

[REDACTED]

From: Katie Brinkley <director@calvertarts.org>
Sent: Wednesday, September 4, 2024 9:45 AM
To: Zone Ordinance Update
Subject: Zoning Ordinance feedback
Attachments: Zoning Ordinance feedback- K.Brinkley-Arts Council of Calvert County.pdf

This Message Is From an External Sender

This message came from outside your organization.

Hello,

I am attaching feedback regarding the draft zoning ordinance. I welcome dialog regarding this information and am happy to answer any questions.

Thank you for your time and consideration.

Katie Brinkley
Executive Director
Arts Council of Calvert County
www.calvertarts.org

Article 2: Definitions

- **Mural.** A sign that is primarily artistic in nature with no promotional graphics or promotional text.

Article 29: Signs

- Section 29-5: Permitted Signs
 - Murals are permitted with Architectural Design Review (Table 29-1). Many sections of the ADR application are not applicable to a mural. Will all sections be required to be filled out for ADR approval? The knowledge required about the building or location of a mural to fill out all sections of the ADR application is prohibitive to artists to do a project.
- Section 29-7: Building Signs (Permanent), B. Building Sign Types (Permanent), 4. Murals
 - “Murals may be painted either directly on the exterior surface of the building, freestanding wall, or fence, or on super-flex material stretched over a space on the exterior surface”
 - Murals are classified under section 29-7, which are subject to the size restrictions in Table 29-3. This is prohibitive to add artistic enhancement to an area with a mural. A building with existing signs further decreases the size a mural could be.

Proposed revisions:

1. Revise Section 29-7, B, 4 to read “Murals may be painted either directly on the exterior surface of the building, freestanding wall, or fence, or on super-flex material stretched over a space on the exterior surface, or on a panel attached to the building, freestanding wall, or fence.”
 - a. There are many instances where installation of a mural on panels is used and is common practice. “To overcome structural issues with a wall or to ensure the mural may be removed in the future, it may be possible to use an affixed panel made of plywood, masonite, aluminum, polystyrene, corrugated plastic, or other materials.” (Heritage Preservation, 2006)
2. Create exemption for murals to the size restrictions outlined in Table 29-3.
 - a. Murals are increasingly becoming a way for communities to highlight public artistry, be a source of civic pride and increase both outdoor engagement and economic development. (Altschuler, 2021; *University of Central Arkansas | UCA*, 2016) Murals are often thought of as “larger than life” and are more impactful at large sizes to engage viewers. Size restrictions in the draft ordinance will hinder artistic expression and, in many instances, decrease the effectiveness of a mural by limiting it to a small area.

August 2024 Draft Zoning Ordinance feedback
Katie Brinkley, Arts Council of Calvert County, director@calvertarts.org

Sources:

Heritage Preservation. (2006). *Mural creation Best Practices*.
https://www.culturalheritage.org/docs/default-source/resources/groups-and-networks/mural-creation-best-practices-full-document.pdf?sfvrsn=8ebcb2e3_4

Altschuler, W. (2021, December 10). America's Mural Magic: How street art Can transform communities and help businesses. *Forbes*.
<https://www.forbes.com/sites/wendyaltschuler/2020/03/23/americas-mural-magic-how-street-art-can-transform-communities-and-help-businesses/>

University of Central Arkansas | UCA. (2016, July 5). <https://uca.edu/cced/2016/07/05/community-murals-as-economic-development-tools/>

From: nicholasgirard@comcast.net
Sent: Tuesday, September 17, 2024 5:00 PM
To: Zone Ordinance Update
Subject: 1935 German Chapel Road

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I have 3 acres. I would like to sell myself 1 acre to build a somewhat smaller home for retirement. I have been told with no explanation. Is there anything new coming that could change this?

Kim Girard

[Redacted]

From: Staci Barrett <stacibarrettrealtor@gmail.com>
Sent: Tuesday, September 24, 2024 11:36 AM
To: Zone Ordinance Update
Subject: New zoning designations
Attachments: Map 8 escalation of industrial use for plants.PNG; Map 7 Southern Connector.PNG

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Hi there,

I am a resident of CRE and I saw something on the neighborhood page today regarding some changes to the industrial areas close by.

The comments said that the nuclear plant and gas plant are changing to heavy industrial areas. Is this due to changes by the federal government and/or the type of production that those sites involve?

There also was some commenting about the area where the new park is to be built and the land from there being made industrial all the way to the landfill. If that is the case, I couldn't find anything about it and I looked at maps provided. Could you tell me where I would find that information if it is published? Also, with the Lusby Villas development and the changing of the designations of these areas, is there a plan for the sewage facilities in the area to be upgraded as well?

One last question, it appears that the undeveloped areas on the Southern Connector have been zoned as industrial/retail related. What does this mean as there are schools on each end? I think what worried me was the wording of nightclub and adult entertainment. While I see that adult enterprises were revised as no longer permitted in I-MU, could night clubs etc still be permitted? The I-I is also a bit worrisome as that could possibly be near an elementary, middle and high school.

