

From: [Beth G Owens, Dipl. Ac., L. Ac.](#)
To: [Planning Commission](#)
Subject: Sugarloaf Plan & Overlay Legislation
Date: Friday, February 3, 2023 4:42:43 PM

[EXTERNAL EMAIL]

Good People,

As a business owner in Frederick County, I fully understand the importance of growth in our community. However, it would be very shortsighted while planning this growth to not include the preservation of our history and vital open spaces. I am writing to ask you to uphold the Sugarloaf Plan and support the Sugarloaf Overlay that preserve the Sugarloaf Mountain viewshed in our lovely south county region.

Thank you for your consideration in this matter.

Beth

Beth G. Owens, Dipl. Ac., L. Ac.

Natural Health & Wellness Center
252 E 6th St.
Frederick, MD 21701

301-712-5126
www.bethgowens.com

From: [Sherry Stephenson](#)
To: [Planning Commission](#)
Subject: Views on the I-270 Boundary and Support for the Overlay
Date: Friday, February 3, 2023 5:09:15 PM

[EXTERNAL EMAIL]

To the Planning Commission of Frederick County:

I am writing as a homeowner on Linthicum Road (off of Thurston Road) to let you know of my **concern about the county's commitments to preservation in the beautiful Sugarloaf Mountain region**. I have been living in this area for over six years, and bought a home last summer because I believed that Maryland's commitment to environmental preservation was strong and steadfast. I very much hope that this trust is not misplaced.

The Frederick News reported on January 27th that the County had been in secret talks with Amazon with the objectives of carving up the Sugarloaf Plan to allow Amazon to build data centers for its billion dollar enterprise. Not only is the ultimate end of such talks totally unacceptable, but **the lack of transparency around a public policy issue (land use and conservation) is unjustified and wrong**.

My position as a concerned resident of this region:

--I-270 should remain the long-recognized boundary and the best line for planning purposes when your commission meets to discuss on February 15th. **No high-density development should occur west of I-270 in the Sugarloaf Plan area.**

Allowing the I-270 boundary to be crossed for development purposes would be the beginning of the end for conservation in our region, and a decision that could never be reversed.

Any development would affect the wetlands and the quality of the water that flows into the streams (and resident's drinking water), as well as impact upon the wildlife that currently know this region as their home and shelter.

The approved Sugarloaf Plan and its proposed Overlay District are preservation plans, not development plans.

Any development west of I-270 will threaten the Monocacy Civil War Battlefield, a national historic treasure and place of memory.

The Sugarloaf Plan and Overlay are designed to protect the mountain, its rural environment, its natural resources, for now and the future - including after the land trust expires in 2046.

Please take all of these considerations into account in your coming discussions on February 15th in the Planning Commission. And do not accept or allow any more secretive conversations about the resource use of our precious Sugarloaf region. I will be closely following the deliberations of the Planning Commission.

Thank you,

Sherry Stephenson

1320 Linthicum Road

Dickerson, Maryland 20842

From: [Nick Carrera](#)
To: [Planning Commission](#); [Council Members](#); [County Executive](#)
Cc: [Carrera, Nicholas](#)
Subject: Are+Virginia+ratepayers+and+residents+subsidizing+the+data+center+industry?
Date: Friday, February 3, 2023 4:05:07 PM

[EXTERNAL EMAIL]

[https://urldefense.com/v3/__https://www.virginiamercury.com/2023/02/02/are-virginia-ratepayers-and-residents-subsidizing-the-data-center-industry/__;!!I2-OFBIJoQBJqqeup9g!G8aJ9__3h1plordprESOV7Q_jKX37M7ojdrQaDxOQevIFzbBq99WjRJDQgE_hTBU1-dJH26Lw9XITKW43UmLeoiKLTwMjI2SUAzCw\\$](https://urldefense.com/v3/__https://www.virginiamercury.com/2023/02/02/are-virginia-ratepayers-and-residents-subsidizing-the-data-center-industry/__;!!I2-OFBIJoQBJqqeup9g!G8aJ9__3h1plordprESOV7Q_jKX37M7ojdrQaDxOQevIFzbBq99WjRJDQgE_hTBU1-dJH26Lw9XITKW43UmLeoiKLTwMjI2SUAzCw$)

There's more to the story, apparently, than what you've likely heard from Jan, Tom, and AWS.

Best regards,

Nick Carrera

[Commentary](#)

Are Virginia ratepayers and residents subsidizing the data center industry?



[Guest Column](#)

February 2, 2023 12:05 am



A data center in Haymarket, Virginia. (Hugh Kenny)

By Chris Miller

Governor Glenn Youngkin's Jan. 20 [announcement](#) that Amazon Web Services plans to spend \$35 billion to establish multiple data center campuses across Virginia was not welcome news for all. Here's why: it seems that Virginia is chasing an initiative that will require our energy system size to double or triple, with ratepayers footing the bill.

Data centers are *massive* users of electricity. A December 2021 [Virginia Department of Energy report](#) projects that data centers will drive nearly all future electricity load growth through 2045, while combined electricity demands from every other sector (residential, industrial and non-data center commercial) would stay level or decline. Data centers' enormous appetite for power would require dramatically increased power generation and associated infrastructure, such as new transmission lines and electrical substations. Who would pay? Virginia ratepayers, of course.

