

# **MINORITY OPINION REPORT**

of

**THE WYE MILLS AREA CITIZENS ADVISORY COMMITTEE**

regarding

## **The Wye Mills Area Advisory Report**

February 6, 2009

**Minority Opinion Members**  
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## AUTHORS' NOTE

**Carol Bilek and Betsy Gallagher**, residents of Wye Mills, Maryland, were appointed by the Queen Anne's County Commissioners to serve on the Wye Mills Area Citizens Advisory Committee (CAC). We present this Minority Opinion Report to establish a written record of our views. Contrary to the December 11, 2008 Wye Mills Area Advisory Report, it is our conclusion that **the Wye Mills area in Queen Anne's County is a totally inappropriate location for large-scale commercial development.**

The proposed large-scale commercial development, and the required (but unavailable) infrastructure improvements to support it, reflect a very narrow and, we believe, inaccurate interpretation of the "Charge" to the CAC by the County Commissions. As indicated in the Executive Summary, we feel that the members of the CAC were inappropriately directed by the consultants and staff to focus on commercial development of the existing farmland surrounding the historic village of Wye Mills and Chesapeake College. The CAC meetings were primarily devoted to the consultants justifying the conclusions of their 2006 Wye Mills plan and updating and expanding their earlier conclusions in this new document.

We believe that many CAC members became discouraged with the process, despite their best intentions in volunteering to serve on this committee and hoping to contribute as knowledgeable citizens to an appropriate Wye Mills Plan. Many members must have felt that they had misunderstood what their role was to be, as they watched helplessly while a clearly predetermined plan was relentlessly pushed forward. Many members had no doubt assumed that they were there to advance the preservation and orderly growth of the historic village of Wye Mills, and to assure that Chesapeake College would continue to fulfill its important mission in the years ahead. Many members further recognized that any appropriate Wye Mills Plan must be consistent with the principles and objectives being developed in the Update of the Queen Anne's County Comprehensive Plan. Regrettably, all these expectations and assumptions were systematically frustrated.

The Wye Mills Area Advisory Report appears at the end of a process that failed to use the time and talent of CAC members who ostensibly participated in creating it. Besides its one-sided, development-focused approach to the County Commissioners' "Charge," the Report is replete with assumptions that are challengeable or plainly counterfactual and data that are incomplete or of questionable accuracy. We hope this Minority Opinion Report will make it clear to the Planning Commission and the County Commissioners that the Advisory Report is the unpersuasive result of a deeply flawed process.

Following the Executive Summary, this **MINORITY OPINION REPORT** follows the organization of the Advisory Report itself. The italicized text is copied from the Advisory Report, with the dissenting Minority Opinion, set out in text boxes with this typeface, following each section. The only exhibit reproduced from the Advisory Report is the depiction of the Planning Area contained as a foldout illustration at the end of the report.

On a personal note, Carol Bilek would like to express her appreciation to her colleagues in the Citizens Alliance to Save Our County, for their counsel and moral support during the CAC process and for their assistance in making this Minority Opinion Report available to the public

## EXECUTIVE SUMMARY

The Wye Mills Area Advisory Report of December 11, 2008 represents a complete failure to respond, in a balanced, professional manner, to the “Charge” established by the Queen Anne’s County Commissioners. That Charge was:

*We, the Citizens Advisory Committee, will seek to create a community plan for an area surrounding Chesapeake College and the village of Wye Mills that serves to protect the rural agriculture and landscapes, as well as the natural and historic resources, and to enhance educational, research, and employment opportunities for residents of Queen Anne’s County.*

Instead of a plan that protects agriculture and resources while enhancing education and employment, the Advisory Report is a superficial and incomplete document created with the sole purpose of introducing large-scale commercial development into the area.

The Advisory Report does not present a plan that advances the public interest. Its plan advances only narrow private interests. It is not the product of a genuine **citizens’** advisory process, but rather a preordained development plan forced through a process in which dissenting citizens were marginalized.

### ➔ **The CAC process was fundamentally flawed.**

- The seven CAC meetings were dominated by the consultant, the consultant’s facilitator, and County staff, all of whom were single-mindedly directed toward an economic development agenda alone.
- The proceedings of the CAC were not recorded, either in writing or by audio or video. The only record of the CAC’s discussions and debates (other than this Minority Opinion) is the Advisory Report itself, which was written by the CAC consultant and County staff.
- The analytical procedures, conclusions, and sources used by the consultant were not provided to the CAC. As a result, they could not be independently verified or checked by CAC members. Many of the assumptions, conclusions, and recommendations of the consultant included in the Advisory Report remain questionable and unsupported.
- CAC members were not given an adequate opportunity to comment on or make changes to the Advisory Report. They received it mere days before it was presented to the Planning Commission, even though it differed significantly from the prior draft.

➔ **The substance of the Advisory Report does not stand up to objective scrutiny.**

- The proposed Wye Mills planning area does not meet the State’s criteria for designating a new growth area, or the State’s statutory “visions” for good land use. The extraordinary gerrymandered shape of the planning area (see fold-out at the end of this Minority Opinion Report) is itself enough to put the Advisory Report’s readers on notice that some special agendas, not anchored in sound planning, are being pursued here.
- The Advisory Report fails to make the case that Queen Anne’s County and neighboring Talbot County lack sufficient commercially zoned land. While the Wye Mills plan consultants were driving forward, without supporting facts, the preordained conclusion that the County needs more commercially zoned land, the consultants for the Comprehensive Plan Update were informing their CAC that current County zoning will accommodate another 7.7 million square feet of non-residential space—doubling current commercial space in the County.
- The land proposed for rezoning is highly productive farmland that should remain in cultivation. It provides valuable soil and stormwater retention benefits that would be eliminated by development.
- The additional traffic generated by the recommended uses of the land to be rezoned under the Advisory Report will add intolerable risks to drivers at the troubled US 50 and MD Route 213 intersection. The Advisory Report concedes that funding for an upgrade of the 50/213 intersection is necessary to address the safety and capacity issues its development plan raises and that, crucially, such funding is not now available. Yet the Advisory Report nevertheless invites development “in as little as 3–5 years, preceding interchange construction,” merely nodding in the direction of wholly unspecified (and equally unavailable) “interim traffic and safety solutions” (5.2.1).
- The recommendations of the Advisory Report for a new water supply and distribution system and for the County to acquire the wastewater discharge permit of Chesapeake College are inadequate and short-sighted. The Report’s sewer and water proposal would serve the sewer and water needs of only half of the proposed development area, and it ignores the existing residential community of Wye Mills. The Report’s recommendations do not address the total nutrient loading into the Wye East River that would result from the full-proposed development program.
- Chesapeake College is misrepresented in terms of its ability to initiate and support research activity. In fact, the proposed development program and land use plan are inconsistent with the College’s actual mission and are not in its best interest. The very important contribution that Chesapeake College makes to the

mid-Eastern Shore will not be enhanced by the Advisory Report's development plan.

- With its single-minded focus on commercial development projects not suited to this rural area, the Advisory Reports ignores the interests of the residents of the historic Village of Wye Mills.
- As a general matter, too much of the data presented in the Advisory Report are incomplete or of questionable accuracy. The causes of data errors and omissions include: the gerrymandered planning area, the inattention to municipalities and their plans, and the use of dated information not projected into present-day conditions.

**➔-The Advisory Report's proposed Community Plan for the Wye Mills area should be returned to the CAC for a complete overhaul.**

- The Wye Mills Area Advisory Report departs from the County Commissioners' original "Charge," is flawed in its data-gathering and analysis and market research, and proposes zoning and development without regard to existing and emerging plans for commercial development in the towns and growth centers of either Queen Anne's County or Talbot County. The Planning Commission should reject the Report. As drafted, it is positioned to become a pre-emergent stand-alone component of the 2010 Comprehensive Plan, grafted to the existing 2002 Comprehensive Plan.
- The CAC should be asked to redo the Report, after having been given more specific guidance by the Planning Commission. This guidance should include the following starting points for analysis:
  - The Planning Area should consist of the lands south and west of Route 50 surrounding Chesapeake College and the Village of Wye Mills.
  - Expansion of the College, as reasonably projected, should have planning support, both on the existing College site and potentially on the east side of Route 213 as well.
  - The character of the Historic Wye Mills Village should be maintained, as Talbot County desires and as the CAC originally set out to do. Residential and small commercial infill development should be supported, with particular attention to architecture compatible with the existing Village.
  - The property adjacent to the Wye Mill Pond should remain in agriculture.
  - In cooperation with the College, a limited amount of higher quality wastewater treatment should be made available to the Village.

- Frontage development on Route 50, whether commercial or residential, should not be part of the Plan.
- The Plan should be based on the principle that no substantial development in the area, beyond modest College expansion and likely Village infill, can occur until interchanges are constructed at Routes 213 and 404.

# 1. Introduction

*“The Wye Mills Area Community Plan fulfills the Comprehensive Plan’s mandate by establishing the public vision for County- and community-inspired change. Furthermore, it provides economic and planning analysis, along with policies to guide the type, amount, location, and character of development that the County wishes to occur in the Wye Mills area over the next 25 years.*

*It is intended that the Wye Mills Area Community Plan will be adopted as an amendment to the 2002 Comprehensive Plan. As such, this document will serve as the basis for changes to the County’s Zoning Ordinance and Comprehensive Water and Sewerage Plan, and additions to the County’s Capital Improvements Program.”*

**MINORITY OPINION:** The Wye Mills Area Community Plan reflects neither “community-inspired” change nor a public vision, nor does it reflect the collective desire of Wye Mills residents (residents of both Talbot and Queen Anne’s counties) to add business and commercial development to their community. Rather, it reflects the concerted efforts of other elements within Queen Anne’s County that stand to benefit financially from the changed zoning proposed by the Wye Mills Area Advisory Report.

Chesapeake College figures prominently in the justification for the proposed Wye Mills Area Advisory Report, primarily because it already has a small, permitted wastewater treatment plant. This treatment plant is a critical necessary component to the designs of the proposed Plan, as it could theoretically be appropriated and its capacity increased to serve the businesses proposed in the Wye Mills Area Advisory Report. Without this existing water and sewer permit, the proposed area would not meet the State’s criteria for Smart Growth.

Excluding the Wye Mills area from the review and update of the County’s Comprehensive Plan appears to be an effort to circumvent additional restrictions imposed by HB 1141 and to avoid greater public scrutiny of the CAC process.

## 1.1 Background

*“The establishment of a new community planning area near Chesapeake College has been discussed for many years, and is recommended in the County’s 2002 Comprehensive Plan. Land Use Policy 7A directs the County to “Earmark and reserve high quality employment lands with highway and infrastructure access for future employment uses,” and specifically recommends that the County*

*Undertake a study of the potential economic development spin-off and technology transfer from Chesapeake College. Based on the results of the study, consider the appropriate designation for the area (Growth Area, Priority Funding Area, Special Economic Development District, etc.) to facilitate its eligibility for grants and special funding.”*

**MINORITY OPINION:** Stating that the establishment of a new community planning area near Chesapeake College has been discussed for many years creates the illusion of widespread support for development of Wye Mills. This statement is unsupported by any demonstrable fact.

The 2002 Comprehensive Plan called for a *study* to be conducted of ALL potential sites in the County for business park development, and to evaluate which should be pursued. **As of January 2009, this study has not been conducted.**

*“As the only public post-secondary educational institution on the upper Eastern Shore, Chesapeake College serves as a center of learning for a broad geographic area. Queen Anne’s County believes that this intellectual base, combined with a location along the US 50 corridor, will appeal to employers that can take advantage of proximity to the College’s resources and its central location.”*

**MINORITY OPINION:** Chesapeake College is a two-year institution that, according to 2.1.1 below, offers “customized workforce training” to residents of five Eastern Shore counties. The “broad geographic area” served by the College renders it highly improbable that an employer location in “proximity to the College’s resources” will confer any special advantage. Presumably the College’s most relevant “resources” are its trained graduates—and these, as noted, come from a large area, not from Wye Mills, and they no doubt disperse even more widely after they finish at the College. If the “resources” at issue are the College’s teachers and facilities, again there is no special advantage in employer proximity: for the purposes of in-career training and advancement, these employees can obviously access the College from a broad geographic area, just as they do now. The College’s off-Route 50 location (putting traffic congestion issues aside: see below) obviously facilitates access to the College from a wide area—but it provides no rationale for the claim that locating an office or a plant near that location “will appeal to employers.” The supposed “advantage” in doing so is a mirage.

*“Increasing economic growth and expanding and diversifying the County’s business and employment tax base are also among Queen Anne’s County’s key planning goals. Less than two percent of the County’s 373 square miles is zoned for commercial or industrial uses, and much of this land is poorly located in relation to markets and services. More than 10,000 County residents—half of the workforce—commute to jobs outside the County.*

*Provision of appropriate infrastructure is vital to the establishment of an employment center. This plan pays particular attention to traffic safety and capacity, and water and sewer facilities. It also emphasizes development that respects and protects the natural environment and the Wye Mills Area’s rural character.”*

**MINORITY OPINION:** Although increasing economic growth and expanding the County’s business and employment tax base may be among Queen Anne’s County’s key planning goals, they are not goals that can be translated into a mandate by the citizens of Wye Mills for development of business in their community. The zoning changes and development proposed in the Wye Mills Area Advisory Report will permanently and arbitrarily alter the size, character, and appearance of Wye Mills, and in doing so will permanently alter the quality of life for the residents of Wye Mills. In addition, the Plan takes no account of existing and/or suitable commercial capacity or availability in other areas of the County.

The proposed Plan significantly downplays traffic safety and capacity. It touts the long-range design plans of the Maryland Department of Transportation for upgrades to U.S. Route 50 and Maryland Route 213 as though they will be accomplished in the near future. Given the financial realities of, and cuts to, the State’s budget, those highway upgrades will be pushed even farther into the future, conceivably 20 years or more.

Ultimately, the proposed Plan does not respect or protect the natural environment of Wye Mills or its character, and in fact maps out a strategy for compromising both.

## **1.2 Citizens Advisory Committee**

*“Recognizing the need for public involvement in the creation of this plan, the Board of County Commissioners selected a thirteen-member Citizens Advisory Committee (CAC) in March 2008. The CAC was chaired by two members of the Queen Anne’s County Planning Commission. As an acknowledgment of the proximity of Chesapeake College to Talbot County and the importance of interjurisdictional planning, three of the CAC members were Talbot County residents.”*

**MINORITY OPINION:** This is a misstatement of facts. The Planning Commission and County Commissioners were repeatedly reminded by one of the Minority members that most of Wye Mills falls in Talbot County. They also were advised that the actions of Queen Anne’s County would have a dramatic impact on **all** residents of Wye Mills, not just those in Queen Anne’s County. Further, the statement that the proximity of Chesapeake College to Talbot County persuaded the Planning Commission to include representatives from Talbot County is disingenuous.

Finally, although three Talbot County residents served on the CAC, Michael Kilgus was appointed as a representative of Chesapeake College, not as a representative of Talbot County residents. He does not reside in Wye Mills.

*“Members of the CAC met regularly throughout the plan development process (see Section 1.3). These meetings, and all CAC input were guided by the following Charge, established by the Board of County Commissioners:*

*We, the Citizens Advisory Committee, will seek to create a community plan for an area surrounding Chesapeake College and the village of Wye Mills that serves to protect the rural agriculture and landscapes, as well as the natural and historic resources, and to enhance educational, research, and employment opportunities for residents of Queen Anne’s County.”*

**MINORITY OPINION:** The County Commissioners charged the CAC with creating a community plan that serves to **protect the rural agriculture and landscapes, as well as the natural and historic resources**. Considering that the outcome of the Plan will significantly reduce agriculture and rural landscapes and will jeopardize the natural and historic resources of Wye Mills, the Minority believes that the CAC did not fulfill this charge. Enhancing educational, research, and employment opportunities for residents of Queen Anne’s County does not translate into a plan designed to transform the Wye Mills area into a business center. In short, the CAC process failed.

### **1.3 Legal Context**

*“In 1992, the State of Maryland adopted the Economic Growth, Resource Protection and Planning Act (the Planning Act), which established seven land use visions for Maryland’s future. The General Assembly added an eighth vision in 2000 (which is # 7 in the legislation, as reflected in the following list). Under the Act, these land use visions must be incorporated into all local comprehensive plans. These “Eight Visions” are:*

- 1. Development is concentrated in suitable areas;*
- 2. Sensitive areas are protected;*
- 3. In rural areas, growth is directed to existing population centers and resource areas are protected;*
- 4. Stewardship of the Chesapeake Bay and the land is a universal ethic;*
- 5. Conservation of resources, including a reduction in resource consumption, is practiced;*
- 6. To assure the achievement of the above, economic growth is encouraged and regulatory mechanisms are streamlined;*
- 7. Adequate public facilities and infrastructure under control of the county or municipal corporation are available or planned in areas where growth is to occur; and*
- 8. Funding mechanisms are addressed to achieve these visions.*

*These Eight Visions guided preparation of the Wye Mills Area Community Plan.*

*In 1997, the State adopted the Priority Funding Areas Act (PFA Act) as part of a broad package of Smart Growth legislation and programs. The PFA Act bolstered the Planning Act by linking State expenditures to planning decisions. Under this legislation, assistance from the State is directed to PFAs designated by local governments in accordance with the PFA Act. This assistance can come in the form of loans or grants for highways, water and*

*sewer construction, and economic development.*

*In 2006, the Maryland General Assembly passed House Bill 1141. This legislation requires that all Comprehensive Plans include a Water Resources Element. This Plan provides information and analysis in support of a Countywide Water Resources Element, which will be included in the County's 2009 Comprehensive Plan."*

**MINORITY OPINION:** The Eight Visions articulated by the State of Maryland affirm the State's desire to restrict development to suitable areas where infrastructure already exists, to preserve rural areas, to protect the Bay and water resources, and to conserve other natural and historic resources. Those visions did **not** guide the preparation of the Wye Mills Area Community Plan. Though the Plan gives the appearance of meeting the Eight Visions, in reality it ignores and defies them.