Thank you for any clarifications that can be provided.

Respectfully,



Staci Barrett, Realtor
Broker's Assistant
[Redacted]
California, MD 20619
[Redacted]

[REDACTED]

From: Bell, Sherrie <Sherrie.Bell@ed.gov>
Sent: Tuesday, September 24, 2024 2:24 PM
To: Zone Ordinance Update; Hance, Earl F.; Hart, Michael R.; Grasso, Catherine M.; Ireland, Todd M.
Subject: Public Comment: Second Draft of Updates to Calvert Zoning Ordinance and Zoning Map

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Good afternoon,

I'd like it documented that my husband and I **oppose** the Heavy Industrial Rezoning near the Sweetwater Landfill in Lusby.

Thank you,

Sherrie & Joseph Bell
Lusby, MD

[REDACTED]

From: Christy Beavers <beaversbeach@gmail.com>
Sent: Tuesday, September 24, 2024 2:53 PM
To: Zone Ordinance Update
Subject: Heavy industrial zoning Lusby

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I am a Lusby resident and speaking out against a heavy industrial zoning change. Leave us alone!
Christy Beavers

From: Brinkley, Jason P.
Sent: Friday, September 27, 2024 1:21 PM
To: Hager, George W. "Will"
Cc: Harris, Tay E.; Lockwood, Kathleen M.
Subject: Fw: Comments on Proposed Master Plann

Will,

This seems to be more of a CCZO comment than Master Plan.

Jason Brinkley
Deputy Director of Planning & Zoning
Calvert County Government
205 Main Street, Prince Frederick, MD 20678
Office:410.535.1600 (x2380)
Cell: 667.321.6627
www.calvertcountymd.gov

From: Town Center Master Plan <towncenterupdate@calvertcountymd.gov>
Sent: Friday, September 27, 2024 11:57 AM
To: ellenwaterhouse@verizon.net <ellenwaterhouse@verizon.net>; Town Center Master Plan <towncenterupdate@calvertcountymd.gov>
Cc: Brinkley, Jason P. <Jason.Brinkley@calvertcountymd.gov>; Harris, Tay E. <Tay.Harris@calvertcountymd.gov>
Subject: RE: Comments on Proposed Master Plann

Ms. Ellen Waterhouse,

Thank you for concerns and comments regarding the update of the Prince Frederick Town Center Master Plan update and for your active participation in the update process.

Respectfully,
Kat Lockwood
Planner II, Long Range Planning
Department of Planning & Zoning
205 Main Street
Prince Frederick, MD 20678
(410)535-1600 Ext: 2335

From: ellenwaterhouse@verizon.net <ellenwaterhouse@verizon.net>
Sent: Friday, September 27, 2024 11:21 AM
To: Town Center Master Plan <TownCenterUpdate@calvertcountymd.gov>
Subject: Comments on Proposed Master Plann

This Message Is From an Untrusted Sender

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Calvert County is proposing a radical increase in housing density that will impact all who live here. This is being done largely through a rezoning of large areas of land surrounding the town centers. Currently these tracts are zoned for rural communities (RCD) which is described as a mixture of farms, forests and compatible residential uses. Under the new plan **almost all RCD** will be reclassified as residential districts (RD). Unlike the former RCD, RD Districts are neighborhoods within close proximity to town centers reserved for housing.

The County's zoning ordinance is so complex as to almost defy understanding. But in simple terms, consider the minimum lot area for single family houses in RCD is 3 acres--versus the minimum lot area in RD is 10,000 square feet (less than ¼ acre). That's correct, the new rules would allow a minimum of 10,000 square feet as long as the development is served by public water and sewer. It's unclear how the burden of upgrading the water system would fall upon the County's tax-paying citizens, but we can be sure they would be on the hook for ongoing maintenance. Even if public water and sewer is not available, the minimum lot area is 30,000 square feet; that's still less than 2/3 an acre.

In the above example the difference is between 3 acres and ¼ acre. Developers achieve this through the use of transfer development rights (TDRs). TDRs allow them to purchase the rights from landholders in the Agricultural District and employ them to reduce the minimum lot size required in the Residential District. According to the County, there are thousands of TDRs waiting to be used in the event of a change in the zoning ordinance.

In all of this, the importance of measuring the potential increase in the number of houses in Calvert County is paramount. County staff have been working on this for months; but complexities of the task have been overwhelming and as yet there are no results. Suffice it to say that there will be many more thousands of homes in the County than there are today.

All of this has far-reaching consequences for us. Of course, the first thing that comes to mind is traffic. I pity the commuters and others who have to fight the traffic on Route 4 every day. The addition of thousands of new homes will bring the daily commute to a standstill. But that is just the beginning. The pressure on public and private services is enormous. Roadways, schools, County services, and, as mentioned above, public water and sewer are all affected. But also, grocery stores, parking lots, gas stations, and every type of establishment for the public. It is impossible to increase the population without offering things people need in their daily lives. For many, the blight created along Route 4 is already repugnant—a necessary evil if you will. To compound it would stoop to new lows. We've seen this movie before in neighboring PG County, and who would wish that for Calvert?

