



November 9, 2012

Dennis D. Porter, Mayor
Town of Denton
13 N. Third Street
Denton, MD 21629

Dear Mayor Porter,

RE: MDP's review of adopted tier map; No comments

Thank you for providing the Department of Planning with a copy of the Town of Denton Growth Tier map, administratively adopted by the Town of Denton, and forwarded to us on September 6, 2012.

The Act allows the Department to comment on mapped growth tiers when the Department determines that the growth tiers do not meet the criteria established by the Act.

The Maryland Department of Planning is pleased to advise you that the map adopted by the Town of Denton satisfies the criteria for designation of growth tiers under the Maryland Sustainable Growth and Agricultural Act of 2012. The Department therefore has no comments on the adopted map.

Please be advised that the growth tiers shall be incorporated into the Town's comprehensive plan or an element of the plan when the Town conducts its six year review of the plan. If the growth tiers are not incorporated into the comprehensive plan or an element of the plan during that 6-year review, Senate Bill 236 provides that the growth tiers may not be considered as adopted and the restrictions on major subdivisions outside sewer areas shall apply.

Caroline County may be submitting growth tier maps to the Department. To date, we have not received a tier map from the County. Should there be any conflicts between the Town's mapping and that of the County, the Act provides a process for resolution. We do not anticipate that such map would be in conflict with the criteria under the Act or with the Town's adopted map.

Although MDP has no comments on the Town's adopted tier map, we would like to reiterate our previous stance on the Town's Municipal Growth Element (MDP's April 29, 2010 comment letter on the Town's draft Comprehensive Plan). The Department expressed concern that the amount of land in the Town's designated growth areas is too large compared to MDP's population projections for the Town. Focus on infill and redevelopment, infrastructure

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

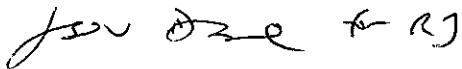
Richard Eberhart Hall, AICP, Secretary
Matthew J. Power, Deputy Secretary

maintenance and upgrade, neighborhood and downtown revitalization, and historic preservation, will ensure that the Town can accommodate future population growth within its current municipal boundaries.

We would like to recognize the Town's staff for their work in preparing the Town's growth tier map.

Should you have any questions, please don't hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Rich Josephson". The signature is written in a cursive style with some loops and flourishes.

Rich Josephson
Director of Planning Services

cc: Donna Todd, Town of Denton, Planning and Codes Department
Katheleen Freeman, Director, Caroline County Dept. of Planning, Codes & Engineering
David Dahlstrom, UES Regional Planner, MDP
Jay Sakai, Director, Water Management Administration, MDE
Jason Dubow, Director, Environmental Planning Division, MDP



**Review Comments from the Maryland Department of Planning
Draft Municipal Growth and Water Resources Elements
Town of Denton
April 29, 2010**

Overview

The Maryland Department of Planning (MDP) reviewed the draft Water Resources Element (WRE) and draft Municipal Growth Element (MGE) for the Town of Denton. The draft Plan was submitted for 60-day review in accordance with Article 66B of the Code of Maryland Regulations and was received by MDP on February 12, 2010. The 60-day review period ended on April 13, 2010. The Town has scheduled a public hearing on the draft elements in accordance with §3.07(b)(1) of Article 66B for May 25, 2010.

Comments on the Draft Municipal Growth Element

During the 2006 legislative session House Bill 1141 was passed requiring Counties and Municipalities address several new elements within their Comprehensive Plans. Under the provisions of this law all new elements will need to be included into comprehensive plans by October 1, 2009, unless the Municipality has requested an extension and the Maryland Department of Planning has granted a maximum of two 6-month extensions.

General Comments on the Municipal Growth Element

- MDP appreciates the detailed analysis of the impacts of growth on infrastructure.
- According to page 42, the Town will work with the County to devise strategies to protect Denton's Greenbelt. Please discuss how the Town intends on preserving and potentially expanding its Greenbelt in the final Plan.
- Please include a map showing the annexation locations, acreages, zoning, and the number of persons and households to help readers identify and determine annexation locations in relation to available critical infrastructure like roads, bridges, schools and sewers and to evaluate the annexations based on the land supply and population demand.
- The maps on pages 28, 29, 41 and 42 should be resized to improve readability.