The proposed Wye Mills Plan ignores the State's expectations of The Eight Visions: It proposes to develop a rural area whose infrastructure consists solely of roads and Chesapeake College's water and sewer treatment plant; add significantly more polluting nutrients to the already impaired Wye River; increase the cost to County taxpayers and the State to provide additional road improvements at the Route 50/Route 213 intersection; and permanently remove from production some of the most fertile soils on the East Coast. Wildlife habitat would be lost and significant historical landmarks would be overwhelmed by commercial and business development.

#### **1.4 Plan Development Process**

*"The Wye Mills Area Community Plan was developed through a public process that involved County staff, local residents, property and business owners, and representatives from Chesapeake College."*

##### **1.4.1. Citizens Advisory Committee Meetings**

*"The Wye Mills Area Community Plan CAC met seven times between March and December 2008. All CAC meetings were open to the public, and visitors to CAC meetings were given an opportunity to address the CAC. The CAC meeting dates and topics discussed are listed below:*

- 1. March 27, 2008: Introduction to the planning process, Community Plan visioning.*
- 2. April 17, 2008: Community Plan visioning (see Section 2.2)*
- 3. June 2, 2008, Community Plan visioning*

4. June 26, 2008: *Economic analysis, planning area selection*

5. August 28, 2008: *Land use plan development*

6. September 16, 2008: *Land Use Plan development*

7. December 2, 2008: *Review of preliminary draft Community Plan*

*Agendas, presentation material, and notes from the CAC meetings are included in Appendix A. As part of the Plan's development, many local residents, landowners and business owners were also interviewed.<sup>1</sup>*

**MINORITY OPINION:** The term “Citizens Advisory Committee” is misleading, as it implies that the Committee was comprised solely of *Wye Mills citizens*. The majority of the Committee members were business owners and representatives, most of whom do not live in Wye Mills. The Committee was specifically selected to ensure passage of a plan consistent with the wishes of the political and business/financial interests behind its development.

The conduct of the CAC meetings inhibited public awareness and attendance of the meetings and excluded open discussion and debate. Notification of upcoming meetings occurred by telephone, usually with less than one week’s notice. Agendas were not provided in advance. No minutes were taken, either in writing or by audio or video recordings. The dates of meetings were not easily made available to the public. The schedule of meetings and their respective agendas were created by the Planning Department staff at the outset of the process. Most of each meeting was spent listening to the Consultant or staff, rather than engaging in productive discussion and/or action.

It was clear to the Minority and others that the few meetings allocated for the CAC were directed toward one goal—rezoning land for business and commercial use. No deviations from that goal were permitted. When consensus was not achieved, up or down votes, with no discussion, were called and summarily passed. The relentless focus of the meetings was to change the Wye Mills area into an area of business and commercial development.

Following the appointment of the CAC members, the County Chief of Community and Environmental Planning advised that the Committee members had a clean slate to work with regarding the type of plan they

could create for Wye Mills. However, members were quickly disabused of that notion at the first meeting. The plan created in 2006 was reviewed in depth. Since the consultant retained for the “new” plan was the same consultant and author of the “old” plan, there was a clear effort to use the “old” plan, with minor changes.

***The CAC also was not permitted to meet, discuss, revise, or change the Draft Advisory Report*** following the December 2, 2008 meeting. It was written by the Consultant and County staff and submitted to the Planning Commission without any further involvement of the Committee, despite the fact that at the final two meetings, major changes were thrown into the Plan in the last minutes of the meetings. The Draft Plan, as presented, is superficial, unsubstantiated by documented facts, and does not address at all the vision of the CAC itself.

The Advisory Report presented to the Planning Commission on January 8, 2009 was mailed to the CAC members on December 31, 2008, and thus was received mere days before the Planning Commission met.

In summary, the series of meetings conducted were consistent with other actions associated with this Plan—they give the appearance of citizen support and participation but instead were geared toward the singular purpose of rezoning portions of Wye Mills for commercial development.

#### **1.4.2. Additional Public Involvement**

*“The Draft Plan was presented to the Planning Commission at their December 11, 2008 work session. Following mandatory 60-day interagency review, the Planning Commission Public Hearing was held on [DATE]. The County Commissioners held a public hearing on the Community Plan on [DATE], and the Plan was adopted on [DATE].”*

## **2. Plan Framework**

### **2.1. Regional Context**

*“Queen Anne’s County occupies the center of Maryland’s upper Eastern Shore. The County is the eastern terminus of the Chesapeake Bay Bridge, and is within an hour’s drive of the Baltimore-Washington metropolitan area and Delaware’s major cities, Dover and Wilmington (see Figure 2-1). Chesapeake College is located at the intersection of US 50 and MD 213, near the Talbot County border (see Figure 2-2). The historic Village of Wye Mills and Wye Oak State Park is immediately to the south, while the County Seat of Centreville, is six miles to the north.”*

#### **2.1.1. Chesapeake College**

*“Located at the intersection of US 50 and MD 213, Chesapeake College is a public two-year institution that serves residents of Dorchester, Kent, Queen Anne’s, Caroline, and Talbot Counties. The College receives funding from those counties, as well as the State of Maryland, and is the only public higher education facility on the upper Eastern Shore (Washington College in Chestertown is a private institution). Chesapeake College offers Associate*

*Degrees and certificates in numerous academic programs. In addition, the College offers customized workforce training for business management, commercial driver (CDL) training, manufacturing, and other fields, in partnership with businesses throughout the region. The College also runs Tech Prep and Dual Enrollment programs with area high schools, helping to prepare local high school students for the job market in technical fields such as plumbing and HVAC service.*

*The Chesapeake College campus also houses the Eastern Shore Higher Education Center, where students can pursue Bachelors and Graduate degrees offered by other institutions. Salisbury University, the University of Maryland Eastern Shore (UMES), the University of Maryland University College (UMUC), Washington College, and Stevenson University all offer upper-level classes at the Higher Education Center. These degrees focus on education, social work, business administration, criminal justice, and nursing (in conjunction with Memorial Hospital in Easton).*

*The College also hosts drama and music performances at its Performing Arts Center, speeches, and other events that draw audiences from throughout the Eastern Shore.”*

### **2.1.2. Wye Mills**

*“The village of Wye Mills, which sits astride the Queen Anne’s/Talbot County border, grew around, and is named for the Old Wye Mill. Wye Mills is home to several important historic landmarks. The Old Wye Mill, established in the 17th century, is the oldest working mill in Maryland. The village is also home to the Wye Oak, Maryland’s honorary state tree (destroyed in a thunderstorm on June 6, 2002), which stood for more than 450 years (a new sapling—a clone of the original Wye Oak—has been planted in its predecessor’s place).*

*To the northeast of the village is Wye Mill Pond, being formed by the establishment of the flour mill. Covering 50 acres, and with a depth of up to eight feet, the Wye Mill Pond is one of the largest impoundments on Maryland’s Eastern Shore.”*

**MINORITY OPINION:** The Village of Wye Mills was named for the grain mill, but the entire Wye Mills area was founded with the patent of *Wilton* in 1665. It was on Wilton land (originally 650 acres that later became 1,350 acres) that the mill and the Wye Oak stood. The Wilton home was constructed in 1760 and was owned by some of the leading families of the Eastern Shore and Maryland. Because of this historical significance, it is listed on the National Register of Historic Places. Wye Mills grew around Wilton.

## **2.2 Community Plan Vision Statement**

*“Establishing a coherent vision for the Community Plan is critical for the ultimate success of economic development activities around Wye Mills. The vision for the Wye Mills Area Community Plan, as developed by the Citizens Advisory Committee is as follows.*

*“The Wye Mills Community Area is a place where/that:*

- *The natural environment is actively respected, preserved, and protected from destruction, pollution, diminishment, or degradation;*
- *Will improve income and services for current and future generations of residents;*
- *The agricultural and historic landmarks of Wye Mills Area are preserved, and land use is a combination of agriculture, education, business, and residential, where each use actively respects, supports, and protects the natural environment;*

- *The rural character of the area is maintained through compatible architecture, scale, viewsapes, design, preservation of green spaces, and density limitations;*
- *Safe, efficient, and comprehensive transportation and circulation infrastructure and regulations are in place to meet the needs of residents, businesses, and other activities.*
- *The historic landmarks and buildings of Wye Mills Area are preserved, protected, and enhanced; and*
- *Remains a small, peaceful, rural community surrounded by farms, water and woodlands and any changes that occur enhance the quality of life for residents.”*

*This Vision Statement guides the policies and implementation recommendations of this Community Plan, and is the basis for the Plan’s economic strategy and future land use pattern.”*

**MINORITY OPINION:** The goal of the Citizens Advisory Committee, at least for those members who live in Wye Mills, was ***not*** to create an economic development plan for Wye Mills, **but to preserve the area’s nature, character, and beauty.** The stated vision makes no reference to economic development. In fact, only one statement related to economic development was included in the CAC vision, and was extracted with effort by the facilitator: “The Wye Mills Community Area is a place where/that will improve income and services for current and future generations **of residents.**” (Emphasis supplied.)

### **2.3 Community Planning Area Boundary**

*“Queen Anne’s County’s 2002 Comprehensive Plan designates six Community Planning Areas/Growth Areas where development is encouraged to concentrate: Chester, Stevensville, Kent Narrows, Grasonville, Queenstown and Centreville. These Community Planning Areas/Growth Areas are all existing population centers with some infrastructure.*

*The Wye Mills Area Community Plan establishes a new Community Planning Area around Wye Mills, confirming the County’s desire to encourage employment and supporting land uses in the area. The Community Planning Area boundary, shown in Figure 2-3, includes the land necessary to support the Wye Mills Community Plan’s vision and policies. Overall, the Community Planning Area would contain approximately 1,711 acres. Within this Planning Area, zoning will be revised to support the Community Plan’s goals. The County’s Water and Sewer Master Plan will also be amended to include a new Public Water and Sewer Service Area (see Section 6.2.1).*

*The Water and Sewer Service Area will also become a Priority Funding Area (PFA) under the State’s Smart Growth policies. State assistance and monetary support for infrastructure costs (including roads and public water and sewer upgrades) and for economic development assistance is targeted to projects within a PFA.*

*The Wye Mills Community Planning Area recognizes the location’s potential to create additional jobs in Queen Anne’s County. It is not the start of a new town, nor is it a growth center that is expected to accommodate large amounts of residential development. Instead the Community Planning Area boundary is drawn narrowly to accommodate the primarily non-residential development that is forecast for the next 25 to 30 years.*

*The Community Planning Area boundary includes the Scottown community and the commercial uses along MD 213 to ensure that these areas are appropriately protected from new development. Since PFA designation can make an*

area eligible for transportation funding, the entire area of the SHA-planned US 50/MD 213 interchange upgrade (including the Scottown service road) is also within the Community Planning Area boundary.”

**MINORITY OPINION:** The above statement accurately states the obvious: It is “the County’s desire” (but what legitimate decision-making process arrived at that desire?), and not the desire of the citizens of Wye Mills, to allow rezoning and development of hundreds of acres of land in the Wye Mills area that will benefit specific landowners and businesses associated with development.

It is dishonest to say that this Plan will not create a new town or growth center for residential development. The development of 1 million square feet of business space constitutes a *significant* growth center that likely provides a catalyst for further development, residential as well as commercial, elimination of farm lands, and loss of the area’s rural character. It is also unrealistic to say that non-residential development will not impact the Wye Mills area profoundly.

### **3. Economic Development**

*“This Community Plan responds to two key economic development issues in Queen Anne’s County. The first is the need to create jobs with sufficient wages to attract current residents of the County as employees. Many Queen Anne’s County residents with technical skills commute across the Chesapeake Bay Bridge every day for work, due to a lack of appropriate employment opportunities in the County.*

*Equally important is the need to increase the County’s supply of land zoned for business and employment, in order to increase the non-residential tax base. The non-residential tax base is currently approximately 8 percent of the countywide non-farm tax base, below the 14 to 15 percent level that the County would like to achieve. The agricultural tax base is approximately 9 percent of the County’s overall tax base. If residential growth continues to outstrip nonresidential uses, the resulting tax base imbalance could lead to either reduced services or increased tax rates for residential property owners.*

*Much of the data and analysis in this Element predates the economic recession that began in 2008. However, the recommendations of this Element reflect the long-range nature of this Community Plan (25-30 years). Implementation of these recommendations should involve careful consideration of the current economic climate and prospects for short- and long-term economic growth and change.”*

**MINORITY OPINION:** The business tax base figure omits the tax base for agriculture, which is the largest business in the County. When agriculture is factored in, the business tax base is 17%.

It should be noted that even the Draft Report states that the recommendations contained therein should be considered carefully, in light of the current economic climate and long-term prospects for growth.

### **3.1 Vision and Objectives**

*“The following CAC vision statements guided the analyses and recommendations in this chapter:*

*“The Wye Mills Community Area is a place where/that:*

- *Will improve income and services for current and future generations of residents;*
- *The agricultural and historic landmarks of Wye Mills Area are preserved, and land use is a combination of agriculture, education, business, and residential, where each use actively respects, supports, and protects the natural environment”;*

*The Community Plan process identified several key employment development objectives that underpin business recruitment efforts in the Wye Mills Area. These objectives are also related to opportunities and strengths generated by the area’s economic base and Chesapeake College’s academic and training programs. The key targets were identified as follows:*

- *Health Care*
- *Tourism and Recreation*
- *Maritime and Agriculture Industry and Trades*
- *Technical (such as information technology, biotechnology)*

*Many of the county’s residents already work within the health care industry or in information technology fields. Thus, the addition of jobs in these industries in Queen Anne’s County would help respond to a key objective of reducing commutation to Annapolis and other portions of the Western shore. The County can also capitalize on and further develop its existing strengths in the maritime, agriculture, and tourism industries.”*

**MINORITY OPINION:** There is no data to support the assumption that additional jobs in Queen Anne’s County will reduce the number of people who commute to Annapolis and the Western Shore.

#### **3.2.1. Resident and At-Place Employment**

*“In 2006, the most recent year for which data are available, there were 22,373 jobs in Queen Anne’s County.<sup>2</sup> The County has a relatively diverse economic base led by jobs in government, retail trade, accommodations, and construction. Manufacturing plays a somewhat minor role, accounting for only seven percent of the County’s jobs, as shown in Figure 3-1. Only about six percent of County jobs are in health and education<sup>3</sup>). Wholesale trade and professional and technical services each account for five percent of the County’s employment. Agriculture*

accounts for only one percent of employment in the County, although it plays a significantly larger role in the County's overall economy.

One important phenomenon at work in Queen Anne's County is a "mismatch" between the jobs held by County residents and the jobs that are available in the County. Figure 3-2 compares "resident" employment (the jobs held by residents) to "at-place" employment (the job base within Queen Anne's County).

The most significant mismatch is in the Health and Education sector. Nearly 18 percent of County residents hold jobs in this sector, but only 6.3 percent of County jobs are in the health and education field. Similarly, nine percent of residents hold professional services jobs, but only five percent of the County's jobs are in those sectors. At the other end of the spectrum, almost 20 percent of County jobs are in government, but only 9.3 percent of residents hold government jobs. There is a similar mismatch for retail and accommodations as well."

### **3.2.2. Sector Employment Trends**

"In the eight-year period between 1998 and 2006, Queen Anne's County gained 1,092 jobs, a 9 percent increase. Figure 3-3 shows some of the key industries that gained or lost jobs during this period. Construction, Transportation/Trade/Utilities, Professional Services, and Education/Health Care all added more than 200 jobs, with Education growing at the fastest rate. The manufacturing sector lost 10 percent of its jobs during the period, roughly in line with the national and regional trend of a declining manufacturing base."

### **3.2.3. Business Base Trends**

"Table 3-1 summarizes trends in the number of business establishments by industry sector. Between 1998 and 2006, the County added nearly 350 businesses to its base of 1,115, for a total of 1,463. These additions represent a gain of 31 percent over the eight-year period, or an average of 3.9 percent per year. The Professional and Technical Services industry added the most establishments during the period, followed by Construction and Other Services. The Real Estate and Education Services sectors grew fastest over this period of time.

Major employers in Queen Anne's County include manufacturers like S.E.W. Friel (canned foods) and Paul Reed Smith Guitars, retailers like Acme Markets and Kmart, banks, commercial printers, mailing services, conference centers, marine-related suppliers, nurseries, and telecommunications businesses."

### **3.2.4. Industry Clusters**

"Queen Anne's County has several cross-industry clusters. Industries within these clusters create synergies that help in attracting more businesses that benefit from the presence of suppliers, clients, or customers in the cluster. Examples in Queen Anne's County include the following:

#### **Marine**

There are a number of marine-related industries in various sectors of the Queen Anne's County economy. For example, there are marine equipment retailers and wholesalers, repair, and other services; charter boat tour operators and other marine products; training and education services; marine-related lodging, visitor services, and seafood restaurants; and the manufacturing or production of canvas, chemicals, boats, and other equipment used in marine industries. Technology-related activities are also an important element of this cluster. Such businesses are attracted to Queen Anne's County because of the client base and resources in the Chesapeake Bay for marine-related industry.

#### **Agriculture**

Queen Anne's County has one of the largest and most productive agricultural sectors in Maryland. The County is Maryland's leading producer of soybeans, corn, and wheat, while also producing barley, hay, poultry, dairy cattle, and other products. The county's largest private nonfarm employer—SEW Friel—is a food manufacturing company. A substantial cluster of businesses also provide support to agriculture in Queen Anne's County, including chemical and equipment suppliers, transportation and logistics services, information and financial services, and others.

