



Maryland DEPARTMENT OF PLANNING

September 14, 2023

Mayor Abidal W. McNinch
Town of Denton
4 N. Second Street
Denton, MD 21629

Dear Mayor McNinch:

Thank you for the opportunity to comment on the draft 2023 Town of Denton Comprehensive Plan. (Plan). The Maryland Department of Planning (MDP) believes that good planning is important for efficient and responsible development that adequately addresses resource protection, adequate public facilities, housing, community character, and economic development. Please keep in mind that Planning's attached review comments reflect the agency's thoughts on ways to strengthen the Plan, as well as satisfy the requirements of Maryland's Land Use Article.

MDP forwarded a copy of the Plan to several State agencies for review, including: the Maryland Historical Trust and the Departments of Transportation, Environment, Natural Resources, Commerce, Department of Disabilities, and Housing and Community Development. To date, we have received comments from the Departments of Environment Housing and Community Development, and these comments have been included with this letter. Any plan review comments received after the date of this letter will be forwarded upon receipt.

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

Please feel free to contact me or David Dahlstrom, Eastern Shore Regional Planner at david.dahlstrom@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles W. Boyd".

Charles W. Boyd, AICP
Director, Planning Coordination

Enclosures: Comments on the draft 2023 Town of Denton Comprehensive Plan

cc: Joseph Griffiths, AICP, Manager - Planning, Local Assistance and Training
David Dahlstrom, AICP, Regional Planner, Planning



**Maryland Department of Planning
Review Comments
September 14, 2023
Town of Denton 2023 Draft Comprehensive Plan**

The Maryland Department of Planning (MDP) received the draft 2020 Town of Denton Comprehensive Plan (Plan) from the town on July 3, 2023. These comments are offered as suggestions to improve the Plan and better address the statutory requirements of the Land Use Article. Other state agencies, as noted below, have contributed comments and others may submit comments separately. If comments are subsequently received by MDP, the department will forward them to the town.

Plan Summary

The Plan is an update to the town's 2010 Denton Comprehensive Plan. The Plan generally updates the data from the 2010 Comprehensive Plan with new data and continues to implement similar plan goals and policies. There are no changes to the town's municipal growth area and the town continues to promote growth and economic development through infill development and on vacant lands already within the town and adjacent planned growth areas. In the Plan's Future Land Use Plan Element, the town is commended for integrating the Transect Zone concepts from the Denton Pattern Book as a Plan implementation and placemaking tool. Transect Zones can be useful in established context sensitive development standards and character of development through corresponding amendments to the Denton Zoning Ordinance. MDP regional staff is available to assist the town with evaluating changes to the Denton Zoning Ordinance, such as, the cottage housing and parking reforms, identified on pages 171-172.

Plan Implementation Progress

As noted on page 6, the town is reminded of its responsibility to submit a [5-year mid-cycle review report](#), which is described in Land Use Article Section 1-207(c)(6). This report will be due approximately 5-years from the adoption date of this Plan. The purpose of the report is to evaluate the progress being made to plan implementation strategies. The town is encouraged to ensure that Plan implementation objectives and strategies can be incrementally measured for progress at that time.

Maryland State Visions – Synopsis

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

Plan Analysis

Chapter 1, Introduction, pages 3-4, summarizes the twelve state visions and recognizes that the town's planning has been guided by the twelve state visions. The Vision for the Town of Denton is also contained on page 1:

"Denton will be an innovative, healthy, safe, well-balanced community that protects its historical integrity, preserves its unique natural resources, enhances its economic vitality, and maintains its unique small-town character. Denton's population will increase at an acceptable rate consistent with the ability of the Town and County to provide essential services and facilities."

MDP recommends that the town consider referencing the twelve visions elsewhere in the Plan, including how the comprehensive plan elements, goals, and objectives, and policies advance them.

Minimum Planning Requirements for Municipalities

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

Checklist of Maryland Code (Land Use Article) Element Requirements for Non-Charter Counties and Municipalities			
Comprehensive Plan Requirements	MD Code Reference	Additional MD Code Reference	Draft Denton Comprehensive Plan
(1) A comprehensive plan for a non-charter county or municipality must include:	L.U. § 3-102(a)		
(a) a community facilities element	L.U. § 3-102(a)(1)(i)	L.U. § 3-108 -- Community facilities element.	Chapter 4 – Community Facilities, p. 39
(b) an area of critical state concern element	L.U. § 3-102(a)(1)(ii)	L.U. § 3-109 -- Areas of critical State concern element	Chapter 6 – Chesapeake and Atlantic Coastal Bays Critical Area, p. 70
(c) a goals and objectives element	L.U. § 3-102(a)(1)(iii)	L.U. § 3-110 -- Goals and objectives element	Throughout and Chapter 12, Plan Implementation, p. 167
(d) a housing element	L.U. § 3-102(a)(1)(iv)	L.U. § 3-114 -- Housing element SB-687(2021)	Chapter 10 – Housing, p. 138
(d) a land use element	L.U. § 3-102(a)(1)(v)	L.U. § 3-111 -- Land use element	Chapter 3 – Land Use Plan, p. 19
(e) a development regulations element	L.U. § 3-102(a)(1)(vi)	L.U. § 3-103 -- Development regulations element	Chapter 12 – Plan Implementation, p. 167
(f) a sensitive areas element	L.U. § 3-102(a)(1)(vii)	L.U. § 3-104 -- Sensitive areas element	Chapter 1 – Introduction, p. 4; Chapter 6 – Natural Resources and Sensitive Areas, p. 69
(g) a transportation element	L.U. § 3-102(a)(1)(viii)	L.U. § 3-105 -- Transportation element	Chapter 8 – Transportation Plan, p. 111

