential density from 1 dwelling unit per 10 acres to one dwelling unit per 20 acres. The Existing Conditions also notes that the 2016 Plan directed growth into the core of the study area while reducing overall new residential construction in the larger study area.

While implementation of the 2016 Plan and WCD met the objective to reduce development in the study area, some stakeholders opposed these measures, particularly those representing the African American community, which makes up 62% of the Bryans Road area population as opposed to 50% of the overall Charles County population (page 5, Existing Conditions). Both the Existing Conditions (page 6) and the Appendix (pages 14 and 16) reference the concern of the African American community that the WCD "devalued properties and made intergenerational wealth transfer more difficult." Page 7 of the Existing Conditions describes how, starting in 2021, the Board of County Commissioners began to reconsider its plans for the study area, which included the adopted 2021 amendment to the 2016 Plan to change the land use designation of 558 acres surrounding the Maryland Airport (just south of the study area) from WCD to Employment & Industrial Park. Planning notes that the 2021 Maryland Airport amendment is not readily available on the Charles County Department of Planning and Growth Management [Plans and Studies](#) website. Including all adopted comprehensive plan amendments and sub-area plans would better inform county stakeholders.

The Sub-Area Plan states that it strikes a balance between the environmental preservation objectives of the 2016 Plan and the economic and community development needs of the study area stakeholders. Page 3 of Part 2 states that "[t]he Bryan's Road Subarea Plan starts from one premise. Environmental conservation and community development can be reinforcing objectives." To that end, the Sub-Area Plan includes four guiding principles.

1. Minimize potential impact to environmentally sensitive areas by using environmental science to determine where development should be permitted.
2. Work within existing and planned infrastructure (water, sewer, roads, and schools)
3. Focus on areas close to existing and proposed community facilities
4. Support opportunities for flexibility in the scale, phasing, and type of development permitted.

Part 2 dissects the study area into the four neighborhoods of 1.) Town Center; 2.) Parks Corner; 3.) Billingsley-Livingston; and 4.) South End. Part 2 uses the four guiding principles to organize the land use plan for each neighborhood, summarizing the existing conditions, including current land uses, zoning, and infrastructure connections (water, sewer, roads). Part 2 also uses the Maryland Department of Natural Resources' [Biodiversity Conservation Network](#) (BioNet) to display and analyze biodiversity significant areas. For each neighborhood, Part 2 includes a map of protected and regulatory constrained lands overlaid with targeted development areas. Part 2 also includes a future land use map and land recommendations for each neighborhood, and where applicable, illustrative

examples of preferred design and layout concepts. Planning appreciates, and believes county stakeholders will appreciate, the clear and repeated structure of the Sub-Area Plan, which facilitates quick review of and comparability of the Sub-Area Plan's recommendations across neighborhoods.

Following the land use plans for each neighborhood, Part 2 highlights a series of Big Ideas and additional recommendations for the study area (pages 23 – 35), including creating a multigenerational community facility, investing in affordable senior housing, establishing the Pomonkey Center for Cultural and Environmental Education, creating an environmental benefits district, and various strategies to enhance regional transportation and transit networks, promote commercial revitalization and economic development, preserve and enhance the area's culture and history, upgrade septic systems and stormwater management facilities, and enhance land preservation and natural amenities. Part 2 concludes with an implementation matrix (pages 38-39) organized around the four neighborhoods and the Big Ideas. For each recommendation, the matrix highlights the agencies involved with implementation, the type of expenditure (county operating or capital, state/federal, private) and the degree of potential county fiscal impact, from none to significant.

Minimum State Law Requirements for Charter Counties

Maryland's Land Use Article sections § 1-406 through § 1-412 set forth the required components of a local comprehensive plan for Charter Counties (also applicable to Code Home Rule Counties) but does not mandate a specific format. As such, local governments have addressed these required elements in a manner that fits the needs of their community and the resources available to respond to the issues explored during the planning process. The Sub-Area Plan includes land use map amendments impacting a variety of required comprehensive planning elements as guided by the Land Use Article. Where applicable, Planning's comments address comprehensive plan element requirements directly, while others reflect general considerations for improving the Sub-Area Plan that Charles County may want to consider prior to plan adoption.

General Comments

- Planning commends the county on using DNR's BioNet tool in its analysis of appropriate areas for land use intensification. Other than a couple areas indicated below, it appears that those areas proposed for moderate to high intensity uses avoid areas of biodiversity significance and protected lands.
- Planning suggests that the county conduct a thorough proofreading of the Sub-Area Plan, as it includes multiple typos and oddly/incorrectly worded phrases and sentences.
- Page 3 of the Existing Conditions states that the previous Bryans Road Sub-Area Plan was adopted in 2021. However, pages 5 and 6 discuss a sub-area plan that was adopted in 2001. This is likely a typo that the county should fix in the adopted version of the Sub-Area Plan.
- It would be beneficial to state the number of acres included in both the core area and the outer study area. Table 2 on page 11 (which is referred to as Table 1 in the text) shows areas of the different watersheds within the Bryans Road study area, but it is not clear if that is the core area or the outer study area. It appears to be the outer study area since that is what is shown in Figure 7 near the table. In general, the distinction between the core area and outer study area is unclear and not always differentiated in the report.
- Planning recommends that the 12 planning visions from § 1-201 of the Land Use Article be mentioned and implemented throughout the Sub-Area Plan.
- The inclusion of existing land use and zoning maps in the Existing Conditions would be helpful to plan readers.
- Charles County should consider including a horizon year in the Sub-Area Plan.

- Planning suggests that the Sub-Area Plan include a description of the methodology used to determine that only 1200-1300 homes would be built over the next 15-20 years, as well as the estimation that there are approximately 300-500 lots that are subdivided and could be built upon as described on page 5 of Part 2. How is this different than the “700-750 new residential units in addition to the 230 residential lots which have already been subdivided” as described on page 28 of the Existing Conditions?
- Without a development capacity analysis, it’s difficult to assess whether the study area has enough capacity for future growth. It would be beneficial in each neighborhood description to calculate and include the entire acreage of the neighborhood and then show the development capacity of each neighborhood in more detail.
- In the neighborhood descriptions, it would be beneficial to show the parcels that are vacant or developable. A table for each neighborhood showing the total acres, total acres developable with the number of units that could be built would also be helpful to readers of the plan.