Above all, it seems that our County is abandoning its stated mission of retaining its rural character. Some confusion has set in as to what “rural character” means. It just doesn’t go along with higher density housing, strip malls, widened roads, more passing lanes, sidewalks, bike lanes, bigger parking lots, high-intensity lighting, neon signs. Rural character is supposed to be the essential aesthetic, not something reserved for a few remote farms. You just can’t have it both ways, and once you lose it you can’t get it back.

From: Teresa Ruleman <teresa.ruleman@gmail.com>
Sent: Thursday, September 26, 2024 10:00 PM
To: Zone Ordinance Update
Subject: Public comment
Attachments: Ms Teresa Ruleman Public comment Letter dtd 25 Sept 2024.docx

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Please see the following attachment in reference to myPublic comment

Date: 25 September 2024

To: Members of Calvert County Planning and Zoning

From: Ms. Teresa Ruleman (Homeowner)
[REDACTED]
Lusby, MD. 20657

Subject: Heavy Industrial Zoning Amendments for Calvert County MD.

Attachments:

Esteemed members of The Calvert Count Planning and Zoning,

I am reaching out to you to you today as one of the many concerned homeowners who oppose the new proposed “Heavy Industrial Zoning Amendments” for Calvert County MD. in hopes you will support and represent the opposition along with those of us who reside within the CRE community.

The current proposed location for the “Heavy Industrial Area” resides on a piece of land that was donated with the intent of providing a park for the citizens. A critical risk to this proposed location would mean the children of our community will be playing in and subjected to close proximity pollution.

In the 2019 Comprehensive plan (pg. 3-27) Calvert County stated. that their *Goal* was to “Preserve the rural character of the county, its prime farmland, contiguous forests, cultural resources and environmentally sensitive areas” and that the *Objective* as stated in (3.4.4.1) was “to develop a plan to phase out rural commercial districts that are vacant or underutilized”. In section (3.4.4.2) it was stated “to restrict the expansion of rural commercial uses and to maintain a small scale rural character”.

Being that we already have the largest community in Calvert Co and the largest estuary, it questions the Objective, Goals, and Values presented in the 2019 Comprehensive Plan.

In regard to the properties owned by the county located by Appeal Elementary School, these properties are currently zoned light industrial, Rural community or Forest and farm. It is my understanding after attending the Planning and Zoning meeting on Sept. 8, 2024, that the county wants to clear and use this land as Heavy Industrial as opposed to the vacant and already cleared land located by Sweetwater. (currently zoned light industrial).

According to statements made by Mary Beth Cook (Sept. 18, 2024), at the P & Z MTG, *“the reason for not utilizing the already vacant property is partly due to the fact that it has Extra layers of State funding and that the Maryland Economic Development Commission must approve that lands' use due to the covenants that were attached to it many years ago”*.

Mary Beth Cook also stated that this *“would make it harder for approval of certain tenants to use the land”*.

The uses for Heavy Industrial are not provided in Article 18-11 listed in the new proposed Zoning packet. Mary Beth also mentioned *“the community was not happy about an asphalt plant and said we would have to see where that goes when this new zoning passes”* .

After a review, I do not see asphalt plants listed in the table as being allowed, but I do see in Table 18-1 that Data centers are listed. Is there a current plan to bring in a data center ? Do you have other measures in place if you were to build a data center ? It's my understanding that Data centers require a lot of water, land use and an extreme amount of power consumption.

In January 2017, Dr. Elliott Campbell of Maryland DNR spoke with The Calvert County Environmental Commission regarding methods for calculating a dollar value for Calvert ecosystems that would be lost to potential development. Utilization of these accounting methods is an important part of smart land use planning.

Referring back to article 8 Industrial Districts as referenced below,

C. Heavy Industrial District (I-2) The Heavy Industrial District (I-2) is intended to provide for a variety of energy production and associated uses as well as light manufacturing, fabricating, processing, distributing and warehousing uses. Industrial uses in this district may result in external effects such as smoke, noise, glare or vibration, and typically include outdoor storage and related outdoor activities.

This effort will absolutely have a negative effect on our community and the surrounding areas.

As a very concerned homeowner, I am asking for results, data, and final analysis for the below questions in a timely manner.

- Environmental Testing
- Is the current aquifer (Lusby/Parts of St. Marys) been confirmed to handle this?
- Does the county plan on using the existing waterways for cooling water if you were to allow data centers?
- Where will you get the power from ?
- Would diesel fuel be used as backup power?
 - o If so, how would that be supplied to this area?
- What steps can and would be taken to control and mitigate this pollution?
- Has a “full Cost” analysis been done on Heavy industrial zoning in our area?
- Include the actual or potential harm to the environment and/or to health as a result of producing and using goods.