Checklist of Maryland Code (Land Use Article) Element Requirements for Non-Charter Counties and Municipalities			
Comprehensive Plan Requirements	MD Code Reference	Additional MD Code Reference	Draft Denton Comprehensive Plan
(h) a water resources element	L.U. § 3-102(a)(1)(ix)	L.U. § 3-106 -- Water resources element	Chapter 7 – Water Resources Element, p. 90
(i) a mineral resources element, IF current geological information is available	L.U. § 3-102(a)(2)	L.U. § 3-107 -- Mineral resources element	N/A
(j) for municipalities only, a municipal growth element	L.U. § 3-102(a)(3)	L.U. § 3-112 -- Municipal growth element	Chapter 5 – Municipal Growth Element, p. 52
Optional: (2) A comprehensive plan for a non-charter county or municipality MAY include: (a) a community renewal element; (b) a conservation element; (c) a flood control element; (d) a natural resources element; (e) a pollution control element; (f) information concerning the general location and extent of public utilities; and (f) a priority preservation area (PPA) element	L.U. § 3-102(b)	L.U. § 3-102(b)(2)(i)	Chapter 6 – Natural Resources and Sensitive Areas, p. 69
(3) Visions -- A local jurisdiction SHALL through the comprehensive plan implement the 12 planning visions established in L.U. § 1-201	L.U. § 3-201(c)	L.U. § 1-201 -- The 12 Planning Visions	Chapter 1 – Introduction, p.1
Optional: (4) Growth Tiers -- If the local jurisdiction has adopted growth tiers in accordance with L.U. § 1-502, the growth tiers must be incorporated into the jurisdiction's comprehensive plan	L.U. § 1-509		Tier Map adopted but not incorporated.

Conformance with Section 3-102 of the Land Use Article

The following analyzes whether the draft Plan meets the requirements of the municipal comprehensive plan elements, in accordance with the Land Use Article.

1. Introduction – Chapter 1

Plan Analysis

Comment 1: Page 3 - Legal Basis for Planning

In addition to the various elements listed in the paragraph, in 2019, HB 1045 created a new requirement to prepare a housing element to address ‘Workforce Housing’ and ‘Low-Income Housing’ assessments. In 2021, HB 90 expanded this requirement to address ‘Fair Housing’. These requirements should be listed in the summary of changes to the Land Use Article, and the comprehensive plan should be updated to address these requirements. MDP has prepared a Models & Guidelines, as well as several help topics and resources available on the MDP website at:

<https://planning.maryland.gov/Pages/OurWork/housing-element-mg/housing-element-home.aspx>

Comment 2: Page 5 – Sustainable Growth and Agriculture Preservation Act (2012)

This paragraph includes a summary of the Growth Tiers legislation. The town approved a Growth Tier in August 2012. A growth tiers map is to be incorporated into a comprehensive plan update. The growth tiers map is not included in the draft Plan. In a letter to MDP, dated September 6, 2012, the town indicated that it would incorporate a Tier Map in the Plan update. See additional comments in Section 11 – Tier Map.

Comment 3: Page 6 – Other Changes

In addition to updating the comprehensive plan every 10 years, the legislation intended the 10-year review cycle to coincide with the release of decennial census data. However, with delays caused by COVID-19, the census data has been slow to be released. The 2020 data for the Town of Denton is now available. The town should consider utilizing this available data for this comprehensive plan update.

Comment 4: Page 6 – Other Changes

We appreciate your Planning Commission’s participation in the online training that is available. We encourage the Planning Commissioners, and Board of Appeal members to attend the Maryland Planning Commissioners Association (MPCA) [Conference](#), to be held October 24-26, 2023, on Kent Island.

Comment 5: Page 6 – Other Changes

The town is commended for submitting its Local Jurisdictional Annual Report each year since the requirement’s inception.

Comment 6: Page 6 – Other Changes

As also described above, the town’s [5-Year Mid Cycle Report](#) will be due 5-years from the adoption of this plan, presumably 2028. The purpose of the 5-Year Mid Cycle Report is to evaluate the status of plan implementation, such as, the new policy statement four, on page 21, to ‘assess regulations for their impact on infill and redevelopment investment’.