Comments on Population Projections

- The Maryland Department of Planning appreciates the inclusion of a capacity analysis identifying the City's build-out development potential, as well as including population, household projections and growth-related impacts to infrastructure.

- The methodology used to create the population projections are unclear, due to multiple population projections found within the MGE. Denton's population estimates are first illustrated in Table 4-2, showing Denton's growth as a fixed percentage of the Counties growth. Table 4-3 illustrates projections based on MDP's municipal estimates and Table 4-4 provides projections which use a compound annual rate. Although text on page 13 mentions that population projections are based upon the compound growth rate methodology, it is unclear which rate is used.
- Denton's 2030 population figure needs to be clarified and the Town's population projections are not consistent with MDP's latest municipal projections. According to the plan, the 2008 population is 4,022 (MDP's 2010 figure is 3,466). The 2030 projection is unclear, as page 30 indicates 6,241 and page 44 indicates 6,421. MDP's 2030 population estimate is 4,858.
- The Department recommends that a consistent 2030 projection is used throughout the document and encourages a discussion on the methodology used to determine the Town's population estimates.

Comments on the Build-out Analysis

- According to the Town's capacity analysis, Denton can house an additional 5,166 – 7,408 residents or 2,256 – 3,235 housing units (using a 2.29 persons per household figure based on the 2000 U.S. Census) within the current Town limits through redevelopment and infill, for a total 2030 population of 11,430. According to these figures, it appears that there are just over 5,000 persons or roughly 2,187 housing units (using the 2.29 household size figure) of excess capacity (assuming the projected 2030 population is 6,421). Although the Town recognizes that future growth can be contained within the existing Town limits, Denton proposes several Growth Areas (Map 4-5) which are capable of accommodating an additional 442 persons. Clearly, the amount of land set aside for growth is not consistent with the anticipated population forecast. It is recommended that the Town re-think its growth strategy in light of anticipated land supply and demand.
- It appears the 2.29 persons per household figure is based on 2000 Census Data. Maryland Department of Planning recommends that a 2030 population projection also be included as the number of persons per household will change by the horizon year.

Additionally, the Town should ensure that the following requirements are addressed in the Plan:

- A timeframe or phased approach for multiple annexations.
- A detailed plan for how the Town plans on financing future facility needs is necessary. If it is the Town's intent that developer(s) absorb infrastructure expenses associated with major development, what portion of the costs should developer(s) absorb? Should the developer(s) donate land for a school site, pay for the update of a treatment plant, or increase capacity for public water? Under what conditions should the developer(s) provide such assistance?

Comments on the Draft Water Resources Element

The WRE is close to completion. The WRE will meet the requirements of HB1141 with recommended comments added. The most important comments to include are in **bold**. The WRE does not yet effectively address the following purposes of the law and/or State guidance, as follows:

- For each watershed, identify current WWTP discharge locations (MDP Models and Guidelines (M&G) 26, page 12).
- Does the WRE estimate the future demand for water by reviewing population projections and associated commercial, industrial, and agricultural water demand (MDP M&G 26, page 27).
- Does the WRE identify planning strategies to protect current and future water sources from pollution (MDP M&G 26, page 27).
- Does the WRE estimate the approximate number or range of additional households and associated commercial and industrial wastewater demand that could potentially be supported in the planning area (MDP M&G 26, page 33).
- Does the WRE describe the alternate future development options for which nonpoint source and point source loading estimates were performed (MDP M&G 26, pages 39-40).