## **Other Clusters**

*Other clusters include printing and publishing, chemicals, metals, nurseries and landscaping services, and technical consulting (especially in information technology/computer systems)."*

**MINORITY OPINION:** As the above statement accurately indicates, agriculture plays an important and crucial role in both Queen Anne's County and Maryland. As indicated elsewhere in the report, the soils in the Wye Mills area are some of the most productive on the Eastern Shore. The elimination of high quality farmland by development should not occur, particularly in an area that does not otherwise have merit for growth under the principles of Smart Growth and the Eight Visions of the State.

### **3.3. Economic Analysis**

*This section describes the factors influencing demand for economic development in the Wye Mills area. It sets forth the magnitude and general type of development that could occur, as well as the limitations or potential barriers to such growth.*

#### **3.3.1. Business Operations and Competitive Advantages**

*"The County's key competitive advantages as a location for business were identified through interviews of business owners and representatives. Some of these businesses were established by County residents, while others relocated into the County for a variety of reasons. All of the businesses interviewed report that they are growing and many are competitive in their particular industries. In some cases, there is a need for expansion space including specialized use."*

#### **Input and Output**

*"A variety of inputs including supplies or products are shipped through the Port of Baltimore or otherwise from foreign sources. Foreign content continues to increase, with many companies purchasing goods or equipment from China. The market for County-produced goods is often a single client, whether regional or national in scope."*

#### **Key Advantages and Disadvantages**

*"Area businesses identified the following as the County's key advantages:*

- *Access to markets and the Bay Bridge*
- *Relatively low real estate costs*
- *Proximity to the homes of the business owners (often in the Central Maryland region) that might wish to locate in the Wye Mills area*
- *The presence of a well-managed, high-amenity, and accommodating business park (Chesapeake Bay Business Park)*

*The primary disadvantages for business development in the County relate to the lack of public water and sewer service, and localized transportation network deficiencies."*

**MINORITY OPINION:** There is no apparent demand for economic development in the Wye Mills area, except by those persons who stand to benefit directly from a greater amount of commercial growth in the area.

Interviewing local business owners and representatives does not provide a comprehensive opinion. The relative merits of the County as a location for business should be identified by a qualified professional market analyst.

Throughout both this section and the entire report, reference is made to the low cost of real estate as an attraction to business. However, no substantiated data is provided to support this claim, which is meaningless without a professional market analysis.

The Plan recommends that the County **acquire** the College's water and sewer treatment plant permit. It is this permit, and the possibility of increasing the capacity of the system through technical means, that dictate the absolute necessity of including the College in the Plan. ***Without the College's permit, the land around Wye Mills would be ineligible for new water and sewer because it does not meet the criteria for such systems under current State law.***

The inclusion of designated acreage for the application of land-applied effluent (spray irrigation) is also necessary to the goals of this Plan. Development to the extent desired by the Plan's promoters would not be possible without additional capacity over and above the College's permit caps.

### **3.3.2. Marketability Assessment**

*"This section analyzes the County's overall strengths, weaknesses, opportunities, and threats (SWOT) for business and employment. It also summarizes the findings of an analysis of the Wye Mills area as a location for new development. The SWOT analysis is discussed below and summarized in Table 3-2."*

#### **Strengths and Weaknesses**

*"Queen Anne's County has a growing, relatively diverse business base with access to regional markets. The County offers a large amount of available and relatively low-cost land and a technically trained labor force (especially in health care).*

*The County's weaknesses include its relatively small existing business development capacity as well as a lack of research and development (R&D), military or other local federal funding drivers. Queen Anne's does not offer interstate highway access, but US 50 and US 301 do provide good access to regional and national markets. The County's public water and sewer systems are constrained in many locations, including the Wye Mills Area. Some business owners also noted that additional training programs could improve the motivation to work for low-skilled workers, creating greater opportunities for this segment of the workforce."*

**MINORITY OPINION:** If a strength of the County is its “plentiful, low-cost land,” why hasn’t the study called for in the 2002 Comprehensive Plan been performed to determine the best locations for additional commercially zoned land (if any is in fact needed)? Without this kind of comparative market analysis, there is simply no way to assess the strengths of the Wye Mills area as a site for commercial development. The weaknesses of Wye Mills as a site for such development are numerous and obvious, as this Minority Opinion repeatedly points out. The alleged strengths of the area, however, cannot seriously be put forward without adequate consideration of alternatives. That has never been done, and so the whole economic development discussion in the Advisory Report is simply special pleading in support of the business objectives of those who hope to profit from changing farmland into large-scale commercial projects.

### **Opportunities and Threats**

*“Chesapeake College is an important resource not only for Queen Anne’s County, but for all of the upper Eastern Shore. The College has gradually built partnerships with a broad array of educational institutions that can offer specialty skills training in one central location.*

*As other business parks in the County are built out, there will be increased opportunity for development in locations such as the Wye Mills area. Synergies in the maritime, agricultural, and other industries and clusters help provide identity to the County for marketing purposes. A growing population base generates opportunities for businesses that can serve their needs.*

*The threats to further business and employment development in the County include the increasing number of competitive locations on the Eastern Shore. Increasing property prices (which was the norm prior to 2008) could also reduce the gap that makes the Eastern Shore more competitive. Finally, a lack of workforce housing will eventually reduce opportunities for the County to capture a broad business market.”*

**MINORITY OPINION:** “Increasing property prices” contradicts the claims in Sections 3.3.1 and 3.3.2. Without a professional, objective market analysis, any statements regarding land prices and values are subjective and unsubstantiated.

### **3.3.3. Site Analysis**

*“Potential development sites in the Wye Mill benefit from excellent visibility and access from US 50 and, to a lesser extent, from MD 213 (connecting to US 301). These roads offer access not only to Eastern Shore and Delmarva Peninsula markets but also to major urban markets along the east coast. The area also obviously provides direct proximity and potential training linkages with Chesapeake College.*

*Most of the land surrounding the College to the north of US 50 is flat farmland. Portions of the area south of US 50 provide additional amenities such as a lake, more rolling topography, and wooded areas. The area currently offers a predominately rural agricultural setting which is not “hemmed” in by residential or retail sprawl. The village of Wye Mills offers amenity value as a small, historic village.*

*As disadvantages, the Wye Mills area is farther from the Bay Bridge, western shore markets, and the homes of investors and potential Wye Mills Area business owners, compared to the existing Chesapeake Bay Business Park in Stevensville. This area is also impacted by heavy traffic and inadequate capacity at the US 50/MD 213 intersection. The lack of public water and sewer infrastructure currently constrains development in this area. There is limited existing office or technical use in the Wye Mills area (which could serve as a catalyst for further such development).*

**MINORITY OPINION:** This section provides telling insight into the goals of the Plan’s promoters. While constructing businesses along a highway for the sake of visibility is a fundamental precept of outdated development patterns, highway development contributes to unattractive conglomerations of strip malls and commercial establishments, box stores, and corporate chains that replace local businesses and diminish the visual appearance of the area. “Visible” highway development promotes sprawl, stormwater runoff, traffic congestion, noise and light pollution, loss of wildlife habitat, increased crime, and the permanent destruction of valuable farmland. Unfortunately, some developers see open farmland as another opportunity for exploitive profit because of its proximity to a highway.

The references to the “amenity values” of the Village of Wye Mills reflect the “Development” mentality. Those “amenities”—the millpond (“lake”), wooded areas, rolling topography, a rural agricultural setting not “hemmed in” by residential or retail sprawl, and the small historic nature of the Village of Wye Mills—are portrayed as features to be exploited by marketers of the proposed developments. What is missing from the report is how these attributes—the very things residents of Wye Mills want to preserve—will be changed by the proposed Plan. Ironically, the proposed Plan has the potential to destroy the very things that make the area appealing and “marketable.”

### **3.3.4. Market Analysis and Site Potentials**

*“This section summarizes findings from a market analysis to determine the economic potential for development of industrial and office uses in the Wye Mills area. For purposes of this plan and market analysis, “industrial” land uses and activities are similar to the definition of “light industrial” in chapter 18 of the County’s zoning regulations:*

*Wholesale distribution and manufacturing activities generally conducted indoors where nuisances associated with the use, such as noise, odor, smoke and dust, are minimal.*

*Laboratories and research and development facilities could also fall under this category. Heavier manufacturing, factories, extractive uses, and other similar uses are not envisioned for the Wye Mills Area, and are not evaluated in this market analysis.*

*Market potentials were determined based on a number of factors and considerations including but not limited to the following:*

- Overall objectives and stakeholder input
- Location, site analysis and marketability
- Demographic and economic growth projections
- Clustering and competitive advantages/disadvantages
- Absorption and other market trends
- Past prospects, activity, and market context
- Competitive framework

*The market forecasts assume that certain interventions would occur to allow and encourage development. Among these interventions are proper land use planning and associated zoning, infrastructure capacity (e.g., public water and sewer, and highway capacity), road access, collaboration and partnerships, and proactive marketing.”*

**MINORITY OPINION:** No comprehensive economic market study has been completed. The only market analysis presented is that provided by the Consultant (Environmental Resources Management) and its subcontractor, Randall Gross Development Economics. A market analysis conducted by a professional market appraiser was never presented.

Assuming the “interventions” will occur is unrealistic, at best, since they include increased highway capacity.

While this Report lists the locations and occupancy rates of business parks in the region, it fails to address how much commercially zoned acreage is currently available for business development without converting the agricultural zoning in Wye Mills to commercial zoning. Table 6 of the Consultant’s report recently distributed to the CAC shows 7.1 million square feet of existing nonresidential space in the County. According to the same table, current zoning allows for another 7.7 million square feet to be built. **Under current zoning, commercial space in the County can more than double without withdrawing land from agricultural zoning, in Wye Mills or anywhere else.**

### **Existing Market Conditions**

*“Existing market conditions were assessed based on field reconnaissance, market trend data, and interviews with area brokers, developers, economic development staff, and others actively engaged in the commercial and industrial markets. Queen Anne’s County has a total of about 1,660 acres of industrially-zoned land. However, only a small share of this land is served by public water and sewer and other infrastructure. The County has a total built inventory of approximately 1.45 million square feet of competitive office and industrial space in business parks. Of this amount, about 1.3 million square feet, or 90 percent, is occupied, based on available data and field reconnaissance.*

The tenant mix in Queen Anne's County's business parks is divided between pure office, flex (office and warehouse), and manufacturing use of buildings (see Figure 3-4). Manufacturing is the predominant single use, occupying almost 40 percent of total square footage, versus 33 percent for flex space and 28 percent for office space. Some 51 manufacturing companies, employing more than 800 people, were located in Queen Anne's County in 2006. These companies manufacture products such as marine chemicals, magazines, doors, musical instruments, fabricated metal products, furniture, signs, medical equipment, jewelry, and electronics, among others. Many of the County's manufacturers are small but expanding businesses. Several of these manufacturers have more than 100 employees, such as Paul Reed Smith Guitars and S.E.W. Friel. Many of the manufacturing and other industrial uses were attracted by the area's relatively low land costs and overall low cost of doing business.

**MINORITY OPINION:** "Field reconnaissance" is undefined, and is not a reliable source of data. Market trend data bases its assumptions on past history, not current or forecasted conditions. Furthermore, interviews with area brokers, developers, economic development staff, and others engaged in the commercial and industrial markets in Queen Anne's County do not provide an objective or independent assessment of market needs or conditions.

### **Market Area Definition**

*"The market for business or industrial park development in the Wye Mills area extends beyond Queen Anne's County, and effectively includes the entire Maryland portion of the Delmarva Peninsula, with opportunities to capture demand from Delaware and the western shore of Maryland. At the same time, competition for industrial development also extends beyond the County line and throughout the Eastern Shore.*

### **Competitive Framework**

*"There are a number of existing and planned competitive business parks on the Eastern Shore, including several within Queen Anne's County.*

**Chesapeake Bay Business Park.** *Queen Anne's County established the 157-acre Chesapeake Bay Business Park on Kent Island in the 1980s and all land in the Park has since been sold. Much of that land was purchased by a single developer which has constructed speculative and build-to-suit flex, office, and industrial space in the Park since 2001. Much of the Park is built out, with only limited acreage remaining to be developed. Most of the County's larger industrial and office uses are concentrated in this attractive Park, with more than 94 percent occupancy in 640,000 square feet of space. Much of that space is in flex, light manufacturing, and office use. Currently, "raw" warehouse prices generally range from \$6 to \$14 net per square foot and \$12 to \$16 net per square foot for flex space. Class A Office space ranges from \$17 to \$23 per square foot. Absorption has averaged about 6.4 acres per year, with about six more years of build out at current absorption rates.*

**Thompson's Creek Business Park.** *This Business Park in Stevensville is primarily an office condominium development, offering space for small users. The Park includes approximately 70,000 square feet of office space, with occupancy roughly estimated at 90 percent.*

**Centreville Business Park.** *Much of the 150,000 square feet of space in the Centreville Business Park is taken up by a retail shopping center and County government offices. There are also a few medical and other professional office tenants in the Park. The Shore Health Medical Center at Centreville is set to double in size in the near future."*

**Other Queen Anne's County.** *Other business parks or office sites in Stevensville include the Island Professional Park and the Village at Benton's Crossing. Waterman's Business Park in Chester serves primarily as a location for small service tenants. Approximately 25 medical offices are clustered at the Chester Regional Medical Center. Downtown Centreville has small offices and clusters such as Lawyers' Row, with 10 attorneys' offices.*

*Several of the County's largest manufacturing and other industrial uses are located outside of business park developments. For example, S.E.W. Friel's 245,000 square-foot food canning facility is adjacent to the Wye Mills*

*Planning Area. Other such facilities include Clariant Performance Plastics in the Millington area and Delmarva Sash and Door in Barclay. Several small commercial and industrial service uses are located along the east side of MD 213 north of Chesapeake College.*

**Talbot County.** *Perhaps the most competitive business and industrial park development is located in adjacent Talbot County, particularly in the Easton area. Talbot County has about 580 acres of industrial land within business parks, of which about 250 acres has been built out. Talbot has a total competitive inventory of 1,580,000 square feet of space in business and industrial parks<sup>4</sup>, only slightly more than Queen Anne’s County’s inventory. Of this amount, almost 1.5 million square feet is occupied, yielding an occupancy rate higher than Queen Anne’s, at 93.8 percent. Talbot’s largest industrial space, the Black and Decker facility in Easton was vacated when the company retrenched. However, that space has since been mostly occupied by the military contractor SFA and by Talbot County government offices.*

*Key business and industrial parks in Talbot County include Easton Technology Center (ETC), with 162 acres that are largely undeveloped; and Easton Airport Industrial Park (AIP), with about 126 acres and 348,000 square feet of existing space that is 97 percent occupied. About 62 percent of AIP is built out, with tenants including Delmarva Data and BAI Aerosystems. Talbot Commerce Park (TCP) began marketing 111 acres in 2000 only a small portion of the park is developed and occupied by tenants such as Charter Cabinet and Harrison Transmission.*

**Other Eastern Shore.** *Other competitive industrial and business park facilities are located throughout the Eastern Shore. Many of these parks are concentrated in Caroline County. Federalsburg offers the Caroline Industrial Park (mostly built out) as well as the Federalsburg Industrial Park. The Town of Denton has added acreage to accommodate growth at the Denton Industrial Park, which had only five acres remaining last year. There are also industrial areas in Preston, Ridgely, and Greensboro.*

*After many years of decline, Dorchester County has seen recent growth at its Chesapeake Industrial Park in Cambridge and at the Hurlock Industrial Park. Kent County is less competitive for industrial uses, but has established viable business park areas including the Chestertown Business Park and Radcliff Business Park (both in Chestertown), and the Worton Industrial Park.*

*As evidenced by this sample list, there is a significant inventory of existing business park land and building stock on the Eastern Shore. At the same time, demand has been increasing in recent years to help absorb much of this land. New business areas are in the planning or early development stages in several places on the Eastern Shore.”*

**MINORITY OPINION:** There is a significant inventory of existing business park land and building stock on the Eastern Shore, with more in the pipeline. With this existing business park inventory, where is the market justification for another business park in Wye Mills?

### **3.3.5. Baseline Demand Forecasts**

*“Based on an analysis of absorption trends, competitive inventory, demographic and employment projections and other input, site demand for the Wye Mills area was forecasted through 2025 and beyond. These “baseline” forecasts embody assumptions regarding the implementation of infrastructure improvements and pro-active marketing programs. Demand would also be altered by “anchor” uses (such as a large government employer) or other activity that could influence absorption beyond the normal market forecast.”*

**MINORITY OPINION:** The CAC was not provided with either the above-referenced analysis or its sources or methodology. Additionally, “other input” was never defined. Without the ability to review the information and process for the conclusions provided in this section, they cannot be credited.

### **Site Potentials**

*“Based on this analysis, potential for approximately one million square feet of office, industrial (as defined in Section 3.3.4), and service uses is forecasted for the Wye Mills area. However, absorption of space would be gradual, and significant growth in demand would not occur to a large extent until 2013 or beyond.*

*Initial absorption is shown in Figure 3-5 and Table 3-3. Within 10 to 15 years however, the area should be able to capture more than 200,000 square feet of manufacturing, office, and flex space (and some minor or ancillary office/service). The fastest absorption will occur 15 to 20 years out, when demographic and business growth will spur greater demand for office and technical/research space. Flex-type uses would be maximized during that period. As the area builds out, demand will gradually shift away from manufacturing and toward office/service type uses. By 25 to 30 years out, there would be potential for about 384,000 square feet in manufacturing, 373,000 square feet in flex/office, and 250,000 square feet in office space.”*

**MINORITY OPINION:** Without the supporting analysis to review, this claim is unsubstantiated. It is the estimate of a subcontractor paid to elicit a specific result. To base zoning on such unsupported information is unreasonable.