We, the homeowners, feel inclusion and full disclosure would be a good starting point in moving forward. We ask that you take our concerns with respect and transparency from here on out.

Sincerely,
Teresa Ruleman

Attachment 1 – Table 18-1 – Outside Town Center Uses

INDUSTRIAL																			
Airport or Landing Field																		SC	Sec. 18-11.A
Agricultural/Seafood/Livestock Processing	C	C	C	C	C			C	C	C								C	Sec. 18-11.B
Asphalt Plant																			Sec. 18-11.C
Commercial Fuel Storage Business																		P	Sec. 18-11.D
Commercial Recycling Facility																		C	Sec. 18-11.E
Data Center																			SC
Distillation of Alcohol as a Fuel	P	P	C	C	C			C											Sec. 18-11.G

INDUSTRIAL CONTINUED

Table 18-1: Outside Town Center Uses																
P = Permitted // C = Permitted with Conditions																
S = Special Exception // SC = Special Exception with Conditions // SH = Section 18-2.A.8																
	H D	AP D	FF D	RCD	RND	WC D	RD	R C	M C	E C	I- MU	I-1	I-2	Definitions & Conditions		
Grain Elevator								C				P			Sec. 18-11.H	
Heliport			S						S		S	S	S		Sec. 18-11.I	
Landfill, Land-Clearing Debris			SC	SC	SC		SC							SC	Sec. 18-11.J	
Landfill, Rubble														SC	Sec. 18-11.K	
Landfill, Sanitary												C	C		Sec. 18-11.L	
Manufacturing and/or Assembly, Heavy															Sec. 18-11.M	
Manufacturing and/or Assembly, Light - Less than 7,500 sf of gross floor area	SH		SC					SC		P	P	P	P		Sec. 18-11.N	
Manufacturing and/or Assembly, Light - 7,500 sf or more of gross floor area											P	P	P		Sec. 18-11.N	
Manufacturing and/or Assembly, Marine-Related									P		P	C	C		Sec. 18-11.O	
Power Generating Facility, Commercial			SC	SC							S	S	S		Sec. 18-11.P	
Research and Development Facility									C	C	P	P	P		Sec. 18-11.Q	
Salvage and/or Junk Yard												S	P		Sec. 18-11.R	
Sand, Gravel or Mineral Extraction and Processing												SC	C		Sec. 18-11.S	
Sand, Gravel or Mineral Extraction - No Processing		SC	SC					SC				SC	C		Sec. 18-11.T	
Sawmill, Commercial	SH		SC									SC	P		Sec. 18-11.U	
Solar Energy Generating Systems, Major			C	C							C	C	C		Sec. 18-11.V	
Solar Energy Generating Systems, Minor			C	C	C		C				C	C	C		Sec. 18-11.W	
Storage of Machinery & Equipment in Connection with Excavating and/or Contracting Business												C	C		Sec. 18-11.X	
Wind Energy System, On-Site Service Only			C	C	C	C	C	C	C	C	C	C	C		Sec. 18-11.Y	

Attachment 2 – Table A8 – Industrial Districts

Draft
August 2024

Article 8. Industrial Districts

- 8-1 PURPOSE
- 8-2 USES
- 8-3 MINIMUM STANDARDS

8-1 PURPOSE

The Industrial Districts give preference to industries, offices, commercial services, wholesale, energy production, and marine-related businesses. Providing appropriate locations for these uses will help ensure they have the infrastructure they require and will also help to reduce the potential for conflicts and negative impacts that can be associated with some commercial and industrial uses. These districts provide space specifically for targeted industries such as high-technology firms and research industries. The intent is to allow limited retail and service uses in some of these districts and to reserve adequate and flexible space for high-revenue-generating uses that provide high-quality jobs for County residents. Design standards can further help minimize conflicts between uses, allowing for more mixed-use development that can enhance economic opportunity.

A. Industrial Mixed-Use District (I-MU)

The purpose of the Industrial Mixed-Use District (I-MU) is to provide for a mix of light industrial uses and compatible commercial uses such as recreation, entertainment, and retail establishments in part to promote the reuse of older, industrial structures that may no longer be suitable for their original purposes.

B. Light Industrial District (I-1)

The Light Industrial District (I-1) is intended to provide for a variety of light manufacturing, fabricating, processing, distributing, and warehousing uses. Light industrial uses are low-intensity uses with minimal, if any, outside impacts.

C. Heavy Industrial District (I-2)

The Heavy Industrial District (I-2) is intended to provide for a variety of energy production and associated uses as well as light manufacturing, fabricating, processing, distributing and warehousing uses. Industrial uses in this district may result in external effects such as smoke, noise, glare or vibration, and typically include outdoor storage and related outdoor activities.

8-2 USES

Article 18 and Table 18-1 of this Ordinance lists allowed principal, accessory, and temporary uses in the Industrial Districts.

8-3 MINIMUM STANDARDS

Table 8-1: Industrial Districts Minimum Standards establishes the permissible lot area, lot width, and setbacks for the Industrial Districts. See Article 2 of this Ordinance for related definitions and measurement standards.