MDP maintains a schedule of comprehensive plan updates, annual reporting, and mid-cycle reporting requirements located at:

https://planning.maryland.gov/Documents/OurWork/compplans/COMP_PLAN_SCHED_MuniRev6_22.pdf

Comment 7: Page 6 – Components of a Growth Management System

The town is commended for incorporating the use of transects to establish the use of design criteria for each of the transect zones. The town should consider including the Denton Pattern Book as a supporting document in the Plan Appendix, as the Denton Pattern Book is identified as a supporting tool and reference document.

As such, the Denton Pattern Book establishes specific titles for each of the town's transect zones, (e.g. Urban Core (T6), Urban Center (T5), General Urban (T4), Sub-Urban (T3), Rural (T2), and Natural (T1)), however, the relationship between the transect zone titles and similar planning district titles (e.g. Courthouse Square and Downton Market Street (T6), In-Town Neighborhood (T5), Fifth Avenue (T4), South Second Street (T4/T3), and Edge of Town (T4/T3)), is confusing. For example, pages 28-35, describes planning districts and say what transect is associated with each, but the Plan says the Suburban Use District belongs in both the T-3 Suburban Transect Zone and the T-2 Rural Transect Zone, page 31.; the Rural Reserve District is also part of the T-2 Rural Transect Zone, page 35, but not the T-1 Rural Reserve Transect. In other words, the Rural Transect Zone is not part of the Rural Reserve Transect Zone. It would reduce confusion if the associated transect zones could be shown in the planning districts in the legend for Map 3-3, Land Use Plan, page 30.

2. Chapter 2 – Community Characterization

Comment 1: Table 2-1: Denton Population as a percent of Caroline County, should include the year 2018 American Community Survey (ACS) documentation as a new table column. The 2018 data is listed in the text on page 10, and a source in the table's footnote. However, the 2018 data is not included in the table for the Town of Denton or Caroline County. Alternatively, the town should incorporate the 2020 Census Data and remove the source reference to ACS. Similar updates should be considered for the remaining Tables 2-2 through 2-26, and their corresponding text.

Comment 2: Consider using 2020 Census data rather than 2010, as well as more current ACS data to give a more accurate picture of town demographics and provide consistency across different population characteristics. In the same vein, updated housing data is recommended to reflect the effects of COVID-19 on the market.

3. Development Regulations Element – Chapter 12 - Synopsis

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

Plan Analysis

Many of the Plan's elements contain a set of Goals, Objectives, and Policies (GOPs). In addition, the town has a Plan Implementation Element – Chapter 12, that sets guidelines for many of the Plan's Elements.

Comment 1: The guidelines included in the Plan Implementation Element are similar, but not inclusive of the various GOPs included in the individual Plan Elements. Consider integrating the GOPs in each individual Plan Element into the Plan Implementation Element. Furthermore, in general, each Plan Objective should include at least one Plan Objective and a Plan Policy. For several of the Plan's Goals, there is not a corresponding Objective or Policy. This may help to streamline review of the Plan during the town's 5-Year Mid Cycle Review process.

4. Housing Element – Chapter 10 - Synopsis

The housing element is required to address the need for housing within the jurisdiction that is affordable to low-income and workforce households. The housing element is required to also assess fair housing (HB 90, 2021), and ensure that a jurisdiction is affirmatively furthering fair housing through its housing and urban development programs.

Plan Analysis

The Housing Element has been updated with new US Census and/or ACS data. The town acknowledges that housing affordability is an issue for the town and region. On pages 147-148, the town outlines ten strategy recommendations that impact the provision of affordable housing. The town is commended for using the Area Median Income (AMI) calculator that MDP developed as part of its [Housing Element Models & Guidelines](#), in combination with ACS data, to effectively address the need for affordable housing in Denton.

Comment 1: The fair housing requirements/language which HB 90 (2021) added to [Land Use Article Section 3-114](#) is not addressed in this Plan. This new legislation does not define what an assessment of fair housing entails, but MDP has developed [this webpage](#), which describes available fair housing resources and best practices and how jurisdictions might consider using them in their housing elements. It includes a section on data and mapping resources which may help you with a quantitative assessment. It also includes self-assessment and community engagement questions which you might use (or expand upon) to conduct a qualitative assessment of fair housing in Denton. MDP is still developing more HB 90 resources. The town should address this new requirement in this Plan update and include a plan objective/policy to complete this assessment within the planning horizon.

DHCD also developed this [AFFH survey](#) to help jurisdictions that need to meet the DHCD reporting requirements of HB 90, which are separate from the housing element requirements. The survey does not equate to completing a fair housing assessment, but it does include many fair housing questions and opportunities that could be part of such an assessment.

Through either or both quantitative and qualitative analysis, your housing element should assess the state of fair housing in your community and any impediments to it. Below are some guidance/examples on how data and stakeholder input could inform a Racially or Ethnically Concentrated Areas of Poverty (R/ECAP) analysis, as well as some options for the analysis itself.