Connection to 2016 Plan and 2021 Maryland Airport Amendment

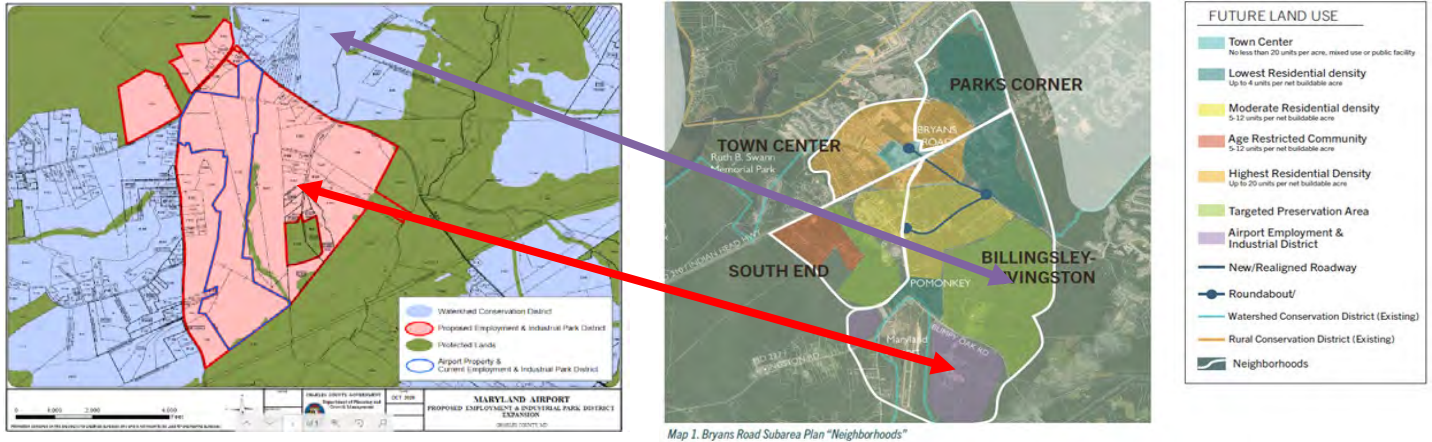
As described above, Part 2 states that the Sub-Area Plan serves as an amendment to the 2016 Plan. The Existing Conditions also describes why the county is amending the land use plan for the study area. However, the Sub-Area Plan does not detail exactly how and where it amends the 2016 Plan, nor if the text and maps in the latter document will be amended to reflect adoption of the Sub-Area Plan. For example, will the county update *Figure 3-1 Land Use Map*, on page 3-3 of the 2016 Plan? Similarly, the description of land use categories on page 7 of Part 2 do not replicate the land use categories displayed on *Figure 3-1, Land Use Map* and described on pages 3-5 through 3-14 of the 2016 plan. Specifically, Part 2 distinguishes categories of residential density in the proposed land use designations (Highest to Lowest Density) while the 2016 Plan distinguishes only between Residential and Rural Residential District densities (Table 3-2, page 3-22).

The county should consider adding language or references in the 2016 Plan that draw the reader’s attention to Sub-Area Plan updates, as this will better inform county stakeholders of the land use plans for the study area and how they differ from those in the 2016 Plan. Also, how does the Sub-Area Plan impact the county’s Development District, which the 2016 Plan defines as “the most suitable areas for new population growth”? The Sub-Area Plan does not reference the Development District, nor explain if the areas proposed for intensified land use designations will be added to the Development District. The county should consider updating *Figure 3-2, Development District*, on page 3-6 of the 2016 Plan to reflect the new designations in the Sub-Area Plan or to add language to the Sub-Area Plan prior to adoption detailing the impact on the 2016 Development District. The 2016 Plan also states that the Development District is a receiving area for the county’s purchasable and transferable development rights program. Will those areas redesignated from WCD to higher intensity uses with this amendment be added as receiving areas?

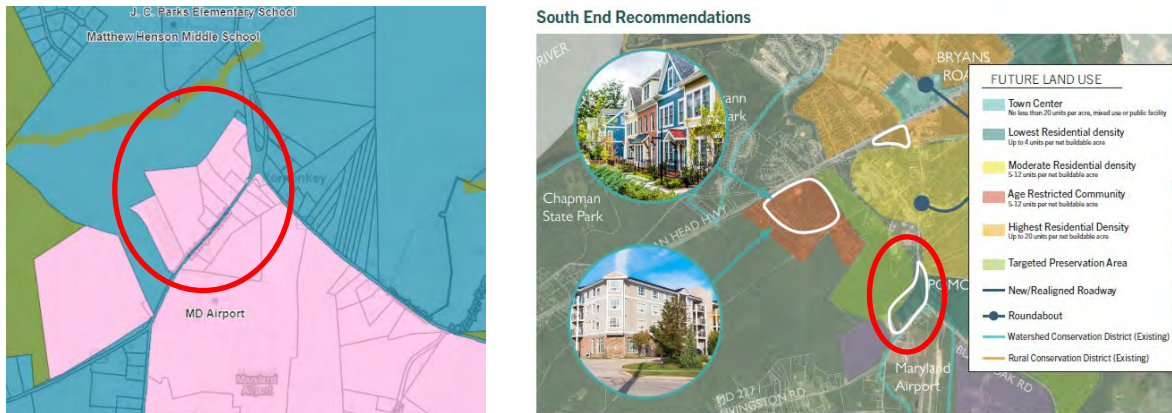
If the Sub-Area Plan is adopted, then the county should update its tier map to reflect the land use changes to ensure conformance to the statutory mapping criteria in Section 1-508 of the Land Use Article. Under Section 1-504 of the Land Use Article, if Charles County adopts an amended Growth Tier Map, then the county must notify and provide Planning with all information necessary to allow for the department’s detailed review required under Section 1-505 of the Land Use Article. If requested, Planning can complete a detailed review of any proposed tier map amendment before the plan is adopted.

The Bryans Road Subarea Plan appears to be a needed follow-up to the 2021 Charles County Maryland Airport Comprehensive Plan amendment that expanded the Employment & Industrial

District adjacent to the airport, which lies within the boundaries of this subarea plan. The watershed conservation district shown on the Airport Land Use Map from for 2021 amendment are to remain as targeted preservation areas in the Bryans Road plan (yellow line), and the proposed Employment & Industrial Park district in the airport district appears on the Bryans Road plan as well (red line).