Table 8-1: Industrial Districts Minimum Standards	
	I-MU, I-1, and I-2
Minimum Lot Area	N/A
Minimum Lot Width at Front Building Restriction Line	N/A
Minimum Front Setback: MD 2, 4, 2/4, 260, 261, 263, 231	100'
Minimum Front Setback: Local Roads	35'
Minimum Front Setback: All Other Roads	50'
Minimum Side Setback	50'
Minimum Rear Setback	50'

[REDACTED]

From: Terry W Singer <terrysinger@comcast.net>
Sent: Friday, September 27, 2024 11:56 AM
To: Zone Ordinance Update; Hance, Earl F.; Hart, Michael R.; Grasso, Catherine M.; Ireland, Todd M.
Subject: Heavy Industrial Zoning Amendments for Calvert County Maryland
Attachments: PLANNING COMMITTEE.docx

This Message Is From an Untrusted Sender

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To The Addressees Above:

Attached is a letter from me regarding the proposal to rezone a portion of Lusby, Maryland, a Heavy Industrial Zone, when in fact, the land was donated by Dominion Resources for use as a Park for the citizens of Calvert County. Isn't it bad enough that the gas plant was permitted to be built with dirty emissions exception credits and we have to live with that here in Lusby. And now you want more industry in our area. That's just not right.

R/
Terry W. Singer
Lusby, Maryland

Date: September 27, 2024

To: Members of Calvert County Planning Committee

From: Terry W. Singer

[REDACTED]
Lusby, Maryland, 20657-2412

terrysinger@comcast.net
[REDACTED]

Subject: Heavy Industrial Zoning Amendments for Calvert County Maryland

Attachments

Esteemed members of The Calvert Count Planning Committee:

I am reaching out to you to you today as one of the many concerned homeowners of Calvert County who oppose the new proposed “**Heavy Industrial Zoning Amendments**” for Calvert County, Maryland, in an attempt to garner your support and the opposition to this Amendment, along with those of us who reside in the Lusby community.

The current proposed location for the “Heavy Industrial Area” resides on a piece of land that was donated Dominion Resources Gas Plant with the intent of providing a park for the citizens of the County. A critical risk to this proposed location would mean the children of our community will be playing in and subjected to close proximity pollution.

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Section (3.4.4.2) states, “to restrict the expansion of rural commercial uses and to maintain a small scale rural character.”

In that Lusby already has the largest community in Calvert County and the largest estuary, it begs to question the Objective, Goals, and Values presented in the 2019 Comprehensive Plan.

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Draft
August 2024

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C. Heavy Industrial District (I-2)

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8-2 USES

Article 18 and Table 18-1 of this Ordinance lists allowed principal, accessory, and temporary uses in the Industrial Districts

8-3 MINIMUM STANDARDS

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Minimum Front Setback: Local Roads	35'
Minimum Front Setback: All Other Roads	50'
Minimum Side Setback	50'
Minimum Rear Setback	50'

From: Susan T. Ford <Ford@CouncilBaradel.com>
Sent: Friday, September 27, 2024 11:58 AM
To: Zone Ordinance Update
Subject: August, 2024, Zoning Ordinance Update Comments re: Marine and Water-Dependent Facilities regulations

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This message came from outside your organization.

Attached please find comments to the August 2024 draft zoning ordinance pertaining to the harbor line encroachment variance process in the Marine and Water-Dependent Facilities regulations. Please feel free to contact me with any comments. Susan Ford

The proposed amendment to Section 23-2 to allow a potential encroachment to the established harbor line through the Board of Appeals variance process is welcome. The proposed amendment verbiage and the Usable Waterway Area and Setback provisions could be clarified, however.

Proposed amendment 23-2 (3). There are multiple types of variance processes with different standards administered by the Board of Appeals such as general, Critical Area, floodplain etc. Presumably the proposed verbiage refers to the Zoning Ordinance 11-1.01(A) general variance standard. The proposed Code amendment should specify the applicable (i.e., general variance) standard.

Proposed amendment 23-2 (A)(3)(a). "Harbor lines may only be encroached when the harbor line in conjunction with water depth prevents docking within the useable waterway area." This does not take into account the situation where existing docking is being eliminated through shoreline improvements such as a living shoreline. The language could read "Harbor lines may be encroached when the shoreline is altered for environmental benefit and existing docking is eliminated from the useable waterway area by the shoreline improvement project."

Proposed amendment 23-2(A)(3) (f) and (h). When read together, it appears that in (f), a plat which depicts the approved harbor line encroachment requires the signatures of all the owners of the lots or parcels "affected by the change". "Affected property owners" in (h) is proposed to be defined as "everyone upstream unless determined otherwise by the Zoning Officer with consultation from Environmental staff." The term "everyone upstream" is extremely vague and unworkable in that getting signatures of potentially hundreds of upstream property owners on a plat would be untenable, even if the variance proceeding was successful. The better process would be to either rely on the notice provisions already in place for variance proceedings before the Board of Appeals which requires newspaper publication, posting the property (posting could be required both at the road and at the waters or existing docks edge) and advance hearing notice to affected property owners (defined by the Board as adjoining or directly across the road) and thus to require only the landowner and Planning Commission signatures on the plat, and/or to be more specific about the encroachment variance notice provisions, possibly requiring notice of the variance to all lot owners on both sides of the stream within 300 feet or the like.