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

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

2. Racially or Ethnically Concentrated Areas of Poverty (R/ECAPS): US HUD defines r/ecaps in *metropolitan areas* as census tracts with a non-white population of 50 percent or more and a poverty rate of 40 percent or more (or a poverty rate that is three or more times the average tract poverty rate for the metropolitan area, whichever threshold is lower). For rural areas, HUD lowers the non-white percentage threshold to 20 percent.

3. Disparities in access to opportunity: Areas within the community/jurisdiction that provide access to opportunity, such as good schools, medical facilities, employment centers, positive public health outcomes, and low crime rates. A fair housing assessment would consider if protected classes have less access to such areas.

4. Disproportionate housing needs: An analysis considering whether certain areas or populations within a community, particularly protected classes, have disproportionate housing needs than other areas or populations.

The Land Use Article does not state that these four issues must be included in an assessment of fair housing in a housing element, nor is MDP setting any standards for what must be included. We encourage you to discuss the legal requirements of the assessment with your attorney.

MDP staff are also available to meet with you and discuss your needs and objectives in more detail.

5. Sensitive Areas Element – Chapter 6 - Synopsis

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

Plan Analysis

The Sensitive Areas Element is incorporated into the Natural Resources and Sensitive Areas Chapter. The Plan identifies an objective to "account for the effects of climate change and sea-level rise" and "protect streams and stream buffers; the 100-year floodplain; endangered species habitats, and steep slopes". (pg. 70)

Comment 1: The town defined natural resource areas to be protected (Map 6-8) and proposes to apply best management practices to these areas that focus on minimizing negative impacts and resource loss, with the added benefit of lessening the impacts of climate change and sea-level rise. The town plans to manage the Natural Resource Protection Areas like they do Denton's Resource Conservation Area (RCA). The best management practices include locating principal structures outside of these areas to the maximum extent possible. Forest removal should be prohibited except in a demonstrated hardship

situation and stormwater management measures should be outside conservation corridors except when no alternative exists. (pgs. 87-88)

The town also proposes to work with Caroline County officials to extend similar natural resource protection areas along Saulsbury, Watts Creeks, and Poor House Run. The Plan notes that managing impacts from current land use and changes to the land from sea level rise are significant in the catchment areas of the Tier II streams. (pg. 88)

MDP commends the town for identifying opportunities to build upon and expand existing successful management programs to newly identified sensitive areas and for partnering with Caroline County on stream corridor preservation.

MDP encourages the town to review the list of designated areas, plans, studies, and programs in the State Development Plan, [A Better Maryland](#), and address areas of critical state concern that should be considered in their comprehensive/master plan and its implementation.

6. Transportation Element – Chapter 8 - Synopsis

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

Plan Analysis

MDP is pleased to see that transportation objectives and policies include the following:

- Making pedestrian and bicycle facilities an integral part of project design
- Requiring connectivity between new streets and overall street system
- Encouraging bicycling and pedestrian access to community facilities
- Maximizing connectivity between new development and existing neighborhoods.

MDP appreciates the inclusion of a Pedestrian Systems Plan which encourages opportunities to increase safe non-motorized travel through additional pedestrian/bike trails and a new greenway. MDP is also glad to see these priorities included as part of the proposed Denton Parkway system.

Comment 1: Consider including Complete Streets policies that will facilitate the design of new and improved streetscapes.

Comment 2: Consider adding a link to and/or excerpts from the Denton Pattern Book to the Transportation Element, as it is referenced several times.

Comment 3: Consider the creation or inclusion of a Bicycle and Pedestrian Master Plan

Comment 4: Consider Plan GOPs supporting electrical vehicle (EV) charging facilities as EVs are gaining popularity in Maryland.

7. Water Resources Element – Chapter 7 – Synopsis

The Water Resource Element (WRE) is required to consider available data provided by the Maryland Department of the Environment (MDE) to identify drinking water that will be adequate for the needs of existing and future development proposed in the plan, as well as suitable receiving waters and land areas to meet stormwater management and wastewater treatment and disposal needs. MDE and MDP are available to provide technical assistance to prepare the water resources element, ensuring consistency with MDE programs and goals. MDP jointly developed [WRE guidance](#) to demonstrate how local governments can ensure compliance with the WRE requirements. Local jurisdictions are expected to implement the most important aspects of the MDE/MDP WRE guidance. A [checklist of best practices](#) is also available.

Plan Analysis

Comment 1: Page 94, first paragraph indicates that Well #1 has been abandoned due to silting problems, and the second paragraph states that the largest well is out of service and identifies that as Well #5. MDP recommends that this section of the WRE clarify which wells are out of service and the plans for those wells.

Comment 2: The WRE text states that there is “adequate water and sewer capacity to serve the buildout in the Municipal Priority Funding Area (PFA), depending on variables such as growth rates, the average density of residential development, and how much capacity is used to serve nonresidential uses” (page 96); however, Table 7-2 on page 98 indicates that under Scenario 2 there is not sufficient reserve water system capacity to meet projected demand for buildout within the PFA. MDP recognizes that “variables such as growth rates” likely addresses this discrepancy but recommends that the statement on page 96 be clarified to prevent confusion.