However, the South End future land use recommendations appear to conflict in one area with the recent land use changes of the 2021 Maryland Airport amendment. The map on the left below is a screen shot from Charles County’s GIS Interactive Map, showing the circled area with an Employment & Industrial Park District land use designation (pink shading), a result of the 2021 amendment. However, the Sub-Area map on the right, which includes the same area circled, appears to propose a future land use designation of Lowest Density Residential. As the Maryland Airport amendment was only recently adopted, it is puzzling that this Sub-Area Plan would so quickly propose a new land use for this area. This may be a mapping error, and if so Planning recommends that Charles County fix it prior to plan adoption. If it is not a mapping error and is intentional, Planning recommends that the Sub-Area Plan explain why it is proposing this change.



Mapping

Planning commends the county on the organization and structure of the Sub-Area Plan, which succinctly summarizes the analysis and recommendations for each neighborhood and allows the reader

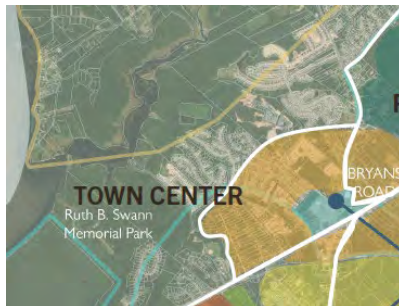
to readily compare the conditions and proposals for each. However, Planning notes the following potential enhancements to the spatial descriptions and mapping in Part 2.

- Better describe the relationship between the Part 2 maps and the study area map in the Existing Conditions. For example, it is unclear to the reader if Map 1, Bryan Road Subarea Plan “Neighborhoods” (page 6) shows the core area or the outer study area, which are displayed on the Existing Conditions map. It would be beneficial to see the study area on this map. Additionally, the neighborhood outlines shown in Map 1 differ from the neighborhood outlines as described in the text that follows, which confuses understanding of the neighborhood context.

For example, the map on page 11 shows the Targeted Development Area as the following:



Whereas Map 1 shows the Town Center, which might be interpreted as the same as the Targeted Development Area, as the following:



- Better define targeted growth and targeted development areas and their relationship to each neighborhood and the larger study area. The Biodiversity Significance and Protected and Regulated Lands maps include Targeted Development Areas outlined in white, while the Future Land Use maps that follow for each neighborhood are labeled with “Targeted growth area”. These appear to be the same areas, but the supportive text does not explain them nor describe their relationship to the larger neighborhood.
- Overlay, where applicable, the Biodiversity Significance and Protected and Regulated Lands layers on the land use recommendations maps. For example, the Parks Corner neighborhood Projected and Regulated Lands map on page 14 shows land under easement or regulatory constrained land in the triangle northeast of the intersection of Marshall Hall Rd and Indian Head Highway (MD 210), yet the land is designated as Highest Residential Density on the Parks Corner Recommendations map on page 15. Pages 14 and 15 show that this land is part of the much larger Parks Corner Neighborhood, where only 145 acres of 225 acres can be

developed. The southwestern most portion of the Highest Residential Density area on the page 15 map does not contain new or realigned roadways, which may indicate areas protected by easements or otherwise regulated land, but it is not clear. Overlaying those layers may better communicate the relationship between the proposed Highest Density Residential uses and protected lands. Please see maps below.

Protected and Regulated Lands



LEGEND

- Protected Land and Easements
- Regulatory Constrained Land
- Rail Trail
- Targeted Development Area

Parks Corner Recommendations



Targeted growth area in Parks Corner

- More clearly distinguish spatial representations on the neighborhood recommendations maps or remove legend patches for spatial representations that are not present on a specific map. For example, the neighborhood recommendations map legends contain a symbol for “Rural Conservation District (Existing)”, but the outlines of these districts are not apparent on the maps. Are they masked by the similar color of the Highest Residential Density designation? If so, Planning recommends a different color for the Rural Conservation Districts to better distinguish them from other designated areas. If not, and a Rural Conservation District is not present in a neighborhood, please remove the map legend symbol to avoid confusion. Another example is the symbol for “Watershed Conservation district (Existing)”, which is very similar in color to the patch for the “Town Center” future land use designation.
- Ensure that the text and maps align. For example, the text on page 17 of Part 2 refers to the WCD and Catchpenny Place, but neither are represented on the map on the same page.
- Avoid overlap between legends and spatial representations of future land use. For example, the extent of the Targeted Preservation Area shown on the Billingsley-Livingston Recommendations Map on page 17 of Part 2 is hidden by the legend. One might assume that the remaining neighborhood area underneath the legend is similarly designated Targeted Preservation Area but reorienting the legend would better communicate to readers the land use plans for the entire neighborhood.
- Include the Runway Protection Zone (RPZ) on the maps for the Billingsley-Livingston and South End neighborhoods. The recommendations for both neighborhoods state that new residential development should not occur within the RPZ, and plan readers should be able to reference the maps to understand where such recommended limitations would apply.
- Planning suggests that the proposed shared-use paths shown as dashed yellow lines on the Billingsley-Livingston Future Land Use Map on page 17 of Part 2 should be added to the legend on the map and described in the Sub-Area Plan content.

- Refer to the first bulleted recommendation on page 21 for the South End neighborhood. Planning suggests that it would be helpful to illustrate the proposed trail system on the Future Land Use Map (page 20) for the South End neighborhood. In fact, this proposed trail system seems to be depicted on the map on page 29. It would be helpful to show the proposed trail system on the page 20 map as well.

Comprehensive Plan Elements for Charter Counties

Development Regulations Element: Land Use Article § 1-407

The Sub-Area Plan encourages, as required by this section of the Land Use Article, “the use of flexible development regulations to promote innovative and cost-saving site design and protect the environment”, as described in its guiding principle number four. Planning commends the following example Sub-Area Plan recommendations which advance this principle. However, do these development standards apply in addition to the zoning ordinance requirement? Do they override the zoning ordinance? If that is the intent, is there authority in the zoning ordinance that these “regulations” are applicable in the development review process? Clarity is suggested.