### **Other Uses**

*“The demand forecasted in this analysis does not reflect the possibility for anchor or “drop-in” uses that would generate spin-off demand in the area. For example, if a regional hospital or large government facility were to relocate to or near the Wye Mills area, the County could capture spin-off demand for medical offices or other professional space in excess of, or instead of the space forecast above.*

*Because the primary focus of the Community Plan is the delineation of a growth area for nonresidential development, the demand for residential uses in the Wye Mills Area was not specifically tested.”*

**MINORITY OPINION:** *The primary focus of the Citizens Advisory Committee was NEVER the delineation of a growth area for non-residential (i.e., business/commercial) development. The stated purpose of the CAC was clearly identified: “We, the Citizens Advisory Committee, will seek to create a community plan for an area surrounding Chesapeake College and the village of Wye Mills that serves to protect the rural agriculture and landscapes, as well as the natural and historic resources, and to enhance educational, research and employment opportunities for residents of Queen Anne’s County.”* Nowhere is delineating a growth area for non-residential development mentioned.

## Key Drivers

*“Key factors driving demand in the Wye Mills area include its central location on the Eastern Shore/Delmarva Peninsula and its regional accessibility (via US 50 and US 301). The area’s relatively close proximity to ports in Baltimore, Philadelphia, and the New York/New Jersey area creates synergies for manufacturing, assembly, and import/export.*

*Lower real estate costs allow the area to accommodate larger, more land-intensive uses than the Baltimore-Washington Corridor or other western shore areas. As shown in Table 3-1, demographic growth has fueled, and will continue to fuel demand for professional and technical services on the Eastern Shore, as well as education, health care, financial services, and the supply and distribution of goods to the growing regional population. Economic growth in the region will encourage more transport and warehousing, regional supply uses (e.g., nurseries), construction trade services, and administrative support.”*

**MINORITY OPINION:** Regarding the presumption of “lower real estate costs,” projected demographic growth is based on past history and does not reflect current economic conditions or trends. It cannot be used to justify the objectives of this Plan. The proximity (and economic need) to support ports in Philadelphia and the New York and New Jersey areas is a stretch.

### 3.4. Opportunities for Research and Technology

*Research conducted for the Community Plan and input from the CAC identified specific “targets” for research and technology development as part of the Wye Mills area planning effort. The role of Chesapeake College was re-examined in this context. Community colleges do not typically have large research components, and therefore rarely spin-off commercial applications from direct R&D as would a large university. However, community colleges like Chesapeake provide skills and support for product testing and development, particularly in certain specialized fields such as nursing, information systems, and electronics.*

*For this analysis, the following target R&D industries were evaluated:*

- **Agriculture:** *Agricultural Research and Product Development; agricultural biotechnologies; biofuels.*
- **Marine Biotechnology:** *Aquaculture and fisheries biotechnology; microbial and extremophile processes, functional genomics, and other marine.*
- **Marine Products:** *Engine testing and development; marine materials testing and product development (acrylic, fabrics, vinyls, etc.); marine fuel and chemicals product development.*
- **Health Care & Nursing:** *Hospital billing and technology services; nursing technologies; medical robotics; gerontology.*
- **Information Technology:** *Back office and database management; marine/naval information technologies; health information technologies”*

#### 3.4.1. Opportunity Testing & Outreach

*“These opportunities were identified and tested through outreach to the agencies, institutions, and businesses that research and develop the products for the commercial market. Outreach was conducted by researching and identifying sample prospective companies, then contacting the companies by telephone and e-mail for discussion of*

*their R&D activities and key factors affecting their site selection process. A full description of these outreach activities are included in Appendix C.*

*The outreach confirmed that while there are opportunities for attracting certain research and technology activities, there are also constraints on development in the Wye Mills area. The best opportunities appear to relate to agriculture and aquaculture research and product development. However, the key is in attracting university or other research institutions that can help generate interest among the companies that would benefit from commercialization of research.*

*Chesapeake College does offer nursing and other programs that provide training and resources for testing new health-care communications technologies. These programs would need to be expanded further and research grants sought in order to develop the market for commercial products. Follow-on to this research should include County Economic Development strategies as that target specific organizations, grants, and business opportunities that have been identified through this outreach.”*

**MINORITY OPINION:** There are no facts to support this notion.

### **3.5. Policies and Implementation Strategies**

*“The Economic Development Element identifies a marketing concept for business development in the Wye Mills area. Key components of this marketing concept target opportunities for attracting industry, professional and technical services, and community resources to the area. These components are woven into an integrated marketing effort leveraged by public and private investment to maximize the economic benefits to Queen Anne’s County.”*

**MINORITY OPINION:** This idea translates to developers contributing a token item or amount and leaving the County and taxpayers to pay the balance.

#### **3.5.1. Development and Marketing Concept**

*“The Wye Mills area offers significant competitive advantages as a location for business, as described in the Economic Analysis (Section 3.3). Chesapeake College itself also provides the advantage of access to a growing range of technical training and capacity-building services. The development and marketing concept for this area draws on these strengths to target key industries and services for business recruitment and development.”*

**MINORITY OPINION:** The “significant” advantages mentioned here are not supported by an objective, professional assessment.

#### **CAC Development Preferences**

*“CAC members identified preferred development concepts that achieved the Community Plan’s vision (as expressed in section 2.2). The preferred concepts were:*

- *Development that is environmentally friendly and that preserves the area’s rural character. This included compatible architecture, and buffer areas between employment uses and the adjacent residential and village areas.*
- *Expansion of the College as a means of spurring economic activity.*
- *A focus on medical/health care, agricultural, and high-technology businesses, tied to Chesapeake College.*

- *A business incubator. This is a specialized development concept that helps new businesses emerge by offering flexible space and leases, combined with lower-cost business services, often in partnership with an educational institution.*

*Such an incubator, which would require state funding assistance, could help initiate and anchor development in the area by promoting the establishment of new, locally-run research and development businesses. The incubator would help strengthen the marketing and development potential of the area. The opportunity to implement an employment center for the disabled should also be explored. Although not a frequent occurrence, incubators can be associated with community colleges, as is the case with the Garrett Information Enterprise Center (GIEC) at Garrett College in McHenry, MD.”*

### **Other Marketing Concepts**

*“Economic research conducted for the Community Plan indicates several amenities that can improve the marketability of land in the Wye Mills area. Water views (of Wye Mill Pond) and woodland can help attract higher-end technical and professional service tenants. The pond and its associated wetlands and wooded areas, as well as the Village of Wye Mills itself should be incorporated into marketing efforts. To attract high-technology, R&D, and medical/health employment, the development concept for the Wye Mills area should include:*

- *Professional and technical service offices*
- *Medical and health care offices*
- *Education (Chesapeake College, as well as public or private schools)*
- *Recreation (e.g., active and passive recreation facilities)*

*Development of an amenity-oriented technical and professional services center would help the County and its stakeholders meet objectives for attracting more professional and technical jobs and for strengthening the County’s fiscal base. Businesses would benefit from proximity to training and other services offered by Chesapeake College.*

*To the degree that Wye Mills Area development can be legitimately marketed as environmentally-friendly, “green,” or “sustainable,” this can also help to attract the type of business and employment envisioned by the CAC and the County. However, the bar for such development is high. “Green” is rapidly becoming an overused term to describe development, and savvy businesses (such as those that this Plan targets) are becoming skilled at separating truly innovative environmental design from mere “greenwashing.””*

**MINORITY OPINION:** The fact that most of these “amenities” are privately owned is not factored into this concept. It is disappointing that the Plan shows little regard or respect for the residents of Wye Mills and their property rights.

### **3.5.2. Site Development and Phasing Recommendations**

*“In this section of the Plan, the marketing concepts are translated into Development Plan recommendations, in terms of sites and logical phasing of development.”*

#### **Business Park**

*Research and Development, Office (including medical office), and related light industrial and flex uses are best suited to the north side of US 50, due to the access and visibility afforded by that location, as well as the physical environment of that area—flat, easily developed farm fields with productive soils (which may be useful for agricultural research). Development would be designed to a high standard (including environmental performance) in order to project a positive image for the County along US 50 and to ensure consistency with the CAC vision. This*

*development would likely take the form of a campus-style business park, in keeping with typical preferences of the high-technology and R&D sectors nationwide.*

*Phasing and marketing of the Business and Employment Center should occur gradually and be coordinated closely with the build-out of the Chesapeake Bay Business Park (which will likely occur between 2011 and 2013). Some land could be made available for build-to-suit development, subject to the principles set forth in this plan and subsequent implementation ordinances, as described in Chapter 4. This development should also be coordinated with Chesapeake College, in order to build relationships with businesses in the business park—much as the College has done with business and other institutions on the Eastern Shore and beyond.*

*Such relationships would yield opportunities for training and possibly, a business incubator. The actual economic viability of an incubator was not tested as part of this Community Plan and would require further testing before any such investment was made. The College's existing amenities including health club, training services, and conference facilities should also be marketed to business park tenants.*

**MINORITY OPINION:** “Easily developed farm fields” accurately describes developers’ opinions, conveying the attitude that farm fields are attractive targets for development and are not valued for their agricultural and aesthetic purposes. In addition, why would the County want to obliterate productive farmland soils for parking lots, streets, buildings, and other permanent structures that do not have the enduring value or productivity of farmland?

### **Education Center**

*Chesapeake College is already an important economic anchor for the Wye Mills Area. As businesses are recruited to the Wye Mills area, and as the population of the Eastern Shore grows and diversifies over the next 25-30 years, the College will likely need to expand its educational and research facilities. Re-envisioning the College campus and surrounding land as an Education Center can help to achieve this expansion while strengthening ties to the business park and other economic activities in the Wye Mills area.*

*The Education Center could include space for public or private secondary schools (which, in addition to their overall educational missions, might explore enhancing basic work and life skills training as part of their curriculum). Part of the Education Center component of the Wye Mills Area could also be a lifetime learning center, as well as a learning center for the disabled. Should a business incubator be developed, it should be located in the Education Center, to maximize the synergies with Chesapeake College's educational and R&D opportunities.*

*The Wye Mills Area is appropriate for destination sports and recreation uses (such as lacrosse and field hockey tournaments, equestrian competitions, and similar events), and opportunities exist to meet the needs not only of a growing population but also of future employees in the area. Recreation facilities provide amenity value for economic development marketing. Passive recreation uses (e.g., hiking/biking trails, canoeing) might be integrated with Wye Mill Pond and the overall amenity-driven concept for the south side of US 50.*

**MINORITY OPINION:** A senior Chesapeake College staff member served on the CAC, and stated unequivocally that the College has no construction plans for the next 20 years. The above statement regarding the need for expansion contradicts and disregards the information he provided. It also presupposes that a rural community college will start conducting research, when it doesn't do so now and gives no indication of doing so in the future.

Such research is more likely to occur at a large university with potential graduate facilities in a more metropolitan setting.

Two private schools have indicated their interest in possibly building permanent campuses in the “Education Center” area. More information needs to be acquired on their potential requirements.

Queen Anne’s County has been unable to receive funding for necessary repairs to its existing public schools, and new schools that are needed are unlikely to be funded anytime soon.

### **Health Care Center**

*The business park is intended to host a range of office, technology, and R&D activities, including those related to the medical and health field. Health care uses could build on Chesapeake College’s existing health care training programs and partnerships.*

*However, opportunities may exist for a regional hospital to locate to the Wye Mills area. Such a facility would be a major driver that could result in the creation of health care and technical professional jobs. Although the existing or new hospital would locate its facility in Queen Anne’s County is slim (due to regulatory requirements for licensing hospitals in Maryland), the Community Plan should consider such an eventuality.*

*Should a hospital in southern Queen Anne’s County become a reality, locations near the intersection of US 50 and MD 404 should be considered. This location would offer access to Queen Anne’s, Talbot, and Caroline Counties—the jurisdictions most likely to be served by a regional hospital. A Health Care center should be large enough to accommodate a hospital, as well as spin-off medical offices, labs, and related businesses. Establishment of a hospital in this location would require substantial road, water, and sewer upgrades, all of which would need to be part of the hospital’s development plan.”*

**MINORITY OPINION:** The last-minute inclusion of an area designated for health care is of dubious merit. Shore Health Systems and the University of Maryland Medical System are reportedly committed to building a regional hospital in the vicinity of Easton, near the airport in Talbot County. Despite having an option on land adjacent to Routes 404 and 50, it is unlikely that a major health care facility will ever be built there by Shore Health Systems. It is also unlikely that *another* regional hospital would be built in Queen Anne’s County, considering the proximity of the hospital in Easton and plans for a health care center near Queenstown.

### **3.5.3. Economic Development Marketing**

*“This section describes broad recommendations for marketing of the Wye Mills Area as an employment node.*

### **Minimize Impact on Existing Park**

*While there is mid- and long-term potential for development of office and industrial uses in the Wye Mills area, development capacity still remains at the Chesapeake Bay Business Park. Coordination and phasing of development in the Wye Mills area is imperative to minimize negative impacts on continued growth in the Chesapeake Bay Business Park.*

*In the short term, emphasis should be placed on making available pad sites in the Wye Mills area (in conjunction with the approved plat for the entire business park). Potential tenants looking for speculative space should continue to be directed to the Chesapeake Bay Business Park until its available space is exhausted.”*

**MINORITY OPINION:** This is a very telling statement and demonstrates how little demand, in fact, there is for additional office, business, and industrial space, despite the claims of the consultant. It is also telling that the Chesapeake Business Park is still approximately six years away from build-out, despite its creation in the 1980s.

### **Upgrade the Area's Infrastructure**

*“Economic development in the Wye Mills area will require improvements to the County's infrastructure. In particular, the upgrade of the US 50/MD 213 intersection to improve safety and traffic flow is a necessity for long-term economic success. The US 50/MD 404 intersection would also need to be upgraded to support a hospital on the Health Care portion of the Planning Area (see Figure 4.4). There is a need to provide public water and sewer services to support new development.”*

**MINORITY OPINION:** These are major capital projects with no likely source of funding except, as suggested earlier, through developer contributions and taxpayer dollars. It is questionable why such improvements might be needed without adequate market and/or economic data to support such a need.

### **Expand Role of Chesapeake College**

*“Chesapeake College has a critical role to play in the development of the Wye Mills area for business uses. The College should continue to expand and apply its training partnerships, especially in the agricultural/aquaculture, medical, health care, and technology fields. The College should also continue to increase its amenity base of conferencing and recreation facilities to be made available to potential workers in the area. The County should work with the College and the state to test the viability of a small business incubator, as noted above. Finally, the College has an important role to play in expanding basic life skills training capacity in the County, in partnership with local secondary schools, businesses, and federally-funded programs.”*

**MINORITY OPINION:** Despite the Plan's urging to expand and increase the offerings of the College, it is unlikely it will be able to do so in any substantive way due to the current financial climate, funding constraints by the five supporting counties, and the unlikelihood of a community college altering its mission to become something it is not.

Chesapeake College is an important educational stepping stone for Eastern Shore students. It is disingenuous of the proponents of this Plan to urge the College to transform itself into a support business, when the underlying goal is to acquire the College's water and sewer treatment plant.

### **Use Amenities as a Marketing Tool**

*“In order to attract desirable mid- and high-skill jobs, the County should focus on lifestyle and amenities as a marketing tool. Emphasizing amenities can also attract telecommuters and others who have moved to the Eastern Shore as a lifestyle choice, but whose jobs remain on the Western Shore. Water and other natural resources like Wye Mill Pond are important and marketable amenities for businesses. The Village of Wye Mills is also a marketable location; rural villages are increasingly attractive to business owners who also make site location decisions for their companies.”*

**MINORITY OPINION:** The Wye Mill Pond is not an “amenity”—it is a valuable community resource with a centuries-old history and purpose. The Village exists today because so many local people have worked hard to maintain its status as a small rural community. **Being a peaceful rural village is the whole point—large development and businesses are incompatible with this unique village area.**

### **3.6. Implementation Strategies**

*“This section describes specific implementation strategies necessary to help realize the type and magnitude of economic development envisioned for the Wye Mills area.*

#### **Community Benefits District**

*A Community Benefits District creates a fund from contributions that can be used for a variety of area enhancements such as water and sewer infrastructure, lighting, signage, recreational trails, and landscaping. Contributions could come from a variety of sources, including new development in the Planning Area, Queen Anne's County, or Chesapeake College.*

*The Scottown community and the existing Service/Commercial businesses along MD 213 are included in the Planning Area because of their proximity to the College and to the new development proposed by this Plan. This inclusion will also make them eligible for some of the same benefits as the rest of the Planning Area, especially public water and sewer connections.*

*The intent of the Community Plan is to make those benefits available without creating an economic hardship for existing residents. One option for alleviating financial burdens would be to use Community Benefits District funds to help offset the costs of new or upgraded infrastructure (such as public sewer connections) for existing residents and businesses.”*

**MINORITY OPINION:** What sources would provide this funding?

#### **Assessment Increases**

*“Rezoning agricultural parcels in the Community Planning Area to more intense zoning designations (see Section 4.4.1) is a short-term implementation action for the Wye Mills area Community Plan. Since, as shown in Figure 3-5*

and Table 3-3, much of the Community Planning Area may not see development for a decade or more, there is concern that property owners could be liable for higher property taxes, without the ability to recoup those costs through development. The understanding is that tax assessments would not change as long as a Community Planning Area property remains in agricultural use. To protect landowners, the County should memorialize this “understanding” by considering a temporary tax abatement for Community Planning Area parcels burdened by this condition. The County’s interest in such an abatement would be served by reserving rezoned land for ultimately more valuable economic development uses.”

**MINORITY OPINION:** There is no data to support future tax liability in the Wye Mills area. This appears to be the consultant’s view, and not a rational statement supported by any facts.