Existing Code 23-5. The "Usable Waterway Area" is defined as the area enclosed by the harbor line, shoreline and lateral lines." This is inconsistent with an approved harbor line encroachment. This should be amended to state

the “Usable Waterway Area” is defined as “the area enclosed by the harbor line, or as applicable, an approved encroachment to the harbor line, the shoreline and lateral lines.”

Existing Code 23-5 (D)(1). This section requires a harbor line setback of ten feet from the harbor line. This is inconsistent with an approved encroachment to the harbor line. This should be revised to state that: “Any piers, T heads, L head, mooring piles, mooring and/or anchorages shall be set back at least ten feet from the harbor line, unless a harbor line encroachment is approved, and then no further than the approved encroachment, to assure that no moored vessel or permanent or temporary obstruction extends beyond the harbor lines, unless otherwise approved to do so via an approved harbor line encroachment.”



Susan T. Ford, Esquire

████████████████████
Annapolis, Maryland 21401
████████████████████

Ford@CouncilBaradel.com
www.CouncilBaradel.com

This email, and any attachments hereto, contains information that may be confidential or privileged. If you received this email in error please notify us and delete the email from your system.

From: Julie Sickle <sicklebarn@gmail.com>
Sent: Friday, September 27, 2024 1:34 PM
To: Zone Ordinance Update
Cc: MacAdams, Kathy L.; Mackall, Judy J.; Megan Rollins
Subject: Public Comment on Zoning Updates

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Planning & Zoning,

Thank you. I started working with Judy Mackall and Kathy MacAdams in May, 2023 to ask for zoning changes important to small businesses and non-profit organizations in our county. I reviewed the draft zoning ordinance for comment. The changes are included.

The draft ordinance allows for farms in a rural community district to hold a limited number of public events per calendar year. This will allow small businesses like ours to support local non-profit organizations in holding fundraising events. This is so beneficial to the residents of our county.

Again, thank you for helping us. You are appreciated.

With gratitude,

Julie Sickle
Owner of The Barn at Pleasant Acres

From: bulaforever <bulaforever@comcast.net>
Sent: Friday, September 27, 2024 2:07 PM
To: Zone Ordinance Update
Cc: Hance, Earl F.; Hart, Michael R.; Grasso, Catherine M.; Ireland, Todd M.
Subject: Draft Zoning Ordinance Changes
Attachments: Lusby Heavy Industrial.pdf

This Message Is From an Untrusted Sender

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Re: Proposed Draft Zoning Ordinance Changes to Heavy Industrial in Lusby MD - Public Comments

Please see attached for my comments to the Board of Commissioners and Planning Commissioners in regards to Heavy Industrial rezoning

Thank you

Sent from my Verizon, Samsung Galaxy smartphone

September 26, 2024

Re: Proposed Heavy Industrial Rezoning in Lusby Article 8: Section 1-3; Section 18 Uses Special Exceptions and Removal of Architectural Review Committee

Dear BOCC members and P&Z members,

I am writing to you all about several issues today.

The proposed zoning changes in Article 8: Section 1-3 and “Section 18 Uses - Special Exceptions – Data Centers” by our County Planning Commissioners will affect not only Lusby, but all of Southern Maryland. I am greatly concerned about the proposed rezoning of approximately 447 acres of land on Sweetwater Rd by our current landfill in Lusby. The Planning Commission has proposed that this land be rezoned as Heavy Industrial. Until now our entire county has had no land zoned as Heavy Industrial and for good reason. But now they want to rezone two areas in Lusby as Heavy Industrial with a combined acreage of approximately 1400.

There was originally mention of an Asphalt Plant which would be horrific environmentally for us, but now it has come to light that it may actually be a very large, hyperscale Data Center instead; see “Article #18 Uses” Special Exceptions for District 1-2 in August 2024 Zoning Draft Ordinance . While that may sound great on the surface, you just have to dig a little deeper to find out how detrimental a data center is in reality for rural towns like ours.

To start, CRE and Lusby Town (in Calvert & St Mary's) both use the same aquifer as their primary source of water. Data Centers use massive amounts of water through cooling processes to prevent servers from overheating and indirectly through electricity generation. An average data center consumes approximately 450,000 gallons of water per day. Where will this data center be sourcing its water from? The entirety of Southern Maryland relies solely on ground water and is nearing its capacity per multiple studies.