- In the Town Center neighborhood, the plan recommends that “[m]inimum parking requirements should be reduced in the commercial portions of the Town Center, and instead focus on tree canopy and stormwater treatment in design of the parking area” (page 13).
- In the Parks Corner neighborhood, the plan recommends a “35% open space requirement be established, and pathways be constructed from new residential areas to Strawberry Hills Park” (page 15).
- In the Billingsley-Livingston neighborhood, the plan recommends a “35% open space requirement be established, except in the highest density neighborhood near MD 210 where a 15–20% requirement would appropriate” (page 18).
- In the South End neighborhood, the plan recommends that “[f]lexibility should be permitted in the type of age-targeted or senior living community that could be developed on the land owned by St. Mary’s Star of the Sea, ranging from cottage-style houses to independent or assisted congregate housing. Allowance should be made in this area to permit supporting medical and professional services” (page 20).

Planning suggests clarity and/or further detail on the following Sub-Area Plan statements to better communicate development regulations to readers.

- Much of the already subdivided and developed residential areas to the immediate southwest of the Town Center Targeted growth area (Future Land Use Map, page 12, Part 2) are currently designated as WCD in the 2016 Plan. It seems appropriate to Planning that these areas be redesignated as Highest Density Residential following adoption of the Sub-Area plan as they are already developed with such uses. Planning recommends that the county explain this appropriateness, and similar land use decisions elsewhere in the Sub-Area Plan, to better communicate to plan readers why certain WCD areas are proposed for land use intensification.
- Current zoning is referenced in each neighborhood description. Study area rezoning is also lightly addressed on pages 6 and 8 of Part 2. However, the Sub-Area Plan recommendations do not include suggestions for future rezonings to implement the plan, either as a Board of County Commissioners initiative or as a private investor initiative through the zoning map amendment process. Charles County should consider including specific future zoning recommendations for each neighborhood. Such suggestions would help county stakeholders

understand and be able to engage with proposed zoning changes to those areas which are currently zoned WCD, as these changes will represent the biggest departure from the 2016 Plan. It would also be helpful to compare those areas proposed to remain zoned as WCD to the areas of highest biodiversity. This would clearly communicate to plan readers that implementation of the Sub-Area Plan will support the stated goal of environmental conservation.

- The Town Center neighborhood existing conditions description (page 11) notes that “[m]uch of the vacant land north and west” of the Bryans Road Shopping Center “has already been subdivided and is awaiting building permit allocations per the County’s adequate public facilities ordinance”. Which adequate public facilities ordinance (APFO) is impacting these building permits? Is it the APFO for schools? Page 10 of Part 2 notes that school capacity “is the most significant obstacle to permitting development in the western part of the County; however, the capital improvement program includes funds to open a new elementary and middle school by FY2026 that will alleviate overcrowding in western Charles County”. However, the assertion in this statement is not revisited. Planning recommends including an explanation relating to the APFO issue and/or an analysis or description connecting the proposed development in the Sub-Area Plan with the anticipated school capacity following the opening of the new schools.
- Page 12 of Part 2, when describing Town Center neighborhood recommendations, states that a “mix of high residential (multistory) and commercial uses should be allowed, but “residential above retail” development should be incentivized rather than required as is currently in the zoning code”. However, the Sub-Area Plan recommendations do not include a description of such incentives, nor propose specific changes to the zoning code related to this requirement. The county may want to consider including a bulleted recommendation on page 13 and in the implementation matrix to explain how an incentive program might replace the existing zoning requirement.
- Page 13 of Part 2, when describing Town Center neighborhood recommendations, states that “[f]urther subdivision of the Bryans Road Shopping Center property and waiver of existing design requirements should not be permitted until a redevelopment plan is jointly agreed upon by the property owners and Department of Planning and Growth Management”. This strategy is also stated on page 12, and the Big Idea to create a multigenerational community facility, described on page 23, indicates that this would be a part of the redevelopment plan for the Town center neighborhood. However, this recommendation is not included in the implementation matrix, nor does the Sub-Area Plan include a strategy describing how the county will pursue the creation of a jointly agreed upon redevelopment plan. Does this mean a conceptual site plan approval process with a public hearing?
- While redevelopment and infill are mentioned on page 3 of Part 2, the Sub-Area Plan does not include an in-depth discussion of how the county will incentivize redevelopment and infill..

Housing Element: Land Use Article § 1-407.1

Planning reminds Charles County of the new comprehensive plan housing element requirements. The passage of HB-1045 in 2019 requires a housing element in all comprehensive plans adopted after June 1, 2020. Land Use Article § 1-407.1 states that a housing element “shall address the need” for low-income and workforce housing, using the definitions contained in §1-407.1 of the Land Use Article and §4-1801 of the Housing and Community Development Article. The bill defines low-income households based on 60% of the United States Department of Housing and Urban Development Area Median Income (HUD AMI) and 50% - 120% HUD AMI for workforce households. The 2016 Plan addresses affordable housing on pages 10-25 through 10-28, but Planning recommends that Charles

County consult with its County Attorney's Office on whether the 2016 Plan, and subsequent plan amendments, meet the requirements of HB 1045.

Planning developed Housing Element Models & Guidelines to help jurisdictions address the HB 1045 requirements, which is contained within the [Maryland Department of Planning website](https://planning.maryland.gov/Pages/OurWork/housing-element-mg/housing-element-home.aspx) as a tool for local jurisdictions, and available at <https://planning.maryland.gov/Pages/OurWork/housing-element-mg/housing-element-home.aspx>.

The Sub-Area Plan addresses the need for more housing in multiple areas. Page 5 states that "more housing will need to be built on smaller parcels of land". The new land use categories described on page 7 propose allowable densities well above the permitted densities in those portions of the study area currently designated as WCD. The Big Idea on page 24 describes the need to develop affordable senior housing in the study area. Planning notes that the South End neighborhood recommendation for a senior living community, described on page 20, appears to correlate with the Big Idea on page 24, but the Sub-Area plan does not directly connect the two. If the county desires to develop affordable senior housing in the South End, Planning recommends that intention be clearly stated. In general Planning suggests that the county consider how to connect the neighborhood recommendations and land use plans to the Big Ideas and their suggested supportive actions, as this would better communicate the spatial/locational connections between the Big Ideas, the neighborhoods, and the larger study area.

While the need for affordable housing is described in the Sub-Area Plan, implementation strategies to that end are lacking. Other than the Big Idea for affordable senior housing, no recommendations address housing affordability. Page 5 of the Existing Conditions highlights that the median household income and median property value in the study area are lower than those for the rest of the county. As described above, the Existing Conditions states that one reason for the Sub-Area plan is the need to protect property values and support intergenerational wealth transfer for legacy property owners, a larger proportion of whom are African American. This is an understandable and important objective. But how will the county ensure that current residents who are renters, as well as future residents, will be able to afford the new residential units constructed because of this Sub-Area Plan?