***Link existing service/commercial businesses to new development***

*“As the Planning Area develops, the County should work with owners of the service/commercial properties along MD 213, as well as those in the village of Wye Mills (in conjunction with representatives from Talbot County) to provide opportunities for their businesses to take advantage of and benefit from new development.”*

**MINORITY OPINION:** Not putting them out of business would be more important.

***Build Relationships with Area Hospitals***

*“Health care is one of Chesapeake College’s strongest academic programs. In light of this strength and the existing partnership between the College and Memorial Hospital in Easton, the County and College should seek ways to encourage the expansion of partnerships with area hospitals and the health care community—regardless of activities related to hospital relocation.”*

## **4. Land Use Element**

*“This element describes the existing and proposed future land use in the Wye Mills Community Planning Area. It also describes the zoning and other development policies and implementation actions necessary to achieve the Community Plan’s vision with regard to land use mix, economic enhancement and environmental protection.*

*The following CAC vision statements guided the analyses and recommendations in this chapter:*

*“The Wye Mills Community Area is a place where/that:*

- The natural environment is actively respected, preserved, and protected from destruction, pollution, diminishment, or degradation;*
- The agricultural and historic landmarks of Wye Mills Area are preserved, and land use is a combination of agriculture, education, business, and residential, where each use actively respects, supports, and protects the natural environment;*
- The rural character of the area is maintained through compatible architecture, scale, viewscapes, design, preservation of green spaces, and density limitations;*
- Remains a small, peaceful, rural community surrounded by farms, water and woodlands and any changes that occur enhance the quality of life for residents.”*

#### **4.1. Existing Land Use**

“Figure 4-1 and Table 4-1 show existing land use in and around the Planning Area—depicting how the land developed over time and is currently utilized. Figure 4-2 shows the current zoning districts in and around the Planning Area. Zoning dictates existing County regulations for new development of undeveloped land or redevelopment of improved properties.

A sizeable portion of the Wye Mills Area, including Chesapeake College, is zoned for agricultural purposes. Other notable land uses are:

**Scottown:** This neighborhood consists of approximately 40 single-family homes, and is in the NC-1 (Neighborhood Conservation, one unit per acre) Zoning District.”

**Wye Knot Farm:** This subdivision is located on the south side of US 50, west of Scottown, and consists of approximately 70 single-family homes in the Agriculture Zoning District. Wye Knot Farm utilized the County’s Non-contiguous Development technique to transfer density from other agricultural parcels to the development site.

**Wye Mills:** While most of the Village of Wye Mills is in Talbot County, a part of this village extends into Queen Anne’s County, from MD 404 north to the intersection of MD 213 and 662, and then along MD 662. This portion of Queen Anne’s County has Village Center zoning. The Queen Anne’s and Talbot County portions of the village both consist primarily of single-family homes and small businesses. An additional group of homes is found in a Neighborhood Conservation Zoning District north of Wye Mills along MD 662.

**Commercial Uses:** Service and commercial uses are clustered in the Suburban Commercial Zoning District near the US 50/MD 213 intersection. Establishments here include a large gas station/convenience store, a vehicle service shop, a tattoo parlor, and home furnishing/home improvement stores. To provide right-of-way for the future US 50/MD 213 interchange, the State Highway Administration (SHA) has purchased some land currently zoned Suburban Commercial (see Figures 5-2 and 5-3).

**Industrial uses:** There are no industrial uses in the Planning Area (the Delmarva Power substation on US 50, between MD 213 and MD 404 is zoned Suburban Industrial, but is considered an institutional use). A cluster of industrial uses are found in the Suburban Industrial zoning district along Grange Hall Road, outside of the Planning Area. The S.E.W. Friel cannery, one of the largest canneries on the East Coast, Bramble Construction, C&K Masonry Supply, and a Wise Oil facility are located in this area.

**Open Space:** A portion of the Wye Knot Farm subdivision, as well as other areas near Chesapeake College have been preserved as open space.”

**MINORITY OPINION:** Table 4-1: Existing Land Use, Planning Area indicates that 73% of the Wye Mills area is farmland or forests. Of 1,254 acres of agricultural land, the Plan proposes to remove approximately 675 +/- acres from agricultural production. That cuts in **half** the rural appearance of the area, significantly diminishing the appealing landscapes and open areas that make Wye Mills unique.

#### **4.2. Land Use Plan**

“One of the primary objectives of the Wye Mills Area CAC was to define future land uses for the Planning Area. The CAC devoted two of its seven meetings to developing preliminary land use designations. Figure 4-3 shows the future land use designations as determined by the CAC, along with existing zoning for portions of the Planning Area not addressed by CAC recommendations.

Figure 4-4 is the official Land Use Plan for the Wye Mills Community. It includes the CAC’s land use designations, as well as designations for other parcels of land in the Planning Area that were not discussed by the CAC. Table 4-2

*summarizes the distribution of future land uses in the Planning Area. The remainder of this section describes each future land use designation and its role in the future Wye Mills Area PFA.”*

*The Land Use Plan shows the County’s long-term (25-30 year) vision for the type, arrangement, density, and intensity of land use in the Wye Mills Planning Area. Implementation of this vision is dependent on a number of factors, chief among them being improvements to the transportation system. The existing road network in the Planning Area—specifically the US 50/MD 213 intersection—must be upgraded in order to support full realization of the Land Use Plan. This requirement conforms to the CAC’s vision that “Safe, efficient, and comprehensive transportation and circulation infrastructure and regulations are in place to meet the needs of residents, businesses, and other activities.” The Transportation Element describes the types of facilities and regulations that are necessary to meet this high standard. This Land Use Plan shows the envisioned development pattern with necessary transportation improvements in place.”*

**MINORITY OPINION:** The Land Use Plan included in the Advisory Report appears to have been influenced and promoted by the business advocates placed on the CAC.

Unfortunately, the “Plan” is no plan at all. It is not comprehensive in either scope or area. It does not mesh with the zoning designations of the Talbot County half of Wye Mills (Rural Village Center), nor does it mention the potential future needs of the residents of Wye Mills.

Parcels of *land*, not areas, were designated as one type of zoning or another. New parcels and zoning designations appear to have been added at the last minute with no real planning involved. Others were removed, and a residential component was added when none had previously been included or discussed. The Plan omits contiguous land parcels that should logically have been included in the Plan, because the landowners of those parcels did not want to be affected by any restrictions imposed by the Community Plan. The end result is a very peculiar planning area.

The Minority members were disappointed to witness a lost opportunity—an opportunity that had the potential to be a positive and transparent public process.

#### **4.2.1. Ecological Business Park**

##### **Intent**

*“As described in the Economic Development Element, the northwest corner of the US 50/MD 213 intersection is an attractive site for concentrated economic development activity. Accordingly, this Plan envisions the creation of an Ecological Business Park on Parcel 18 (see Figure 4-4). The Ecological Business Park or Eco-Industrial Park concept has been applied throughout the United States. According to the President’s Council on Sustainable Development (PCSD), such development can help to establish a community of businesses that cooperate with each other and with the local community to efficiently share resources (information, materials, water, energy, infrastructure and natural habitat), leading to economic gains, improved environmental quality, and equitable enhancement of human resources for business and local community.”<sup>5</sup>*

*These goals mirror the Community Plan’s vision of increasing employment opportunities for Queen Anne’s County residents, while protecting natural and cultural resources.*

### **Development Considerations**

*The primary land uses in the Ecological Business Park would be offices (which could include medical and health care-related research), flex space, light manufacturing (with an emphasis on high technology), and related support services. Some accessory retail uses would be permitted, but stand-alone retail or commercial development would not be permitted. Residential development would not be permitted.*

*Development regulations (zoning, design guidelines, etc.) for the Ecological Business Park should require layout and design of buildings, parking, and amenities for the business park to have minimal, if any negative impacts on the natural environment or on the surrounding community.*

*The County should also recruit tenants whose research and employment activities relate Chesapeake College’s academic programs, or that build on the Wye Mill area’s rural and agricultural strengths. Agribusiness, agricultural research (including experimental crop fields or similar research), and maritime-related businesses may be particularly suited to the Ecological Business Park. To the greatest degree possible, tenants’ activities should be related to or support ecologically sustainable products and production techniques.*

*The minimum size of the business park, including parking and accessory uses (but excluding property used for crop or livestock research), should be 25 acres, although business and employment uses in this area would likely require approximately 120 acres of land in the 25-30 year timeframe (see Figure 3-5 and Table 3-3). Development should generally be concentrated toward US 50.*

*The portion of the parcel not planned for development (based on a final plat approved by the Planning Commission) would be held in deed-restricted open space. This undeveloped area could also be used for stormwater management or land application of treated wastewater (see Section 6.2.3), and should include significant forested buffers on all sides, at least 100 feet between the business park and the Scottown community, and 50 feet along US 50 and MD 213.*

*Access to the business park should be from MD 213, as far from the US 50/MD 213 interchange as possible. There should be no direct vehicular access from the business park to Scottown. A recreational path system—which is recommended for the business park--could connect to the neighborhood.*

**MINORITY OPINION:** Despite its proximity to Route 50 and its “easily developed” flat land, Wye Mills is an unsuitable location for a business park. It will increase congestion on already congested roads, increase the amount of pollutants being dumped in the Wye River, further diminish productive farmland, and, perhaps most importantly, forever alter the landscape of Wye Mills from a rural area to a commercial environment.

It’s important to preserve those lands along Routes 50 and 213 that still remain as farmland. How will the County’s tourism, desirability as a place to live or work, and quality of life for those who live along Route 50 be affected if Route 50 resembles Ritchie Highway? If Route 50 becomes even more congested because of traffic tie-ups at 213 and 404, how will that affect the dollars that come to the entire Eastern Shore?

The cost of this ill-conceived Plan—to the residents of Wye Mills, the taxpayers of the County, the State Department of Transportation, the Wye River (and all the people working to clean up the Bay), and the people who travel through the County—will far outweigh any potential benefit to the County from a business park in this location.

#### **4.2.2. Education Center**

##### **Intent**

*“The Education Center component of the Land Use Plan recognizes the broad and growing nature of Chesapeake College’s academic programs, and provides land suitable for the expansion of these uses, as well as new research activities directly related to the College. The Education Center designation encompasses the entire College (Parcel 66 on Figure 4-4), as well as a portion of Parcel 7, on the east side of MD 213.*

*The College currently has Agriculture zoning, and has limited capacity for additional development. Under the existing Agriculture zoning, any new development is considered a Conditional Use, making approval and completion of such development an arduous process. The Education Center designation and its accompanying zoning should allow the College to construct additional facilities on its property by right, and provides for related development adjacent to the College on Parcel 7. New construction at the College should focus on facilities that directly relate to the College’s research and education mission, specifically as it relates to agriculture, education (teacher training), and life sciences, in conjunction with the Higher Education Center.*

##### **Development Considerations**

*Other appropriate uses in the Education Center (on parcel 66 or 7) could include a conference center, a business incubator (see Section 3.5.1), and limited amounts of student housing. The exact number of housing units should be determined after consultation with the College and nearby communities, and should be based on water and sewer limitations. Based on previous planning efforts, this Community Plan recommends that no more than 100 student housing units be constructed on Education Center property, unless compelling evidence exists to justify additional housing.<sup>6</sup> Student housing should be in the form of rental units offered only to Chesapeake College students or staff. College-run dormitories are not recommended.*

*Several private schools have expressed interest in building campuses near Chesapeake College. Such establishments could reinforce the College’s educational mission by providing work-study opportunities for candidate teachers, while simultaneously offering college-credit courses to high school students. The Education Center and Village Center (see below) portions of Parcel 7 are particularly suited for new schools, since those facilities can provide a buffer between the more intense land uses at the US 50/MD 213 intersection and the lower-intensity uses in historic Wye Mills.*

*Access to Chesapeake College would remain unchanged, unless the construction of the US 50/MD 213 interchange forces a realignment of the existing entry road. The primary access to the Educational Center on Parcel 7 would be a single entrance from MD 213, aligned with Chesapeake College’s main entrance. A roundabout similar to those proposed for the US 50/MD 213 interchange (see Figure 5-2) could be considered to manage traffic at this location. Site design should emphasize a human-scale streetscape, with sidewalks and street trees, landscaping to minimize the visual impact of the parking lots. A pedestrian/bicycle trail should connect Parcel 7 to the Village Center and other portions of the Community Planning Area.*

*Parcel 7 has important environmental features, specifically the Wye Mill Pond, and associated wetlands and forested area. For the pond and wetlands, the minimum buffer required by law is 25 feet. However, the environmental sensitivity of the Wye River, as well as the Community Plan’s emphasis on development that avoids unnecessary impacts to natural resources, calls for a larger buffer. Accordingly, new development on the Educational Center and Village Center properties should be set back 100 feet from the edge of the pond and all wetlands. Similarly, all existing forest stands outside of that buffer should also be preserved to the greatest extent possible. Buffer areas should be vegetated, with new plantings consisting entirely of native tree and plant species.*

*Vegetation and ponds in the buffer areas could also provide stormwater management functions (see Section 7.2.2).*

*A 100 foot vegetated buffer should also surround*

*Wilton (parcel 58), which is listed on the National Register of Historic Places (see Section 7.1.2). A minimum 50-foot buffer should be maintained along US 50 and MD 213.”*

**MINORITY OPINION:** There is presently no statistical data or plan demonstrating Chesapeake College’s need for student rental housing. These 100 units are just a place-holder for the non-student rental housing that is no doubt the ultimate aim of the proponents of this idea.

### **4.2.3. Health Care**

#### ***Intent***

*Health care is one of Chesapeake College’s major educational offerings, and is also a specific need of Queen Anne’s County residents. The Health Care land use designation identifies parcels 1, 3, and 67 at the eastern edge of the Planning Area as the appropriate location for future health care facilities in the Wye Mills Area. These facilities could include medical offices, labs, and technical services, and other health-related entities. Should a regional hospital locate in the Wye Mills area (this possibility is described in the Economic Development Element), this facility should also be located within the Health Care portion of the Planning Area.*

*This location has access to US 50 and MD 404, which would allow a future hospital to serve residents of Queen Anne’s, Talbot, and Caroline Counties. However, a hospital in this location would require substantial road improvements to assure access to and from those major routes, and to address existing congestion problems. Water and wastewater service would also need to be planned. Any proposed hospital would need to address these issues as part of its development plan.*

#### ***Development Considerations***

*The scale, character, and layout of development of future health care facilities should be similar to that of the Ecological Business Park. The primary land uses would be medical offices, labs, and related facilities. A hospital and related uses would also be permitted. Residential development would not be permitted.*

*As with the Ecological Business Park, development regulations would require avoidance of negative impacts on the natural environment or on the surrounding community. Bulk and massing (the amount and concentration of development—see Section 3.4) for health care uses would also be similar to those developed for the Ecological Business Park. Development should be concentrated near US 50 to provide visibility.*

*Access to this site would likely be from both US 50 (access from the south, egress to the north) and MD 404 (perhaps via Owens Road, which forms the edge of the Planning Area boundary behind Parcels 1 and 3).”*

**MINORITY OPINION:** Inclusion of land designated for health care is questionable and speculative. It does not belong in the Plan and is not supported by any factual basis for inclusion. The possibility of a regional hospital being built in Wye Mills presents an entirely separate set of issues and challenges. For that reason, this zoning designation should not be included in this Plan.

#### **4.2.4. Wye Mills Village Center**

##### ***Intent***

*“The Village Center designation indicates areas where development ordinances should be revised to encourage future development and redevelopment that is similar to, and in keeping with the character of the village of Wye Mills.*

*The Wye Mills Village Center designation applies to two general locations: land adjacent to the village (including areas with Village Center zoning and a portion of Parcel 7); and the collection of commercial and residential uses on the east side of MD 213, north of US 50. This designation will buffer the village from more intense uses in the Education Center and Ecological Business Park. This designation also provides locations that are appropriate for smaller-scale commercial establishments (similar to those already present in the Wye Mills Village Center areas).*

*The Wye Mill Pond buffer and a pedestrian/bicycle trail (as described for the Education Center) should pass through the Wye Mills Village Center area, linking the College (and the US 50/MD 213 intersection) with Wye Oak State Park.*

##### ***Development Considerations***

*Overall, the vision for these areas is a low-intensity mix of small stores and individual houses. The general provisions of development ordinances for the Wye Mills Village Center would be similar to existing Village Center zoning. The list of permitted and conditional uses would be substantially reduced. In particular, more intense uses such as apartments and “high commercial” (as defined in the Zoning Ordinance) would not be permitted in the Wye Mills Village Center area.*

*Public and private educational institutions would be encouraged in the Wye Mills Village Center area, particularly on Parcel 7, where such uses can act as an anchor for the Village Center. As discussed under Education Center, private schools have expressed interest in establishing campuses near Chesapeake College. One recommendation of the CAC was that the Wye Mills Village Center portion of Parcel 7 be available for such uses. A school, with its athletic fields and other open space, would provide a buffer between the village and the Education Center.”*

**MINORITY OPINION:** The land adjacent to the existing Village Center should be restricted to only those uses that would be compatible with the rest of the Village of Wye Mills in size, scale, architecture, and type of business.

#### **4.2.5. Agricultural Conservation**

##### ***Intent***

*“Properties with an Agricultural Conservation designation are intended to remain in agricultural use, with limited development opportunities. This designation preserves agricultural land, as well as portions of the headwaters of the Wye River.*

##### ***Development Considerations***

*The Agricultural Conservation designation would be implemented through a revised Agricultural zoning district. The new Agricultural Conservation zone would be similar to the existing Agriculture zone, but with greatly reduced list of permitted and accessory uses. Residential uses would be limited, and industrial or commercial activities allowed in the current Agriculture zone (such as “major extraction and dredge disposal,” as defined in the Zoning Ordinance) would not be allowed. Large scale land application of treated wastewater effluent (i.e., spray irrigation) would be a permitted use. Spray irrigation (or other land application techniques) would be permitted on Parcels 2 and 3, northeast of the US 50/MD 213 intersection, (see Figure 4-4 and the Community Facilities Element), but would not be permitted on the portion of Parcel 13 adjacent to Scottown.”*

**MINORITY OPINION:** The land affected by this designation is that intended for spray irrigation. Its use for conventional agriculture is not included in the Plan. The land included in the zoning designation is key to the viability of the water and sewer scenario proposed by the Plan because it increases the capacity of the system to handle more square footage of business space.