Overall comments:

- **The WRE should include a forecast of non-residential water/sewer demand. This forecast should then be used to revise the potential number of residents that could be supported with available water capacity (page 5-22).**
 - The WRE notes that “Further analysis prompted the Town to prioritize allocation first to commercial and industrial uses, and allocate the remainder for residential uses. The decision to prioritize the current capacity allocations resulted in a facility-supported population estimate of 6,241” (page 5-22). The reduction in potential number of residents supported with available water capacity from 7,609 residents to 6,241 residents indicates that a forecast of non-residential demand was completed by the Town. If this is the case, the WRE should include the forecast and explain how the forecast reduces available residential capacity as indicated on page 5-22.
- To add clarity, please add the following edits or resolve the following discrepancies:
 - The 3-year average water use is listed as 397,000 GPD (page 5-13) in the “Water Supply” section but is listed as 405,667 GPD (page 5-21) in the “Projected Water and Sewer Demand” section. According to Table 5-3 (page 22), 397,000 GPD was the flow rate in 2009 only and the actual three year average should be 405,667 GPD.

- On page 5-14 the calculations for determining the peak daily flow rate with the largest well out of service are unclear. Based on the well figures (page 5-13), the town's largest well is Well #5 with a pumping capacity of 510 GPM. The only other well is Well #3, which can pump 439 GPM. Therefore, it would seem that the town's maximum pumping capacity with the largest well out of service would be 439 GPM (from well #3).
- Future growth is presented as constrained by available water capacity (pages 5-21, 5-22); however, the WRE subsequently twice notes that future growth is instead constrained by the WWTP (pages 5-32, 5-37).
- The first paragraph on page 5-18 is repeated.
- The second paragraph on page 5-20 refers to TMDLs as "Total Daily Minimum Loads" instead of "Total Maximum daily Loads."
- On page 5-33 the last paragraph references "Table 13" but it should reference Table 5-13.

Comments on the water demand analysis:

- **The WRE should present one estimate for available water supply.** In the "Water Supply" section, the available water surplus is listed as 201,440 GPD (page 5-14); however, in the "Projected Water and Sewer Demand" section, the available water supply is listed as 352,428 GPD (page 5-22). Since the amount of growth envisioned in the overall Town of Denton comprehensive plan is based on the water supply constraint, the WRE should add clarity on this issue.
- The WRE should clarify whether the permitted daily capacity (page 5-13) includes the expected water appropriation available for the Town's planned well (#6).
- **The WRE should discuss source water protection measures.** Although water conservation measures are discussed (page 5-1), measures to protect the quality of the Town's water supply should also be included (e.g., wellhead protection measures).

Comments on the sewer demand analysis:

- Page 5-22 states that the town would need to determine possible actions to address a shortage of WWTP capacity when the most recent three year average flow is over 80% of the WWTP's design capacity. When does the town predict this point will be reached?

Comments on identifying suitable receiving waters:

- The Denton WRE identifies the streams affected by land use impacts (page 5-5). The plan includes a discussion of the suitability of receiving waters (page 5-36). **The WRE should indicate the receiving water to which the Denton WWTP discharges.**
- **The WRE should assess the combined point and non-point source pollution impact of more than one possible land use plan scenario, including the proposed land use plan.** The WRE does a good job of comparing point and non-point source pollution between a full build-out scenario and a constrained growth scenario. However, because the town is choosing a constrained growth scenario, the WRE should consider

different development patterns within the constrained growth scenario (e.g., different land use options or residential densities) and choose the alternative with the least environmental impact.

- The WRE provides a point source pollution forecast (page 5-27); however, this forecast does not appear to be based on the Town's growth plans. The WRE should provide a point source forecast through the planning period that is based on the Town's growth plans.
- The WRE notes that there are 84 septic systems within the Town (page 5-29). The WRE should clarify whether the non-point source pollution forecasts (beginning on page 5-31) incorporate the pollution reductions expected from connecting the septic systems to the Town's WWTP. If so, the WRE should indicate the WWTP capacity expected to be used by connecting the systems. Overall, the WRE should present an overall policy or plan with regard to connection of the 84 septic systems.
- The WRE notes that "a Memorandum of Understanding circulated among the affected jurisdictions in which each signatory jurisdiction agrees to take the findings of the [Upper Choptank] watershed characterization into consideration in its planning activities" (page 5-13). The WRE could note the Town of Denton's stance with regard to the MOU.