Article XV of the Charles County Zoning Ordinance outlines the county's Moderately Priced Dwelling Unit (MPDU) Program, which is currently voluntary as opposed to mandatory. Does the county intend to promote the MPDU Program in the study area? The program also only applies to certain zoning districts, and as described above, the Sub-Area Plan recommendations do not include zoning suggestions. If the county wishes to support affordable housing development in the study area, which is stated as a need on page 24 of Part 2, strategies supporting missing middle housing, partnerships with housing organizations, accessory dwelling units, and smaller lot sizes (realized through zoning and subdivision regulations), in addition to the MPDU Program, should be explored.

Sensitive Areas Element: Land Use Article § 1-408

Overall, the Sub-Area Plan admirably protects sensitive areas, building at significant density in appropriate places, and mitigating the effects of development. Nearly all the land proposed for growth and development is in BioNet Tiers 4 through 5, which are the least significant areas for conservation but still require careful environmental design. Both the Existing Conditions and Part 2 stress the amount and importance of preserved land in the study area. Page 7 of the Existing Conditions notes the following about the extent of preserved land in the area:

Today, slightly more than 3,846 acres (39%) of the total land area in the core study area are protected by ownership of a local, state, or federal agency for purpose of environmental

conservation, or through a forest conservation easement; 6,804 acres are protected in the outer study area bringing the total to nearly 60% of all lands which cannot be developed in Bryans Road. Among many others over the past two decades, two very significant properties have been acquired for conservation: Chapman’s Landing, a 2,200-acre site of forest and historic farm straddling Route 210 from the Potomac River to Mattawoman Creek, and 154 acres just west of Maryland Airport once planned as a technology park near Maryland Airport.

Planning commends the county on the following Sub-Area Plan recommendations.

- Those at the bottom of page 15 of Part 2
- Page 18 of Part 2
 - “A 35% open space requirement be established, except in the highest density neighborhood near MD 210 where a 15–20% requirement would appropriate.”
 - “Land preservation easements should be acquired to create a wide stream buffer along the Mattawoman Creek, like the buffer created by the conservation easements on the east side of the creek.”
- “A trail or shared use pathway should connect from the senior living community into (and through) Pomonkey Forest to the Pomonkey School area and then along the new residential collector roadway that continues to Billingsley Road. This would create a continuous path from the residential subdivisions in Billingsley-Livingston to the schools, Pomonkey and to a proposed highly visible pedestrian crossing of MD 210 to Ruth B. Swann Park” (page 21, Part 2).
- Section: Preserving and Enhancing our Culture, Environment and History (pages 28 – 35, Part 2)
 - *Establish the Pomonkey Center for Cultural and Environmental Education.*
 - *Create an Environmental Benefits District for Bryans Road: “[N]ew development could be the catalyst for improving the health of the Mattawoman Creek and other watersheds, improving access to natural resources, and retrofitting environmental infrastructure to the best available technologies and best management practices, by adjusting development fees and charges to target environmental conservation as the highest priority” (page 30). It should be noted, however, that the development fees to improve the environment in one place depend on disturbing the environment in another, while the Green Playbook mentioned on page 30, though a good idea, does not preserve resource land but mitigates the damage to them.*
 - *Encourage Code Enforcement, Community Clean-Up & Invasive Species Removal.*
 - *Construct New Kayak & Canoe Dock Facilities.*
 - *Continue Land Preservation Efforts: “The County should continue land preservation efforts for properties over 50 acres in size or adjacent to existing protected lands through programs such as Rural Legacy, Maryland Agricultural Land Preservation Foundation, Purchase of Develop Rights (PDR), Transfer of Development Rights (TDR). Properties along the western edge of Mattawoman Creek should be high priority targets for conservation” (page 34). Would it be feasible for the county to use the Bryans Road area as a receiving area for TDRs sent from the Nanjemoy-Mattawoman RLA? In any case, Planning would be happy to help Charles County with its TDR program.*
 - *Protect the Mt. Vernon viewshed and indigenous cultural landscapes.*

Page 17 of the Existing Conditions mentions the new Nanjemoy-Mattawoman Rural Legacy Area (RLA). It would help plan readers to include a map that shows the RLA in relation to the study area and describe in a sentence or two how the RLA might affect preservation or development. Some large, forested parcels in the south of the Billingsley Road neighborhood east of Rt. 227 are designated Moderately Residential Density, though perhaps some of it can be incorporated as conservation land, open space, or parks, as it contains some Tier III, Highly Significant for Biodiversity Conservation areas on the BioNet map on page 16 of Part 2. Also, In the Protected and Regulated Lands map for the Billingsley-Livingston Road neighborhood on page 16, the development in the upper left-hand corner, as far as Planning can tell, appears in the South End neighborhood in Map 1 on page 6. The description of the neighborhood on page 16 is confusing. MD Route 228 does not appear on map of the area and Pomonkey and the airport seem to be in the southwest of the area, not the southeast as described. Mattawoman Creek also seems more prominent west of the area than east.

Transportation Element: Land Use Article § 1-407

Planning recognizes that the Sub-Area Plan aims to address the objectives of strengthening managed growth and protecting the unique environmental and culture resources in the Bryans Road core area. Planning is pleased to see recommendations on roadway connectivity and safety improvements, pedestrian and bicycle access, and transit services are included in relevant sections of the Sub-Area Plan. To help further address these multimodal elements of the Sub-Area Plan, Planning staff offers the following transportation planning comments.

Under “Additional Recommendations to Strengthen the Core of Bryans Road” (pages 25-26 of Part 2), the county may want to include a recommendation to address electric vehicle (EV) charging infrastructure strategies such as considering EV-charging readiness building codes and/or supporting EV charging facilities. As examples, Frederick County passed [a law on EV-readiness for residential development](#) in April 2022 to require builders to install conduits to run the wires to a junction box in a garage or a parking pad so that an EV charging socket or station could be easily installed later. Howard County is the first local jurisdiction in Maryland to adopt [an EV-Ready ordinance for new residential constructions](#) in 2019. For more information on local and state EV resources including technical and financial assistance programs, please refer to the Maryland’s EV website at https://marylandev.org/local_ev_resources/.