What sort of numbers are we talking about? In Loudoun County, a proliferation of data centers has led to [capacity and reliability issues](#) with the power grid currently supporting its "Data Center Alley." As introduced, [House Bill 2482](#) and [Senate Bill 1541](#) would effectively label \$627 million of emergency transmission upgrades to address those issues as "an ordinary extension or improvement," removing oversight by the State Corporation Commission for a project that will ultimately be rate-based. And that's just one cluster; the energy transmission infrastructure cost required for a new round of data center expansion would run in the billions.



A view of the rooftop of a Haymarket, Virginia data center. (Hugh Kenny)

The very last paragraph of the governor’s press release mentions the creation of a “Mega Data Center Incentive Program.” This program would give Amazon “up to a 15-year extension of Data Center Sales and Use tax exemptions on qualifying equipment and enabling software,” and “up to \$140 million for site and infrastructure improvements, workforce development, and other project-related costs.” [HB 2479](#) and [SB 1522](#) appear to set up the framework for the program. This money isn’t falling from the sky; it comes in the form of lost tax revenue for municipalities or the state, or as a direct subsidy paid by Virginia taxpayers.

Data centers are a modern reality and can be a valuable source of economic development. But when you take a hard look at the gross costs associated with these facilities, which include not only ratepayer-funded energy expenses but also largely uncompensated impacts to land, water quality and supply, and local residents, we have to pause and ask serious questions. Most importantly, who is benefiting and at what cost to Virginia taxpayers and ratepayers? This is why The Piedmont Environmental Council and a coalition of Virginia organizations are supporting [SB 1078](#) and [Senate Joint Resolution 240](#), which require review of water usage and carbon emissions and a statewide study of the impacts of data center development on Virginia’s ratepayers, environment, economy, energy resources and ability to meet carbon-reduction goals.

Chris Miller is president of the Piedmont Environmental Council in Warrenton.

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See item re: easing emissions to help data centers (Fwd: ICYMI: The best of the Mercury



Nick Carrerra <mjcarrera@comcast.net>

To ○ Planning Commission; ▣ **Council Members**; ○ County Executive

Cc ○ Carrerra, Alexandra; ○ Carrerra, Johnny

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Sat 2/4/2023 9:40 AM

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[EXTERNAL EMAIL]

I note the next-to-last item in the newsletter I'm forwarding -- that because of the huge energy needs of data centers, Virginia is considering easing their emissions standards. This is not the way Frederick's environmental plan wants to go.

Regards to all,

Nick Carrerra, scenic Thurston Road



NEWS

- [Despite negotiation impasse, Dominion rate reform bill advances to Senate](#)
- [Senate Democrats signal opposition to Youngkin pick for UVA board](#)
- [Va. House panel kills watered-down GOP bill on retail marijuana sales](#)
- [Lawmakers consider limiting storage of license plate reader data to 30 days](#)
- [Senate OKs drug affordability board bill opposed by Youngkin administration](#)
- [Va. House won't take up 20 constitutional amendments still pending in committee](#)
- [Despite public pushback, Board of Ed accepts draft history standards for first review](#)
- [Va. regulators propose easing emission limits for data centers over power transmission concerns](#)
- [Three interesting bills of the week: implicit bias training, geriatric parole and furloughed feds](#)

COMMENTARY

- [Once a dead end, a Richmond cemetery earns new respect](#)
- [Norfolk mall's precarious status shared by other malls around Virginia](#)
- [Youngkin blocked a battery factory from coming to Va. and an entire economic sector's potential](#)

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1011 E. Main St., Suite 401, Richmond, VA 23219.

Va. regulators propose easing emission limits for data centers over power transmission concerns

Roughly 150 data centers in Fairfax, Loudoun and Prince William could be impacted through end of July

By: [Sarah Vogelsong](#) and [Charlie Paullin](#) - January 31, 2023 8:00 pm



Data centers in Ashburn, Virginia (Gerville / Getty Images)

With Dominion Energy anticipating possible problems supplying electricity to data centers in parts of Northern Virginia this spring, the state Department of Environmental Quality is proposing to ease certain air emissions rules for facilities in the zone to allow them to get extra power from generators.

In a statement announcing the proposal Thursday, DEQ Director Mike Rolband said the agency is “proposing this temporary and redundant variance out of an abundance of caution to maintain the reliability of the internet and the electric grid while enabling data centers to continue serving their customers.”

[The variance](#), which would be in effect between mid-March and July 31, would suspend certain short-term emissions limits for data centers if they sit in an area for which regional grid operator PJM has issued a warning about acute strains on the transmission system, the network of high-voltage power lines that transport electricity from where it is generated to smaller regional substations.

The data centers would then be allowed to operate their emergency generators during the time period of the warning.

Aaron Proctor, a spokesman for DEQ, said the primary pollutants of concern associated with the generators are nitrogen oxides, with “lesser amounts” of particulate matter.