Comment 3: The WRE states in several locations that the National Pollutant Discharge Elimination System (NPDES) permitted cap for Total Nitrogen (TN) is 9,746 (pages 94, 102, and 105); however, page 104 lists the TN cap as 7,756. MDP recommends this discrepancy be corrected in the WRE.

Comment 4: The summary on page 108 states that the only limiting factor to the current water system meeting projected demand under the growth scenarios is the Water Appropriation Permits. MDP recommends that the WRE include at least one recommended potential solution or next step to address this limitation on water capacity, since additional water capacity would be needed to accommodate the complete buildout scenario.

Comment 5: The NPDES permit description on page 110 states that the primary limiting factor for wastewater capacity is the NPDES limit for Total Phosphorous (TP). MDP recommends that the WRE include at least one recommended potential solution or next step to address this limitation on wastewater capacity if it may be needed to accommodate the complete buildout scenario.

Comment 6: A checklist of best practices to identify and plan for suitable receiving waters is within the 2022 WRE Guidance at <https://planning.maryland.gov/Pages/OurWork/envr-planning/water-resources-mg/2022/02/framework-checklist.aspx>. The state requests that local governments meet the best practices in this WRE Guidance Update as best as they can within the limitations of cost and time. The town has addressed some of these elements in its Water Resources Element, such as describing the potential impacts to the watershed of nonpoint source loading under the growth scenarios (e.g. Table 7-

7); describing the Final 2018 Integrated Report of Surface Water Quality (IR) categories for the Upper Choptank River; acknowledging that development in the catchment areas of the Tier II streams must address potential impacts to water quality; and establishing goals, objectives, strategies, and recommendations for the protection of water resources throughout the plan. Some examples of best practices from the checklist that the town should consider implementing include load reduction tracking; strategies for ensuring a higher-than-minimum-requirements-level of water quality restoration and protection; and identification of recurrent flooding areas and evaluation of whether climate change and planned development will worsen those conditions, along with changes to the land use plan where warranted.

Comment 7: All local jurisdictions in Maryland are and will continue to experience climate change impacts on water resources and water infrastructure (water, sewer, and stormwater), as well as water impacts on communities. The WRE should be adjusted to include strategies focused on improving local understanding of current or expected water-related climate change impacts at the local level, and if sufficient information exists, the chapter should add strategies to address these impacts. Best practices for integrating water-related climate change adaptation into the comprehensive plan are listed at <https://planning.maryland.gov/Pages/OurWork/envr-planning/water-resources-mg/2022/03/climatechange-checklist.aspx>.

Comment 8: If the land use changes in the town's comprehensive plan are planned in a watershed(s) prone to riverine or urban flooding, then the WRE should be adjusted to incorporate the flooding-related components of the 2022 WRE guidance. See <https://planning.maryland.gov/Pages/OurWork/envr-planning/water-resources-mg/2022/02/framework-cwa-wqfloodmgmt.aspx>. At a minimum, the WRE should indicate the extent of current local knowledge concerning flood-prone areas and should discuss whether implementation of the land use plan will increase, decrease, or have no effect on those flood-prone areas. If the local government does not know what type of impact implementation of the land use plan will have on flood-prone areas, then at a minimum, the WRE should call for a study to determine this.

8. Land Use Plan - Chapter 3 - Synopsis

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

Plan Analysis

Comment 1: Page 19 – Goals, Objectives, and Policies

Consider re-ordering the format to include at least one objective and one policy established for each Goal. Currently there are ten objectives, but only five policies. Typically, each objective would have at least one policy or action steps.

Comment 2: Page 21 – The second policy statement, “Employment uses are the priority uses in planned growth areas” could benefit from some additional context. It is assumed that the employment uses would be the priority in planned employment zones. The Plan does not define the planned growth areas specifically for employment uses, but Map 5-2, page 65, Nonresidential Capacity, Vacant and Underutilized Land, appears to depict the areas intended by this policy statement.

Comment 3: Page 21 - The third policy statement, “The Denton Pattern Book will be used as a model” is commendable. The pattern book should be included as an Appendix to the comprehensive plan. This policy statement could also be expanded to identify an additional policy/action step to review the town’s existing zoning for consistency with Pattern Book recommendations, on page 36, Building Types, to include the various building types. For example, Mixed-Use, Multi-Family, Live/Work, Townhouse, Attached House, and Carriage House are permitted in which corresponding zoning classifications. MDP staff may be able to assist the town with this review and update of existing zoning regulations.

Comment 4: Page 26 – Table 3-2: Land Use Planning District Summary

The land use area total of 3,476 acres is slightly higher than the 3,444 acres referenced in The Planning Framework section on page 2. Adjust the table or text accordingly.

9. Community Facilities Element - Chapter 4 - Synopsis

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

Plan Analysis

Comment 1: Page 50 – Map 4-1 is titled ‘Town of Denton Comprehensive Plan 2040’, whereas most every other map graphic in the Plan, and cover page, identify the plan date as year 2020. Consider revising the plan date to 2023 and adjust any 20-year plan horizons to the year 2043. Re-label each map graphic from year 2020 to year 2023, and Map 4-1 to year 2043 (or 2023). Under current conditions, the town’s 10-year plan updates will likely occur in 2033 and 2043.