#### **4.2.6. Other Uses**

*“The remaining future land use designations in the Wye Mills Community Planning Area represent a continuation of existing uses and zoning designations. These uses are summarized below.*

##### **Commercial**

*Land on both sides of US 50, south of Wye Mill Pond would retain its Suburban Commercial zoning. This land is designated for future commercial development that supports the new businesses and activities in the Planning Area. In particular, new development. Near 404, won't be viable, likely developed for other use, etc in the SC district should be compatible with any future health care facility, while meeting the commercial and retail needs of students and employees in the Business Park and Educational Center.*

##### **Institutional**

*This designation identifies the existing Delmarva Power substation.*

##### **Residential Estate**

*Approximately 113 acres of land between Wye Mill Pond and MD 404 would retain their Suburban Estate zoning (which generally provides for low-density residential uses). A minimum 25 foot buffer around Wye Mill Pond should be observed for these parcels.*

*Approximately 53 acres of Parcel 7 would be similarly zoned, although the design, buffer, and environmental provisions of the Education Center would apply to this area. Access to this portion of Parcel 7 from US 50 would be unlikely, given spacing requirements from the US 50/MD 213 interchange. Access to this area could be achieved via a bridge over the Wye Mill Pond tributary.*

##### **Residential**

*Scottown and the residential area at the northern end of Wye Mill Pond would retain their NC-1 zoning. Minimal infill development—if any—is anticipated for these areas. Including these properties in the Planning Area is intended to make them eligible for public water and sewer service and funding for transportation improvements. Such infrastructure upgrades are an especially important concern in Scottown, where aging septic systems are at risk of failing.”*

##### **Road Right-of-Way**

*This designation identifies land currently used for roads, parking lots, or other transportation facilities, or land that has been or is likely to be acquired by the Maryland State Highway Administration (SHA) for future transportation uses. In particular, the Land Use Plan identifies property to be used for a future US 50/MD 404 interchange and a future US 50/MD 213 interchange (see Figure 5-2). Transportation investment here could include upgrades of Scottown Road and Rustic Acres Lane. In addition, the SHA US 50/213 interchange, as discussed in the Transportation Element, would also include an access road for Scottown.*

##### **Emergency Services**

*Land in the Planning Area should be reserved for future fire, police, and/or Emergency Medical Service (EMS) facilities (see Section 6.2.4). The Education Center or Health Care center (if developed) would be the most likely locations for such facilities.”*

**MINORITY OPINION:** It should be noted that no water and sewer will be provided to large parts of Wye Mills if this Plan is approved. Wells and septic systems will continue to be necessary, not just because of the various zoning designations but because of the limitations on the (College’s) water/wastewater treatment plant serving the business park and other commercial uses on the south side of Route 50.

#### **4.3. Development Capacity**

*“This section analyzes the extent to which development demand in the Community Planning Area can be accommodated within the supply of land that is available for development. The Community Planning Area totals approximately 1,711 acres of land, of which approximately 675 acres could accommodate significant amounts of development. The remainder is occupied by existing businesses and residences, land designated Agricultural Conservation, and future right-of-way for upgrades to US 50, MD 213, and Grange Hall Road (including a future interchange). New residential development is expected to be a small component of total new development.”*

**MINORITY OPINION:** It’s unclear how the Plan’s consultant arrived at the assessment of the number of acres “that could accommodate significant amounts of development.”

Again, without the calculations to demonstrate its validity, this figure cannot be considered accurate. The consideration that is missing from this statement, however, is how many square feet of non-residential space the residents of Wye Mills want. Is every possible square foot available for development? The Minority expresses its strong opposition to the proposed size of this Plan for “non-residential” (i.e., business and commercial) space.

#### **4.3.1. Non-Residential Capacity**

*The forecast for this Plan show demand for approximately one million square feet of nonresidential space (office, industrial—as defined in Section 3.3.4, and service) in the Wye Mills area through 2030 (see Table 3-3). This excludes a potential hospital or other major “drop-in” use. The Wye Mills Area Community Plan allocates as much as 675 acres of land to accommodate future non-residential demand. In addition, a small amount of commercial demand could be accommodated within the Wye Mills Village Center areas.*

#### **4.3.2. Residential Capacity**

*This Community Plan does not contain specific forecasts for residential demand in the Wye Mills area. The intent of the Plan is not to provide significant amounts of new housing (except for student housing to serve Chesapeake College).*

**MINORITY OPINION:** If this were a true Community Plan, housing would obviously be a consideration. This statement indicates how narrowly the architects of this plan have trained their focus. They want to build business

and commercial development. The inclusion of “student housing” is likely an attempt to build non-student rental apartments.

*However, demand for housing has been strong throughout Queen Anne’s County in the past decade. Approximately 66 acres of land are designated as Residential (recognizing existing development), while another 167 acres are designated Residential Estate in this Community Plan.*

**MINORITY OPINION:** The inclusion of 66 acres for residential development, which was a last-minute addition at the final meeting of the CAC, was not due to housing demand. It was done at the behest of the landowner who wants to develop that land, as evidenced by a letter from that landowner’s attorney, presented to the CAC that same evening.

*Residential Estate areas would not receive public water and sewer service. Depending on soil suitability, sensitive areas, land required for buffers, and other factors, the areas designated Residential Estate could perhaps yield as many as 100 new residential units.*

*In addition, some residential development could be accommodated in the Wye Mills Village Center, although public and private schools and existing development would occupy most of the land in these areas. As many as 100 units of student housing for Chesapeake College could be built within the Education Center land use designation (receiving public water and sewer service).”*

**MINORITY OPINION:** The Plan is incongruous regarding residential development. Section 2.3 and others state that specific forecasts have not been made for residential demand in the Wye Mills area, yet this section (4.3.2) states that residential development could be accommodated in the Village Center, that 100 units of student housing could be built on the Education Center land, that 66 acres are designated as Residential, and that potentially another 100 units could be built on the Residential Estate areas.

#### **4.4. Implementation Strategies**

*“This section describes the revised development ordinances and other steps that must be taken in order to ensure that the Future Land Use Plan can be realized.*

##### **4.4.1. Zoning and Other Development Ordinances**

*To implement the Land Use Plan’s recommendations, new zoning districts will be required. Table 4-3 lists the Land Use Plan categories and summarizes the general zoning provisions necessary to implement the land Use Plan. As Table 4-3 shows, five new zoning districts will be required. The Ecological Business Park, Life Sciences Center, and Agricultural Conservation district regulations should be written in a way that is applicable Countywide. Other new districts recommended in this Plan should be crafted specifically for the Wye Mills area. The County has taken this approach with other Community Plan areas such as Chester, Grasonville, and Stevensville.*

#### **4.4.2. Environmental Protections**

*A cornerstone of the Wye Mills Area Community Plan is the protection of the area's sensitive environmental areas and natural resources. In addition to the environmental controls already mandated by County and state regulations, the following provisions should be included in development regulations (zoning, subdivision, and other ordinances) for the Planning Area. These policies could be included in the language of the individual zoning districts in Table 4-3, or in a Wye Mills Area Overlay district.*

**MINORITY OPINION:** The Plan disregards the area's sensitive environmental areas and natural resources. The potential for additional pollution that wastewater treatment and stormwater runoff from impervious surfaces will funnel into the Wye River does not constitute protection of the Wye River or the Chesapeake Bay.

#### **Environmentally Sensitive Areas**

*New development should avoid all environmentally sensitive areas, as defined in Section 7.1.1, and should be concentrated on land that has previously been disturbed (including existing agricultural land). In addition, a 100 foot vegetated buffer from all new development should be maintained around Wye Mill Pond and the Wye River. Other buffers of at least 25 feet should be maintained around other sensitive environmental areas.*

**MINORITY OPINION:** No mention is made of ensuring compliance with the new requirements of HB 1141.

*Wherever possible, vegetated buffers should be forested, using native or locally compatible tree species. Existing forest stands should be preserved. Where such preservation cannot be achieved while still allowing development, afforestation (equal or larger in area than the acreage of trees removed) should occur within the Planning Area, as per provisions of the County's Forest Conservation regulation.*

#### **Building Construction**

*New development should be LEED certified, or should achieve similar standards for energy efficiency and minimized environmental impact. All new development or substantial redevelopment must utilize Environmental Site Design (ESD) development techniques, which ensure that the quality and quantity of stormwater runoff after construction is similar to or better than pre-construction conditions (see Section 7.2.2)."*

#### **4.4.3. Water and Sewer Master Plan Amendments**

*"As described in the Community Facilities Element, a portion of the Wye Mills Planning Area will be designated for future public water and sewer service. Upon adoption of the Community Plan, the County's Comprehensive Water and Sewer Master Plan should be amended to reflect planned water and sewer service to the Wye Mills area."*

**MINORITY OPINION:** The Water and Sewer Master Plan does not allow for any future organic growth of Wye Mills and excludes all areas except those immediately adjacent to the intended recipients of the water and sewer service—the business park, "student housing," and the Village Center. It disregards the rest of the Wye Mills area, where well and septic use will continue because the innate capacity of the wastewater treatment

plant will not support any additions beyond what the business park, the “education center,” and the Village Center use. This “Plan” is no plan at all.

#### **4.4.4. Priority Funding Area Map Amendments**

*“Counties submit PFA maps to the State. After review for consistency with PFA regulations by the Maryland Department of Planning (MDP) and other agencies, these maps are used as the basis for State planning and financial and other assistance. Upon completion of updates to the County’s Comprehensive Plan and Water and Sewerage Plan, the County should update its PFA maps to add as a new PFA the portion of the Wye Mills Community Planning Area receiving public water and sewer service.”*

**MINORITY OPINION:** Implicit in the change of the area receiving public water and sewer service to a PFA is the additional designation of the same area as a Growth Area. **The Village of Wye Mills does not want to be a Growth Area** and is not prepared to be transformed into one.

#### **4.4.5. Design Guidelines**

*“Design guidelines should be developed and applied to all new development in the Wye Mills Community Planning Area. These guidelines could be included in the language of the individual zoning districts in Table 4-3, or in a Wye Mills Area Overlay district. Design guidelines for the Wye Mills Area should elaborate on the following principles:*

- *The architectural style, materials, and details of new construction buildings should be of high quality, and should consider the vernacular architecture of the rural Eastern Shore (specifically, the historic Wye Mills area). Where possible, rural landscape features such as fields and ponds should also be incorporated. Appendix B contains images of architectural styles, materials, and other details that represent some of the desirable attributes of future development in the Wye Mills Area.*
- *Building heights and bulk should be defined by zoning. Heights should be greatest adjacent to US 50, and should step or taper down to blend with and/or protect the village of Wye Mills, the Scottown community, and other existing residences and businesses.*
- *The layout and design of streets and parking lots should be simple to minimize pavement area. Parking areas should be minimally visible from roads. Pervious pavement should be used where possible.*
- *Provisions requiring for site maintenance and appearance should be included.*
- *For large-scale development in the Ecological Business Park, Education Center, and Health Care areas, active and passive recreation (parks and green spaces) should be included throughout the site, to encourage healthy behavior.”*

**MINORITY OPINION:** *These statements are meaningless without adopted covenants or ordinances.* The design of any structure to be built will be just as indiscriminate as it has been elsewhere in the County.

## 5. Transportation

*“Traffic and transportation infrastructure are critical concerns for the Wye Mills area. The intersection of US 50 and MD 213 is the hub of the Planning Area’s transportation network. However, these roads carry a large volume of traffic, and there are significant concerns about the safety and capacity of the US 50/MD 213 intersection. Realization of the economic and land use vision embodied in this Plan will require considerable upgrade of the transportation network, internal circulation systems, and policies that direct traffic to appropriate facilities.*

*The following CAC vision statements guided the analyses and recommendations in this chapter:*

*“The Wye Mills Community Area is a place where/that:*

- *Safe, efficient, and comprehensive transportation and circulation infrastructure and regulations are in place to meet the needs of residents, businesses, and other activities.*

### 5.1. Existing Conditions and Issues

*“US 50 links Washington, D.C. and Annapolis with Salisbury and Ocean City, and runs east-west through the Planning Area. MD 213 runs north from Wye Mills through Kent and Cecil Counties to the Pennsylvania border, and connects much of the upper Eastern Shore. MD 213 also connects the Planning Area to US 301 approximately four miles north Chesapeake College. This portion of US 301 links Queenstown with Millington and Middletown, Delaware. MD 404 forms a portion of the Planning Area boundary, and links Wye Mills to Caroline County and Sussex County, Delaware. Other significant roads in the Wye Mills Area are Wye Mills Road (MD 662) and Grange Hall Road (see Figure 5-1).”*

**MINORITY OPINION:** A serious defect of the Advisory Report is that it considers Transportation in a vacuum, without taking into account the impacts of what else is being planned for the 7-mile Route 50 corridor from the 50/301 split to the Talbot County line. This myopic, development-driven focus results in a reckless development plan that will further strangle “Reach the Beach” traffic as it attempts to pass through Queen Anne’s County. Here is a sampling of what the Advisory Report ignores:

The draft Queenstown 2008 Community Plan concedes (page 69) that “during seasonal peak travel times over the next decade and beyond, [the] Rt. 50 [corridor in Queen Anne’s County] can be expected to be gridlocked.” Yet that Plan calls for more than tripling Queenstown’s residential population and doubling its existing commercial space. A powerful local developer has mobilized support, and received an initial go-ahead from the County, for 700,000 square feet of mixed-use development (590,000 more than in the draft Queenstown Plan) on “Wheatland Farm” across from the Outlets, with direct access to Route 50. The Advisory Report pays no attention to any of this.

Development plans affecting traffic on Route 50 at Carmichael Road are similarly ignored. This road, entering from the south with no traffic signal, gives access to Route 50 from a large peninsular land area with several

rural sprawl developments and various facilities. Hunters Oak golf course wants to become a large resort complex, and Aspen Institute wants to more than double its overnight accommodations.

Other development projects like these will all have major traffic implications within the Advisory Report's planning area, at 50/213 and 50/404. It is simply irresponsible to ignore them and call for near-term large-scale commercial development in the Wye Mills area when full-grade separation at these two intersections is not a realistic possibility for the foreseeable future. The great majority of Maryland residents who depend on the Route 50 corridor to access beach resorts, and the extensive visitor-dependent commercial interests in those resorts, will be greatly harmed if anything like the Advisory Committee's plan for the Wye Mills area ever becomes a reality.

### **5.1.1. Traffic Volumes**

*"US 50 is a heavily traveled highway, especially in the summer months. Table 5-1 shows annual and estimated summer traffic volumes for US 50, MD 213, and MD 662 in 2007 and 2005 (summer peak hour traffic data were made available for 2005, but not for later years). The traffic volumes on US 50 are extremely high in the summer months, a problem that is compounded by the signalized intersection at MD 213. Long delays and slow-moving traffic are not uncommon during summer months, especially on weekends, when "reach the beach" traffic is the highest.*

*In addition to high traffic volumes, the US 50/MD 213 intersection has also posed safety concerns for years. Heavy traffic volumes and long signal delays for traffic on MD 213, or for traffic turning from US 50 to MD 213 are partially to blame for frequent accidents at the intersection (some have been fatal). In 2008, the Maryland State Highway Administration (SHA) changed the traffic signal timing to separate left turns onto MD 213 from through traffic on US 50. SHA is also studying geometric improvements to the left turn lanes to further address safety issues."*

### **5.1.2. Transit**

*"Maryland Upper Shore Transit (MUST), a fixed route bus service, provides public transportation to Chesapeake College. Three of MUST's 17 routes (routes 1, 4, and A) each include stops at Chesapeake College. Route 1, the Kent Island/Chesapeake College/Easton loop, stops at the College five times per day. Route 4, the Rock Hall/Chestertown/Centreville/Easton loop, stops at the College six times per day. Route A, the Kent Island/Centreville/Chesapeake College loop, stops at the College three times per day. Complete bus schedules can be found at [www.mustbus.info](http://www.mustbus.info)."*

### **5.1.3. Proposed Improvements**

*"The Maryland State Highway Administration (SHA) has proposed a series of major improvements to US 50 in Queen Anne's County, from the US 50/301 split in Queenstown to MD 404 at the Planning Area's southern boundary. The goal of the US 50 project is to improve traffic flow on US 50, specifically by widening selected segments of the road (in the Planning Area, US 50 would be widened to six lanes), eliminating left turns to or from US 50 at unsignalized intersections (except for emergency vehicles), and replacing signalized at-grade intersections with grade-separated interchanges at major crossroads.*

*The US 50 project includes eight phases: three widening projects and five grade-separated interchanges. The County has designated the US 50/MD 213 interchange as the top priority among the eight US 50 phases, and the*

second-highest countywide road construction priority.<sup>9</sup> Preliminary SHA designs for the US 50/MD 213 interchange, shown in Figures 5-2 and 5-3, indicate the location and elevation of new roads, and the amount of existing pavement to be removed, but do not represent the final interchange design. SHA has completed initial planning, and has received some funding for acquisition of right-of-way and preliminary engineering. However, the US 50/MD 213 interchange (and the rest of the US 50 project) have not been funded for construction.

As part of the completed interchange, MD 213 would cross over US 50. Access from US 50 to MD 213 and the local network would be via ramps leading to roundabouts on either side of US 50. Existing driveways and median crossings (of US 50) near Scottown would be removed, but a new service road would be constructed to provide full access for residents (shown in detail on Figure 5-2).

SHA is also planning to widen MD 404 to four lanes, from US 50 to Denton, and to replace the current US 50/MD 404 intersection with a grade-separated interchange. Some funding exists for right-of-way acquisition and preliminary engineering, but these projects have not been funded for construction. The US 50/MD 404 interchange is priority #5 of the eight US 50 improvements.”