Then we have Energy Use; per the U.S. Department of Energy, data centers are one of the most Energy intensive buildings, consuming up to 50 times as much energy per floor space of a typical commercial office building. There is also the issue of green house gasses/emissions during not only its use, but also during the construction phase. And finally, when it comes to this massive use of electrical power needed to run such a large scale data center, can Smeco truly cover all of this? We already have peak power issues. If they use generators instead of Smeco, generators emit pollutants like particulate matter, nitrogen oxides, and ozone, which can harm human, animal, and plant health. Some of these pollutants are considered carcinogens. Calvert County already has high cancer rates. See here: "The 2017 Calvert County Community Health Needs Assessment indicates that, compared to the country as a whole and other counties in Maryland, Calvert has both a higher incidence and higher death rate for cancers of the breast, prostate and lung. These three cancer types account for 60 percent of all cancer deaths in Calvert; colorectal cancer and skin cancer round out the top five for the country. If the Nuclear Power Plant provides the main power instead, the generators will be running the first line of backup power.

Next, let's move on to some more pollution issues for us here - electronic and toxic waste. E waste. Toxic Metals from electronic equipment. Where will the data centers E waste end up? Our landfill? How about the lithium batteries from their backup battery supply power for their servers? These batteries are highly explosive, do not decompose and we only have a limited amount of landfill space. Will this company be paying for a separate Fire station and Hazmat Unit? These Centers have fires frequently.

Finally, in 2019 Calvert County's Comprehensive Plan objectives included the words "rural and country". And stated to, "Phase out Commercial Districts that are vacant and underutilized"; to "Maintain small scale rural character". See:(pg. 3-27) *Goal* was stated to "Preserve the rural character of the county, its prime farmland, contiguous forests, cultural resources and environmentally sensitive areas" and that the *Objective* as stated in (3.4.4.1) was "to develop a plan to phase out rural commercial districts that are vacant or underutilized". In section (3.4.4.2) it was stated "to restrict the expansion of rural commercial uses and to maintain a small scale rural character". Lusby is the smallest town in the smallest county in Maryland. We are also the most densely populated town in our county. The very last thing we need is Heavy Industrial here. Or can afford in terms of land use, water use, electrical use and environmentally.

I'd like to close by addressing the removal of the Architectural Removal Committee which was discussed during the P&Z meeting on September 18, 2024 starting at minute mark 39:08 and does not appear to be in any updated draft anywhere. Mary Beth Cook states, by request of one of the Planning Commissioners, that the entire Citizens' Architectural Review Committee is being removed due to the fact that they can rarely get enough participation to meet the quorum requirements and that this delays the P&Z work on the commission. I was under the belief that without a quorum everything automatically reverts back to the P&Z staff; is this not the case? If true then there is no need to remove the citizens review committee. At the very least if this is not case and you can not move forward with issues without the committee's quorum, it would be my hope that the commission might instead reach out to the public regarding this issue before doing away with the committee in one fell swoop.

Thank you for your time,

Lilly Herzen

Lusby Resident since 1990

From: Maria Van der Vossen <mvandervossen@hotmail.com>
Sent: Friday, September 27, 2024 6:43 PM
To: Zone Ordinance Update; Hance, Earl F.; Hart, Michael R.; Grasso, Catherine M.; Ireland, Todd M.
Subject: Rezoning of Lusby

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

I was extremely disappointed to read in the paper today that Calvert County is considering rezoning several properties in the Lusby area to Heavy Industrial Districts. When I first came to Calvert County to teach and then live 28 years ago, I was amused by the perception of Lusby residents that the southern portion of the county was perpetually overlooked and mistreated in favor of the north. They told stories of injustices going back decades. Since moving here I have witnessed the callous disregard of the County Commissioners for the southern end of the county and it is no longer so amusing. Dominion has been allowed to expand several times despite the objections of the residents of Lusby. The county plans to proceed with Lusby Villas even though the local community is opposed. Now, the plan is to rezone several areas as heavy industrial districts without the approval of those that would be most affected. I would hope that our elected officials would consider all of the ramifications of such a decision and would, most importantly, listen to the opinions of those who live close by.

Maria Van der Vossen

From: Board VicePresident <vicepresident@poacre.org>
Sent: Friday, September 27, 2024 2:03 PM
To: Zone Ordinance Update; willhager@calvertcountymd.gov
Cc: Mackall, Judy J.; O'Shea, Rachel D.
Subject: Fw: Letter
Attachments: POACRE Letter 2024 Calvert County Draft Zoning Ordinance.pdf

This Message Is From an External Sender

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September 27, 2024

Mr. Will Hager

Planner III/Zoning

Calvert County Government

Planning and Zoning

Courthouse Square Building

2nd Floor, 205 Main Street

Prince Frederick, Maryland 20678

RE: Public Comment on Second Draft of Zoning Ordinance and Map Update

We hope that this finds you well. Attached is a letter approved by a large majority of the POACRE Board of Directors.