10. Municipal Growth Element - Chapter 5 - Synopsis

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

Plan Analysis

Comment 1: Chapter 5: Municipal Growth Element: The paragraph about parks and recreation on page 61 should refer to the 2021 Caroline County Land Preservation, Parks, and Recreation Plan (LPPRP) and not the 2017 plan. The 2017 references to acres-per-population, which conclude that “there is adequate existing park and recreation land for both projected growth scenarios,” should be replaced by the 2022

Equity Analysis results, which concluded that more parkland is needed, especially if the town's future growth is focused on infill development.

Comment 2: As a potential MGE implementation measure, the town may want to consider coordinating with Caroline County on its Transfer of Development Rights (TDR) program. Page 25 of the [2010 Caroline County Comprehensive Plan](#) states that the county "would like to continue to improve upon its TDR Program by working with incorporated municipalities to develop a mutually beneficial Program in which the towns could serve as receiving areas for County TDR sending rights". Such coordination could potentially support the Plan's stated objectives to promote infill development while maintaining a rural buffer around the town.

11. Tier Map

The town adopted a [growth tier map](#) under the Sustainable Growth and Preservation Act and transmitted it to the Department of Planning on September 6, 2012. As provided for in § 1-509 of the Land Use Article if the town does not incorporate the growth tier map into the comprehensive plan by the time the town conducts the 6-year review of the plan under § 1-416(a) or § 3-301(a) of the Land Use Article, the town's growth tier map shall be considered not adopted for purposes of § 9-206 of the Environment Article. The town should review its tier map against the proposed Growth/Annexation Plan (Map 5-3, page 68) and make any updates needed to ensure conformance to the statutory mapping criteria in Section 1-508 of the Land Use Article. Planning generally recommends a Tier II designation for areas with county-planned sewer service, a Tier IIA designation for municipal growth areas planned for sewer service that are not yet in the county water/sewer plan, and a Tier IVA designation for municipal greenbelts that aren't yet annexed into the town.

Under Section 1-504 of the Land Use Article, if the town adopts an amended growth tier map, then the town must notify and provide MDP with all information necessary to allow for the department's detailed review required under Section 1-505 of the Land Use Article. If requested, MDP can complete a detailed review of any proposed tier map amendment before the plan is adopted.

12. The Town of Denton is a Sustainable Community

The town has designated the Main Street, Local Historic, and Arts and Entertainment District areas as a Sustainable Community. As part of the Sustainable Community designation, quality of life, environment, economy, transportation, housing, planning and land use, and local capacity are all subjects of the action plan. The Sustainable Communities Action Plan requires periodic updates to maintain the town's qualification for various grant funding opportunities. MDP suggests the town review the Denton Sustainable Communities Action Plan for consistency with the Plan and consider how the action plan strategies, and the financial incentives provided in the Sustainable Communities designation can support plan implementation. MDP regional staff can assist with review.

Contact the DHCD, Sustainable Communities Program for more information:

<https://dhcd.maryland.gov/Communities/Pages/dn/default.aspx>

**Maryland Department of Planning Review Comments
Draft Plan**

STATE AGENCY COMMENTS

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

Attachments

Page # 14: Maryland Department of Housing and Community Development

Page # 17: Maryland Department of Natural Resources

July 24, 2023

Joseph Griffiths
Manager of Local Assistance and Training
Maryland Department of Planning
301 West Preston Street, 11th Floor
Baltimore, MD 21201

Dear Mr. Griffiths,

Thank you for the opportunity to review and comment on the Town of Denton's Draft Comprehensive Plan (the "Plan"). When reviewing plans, the Maryland Department of Housing and Community Development ("DHCD") comments on items for which political subdivisions can strategically leverage DHCD's resources to accomplish their housing and community development goals. DHCD also reviews comprehensive plans for consistency with relevant statute and, if appropriate, Sustainable Communities Action Plans.

Overall, DHCD staff were impressed with the quality of the Plan. Staff in the DHCD Division of Neighborhood Revitalization reviewed the plan and provided the following comments, which are meant to help realize the Plan's goals. We present the following in no particular order:

1. The Town of Denton's Sustainable Communities 5-year designation has expired, making the Town ineligible for the benefits available to the State's Sustainable Communities. As a result, staff at DHCD are unable to review both plans for consistency. If and when Denton renews its Sustainable Communities designation, DHCD staff encourage Town staff to make its Action Plan consistent with its Plan.
2. The Plan identifies a need to address vacant housing for which the DHCD's Community Legacy Program grants could assist. Planning staff can learn more about Community Legacy online at <https://dhcd.maryland.gov/Communities/Pages/programs/CL.aspx> or contact Bill Hersch at william.hersch@maryland.gov or 410-209-5810.
3. DHCD can further assist with home repairs that improve comfort, livability, and accessibility for homeowners through its Special Loan Programs. Planning staff and residents can learn more about these programs at <https://dhcd.maryland.gov/Residents/Pages/SpecialLoans.aspx> or contact the program directly at 301-429-7409 or DHCD.SpecialLoans@maryland.gov.
4. The Plan identifies a need to address dilapidated housing for which DHCD's Strategic Demolition Fund (SDF) grants could assist. Planning staff can learn more about SDF

online at <https://dhcd.maryland.gov/Communities/Pages/programs/SDF.aspx> or Bill Hersch at william.hersch@maryland.gov or 410-209-5810.