In addition, the county may want to consider requiring internal and external sidewalks connections within and to/from a subdivision or development to build up pedestrian networks that are lacking in the Bryans Road core area. Planning staff suggests the county consider a policy recommendation on pedestrian and bicycle access for future development.

Planning suggests that the county consider whether any of the cul-de-sac streets on the Parks Corner Future Land Use Map on page 15 of Part 2 can be connected. Does preserved or constrained land prevent such connections? If so, Planning suggests that the Sub-Area Plan indicate that limitation.

As the Bryans Road area develops toward higher density land use, Planning staff suggests the county explore and consider lower vehicle traffic mitigation standards in the county’s adequate public facilities ordinance (APFO) for roads and intersections for designated high density growth areas to facilitate development in planned growth areas while accommodating and supporting more walkable neighborhoods. A recommendation to study APFO revision may be included. As a reference, [the City of Rockville’s APFO](#) includes [a Comprehensive Transportation Review process](#) to guide multimodal transportation measures for development.

On page 27, the county may want to consider adding an access management policy (recommendation) for MD 210 in the Bryans Road area to address current and future roadway access point issues along MD 210. In working with MDOT SHA, the county may consider strategies such as consolidating and limiting access points, providing parallel local roads, reducing speed limits and streetscaping. Refer to “MD 210 at MD 227” on page 27: The strategy should include safe pedestrian and bicycle crossing and access as part of the intersection improvement.

On page 29, the map illustrates a proposed trail system connecting various community facilities in the area, but the Sub-Area Plan does not mention the proposed trail system on page 29. To clarify, the Sub-Area Plan should discuss the trail system and its benefit.

Planning notes the following partners and programs that may assist the county with implementing its Sub-Area Plan transportation recommendations, and which it may want to consider adding to the draft plan prior to approval.

- Please note that the Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) provides [technical assistance](#) to help plan and implement shared and on-demand mobility services. The county may want to work with MDOT MTA on the page 25, Part 2 recommendation to “Change Van Go to an “On-demand, At-the-corner” Service”.
- The county may want to consider a shared-use path or improved shoulders along Livingston Road/Bumpy Oak Road connecting to the Indian Head Rail Trail as shown on the Billingsley-Livingston - Future Land Use Map on page 17. This connection will improve the Bryans Road area’s bicycle/pedestrian access to the Indian Head Rail Trail. [The MDOT’s Kim Lamphier Bikeways Network Program](#) provides funding support for this type of bicycle facilities.
- To support the recommendation to “Use Public Incentives and Investments for Commercial Revitalization” (page 26, Part 2), the county may want to participate in the Maryland Department of Housing and Community Development’s [Sustainable Communities Program](#) for the Bryans Road core area. The program is a place-based designation offering a comprehensive package of resources to support community development and revitalization efforts. The state program would be a plus to county’s own incentives to support the planning area’s commercial revitalization.
- Refer to “Improving Traffic Operations and Safety” on page 27. The Sub-Area Plan may include a strategy to address unsafe speeding issues on MD 210 in the Bryans Road Town Center area, which is noted on page 8 of Part 1: Existing Conditions, in working with the Maryland Department of Transportation State Highway Administration (MDOT SHA).

Water Resources Element: Land Use Article § 1-407

Planning commends the Sub-Area Plan’s formulation of a growth strategy that focuses on protection and improvement of water resources and environmentally significant and/or sensitive areas.

Planning recommends that the deficit between the 2040 planned capacity for the drinking water system described in the 2016 Plan Water Resources Element (WRE) and the projected residential growth described in the Sub-Area Plan be addressed. The Sub-Area Plan should discuss how the county will obtain sufficient drinking water to support its implementation given the deficit noted in the county’s WRE. According to the Sub-Area Plan, Part 1, Housing, Community & Economic Development, there are currently just over 2,900 residential units in Bryans Road. The anticipated 1,300 new residential units added to the current 2,900 comes to 4,200, which far surpasses both

Scenarios A and B from the 2016 Plan. The 2016 Plan WRE states on page 4-15, “The Bryans Road system would need additional water supplies under both scenarios (under current permits) ... [t]he County’s long-term intent is to interconnect the Waldorf and Bryans Road systems in order to prevent such a deficit.”

Planning also recommends that the Sub-Area Plan specify which public sewer system Bryans Road utilizes and assess whether there is sufficient projected capacity in the system to meet the Sub-Area Plan’s projected growth. If there is not sufficient projected capacity, then the Sub-Area Plan should discuss how the county will obtain that capacity to support its implementation. The 2016 Plan WRE’s *Table 4-5 Public Sewer System Characteristics* and *Table 4-6 Public and Major Private Sewer System Flows and Capacity, 2040* do not make it clear which public sewer system Bryans Road is part of, so it is difficult to assess whether there is sufficient projected capacity in the system to meet the Sub-Area Plan’s projected growth.

Since the Bryans Road Development District location in the 2016 Plan Land Use Map significantly differs from the area shown in Map 1. Bryans Road Subarea Plan “Neighborhoods” in the Sub-Area Plan (page 6, Part 2), Planning recommends that the Sub-Area Plan include a re-evaluation of the water quality impacts (see Section 4.6 of the 2016 Plan WRE) resulting from implementation of the Sub-Area Plan. This can be completed by assessing the future impervious cover and future forest cover resulting from implementation of the Sub-Area Plan growth area within the Mattawoman Creek watershed and the Potomac River Middle Tidal watershed and comparing that to the future impervious cover and future forest cover that would result from implementation of the Bryans Road growth area as described in the 2016 Plan within the same watersheds. The differences in future forest cover and impervious cover should be indicated in the Sub-Area Plan and if there is an expected increase in future impervious cover and/or decrease in future forest cover within one or both watersheds, then this issue should be discussed in the Sub-Area Plan and strategies for mitigating the increased water quality impacts from those changes should be outlined in the Sub-Area Plan.