As you probably know, the Property Owners Association Chesapeake Ranch Estates (POACRE) consists of nearly 11,000 residents and around 5,000 Lots. We thought it important to provide feedback on the second draft of zoning ordinance and map update. Straight off, we can tell you that we are impress with the draft zoning map. Our only comment is that, while zeroing in on a street or court, it seems to lock into a brownish orange pattern for an extended period of time.

In reviewing the draft zoning update's **Article 8, Section C** – Heavy Industrial District in District 1, we are concerned with the rezoning of hundreds of acres of land into an industrial area near the Appeals Landfill. Obviously, there are numerous known health concerns when it comes to the addition of an industrial area where there was none. Simply for this reason, we are opposed to having this area be rezoned to a heavy industrial district.

In reviewing the draft zoning update's **Article 18, Section F and F1** – Uses, this section calls for a Data Center(s) in District 1. There has been well documented concern about adding a data center to a local community. Drawing from Wikipedia: “Data Center’s Impact on electricity prices – Cryptomining and the artificial intelligence boom of the 2020's has also led to increased demand for electricity, that the IEA expects could double global overall data center demand for electricity between 2022 and 2026.

The US could see its share of the electricity market going to data centers increase from 4% to 6% over those four years. Bitcoin used up 2% of US electricity in 2023. This has led to increased electricity prices, particularly in regions with lots of data centers like Santa Clara, California and upstate New York. Data centers have also generated concerns in Northern Virginia about whether residents will have to foot the bill for future power lines. It has also made it harder to develop housing in London. A Bank of America Institute report in July 2024 found that the increase in demand for electricity due in part to AI has been pushing electricity prices higher and is a significant contributor to electricity inflation.” We are aware that some data centers operate primarily using generators. Whether it is dedicated electricity or generators, with a significant carbon footprint, we are opposed to a data center in Lusby.

Lastly, we would like to address the proposed removal of the Lusby Architectural Review Committee as it pertains to the Lusby Town Center. Although it cannot be found in the draft zoning update, during the September 18, 2024 Planning and Zoning meeting at 39:04, Director Mary Beth Cook commented that the Board of County Commissioner instructed staff to remove ARCs hoping to streamline the process. With County staff consistently pointed out that there is a lack of citizen involvement, why do away with citizen involvement? More importantly, we were under the impression if there is a lack of quorum for an ARC, the decision automatically goes to staff. So, what is the true harm in maintaining the ARCs? Why not keep the Lusby ARC and seek new members willing to attend meetings?

Should you have any questions, please contact us at vicepresident@poacre.org. We look forward to hearing from you.

Thank you,

Edward Holland (for the full Board of Directors)
Vice President



Attachment



PROPERTY OWNERS ASSOCIATION CHESAPEAKE RANCH ESTATES
395 Clubhouse Drive, Lusby, Maryland 20657

Travis Scott – *President*
Edward Holland – *Vice President*
Regine Wunder – *Treasurer*
Troy Anthony Anderson – *Director 1*
Anthony Foppiano – *Director 2*

September 27, 2024

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Planner III/Zoning
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Should you have any questions, please contact us at vicepresident@poacre.org. We look forward to hearing from you.

Thank you,

Board of Directors

From: Edward Holland <hollandnmd@aol.com>
Sent: Friday, September 27, 2024 2:15 PM
To: Zone Ordinance Update; Hager, George W. "Will"
Cc: Mackall, Judy J.; rachel.oshea@calvercountymd.gov
Subject: POACRE's Comments / Calvert County Second Draft of Zoning Ordinance Due September 27, 2024
Attachments: POACRE Letter 2024 Calvert County Draft Zoning Ordinance.pdf

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PROPERTY OWNERS ASSOCIATION CHESAPEAKE RANCH ESTATES

395 Clubhouse Drive, Lusby, Maryland 20657

Travis Scott – *President*
Edward Holland – *Vice President*
Regine Wunder – *Treasurer*
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September 27, 2024

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Planner III/Zoning
Calvert County Government
Planning and Zoning
Courthouse Square Building
2nd Floor, 205 Main Street
Prince Frederick, Maryland 20678

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Thank you,

Ed

Edward Holland
Vice President (for the full Board)
vicepresident@poacre.org

PROPERTY OWNERS ASSOCIATION CHESAPEAKE RANCH ESTATES
395 Clubhouse Drive, Lusby, Maryland 20657



----- Forwarded Message -----

From: Board VicePresident <vicepresident@poacre.org>

To: ZOupdate@calvertcountymd.gov <zouupdate@calvertcountymd.gov>; willhager@calvertcountymd.gov <willhager@calvertcountymd.gov>

Cc: judy.mackall@calvertcountymd.gov <judy.mackall@calvertcountymd.gov>; rachel.oshea@calvertcountymd.gov <rachel.oshea@calvertcountymd.gov>

Sent: Friday, September 27, 2024 at 02:03:04 PM EDT

Subject: Fw: Letter

September 27, 2024

Mr. Will Hager

Planner III/Zoning

Calvert County Government

Planning and Zoning

Courthouse Square Building

2nd Floor, 205 Main Street

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Vice President



Attachment



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