5. The Plan does not show that Denton has conducted a point-in-time count to identify the total number of people experiencing homelessness in Denton, and the Plan does not identify goals or actions regarding services for people experiencing homelessness. For information on DHCD's programs addressing homelessness, please see more online at <https://dhcd.maryland.gov/HomelessServices/Pages/GrantFunding.aspx> or contact the Homelessness Solutions Program Manager, Suzanne Korff, at 410-209-5850 or Suzanne.Korff@maryland.gov. Persons experiencing homelessness who need assistance should contact 1-888-407-8018.
6. The Plan identifies the community's needs with respect to income and poverty. Denton or non-profits active in Denton may be eligible to apply for discretionary Community Services Block Grant (CSBG) funds administered by DHCD in order to provide services for low-income individuals and families at or below 125% of poverty. Planning staff can learn more about CSBG programs online at <https://dhcd.maryland.gov/Communities/Pages/programs/CSBG.aspx> or contact the Poverty Solutions Team at 301-429-7525 or csbg.dhcd@maryland.gov.
7. The Plan identifies a need for affordable housing, including workforce and low-income housing. Denton currently has two residential properties funded through Low-Income Housing Tax Credits (LIHTC) totaling 164 units. If planning staff want to support further affordable housing development with LIHTC or other DHCD programs, information is available online at <https://dhcd.maryland.gov/HousingDevelopment/Pages/lihtc/default.aspx> or contact Edward Barnett, Director of Rental Lending, at 301-429-7740 or edward.barnett@maryland.gov.
8. All of Denton is within a Maryland Mortgage Program ("MMP") target area and residents therefore have enhanced eligibility for the state's homeownership incentives. Planning staff and residents may learn more about Maryland's homeownership programs at <https://mmp.maryland.gov/pages/default.aspx>.
9. Denton's downtown has been designated as a Maryland Main Street. More information on the revitalization benefits associated with this designation can be found online at <https://dhcd.maryland.gov/communities/pages/programs/mainstreet.aspx> or by contacting Keith Mainhart at 410-209-5851 or keith.mainhart@maryland.gov.
10. The Plan identifies a need to support businesses in the town's core. Info on DHCD's support for businesses can be found online at <https://dhcd.maryland.gov/Business/Pages/SmallBusinesses.aspx> or by contacting Mike Haloskey, Director of Business Lending Programs, at 301-429-7523 or Michael.Haloskey@maryland.gov.



11. The Plan identifies a need for infrastructure improvements that increase the town's overall safety. DHCD's Community Safety Works program is a potential resource to support these projects. More information on the program can be found online at <https://dhcd.maryland.gov/Communities/Pages/csw/default.aspx> or by contacting Christine McPherson, Program Officer, at 410-209-5802 or christine.mcpherson@maryland.gov.
12. The Plan identifies a need to increase energy efficiency for buildings, including single-family and multifamily homes. DHCD has several programs that support energy efficiency, and more information on those programs can be found online at <https://dhcd.maryland.gov/Pages/EnergyEfficiency/default.aspx>.
13. The Plan's Housing Element does not include an assessment of fair housing. Maryland House Bill 90 (2021) requires, effective January 1, 2023, that comprehensive plans include an assessment of fair housing. For technical assistance in development of the Plan's Housing Element, please contact staff at the Maryland Department of Planning.

We in the Division of Neighborhood Revitalization look forward to continuing our productive partnership with Denton in its future initiatives. Again, thank you for the opportunity to comment on the Plan. If you have any questions regarding the comments above, please contact me at carter.reitman@maryland.gov or 410-209-5849.

Sincerely,

Carter Reitman
Program Manager, State Revitalization Programs

Cc: David Dahlstrom, Maryland Department of Planning
William Hersch, DHCD Division of Neighborhood Revitalization
John Papagni, DHCD Division of Neighborhood Revitalization





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

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

July 28, 2023

Memo: DNR comments on the Town of Denton Comp Plan comments

To: David Dahlstrom
cc: Rita Pritchett

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

The Town of Denton acknowledges its citizens want greater protection of the natural resources within the town and recognizes the importance of protecting its natural resources by establishing and strengthening regulations and preparing for the future as development and climate change becomes an increasing threat. While growth is projected to increase over the next 20 years, the plan to focus new development in existing urbanized areas will aid in minimizing the impact of development by reducing sprawl and providing centralized transportation and commercial services to residents.