## **5.2. Transportation Recommendations**

“The Community Plan vision statement (Section 2.2) links future development in the Wye Mills area to the presence of “safe, efficient, and comprehensive transportation and circulation infrastructure and regulations.” This section describes the transportation policies and improvements that must be in place to enable future development.”

### **5.2.1. Intersection Upgrades**

“The single most necessary and important infrastructure improvement for the Wye Mills area is the upgrade of the US 50/MD 213 intersection to address safety issues and capacity limitations. Although some minor upgrades have been completed or are planned in the near future to minimize immediate safety threats (see above), substantial new upgrades will be necessary to fully address safety and capacity issues. These improvements must be designed and funded in order for substantial development to occur in the Wye Mills Area.

The SHA-designed interchange addresses ongoing safety and capacity needs not associated with the Community Plan. However, construction of this interchange would aid this Plan’s economic development and land use recommendations. For these reasons, it is the County’s strong desire that SHA-designed interchange (described in Section 5.1 above) be constructed as expediently as possible.

The US 50/MD 213 project is not funded for construction, and is not likely to receive such funding in the near future, due to statewide budget shortfalls. New development in the Wye Mills area should be coordinated with SHA to reserve adequate right of way for the eventual US 50/MD 213 improvements, to secure appropriate access permits for US 50 and MD 213, and to ensure that interchange plans are adjusted if necessary to serve the amount and type of new traffic that would be generated by development in this area.

That coordination notwithstanding Figure 3-5 and Table 3-3 show that new construction in the Wye Mills area could begin in as little as 3-5 years, preceding interchange construction. Thus, interim traffic and safety solutions are necessary until a full interchange can be funded.”

### **5.2.2. Other Road Improvements**

“Internal networks of public streets will serve the Ecological Business Park and Education Center (the need for internal circulation for the Health Care center would depend on the magnitude of development and the presence of a hospital). Access to the Ecological Business Park and Education Center would be from MD 213, with no direct access from US 50.

The Scottown access road (shown in Figure 5-3) should be signed for local traffic only, and trucks would be prohibited, except for deliveries to residences.

The eastern portion of the Education Center (parcel 7) is surrounded by Wye Mill Pond to the east, US 50 to the north, and a small tributary (and associated wetlands and forest) to the west. Direct access from US 50 is not

*recommended (any access from US 50, if permitted by SHA, would only be a right-in and right-out rather than a full service entrance into this portion of site) The more likely option would be a new crossing of the Wye Mill tributary, tied to the Education Center entrance on MD 213.*

*Scottown Road and Rustic Acres Lane would benefit from upgraded pavement. As described in Section 3.5.4, a Community Benefits District could be established to help pay for such an upgrade as new development occurs.”*

**MINORITY OPINION:** The intersection of US 50 and MD 213 is not likely to be modified for many years to come, due to State funding shortfalls and the national economic climate. In the absence of a new interchange, the intersection cannot handle any additional traffic or congestion.

The interim traffic and safety solutions have already been implemented. Nothing short of a new interchange will make the intersection capable of handling additional traffic.

The statement that construction could begin in as little as 3–5 years disregards the one consideration that almost all members of the CAC agreed on: no building or development should occur until the road infrastructure is in place to handle the higher volumes of traffic (not to mention construction and commercial vehicles) that will be created by new development.

It is the strong Minority Opinion that no construction should occur anywhere in the vicinity of Routes 50 and 213 until a complete new interchange has been constructed.

### **5.2.3. Transit**

*The County should work with the MUST bus system to add transit stops for the Ecological Business Park and Health Care center. A second stop within the Education Center should also be considered. Developers in the Wye Mills Area should also coordinate with the County and the College to establish a shuttle bus system to connect the College, Ecological Business Park, Village Center, and Health Care Center.*

### **5.2.4. Non-Motorized Transportation**

*Non-motorized (pedestrian and bicycle) transportation systems should be included in all new development in the Wye Mills area. Development in the Ecological Business Park and Employment Center should contain full sidewalk or path systems to facilitate pedestrian access to all buildings and facilities. These paths should also be connected to each other to form a complete non-motorized system to provide mobility and recreational opportunities throughout the Planning Area. Specific consideration should be given to connections between:*

- *Chesapeake College and parcel 7 the Education Center: Given the relatively low traffic volumes on MD 213, this connection could be accomplished with an at-grade crosswalk. A pedestrian island, special paving, safety lighting, and potentially a raised crosswalk would be desirable to ensure safety at this crossing.*

- *The Education Center (Parcel 7) and Wye Mills Village Center: A bicycle/ pedestrian path should ideally connect the Professional Center or Chesapeake College with Wye Oak State Park and the Village of Wye Mills. This path could run adjacent to the forested buffer around Wye Mill Pond, and should form the spine of the non-motorized path system on the west side of Wye Mill Pond, linking future research and development activities and public or private schools to Wye Mills.*

*The MD 662 bridge over the Wye River has no space for safe pedestrian movement. A new or widened structure over the river may be necessary to complete the link from the Planning Area to the village of Wye Mills in Talbot County. Queen Anne’s County should alert SHA to the need for such improvements.*

**MINORITY OPINION:** Any path created to connect the College with Wye Mills should be on **College** property. The proposal continues to disregard the presence of private land owners around the mill pond.

The bridge over the Wye River cannot be widened without the funding to do so. Like the 50/213 interchange, it is unlikely to occur for many years to come.

### **5.3. Implementation Strategies**

*“To implement the transportation recommendations described in this Element, the County should consider the following approaches.*

#### **Coordinate with SHA**

*The County should coordinate planned development with SHA, in order to reserve appropriate rights-of-way for SHA’s planned US 50 improvements, and to ensure that future road facilities (specifically the US 50/MD 213 interchange) are sized appropriately for projected traffic volumes. Coordination with SHA will also be necessary to obtain permits for access to US 50 and MD 213.*

#### **Establish a Funding Source**

*One way to hasten the construction of major transportation improvements is to offer County cost-sharing for these improvements. Funding sources for such cost-sharing could come from*

- *A community benefits district or other special taxing district (see Section 3.5.4)*
- *An excise tax or impact fee on development in the Ecological Business Park and Health Care center.*
- *Other developer funding arrangements*

**MINORITY OPINION:** What would constitute the “other” developer funding arrangements?

#### **Require Non-motorized Transportation Infrastructure**

*The development regulations for the Ecological Business Park, Education Center, and Wye Mills Village Center should require pedestrian/bicycle paths to be constructed as a part of new development. These paths should serve development within each Planning Area component, and should also connect to other components and to Wye Mills and the State Park.”*

**MINORITY OPINION:** Connecting paths to Wye Mills and the Wye Oak State Park is fine—where they are placed is very important to residents of Wye Mills.

## 6. Community Facilities

*“This element describes community facilities—including drinking water, wastewater disposal, emergency services, internet, recreation, and other facilities—that exist in the Wye Mills Planning Area (and the surrounding vicinity), as well as the community facilities that will be necessary to support future growth in the Planning Area.*

*The 2009 Queen Anne’s County Comprehensive Plan will contain a Water Resources Element (pursuant to Maryland House Bill 1141, enacted in 2006) for the entire County, including the Wye Mills Area. This Element of the Community Plan (along with the stormwater discussion in the Environmental and Cultural Features Element) provides data and policies to support the countywide Water Resources Element, but is not intended to fulfill the requirements of House Bill 1141.*

*The following CAC vision statements guided the analyses and recommendations in this chapter:*

*“The Wye Mills Community Area is a place where/that:*

- *The natural environment is actively respected, preserved, and protected from destruction, pollution, diminishment, or degradation;*

**MINORITY OPINION:** The Plan should include the Water Resources Element pursuant to House Bill 1141. Such omission may relate to the probable inability of the Plan to receive approval under the HB 1141 provisions.

### 6.1. Existing Community Facilities

#### 6.1.1. Drinking Water

*“With the exception of Chesapeake College, all properties in the Planning Area draw drinking water from individual wells. Individual wells are generally adequate to support residential and commercial uses in the Planning Area.*

*The Chesapeake College water system consists of two 8” diameter wells, a chlorination system, and a 50,000 gallon water tower. The College uses approximately 8,000 gallons per day (gpd) of water, with lower usage (approximately 3,500 gpd) on weekends. Usage varies significantly, and can reach up to 14,000 gpd on peak days. The water system is adequate to handle current demands, but future system expansions will likely be necessary to accommodate growth at the College. Specifically, additional water storage capacity (e.g. an additional and/or larger water tower) will be needed to provide higher flows and more volume for fire protection. Elevated arsenic levels in the College’s drinking water will require treatment.”*

**MINORITY OPINION:** Marring the views around Wye Mills with tall, ugly structures will not “protect the rural agriculture and landscapes.” If the Plan

wants to give any credibility to its claims of being environmentally sensitive, it should consider the impact of towers on the landscapes and “viewsheds” of the area.

### **6.1.2. Wastewater**

*“Wastewater in the Planning Area is disposed of via individual septic systems, except for Chesapeake College, which operates its own wastewater treatment plant (WWTP). The overarching environmental concern about wastewater is the mass of nutrients (specifically, nitrogen and phosphorus) that it carries to the Chesapeake Bay and its tributaries. Nutrients are the primary culprit in the degradation of the Bay; the reduction of nutrient loads from point sources (treatment plants) and nonpoint sources (septic systems and stormwater runoff) is a critical focus of land use planning in Queen Anne’s County and Maryland as a whole.”*

#### **Septic System Concerns**

*“Most of the houses in Scottown were constructed just after World War II, and have septic systems that would not be permitted under current County standards (due to small lot sizes and incompatible soils). There is some concern that the age, design, and condition of septic systems in Scottown could lead to failures in the relatively near future. Such failures could pose health threats to residents, ecological threats to the Wye River and its tributaries, and would likely require costly remediation.*

*The businesses along MD 213 (north of US 50) are also served by septic systems. These systems do not appear to be in danger of failing. However, most of the septic systems themselves are located in the front yards of the businesses (between the buildings and MD 213). This location effectively makes it difficult for these businesses to expand, and reduces the overall value of those properties.*

*Septic systems discharge nitrogen at relatively high rates—a well-functioning septic system can discharge 45 mg of nitrogen per liter of effluent.<sup>10</sup> Denitrifying technology can reduce septic nitrogen discharges to 18 mg/L<sup>11</sup>.”*

**MINORITY OPINION:** To whom is this concern attributed? This section is clearly designed to justify a water and sewerage system. The “ecological threat” is purely theoretical.

#### **Chesapeake College System**

*“The WWTP is an in-ground “package” treatment plant that is permitted by the Maryland Department of the Environment (MDE) to discharge an annual average of 15,000 gallons per day into an unnamed tributary of the Wye River. The current average discharge is estimated at 35,000 gpd per week (with a weekday/weekend split similar to water consumption). The sewer collection system, consisting of a 4” diameter force main and 8” diameter collection pipes, was partially replaced approximately 10 years ago. No inflow and infiltration (I&I) problems are reported.*

*The WWTP was installed in 2007, replacing a 20-year old facility with similar treatment technology. Discharges from package WWTPs typically contain approximately 18 mg of nitrogen per liter of effluent, and 6 mg of phosphorus per liter. These concentrations are substantially lower than those from standard septic systems, but are still quite a bit higher than could be achieved with upgraded treatment technology or other disposal techniques (see Section 6.2.3). The WWTP’s discharge permit does not include caps on nitrogen or phosphorus discharges. Upgrade of that facility would likely result in the establishment of such caps.*

*Assuming the loadings described above, the Chesapeake College WWTP likely discharges about 450 lbs/year of nitrogen and 150 lbs/year of phosphorus. If the College were to maximize its flows at an annual average of 15,000 gpd, its nutrient loads would reach approximately 825 lbs/year of nitrogen and 275 lbs/year of phosphorus.”*

**MINORITY OPINION:** The bottom line is that a very definite limit will be placed on the capacity of this system (or an improved one) to provide for future growth and more users. It is simply an exploitation of an available permit for the benefit of the people seeking these zoning changes.

### **6.1.3. Emergency Services**

*“The village of Wye Mills sits approximately 5½ miles from the nearest fire station in Queenstown, which is typically the first responder for emergencies in this location. Chesapeake College has no on-campus fire protection services, although some College staff have Emergency Medical Technician (EMT) training, and can respond to medical emergencies.”*

### **6.1.4. Internet**

*“A fiber optic internet trunk line runs beneath US 50 from the Bay Bridge to Easton. Chesapeake College uses high-speed internet service in its Distance Learning activities.”*

### **6.1.5. Recreation**

*“The Planning Area includes a portion of Wye Oak State Park. The Talbot County portion of the 29-acre park includes the site of Maryland’s former State Tree, the Wye Oak. The Queen Anne’s County portion of the park encompasses a stretch of the Wye River west of the dam on Wye Mill Pond. A parking lot and boat ramp on the east side of the junction of MD 662 and MD 213 provide access to the Pond. The Wye River here—especially the channelized stretch just below the dam itself—is a popular fishing spot; herring and perch are among the species that inhabit the stream.*

*Chesapeake College also offers a number of recreational facilities, ranging from tennis courts and a swimming pool to an indoor gymnasium and fitness center. Most of these facilities are open to the public, although some require a nominal fee. Chesapeake College’s Todd Performing Arts Center attracts visitors from throughout the Eastern Shore for music and theater performances, speeches, and workshops.”*

## **6.2. Recommended Community Facilities**

*“Development of the Wye Mills area as envisioned in the Land Use Plan will require considerable investment in community facilities, particularly water and sewer infrastructure. This section describes the magnitude and type of investment that will be necessary, as well as specific considerations for the functional aspects of that infrastructure.”*

### **6.2.1. Public Water and Sewer**

*“This Plan envisions a new public water and sewer system to serve the Wye Mills Planning Area. The extent of the Water and Sewer Service Area, is shown in Figure 6-1. The feasibility of that system will depend on several factors, including the demand generated by new and existing development, the availability of water, limits on nutrient discharge into the Wye River, and the ability of nearby soils to accept treated effluent as part of any “land application” approach to wastewater disposal.*

*Table 6-1 shows the estimated water and wastewater demand that would be generated by existing and future development. A total of nearly 110,000 gallons per day (gpd) of water and sewer capacity would be needed to serve the development projected by this Plan’s economic analysis (see Figure 3-3 and Table 3-5) and envisioned by the Land Use Plan (Figure 4-4).*

*This analysis does not account for the water and wastewater needs of a regional hospital (thus, the Health Care center is not included in the water and sewer service area in Figure 6-1). Such a facility would constitute a major water and sewer user, whose demands would need to be addressed through a separate infrastructure planning effort. It also does not account for the Talbot County portion of the Village of Wye Mills. Provision of service to this area (and funding for water and sewer system installation) would need to be coordinated with Talbot County.”*

**MINORITY OPINION:** The information in this section clearly demonstrates that all capacity generated by a ramped-up treatment plant will be devoted to development.

### **6.2.2. Water Supply**

*“Queen Anne’s County relies on several aquifers as sources for drinking water, with the Aquia aquifer serving as the single most important source—and the source of Chesapeake College’s water, as well. Access to the Aquia and other aquifers is presently available in the vicinity of Chesapeake College (access to the Aquia is prohibited on Kent Island and restricted in the Grasonville area due to saltwater intrusion concerns).*

*The Aquia is very high-yielding in the vicinity of Wye Mills. One well in the area is 440 feet deep and, before pumping, had a static water level 48 feet below the ground surface at the time of drilling. The SEW Friel cannery is the largest water user in the vicinity of the Wye Mills. Residents of Scottown have stated that their water levels fluctuate in the summer. It is possible that pumping from Friel’s wells, in addition to wells used to serve the Hunter’s Oak Golf Course, may cause a cone of depression (fall in groundwater level) in the Scottown area. However, this should not affect potential public water supplies for the Planning Area, as long as public supply wells are sized appropriately, are deep enough, and their pumping and storage systems are adequate.*

*To serve development for the Community Plan, a new water supply and distribution system will be needed. Such a system would need a groundwater appropriations permit from the Maryland Department of the Environment (MDE’s) Water Supply Program. As part of the permit process, the County would have to show what effect, if any, a new well or wells would have on users beyond the property line. Treatment to remove iron and/or arsenic will also likely be necessary.*

*A new water system will also need to include storage facilities sufficient to provide emergency fire flow. The College’s 50,000 gallon storage tank is nominally sufficient to serve the College, but cannot accommodate any further demand. The amount and nature of development envisioned by this Plan would likely require more than one new storage tank.”*

### **6.2.3. Public Sewer System**

*“A new wastewater treatment system will be required to serve projected Community Planning Area demand. This Community Plan envisions that any new system would be owned and operated by Queen Anne’s County, as part of the County’s Sanitary District. That system would consist of a new WWTP and a sewage collection system.*

*The critical consideration for such a system would be the amount and method of discharge of treated effluent. The eventual Wye Mills area sewer system should use a combination of options for effluent disposal, as described below.*

#### **Point source discharge into the Wye River**

*The College’s existing Wastewater Treatment Plant (WWTP) is permitted to discharge an annual average of 15,000 gpd into the Wye River. It is the only such discharge permit in or near the Planning Area. The County should consider acquiring the College’s permit as one element of the planned sewer system.*

*A new WWTP would be subject to caps on the total amount of nitrogen and phosphorus discharge. The magnitude of those caps would be determined by the Maryland Department of the Environment (MDE). However, the Chesapeake College’s existing nutrient discharges probably represent the maximum surface water discharge that would be allowed for a new Wye Mills system. If the County were to construct a WWTP with Enhanced Nutrient Removal*

*(ENR) technology,<sup>13</sup> that volume could be increased to nearly 67,000 gpd without exceeding the existing theoretical cap.*

*That volume could serve only about half of the projected demand in the Community Planning Area. However, as shown in Table 3-3, major development in the Planning Area is expected to take several years. Thus, a new WWTP using the College's existing discharge permit could be an interim sewer solution.*