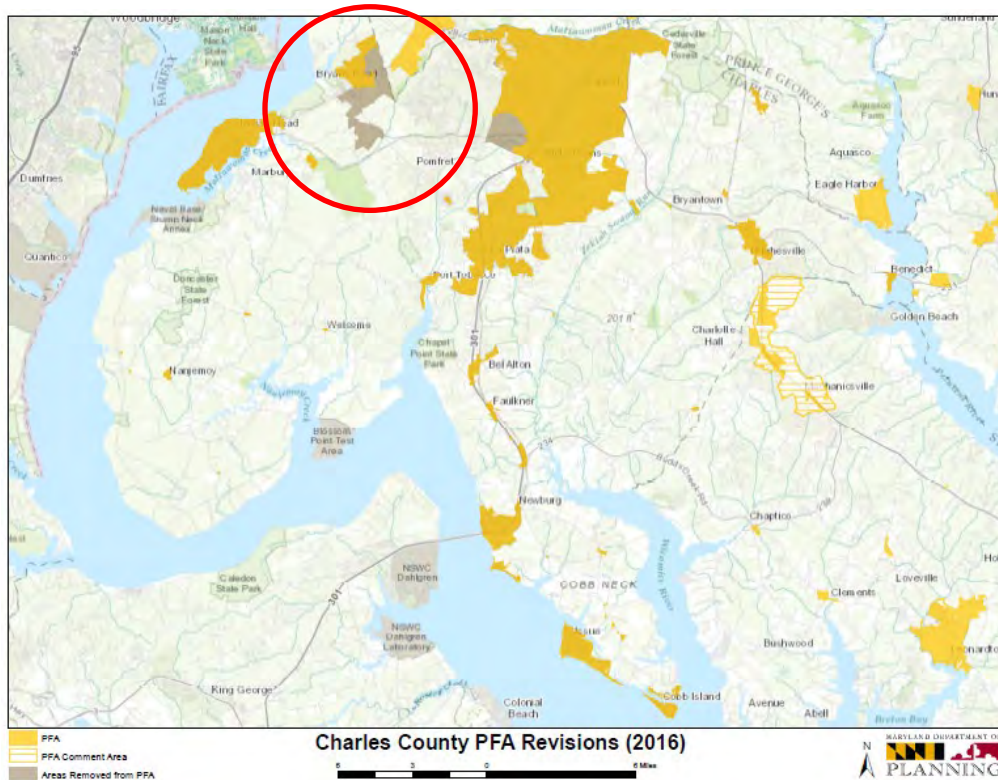
The following recommendations are based on the [2022 Proposed Water Resources Element \(WRE\) Guidance Update](#).

1. 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 Sub-Area Plan has addressed some of these elements in its Plan Update, such as identifying the assessment status of the Mattawoman Creek watershed (Part 1, page 12).

Sub-Area Plan Implementation

Planning provides the following comments and suggestions to support implementation of the Sub-Area Plan.

- As an implementation measure of the 2016 Plan, Charles County removed a significant amount of Priority Funding Area (PFA) in the area covered by the current Sub-Area Plan (see gray circled area in map below). Does the county intend to redesignate certain areas proposed for intensified land use (e.g. Moderate to Highest Density Residential, Age Restricted Community) as PFA following plan adoption? Neither the 2016 removal of PFA nor the potential to redesignate areas as PFA are mentioned in the Existing Conditions or Part 2.



- Planning supports the recommendation on page 31 to “document areas where septic systems are a concern to water quality and/or public health. Taking a programmatic rather than property-by-property approach should help to expedite the State’s PFA exception process”. This approach is indeed preferred by the Smart Growth Coordinating Committee, which is responsible for processing and approving PFA exceptions for the purposes of public health and safety. However, the county should also analyze whether any of the properties with problematic septic systems are PFA eligible and seek full PFA designation, rather than a PFA exception, for those properties. PFA exceptions only permit access to the specific growth-related funding being requested, such as Bay Restoration Fund funding, while PFA designation would permit access to growth-related funding for future projects without the need for the county to come back to the Smart Growth Coordinating Committee and request additional PFA exceptions.
- Approved PFA exceptions for water or sewer connections to address a public health and safety issue still require an amendment to the county water and sewer plan to reflect the connection. To facilitate a finding of consistency with the county comprehensive plan, which Planning analyzes during our review of water and sewer plan amendments, Planning recommends that all counties include a statement in their comprehensive plans noting that, when needed to address issues of public health and safety, the county’s policy is to serve properties in areas of the county that would otherwise not be permitted to connect to public water and sewer.
- Part 2 contains some implementation recommendation inconsistencies that should be rectified to clearly communicate to plan stakeholders how the county intends to implement the Sub-Area Plan. For example:
 - The Town Center neighborhood recommendation on page 13 states “[m]inimum parking requirements *should be reduced* in the commercial portions of the Town Center, and instead focus on the tree canopy and stormwater treatment in design of the

- parking area”, while the same recommendation in the implementation matrix (page 38) states “[e]*l*iminate minimum parking requirements in the commercial portions of the Town center, and instead focus on tree canopy and stormwater treatment in design of parking area”. Eliminating and reducing parking requirements are very different actions.
- The Parks Corner neighborhood recommendation on page 15 states “[s]ubject to the concurrence of the property owner, the JC Parks property *should* be placed in a preservation easement and maintained to serve as a gateway to the Parks Corner community”, while the same recommendation in the implementation matrix (page 38) states “[a]s a condition of any development to the west of Matthews Road, the JC Parks House *must* be preserved and serve as a gateway to the Parks Corner community”. Should and must have dramatically different meanings in the context of this action.
 - To support the county’s recommendation to “Analyze the Potential of Improved Broadband Connectivity”, described on page 26, the county should consider contacting the [Office of Statewide Broadband](#). The state received more than \$500 million in broadband funding through the American Rescue Plan and Bipartisan Infrastructure Plan, as shown in this [May 3, 2022 Maryland Broadband Investment Advisory Group Presentation](#), that may help with implementation.

END MARYLAND DEPARTMENT OF PLANNING COMMENTS

**Maryland Department of Planning Review Comments
2022 Draft Charles County Bryans Rd Sub-Area Plan**

STATE AGENCY COMMENTS

The following pages contain comments from other State agencies in support of the Maryland Department of Planning review of the 2021 Draft Amendment to the Charles County Comprehensive Plan 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 18	Department of Transportation
Page 22	Department of the Environment

August 30, 2022

Mr. Joseph Griffiths
Maryland Department of Planning
301 West Preston Street
Suite 1101
Baltimore MD 21201

Dear Mr. Griffiths:

Thank you for coordinating the State of Maryland's comments on the Charles County's Comprehensive Plan Amendment, Bryans Road Sub-Area Plan, hereafter referred to as the "Plan." The Maryland Department of Transportation (MDOT) offers the following comments from The Secretary's Office, MDOT State Highway Administration (MDOT SHA), and the MDOT Maryland Transit Administration (MDOT MTA).