The Town of Denton is located along the Choptank River in Caroline County. The Choptank River is a major tributary to the Chesapeake Bay, which is divided into three main 8-digit watersheds by Maryland Department of Environment, Lower Choptank, Tuckahoe, and Upper Choptank. Denton is in the Upper Choptank River watershed and makes up 16% of the drainage area. The Town of Denton indicates that impervious cover makes up 3% and agriculture is 38% of the town's drainage area; estimates using current growth rates indicate that impervious surfaces will increase to 5% in 2040 (pg. 107). The Choptank River flowing through Denton is tidal-fresh. Denton has designated Tier II streams (Watts and Saulsbury Creeks) and tidal waters within the town boundaries. Development within the town impacts the Upper Choptank River watershed, its sub-watersheds, and eventually downstream waters. Water runs downstream through the developed, urbanized areas where stream degradation is substantial and important tidal fishery habitats are impacted by polluted runoff, excess nutrients, sediment, increased water temperatures, and other stressors. Maintaining the rural character of these areas will aid in maintaining the integrity of the habitat and production of key fisheries. In addition to maintaining a rural landscape, Fishing and Boating services also supports the town's aggressive commitment to meeting the Total Maximum Daily Load (TMDL).

Maryland DNR Fishing and Boating Services has adopted guidelines for impervious cover (an indicator of intensity of development) to communicate changes in habitat and fisheries that influence our ability to manage important Chesapeake Bay recreational and commercial fisheries. Impervious surface is used as an indicator of development because of compelling scientific evidence of its effect in aquatic systems. Impervious surface itself increases runoff volume and intensity in streams, leading to increased physical instability, erosion, sedimentation, thermal pollution, contaminant loads, and nutrients. Brackish subestuaries with higher levels of

impervious surface develop extensive areas of low oxygen in bottom waters and fresh and low salinity tidal areas seem more susceptible to harmful algal blooms.

The waters of the Choptank River and its tributaries are major spawning and nursery habitats for Striped Bass, White Perch, Yellow Perch, Alewife, Blueback Herring, Hickory Shad, and American Shad. The waters within Denton also support warmwater recreational fisheries.

Generally, watersheds with 5% or less impervious surface (rural watersheds) support good non-tidal and tidal fish habitat for anadromous fish and this serves as an upper development boundary for maintaining fish habitat in fairly natural condition. Once a watershed exceeds 10% impervious surface (an early suburban watershed), the ability to manage fisheries becomes compromised because of habitat deterioration due to development. We consider 10% impervious surface a threshold beyond which we expect increasing problems. As IS nears 15%, increasingly negative, irreversible ecological shifts occur, resulting in decreased fisheries productivity and a watershed that becomes less responsive to protection, conservation, and restoration efforts.

At 3% impervious surface, the watershed within Denton is compatible with good fishery habitat and productive fisheries. Controlling watershed development and reducing runoff are important for minimizing fish habitat deterioration. We support any recommendations and incentives to conserve remaining forests, wetlands, and natural lands in watersheds that drain through to help fish habitat quality throughout the town, county, and into the Chesapeake Bay.

Runoff from the watershed within Denton comes from both urban and agricultural land. It is important to improve, maintain, and develop maintenance plans to minimize runoff and sediment from these nonpoint sources. In addition to managing to reduce nutrients, management practices should minimize or eliminate chemicals toxic or damaging to aquatic life (road salt, heavy metals, pesticides, endocrine disruptors, etc.) and avoid extensive disruption of natural flow and temperature regimes. Any future development should be coupled with management practices outlined in the plan. Fish Habitat and Ecosystem Program can supply additional information on habitat threats and status, please contact Program Manager, Jim Uphoff at jim.uphoff@maryland.gov.

Other specific recommendations in the Plan related to promoting conservation of fisheries resources in the watershed:

- Pg. 71. Tier II Streams. Six percent of Tier II catchment area is located within Denton boundaries. Tier II waterbodies are valuable assets and managing land use in the Tier II catchment areas is important. Buffers around Tier II streams should be strengthened to maximum allowance, maintaining a forested, vegetated buffer is important in preventing runoff.
- Pg. 35. TI and TII areas. Development in TI areas will be limited to 1 dwelling per 20 acres. Land management practices in these areas are important. Limiting growth in these natural areas is vital and important for the overall rural landscape. Conserve existing forest, buffer wetlands and conserve natural habitats in these areas. Development should be directed towards areas already developed and away from sensitive environmental areas where impacts would be severe.
- Pg. 80. Green Infrastructure. Incorporating "green hubs" around Tier II streams and throughout Denton provides critical long-term environmental benefits for watershed and sub-watersheds. Improving corridors among the hubs is extremely beneficial for the environment and prevents the fragmenting of natural resources.

Maryland Forest Service encourages assessment of urban tree canopy as well as forests and recommends expansion of trees, forests, and forest-based economic development to meet Town goals for sustainable development and economic expansion. The MD Forestry Economic Adjustment Strategy could be a resource. <https://maryland-forestry-resources-salisburyu.hub.arcgis.com/>.

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

Best,
Christine Burns