*Any new wastewater treatment plant must be located inside the Community Planning Area and PFA boundary. The 2006 County Water and Sewerage Plan requires wastewater treatment plants to set aside emergency storage space (typically a lagoon) for 24 hours worth of discharge. While such a system is desirable, ENR is extremely expensive, and this Plan does not assume that it could be implemented in a cost-effective manner. One option would be to construct a Biological Nutrient Removal (BNR) WWTP. BNR is a less extensive level of treatment that would be able to treat less volume, but that could likely be constructed less expensively.*

### **Nutrient trading**

*MDE has developed a Nutrient Cap Management and Trading policy that allows WWTP operators to trade nutrient loads, or to expand existing nutrient caps by eliminating other sources of nutrients. Under this program, a WWTP can voluntarily reduce its maximum permitted nutrient loading, and then sell that capacity to a WWTP in search of additional capacity. In the case of Queen Anne's County, the Centreville WWTP may have excess capacity that could be made available for a Wye Mills system.*

*The County could also receive nutrient "credits" for the replacement of septic systems with sewer service. Such credits would be particularly applicable for Scottown and the Wye Mills Village Center areas. The County should work with MDE to evaluate options to increase the potential capacity of a Wye Mills WWTP through such nutrient trading options.*

*Nutrient trading opportunities may be limited by other regulations. The Wye River is considered impaired by nutrients—meaning that the amount of nitrogen and phosphorus entering the river prevents the Wye from supporting a normal riparian ecosystem. MDE plans to establish a Total Maximum Daily Load (TMDL) for nutrients in the Wye River. The TMDL will define the total amount of nitrogen and phosphorus that the Wye can assimilate without impairment. Nutrient trades from other WWTPs would not be allowed if such trades would violate the TMDL.*

*Credits for disconnecting septic systems would likely be allowed, since such disconnections would transfer nutrients from one source to another, and would likely reduce nutrient loads (since WWTPs discharge lower concentrations of nutrients than septic systems).*

### **Land application**

*The sewer demand not met by surface water discharge could be met using one or more forms of land application—treated effluent applied to the soil. This disposal method allows the effluent—which has already been treated at a WWTP—to be filtered and purified as it passes through the soil and cover crops planted on discharge fields. Spray irrigation, a common form of land application, is already used for municipal wastewater effluent disposal in Queen Anne's County, notably by the Town of Centreville. In addition to spray irrigation, other techniques such as drip irrigation (where effluent is discharged from pipes at ground level) or drain fields (where treated effluent is discharged from pipes buried under the surface) may be considered. These techniques are not widely used in Queen Anne's County or Maryland, but are used in other parts of the country.*

*One major consideration for land application is the need to limit discharge during the winter months and during wet weather when soils are not capable of accepting large amounts of moisture, and when runoff may be excessive. To address this limitation, land application facilities must provide 90 days of onsite storage capacity. The wastewater disposal system for the Wye Mills area should ideally combine surface discharge to the Wye River (discussed above) and land application systems in a single system. For example, discharge to the Wye River could increase in winter months when land application capacity is limited, and could decrease in the summer—provided that the annual discharge did not exceed the average daily limit in the permit.*

*Neither County nor State regulations mandate that land application be conducted on land in a PFA, although this may be desirable if State funding will be requested. The spray fields also do not need to be contiguous with the PFA boundary. County regulations mandate that all land receiving treated effluent from spray irrigation systems must be owned by the County. Accordingly, land application to dispose of treated wastewater effluent from the Wye Mills*

sewer service area should be limited to parcels 2 and 3 (designated Agricultural Conservation on Figure 4-4), as well as portions of the Ecological Business Park that are sufficiently buffered from Scottown and the Wye Mills Village Center. Onsite effluent storage lagoons should be placed as far from the Wye Mills Village Center and Ecological Business Park as possible, and other efforts should be made to minimize odors from the land application system.

### **Emerging technologies**

The disposal options described above represent the most common methods of disposing of wastewater. However, realizing the Plan's simultaneous vision of economic development and a natural environment that is "respected, preserved, and protected" will require the exploration of new technologies and methodologies.

Two such emerging technologies may hold some promise for ecologically friendly wastewater treatment capacity:

**Tertiary Treatment Wetlands.** In this system, effluent is treated at a WWTP (in many cases, using Biological Nutrient Removal, or BNR, which is less intensive and expensive than ENR) and then discharged into a series of constructed, vegetated (typically, forested) wetlands. These wetlands purify the effluent to the point where the eventual discharge is essentially free of nutrients and other pollutants. The best-known application of this technology occurs in Clayton County, Georgia. In this system (which treats 9.3 million gallons of wastewater per day), the wetland-treated effluent is pure enough to be used for drinking water.

Other smaller applications of tertiary treatment wetlands can be found throughout Maryland. These facilities are typically used at schools and other institutional uses.

**Wastewater Recycling.** In some cases, treated wastewater effluent can be used to recharge groundwater aquifers. As with tertiary treatment wetlands, effluent is treated to potable (or better) standards before being reused. One such large-scale system is in place in Orange County, California.<sup>15</sup> In that system, treated effluent is used not only to recharge the aquifer (and to provide some drinking water as a result), but also to halt and even reverse saltwater intrusion from the Pacific Ocean into the aquifer. The potential applications in the Wye Mills area are clear: in addition to addressing the Planning Area's wastewater needs (and potentially its drinking water needs), a groundwater recharge system could also help to address saltwater intrusion in the Aquia aquifer.

### **Collection system**

To connect new development, a system of sewer mains would need to be installed. The layout of this system should take advantage of Chesapeake College's existing high-capacity sewer lines. Figure 6-2 shows two conceptual system layouts that could be used to serve the Planning Area.

Option 1 shows a new WWTP near the College's existing plant, which would use gravity flow to transport sewage. Option 2 shows a new WWTP north of US 50 in the Ecological Business Park. This would place the treatment plant away from the village of Wye Mills. In this option sewage would be pumped to the WWTP for treatment prior to discharge or land application. The public sewer system would be designed to enable connection by Scottown residents. A Community Benefits District (see Section 6.3) could be established to help pay for connections, eliminating a potential cost for residents of Scottown and other portions of the Planning Area. The County has a Housing Revolving Loan Fund that also makes zero-interest, deferred payment loans available to pay for public water and sewer connections (the loan is due upon sale of the property).

**MINORITY OPINION:** "The Wye River is considered impaired by nutrients..." As this statement acknowledges, the Wye River cannot afford more nutrients from a ramped-up sewage treatment plant. The Maryland Department of the Environment is in the process of establishing Total Maximum Daily Loads (TMDLs) of nutrients that can be dumped in the Wye. The sewage treatment system envisioned by this Plan does not represent responsible stewardship of water resources.

The land application of effluent, although less polluting, creates offensive odors for nearby residents, and the smell and unsightliness of onsite storage facilities for effluent are difficult to mask.

#### **6.2.4. Emergency Services**

*“Over the next 10 years, 200,000 square feet of new employment space could be built in the Wye Mills Planning Area (see Figure 3-5 and Table 3-3). To reduce fire risk (and minimize the need for fire and EMS response), new development should be equipped with sprinklers and other safety and fire suppression mechanisms, and should be less than 4 stories high (the highest structure that the County’s fire equipment can reach).*

*The Department of Emergency Services responds to numerous traffic accidents in the US 50 corridor, and the Department has indicated its interest in a future fire/EMS station with access to US 50, perhaps in the vicinity of the College, that could decrease response times to these incidents. This facility could also be paired with public safety functions, such as a Sheriff’s office. The County may wish to consider reserving land for a future fire/EMS/police station, to enhance service in southern Queen Anne’s County. The Education Center or Health Care center would be best suited to host such facilities.*

*A continuing concern about new development is the ability of fire apparatus to fit through new streets and to gain access to buildings. Queen Anne’s County operates large fire engines, ladder trucks, and other vehicles. New development in the Community Planning Area should be designed in cooperation with the Department of Emergency Services, and should make specific provisions for the navigation requirements of large emergency vehicles.”*

#### **6.2.5. Internet**

*“High-speed Internet service has become a necessity for modern business, especially for research oriented companies and the professional and technical firms that are targeted for the Ecological Business Park and Education Center. The County should work with regional internet providers (i.e., cable and telephone companies) to facilitate internet connections for of new employment uses in the Planning Area.”*

#### **6.2.6. Recreation**

*“Chesapeake College and part of Wye Oak State Park are the primary recreation resources in the Planning Area. Chesapeake College’s on-site recreational resources—tennis courts, pool, fitness center, and athletic fields—are available to the general public. These facilities and would be an attractive amenity for workers and residents of the Planning Area. The County should assist the College in building partnerships with new tenants to enable use of College facilities, or to help expand those facilities to accommodate increased use as the Planning Area develops.*

*Linking the College to Wye Oak State Park and the Wye Mills Village Center with a pedestrian/bicycle path should also be a recreation priority. The key elements of this system are described in Section 5.2.4.”*

### **6.3. Implementation Strategies**

*“The following specific steps should be taken to implement the Community Facilities recommendations described in Section 6.2.”*

#### **Water and Sewerage Plan Amendment**

*“To meet PFA requirements, the Water and Sewer Master Plan must be amended to show existing service at Chesapeake College and future service in the area designated in Figure 6-1. The absorption forecasts in Chapter 3 show that manufacturing and flex uses are likely to occur several years before the demand for office space develops. Demand for housing in the County also remains strong. Thus tiered public water and sewer service categories may be appropriate (as opposed to a single timeframe for the entire site), with the Ecological Business Park receiving earliest priority.”*

### **Detailed Water and Sewer System Study**

*“The analysis in Section 6.2.2 shows that public water and sewer service is feasible in the Wye Mills area. After completion of the Water and Sewer Plan amendment, the County should conduct a detailed study to determine the water and sewer system layout, design, and phasing that will best serve the Community Planning Area.*

*This study should evaluate the feasibility of most or all of the technological recommendations in Section 6.2.2, and should evaluate phasing of water and sewer facilities to match the absorption rates projected in Chapter 3. As part of the detailed study, the County should coordinate with MDE on issues related to nutrient trading, a Wye River TMDL, and emerging technologies such as tertiary treatment wetlands and groundwater recharge. The study should also evaluate the degree to which future public water withdrawals for the Planning Area might impact wells (especially older, shallower wells) in the vicinity.”*

**MINORITY OPINION:** The analysis in Section 6.2.2 demonstrates only that where there’s a will there’s a way. The water and sewer service proposed by this plan is exclusionary and does not meet the long-term needs of the Wye Mills community. Without addressing those long-term community needs, the Plan as proposed is simply a means to facilitate development for two landowners.

### **Reserve land for a future Fire/EMS/police station**

*“As described in Section 6.2.3, land in the Ecological Business Park, Education Center, or Health Care center should be reserved for future emergency services facilities. The Department of Emergency Services should be consulted to determine the site requirements (acreage, road access, utility requirements, and other characteristics) of such a facility.”*

### **Establish a Community Benefits District**

*“As described in Section 3.6, a Community Benefits District can be used for a variety of area enhancements such as water and sewer infrastructure and connections. The County should evaluate opportunities to establish such a district for residents of the Scottown community, the existing Service/Commercial businesses along MD 213, and other portions of the Planning Area. Among other purposes, Community Benefits District funds should be used to help offset the costs of public water and/or sewer connections for existing residents and businesses.”*

## **7. Environmental and Cultural Features**

*The Economic Development, Land Use, Transportation, and Community Facilities Elements of this Community Plan describe the type, location, and amount of future development that is envisioned for the Wye Mills Planning Area. However, the Wye Mills area is also rich in environmental and cultural features that must be protected as development occurs. This Element describes those features, as well as the policies and implementation actions necessary to ensure their protection.*

*The following CAC vision statements guided the analyses and recommendations in this chapter:*

*“The Wye Mills Community Area is a place where/that:*

- The natural environment is actively respected, preserved, and protected from destruction, pollution, diminishment, or degradation;*
- The historic landmarks and buildings of Wye Mills Area are preserved, protected, and enhanced;  
and*

- *Remains a small, peaceful, rural community surrounded by farms, water and woodlands and any changes that occur enhance the quality of life for residents.”*

## **7.1. Existing Environmental and Cultural Features**

### **7.1.1. Sensitive Environmental Areas**

*“This section describes the extent of environmentally sensitive areas in the Planning Area. These sensitive areas, including 100-year floodplains, wetlands, streams, forested areas, and the Chesapeake Bay Critical Area are shown in Figure 7-1.”*

#### **Wetlands and Floodplains**

*“There are approximately 131 acres of wetlands, 67 acres of 100-year floodplains, and 246 acres of forest (excluding small, isolated groups of trees) in the Planning Area (some of which overlap each other). The majority of these features are clustered around the Wye River (including Wye Mill Pond) and its tributaries. A small portion of parcels 4 and 17 falls within the Chesapeake Bay Critical Area’s Resource Conservation (RCA) designation.”*

#### **Sensitive Species**

*“Mapping from the Maryland Department of Natural Resources indicates that a federally-listed sensitive species (i.e., endangered or threatened) may inhabit portions of parcels 4 and 17, west of MD 662. In addition, the Delmarva Fox Squirrel has been known to inhabit wooded areas in other parts of Queen Anne’s County, and may be present. Eagle nesting sites have also been reported near Wye Mill Pond.”*

#### **Soils**

*“Soils are an important consideration for agricultural preservation, development, and land application of wastewater effluent. Figure 7-2 shows the soils in the Planning Area. The dominant soil types are the Nassawango (NsA and NsB), Mattapex (MtA), and Mattapeake (MkA, MkB, and MkC) groups. These soils are generally deep and well-drained, and are excellent for agricultural uses.”*

**MINORITY OPINION:** Why, then, would anyone recommend taking these valuable soils out of production? Development **cannot** occur in this area without destroying the environment that exists now.

### **7.1.2. Cultural Features**

*“Cultural features in the Planning Area include designated historic features and sites, as well as land preserved for agricultural, rural, or other purposes. Figure 7-3 shows the location of cultural features in and around the Planning Area.”*

#### **Historic Resources**

*“The Wilton property and the historic Wye Mill are listed on the National Register of Historic Places, and are the only historically-designated properties in the Planning Area. Three sites near the Planning Area are listed on the Maryland Historic Trust’s Inventory of Historic Places: Leaverton, Mount Mill, and Seth’s Mill.”*

**MINORITY OPINION:** The 1665 patent of the Wilton property was the historic beginning of Wye Mills. An additional 700 acres and “Wilton Annex” were later added to the original land patent of 650 acres. Wilton is significant not only for having been owned by prominent figures in early

Maryland society and politics, but also because it was on this tract that a village grew up around what is now the Wye Mill.

### **Preserved Land**

*“A portion of Parcel 3 (north of Grange Hall Road) is preserved as Open Space, in conjunction with an adjacent ten-lot subdivision. The Wye Knot Farm subdivision, to the west of the Planning Area was developed in accordance with the provisions of the County’s Non-Contiguous Development technique (see Section 4.1). There are no preserved lands within or adjacent to the Planning Area.”*

## **7.2. Recommendations and Implementation Strategies**

### **7.2.1. Protection of Sensitive Environmental Areas**

*“Sensitive environmental features, such as wetlands, floodplains, and forested areas are plentiful in the Planning Area. Preservation and, where possible, enhancement of these areas is a key tenet of the Community Plan. Section 4.2.2 describes the development regulations that should be established to protect sensitive areas from new development.”*

### **7.2.2. Stormwater Management**

*“Stormwater runoff can damage waterways by increasing erosion of stream banks and sedimentation of the stream, and by carrying a variety of pollutants to the stream. The Wye River is a scenic, historic, environmentally rich, and economically productive waterway whose headwaters (including Wye Mill Pond) form part of the Planning Area. Any new development in the Wye River watershed has the potential to increase runoff into that body of water, which could diminish the River’s health.*

*The 2007 Maryland Stormwater Management Act mandates substantial revision of the Stormwater Design Manual. The most notable provision of the 2007 Stormwater Management Act is the requirement that most new development use Environmentally Sensitive Design (ESD) techniques, which are intended to “maintain pre-development runoff characteristics” on the site.<sup>16</sup> MDE expects to have the revised manual and accompanying regulations adopted by the end of 2008.*

*As described in Section 4.2.2, ESD would be mandated for all new development in the Planning Area. One function of the large land areas designated for new development (compared to the amount of development projected through 2030) is to provide abundant space for stormwater management systems, and particularly to enable the implementation of “non-structural” ESD techniques or lower-cost structural ESD techniques such as infiltration areas and ponds.<sup>17</sup>*

*The link between stormwater and drinking water should also be considered. Stormwater management facilities (ranging from stormwater ponds to cisterns on individual homes) could be designed and sited in ways that allow collected stormwater to be treated and reused as process water or even drinking water.”*

### **7.2.3. Agricultural and Historic Features**

*“The Planning Area has a predominantly rural and agricultural character, and the proposed Planning Area is adjacent to the historic village of Wye Mills. The compatibility between new and existing uses is of great concern to local residents.*

*New development in the Wye Mills Community Planning Area should buffer and protect neighboring properties to the greatest extent possible. Section 4.4 describes the recommended development regulations—including design guidelines and buffers—to protect these resources from new development in the Planning Area. As part of the development of design guidelines, the County should support efforts to research the Wye Mills area’s architectural, economic, and cultural history. Such research will add important context to design guidelines and other regulations. Protection of the Wilton site is a particular priority, since it would be entirely surrounded by the Education Center.*

**MINORITY OPINION:** The natural and historic features of Wye Mills are a part of our heritage, and need to be protected and preserved. They should not be subsumed by sprawl and development. We demonstrate the respect we have for our own history and the gift of this bounteous land by the way in which we manage it.

It is the opinion of the Minority that Wye Mills is not an appropriate place for development and never will be. It is unconscionable to force development upon the people who live there.