General Comments

- MDOT SHA supports the Bryans Road Sub-Area Plan's emphasis on facilitating transit use, improving bicycle and pedestrian accessibility, enhancing facility connectivity, and promoting transit-oriented development. In general, the recommendations proposed in this plan are supported by MDOT SHA's emphasis on providing transportation facilities that accommodate all users and all modes. This emphasis led MDOT SHA to develop Context Driven – Access and Mobility for All Users, a planning and design resource including guidance centered on establishing safe and effective multimodal transportation systems. Please visit <https://www.roads.maryland.gov/contextdriven> for additional information.

Part 2: The Plan

Growth and Development Areas

- Page 17 – Regarding Billingsley-Livingston Neighborhood. The plan calls for the relocation and extension of Billingsley Road to MD 210 just north of the MD 227 intersection and the prohibition of adding new access points to MD 210 other than the proposed Billingsley Road intersection. Per MDOT SHA's Access Manual, a minimum distance of 750 feet between the MD 210/Billingsley Road intersection from the existing signalized MD 210/MD 227 is required.

Strengthening the Core of Bryans Road, Additional Recommendations

- Page 25 – Regarding strengthening Regional Transit Service in the MD 210 Corridor. The subsection requests commuter bus service from Bryans Road to Washington, DC, citing previous service provided by the Washington Metropolitan Area Transit Authority

(WMATA) and the potential realignment of existing commuter bus service from MDOT MTA. When a contract with a commuter bus provider ends, MDOT MTA re-evaluates the commuter bus routes to determine if new destinations should be included when negotiating a future contract. Any future changes to the 640 and 650 MDOT MTA Commuter Bus routes would happen when our contracts are next negotiated.

- Page 25 – Regarding strengthening Regional Transit Services in the MD 210 Corridor. MDOT SHA concurs with the plan’s call for improved transit services in the MD 210 corridor and will work with Charles County, the MDOT MTA, VanGo, and other local transit service providers to ensure that the needs of transit users are factored into the delivery of MDOT SHA roadway improvements in the area.
- Page 25 – Regarding Construct Missing Sidewalk Segments. MDOT MTA concurs with this recommendation as any future transit service would need good first-mile/last-mile connections, starting with an improved sidewalk network within the Bryans Road core. Questions on transit service can be directed to Stephen Miller via e-mail at SMiller6@mdot.maryland.gov or by phone at 410-767-3869.
- Page 25 – Regarding Constructing Missing Sidewalk Segments. The plan recommends the construction of missing segments of sidewalk along MD 210 and MD 227. Charles County can apply for funds from the New Sidewalk Construction for Pedestrian Access (Fund 79) program which is administered by MDOT SHA. Also, prospective sidewalk projects that would connect existing and future residential areas to the nearby J.C. Parks Elementary School and Matthew Henson Middle School, both of which are located within the study area of the plan, could qualify for funds through the federal Safe Routes to School (SRTS) Program, which is also administered by MDOT SHA. For more information regarding the New Sidewalk Construction for Pedestrian Access, please contact Mr. Sean Campion, Chief, MDOT SHA Innovative Contracting Division (ICD), at 410-545-8863 or via email at scampion@mdot.maryland.gov. Also, for more information regarding the Safe Routes to School (SRTS) Program, please contact Ms. Christy Bernal, TAP Manager, at 410-545-5659 or via email at cbernal@mdot.maryland.gov.
- Page 25 – Regarding Improving Access to the Indian Head Rail Trail. MDOT SHA supports the plan’s call for improving connections in the Bryans Road area to the Indian Head Rail Trail. Just as it states in the plan, potential funding sources are the federal Transportation Alternatives Program (TAP) program and the federal Recreational Trails

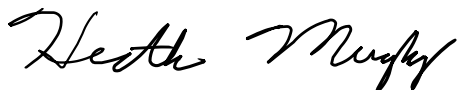
Mr. Joseph Griffiths
Page Three

Program (RTP), which is administered by MDOT SHA. Also, for more information regarding the Recreational Trail Program, please contact Ms. Cheryl Ladota, Recreational Trails Manager, at 410-545-8552 or via email at cladota@mdot.maryland.gov. For more information regarding the Transportation Alternatives Program, please contact Ms. Christy Bernal, TAP Manager, at 410-545-5659 or via email at cbernal@mdot.maryland.gov.

- Page 27 – Regarding Improving Traffic Operations and Safety. It states in the Plan that there are no deceleration lanes along southbound MD 210 south of Camp Hedges Place or shoulder right turns into the businesses along MD 210 and that the absence of this feature could result in rear-end collisions. The MDOT SHA recommends further investigation of this issue. Any action proposed action that could pose impacts to State roads in the Bryans Road Sub-Area should be coordinated with Kimberly Tran, P.E., District Engineer, District 5, 410-841-1000, toll free 1-888-204-4828, or via email at ktran@mdot.maryland.gov.

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. Ms. Snyder will be happy to assist you.

Sincerely,



Heather Murphy
Director, OPCP, MDOT

cc: Ms. Christy Bernal, Transportation Alternatives Manager, MDOT SHA
Mr. Stephen Miller, Transportation Planner, OPCP, MDOT MTA
Ms. Kari Snyder, Regional Planner, OPCP, MDOT
Ms. Kimberly Tran, P.E., District Engineer, District 5, MDOT SHA

Mr. Joseph Griffiths
Page Four

bcc: Mr. Matt Baker, Chief, Regional and Intermodal Planning Division, MDOT SHA
Mr. Tyson Byrne, Regional Planning Manager, OPCP, MDOT
Ms. Gladys Hurwitz, Multimodal Transportation Specialist, OPCP, MDOT
Ms. Rita Pritchett, Maryland Department of Planning
Mr. David Rodgers, Regional Planner, Regional and Intermodal Planning Division,
MDOT SHA



Maryland

Department of the Environment

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

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

August 23, 2022

Mr. Joseph Griffiths
Maryland Department of Planning
301 West Preston Street
Suite 1101
Baltimore, MD 21201

RE: Local Plan Review
Comprehensive Plan Amendment: Bryans Road Sub-Area Plan
MD20220726-0637

Dear Mr. Griffiths,

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 Solid Waste Program should be contacted directly at (410) 537-3315 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.

Mr. Joseph Griffiths
Page 2

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
Interdepartmental Information Liaison
Maryland Department of the Environment