“We believe the variance’s impact to air quality, if any, would be marginal,” he said in an email, noting that since 2015, the duration of PJM warnings of the type that could trigger the suspension of emissions limits have averaged under 17 hours annually.

“It is impossible to predict accurately what the potential emissions increase could be as a result of the variance because we don’t know how long warnings called during the term of the variance, if any, would last, or what specific geographic area any particular future warning would cover,” he said.

Approximately 150 data centers in Prince William, Fairfax and Loudoun counties could be eligible for the variance, according to Proctor.

That region, particularly the part of Loudoun known as Data Center Alley, is home to almost 300 facilities that contain the servers carrying roughly 70% of global internet traffic. It is the largest concentration of data centers in the world, followed distantly by Silicon Valley.

While Virginia has actively courted further data center development through tax credits, accelerating growth of the industry in Northern Virginia has strained the ability of existing transmission power lines to carry the massive amounts of electricity these facilities require to operate into the areas where they are concentrated.

Today, Dominion says data centers account for roughly 20% of its total electric sales in Virginia. Much of the increase has occurred rapidly: Since 2019, the utility has connected nearly 70 new data centers in the area with over 2,600 megawatts of capacity — an amount equal to what’s needed to power roughly 650,000 homes.

The expansion was flagged by grid operator PJM last January in its [five-year forecast](#) of the demand utilities should expect, which noted PJM had had to adjust its Dominion forecast “to account for substantial ongoing growth in data center construction.”

In July, Dominion warned data centers in Ashburn [it might not be able to meet power demands](#). After temporarily pausing connections for new data centers in Data Center Alley to analyze the area’s transmission system, the utility then began rolling out plans for a slate of improvements, including substation expansions and the construction of two new major transmission lines.

Those improvements are expected to be completed over the next few years, but a gap between transmission capacity for data centers in the region and those facilities’ demand could remain through the end of July. No other businesses or residential customers will be affected.

While the impacts of potential electricity shortfalls will be limited to data centers in Loudoun, Fairfax and Prince William, costs of new transmission projects are borne by all customers.

Data center legislation

Legislation before the General Assembly this session aims to speed up the transmission upgrades Dominion is already planning. [A bill from Sen. Lynwood Lewis](#), D-Accomack, would order state regulators to approve a set of projects identified by PJM as “Data Center Alley Improvements” no more than 270 days after the utility proposes them. Similar legislation has been put forward by Del. Matt Fariss, R-Campbell.

A [PJM committee this October recommended](#) that the upgrades be done after finding that “numerous reliability violations” could occur in 2024 and 2025 due to data center demands.

Upgrades underway by Dominion don’t take into account any future projects, such as plans by Amazon Web Services to invest \$35 billion in expanding data center campuses across Virginia. [A release from Gov. Glenn Youngkin’s office](#) announcing the plans Jan. 20 said “numerous localities” are under consideration as sites for the new campuses, which “will be decided at a later date,” and said the expansions are expected to create at least 1,000 new jobs.

Dominion officials say any new data center development will require new transmission.

The rapid growth of the facilities across Virginia has sparked increasing concern in Northern Virginia as centers have spread into Prince William and transmission constraints have emerged.

Del. Danica Roem, D-Manassas, this session proposed [a study](#) of data center impacts on wildlife and natural resources, including air quality and groundwater, as well as electric reliability and ratepayer costs.

“Northern Virginia is already the data center capital of the world, and we need to know what we’re getting ourselves into with the expansion of an already booming industry that consumes a massive amount of water and energy and often requires substation and high-voltage transmission lines to supply it,” Roem said during a hearing on the resolution Monday.

But while the bill garnered support from groups like the American Battlefield Trust and Virginia Conservation Network, it was opposed by the data center industry as well as the Youngkin administration. The proposal was scrapped on a 3-2 vote. A Senate version of the bill, from Sen. Chap Petersen, D-Fairfax, is still under consideration.

Another bill from Roem, [House Bill 1986](#), would have required the state to develop stormwater management regulations for data centers located near Manassas National Battlefield Park. DEQ Director Rolband and Meta both opposed the measure, saying it could have a chilling effect on the industry.

[Petersen’s Senate Bill 1078](#) meanwhile would limit local governments to approving only those data centers sited in areas that “will have a minimal impact on historic, agricultural, and cultural resources” and won’t be within a mile of a national park, state park or “historically significant site.” It would also require governments to assess the project’s impact on water usage, carbon emissions and agricultural resources.

[Del. Michael Weibert](#), R-Fauquier, and [Sen. Jill Vogel](#), R-Fauquier, have introduced bills that would lead to the undergrounding of transmission lines in their districts, following resident unhappiness over aboveground transmission lines linked to data center development. Both are advancing in their respective chambers.

But [a similar proposal](#) from Roem was killed by the House Commerce and Energy Committee Tuesday.

“There’s a lot of issues surrounding this bill. A lot of people are very concerned about it,” said committee chair Kathy Byron, R-Bedford, before motioning to reject it.

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From: peterblood3213@comcast.net
To: [Planning Commission](#)
Subject: Keep the overlay over the entire plan
Date: Saturday, February 4, 2023 4:19:00 PM

[EXTERNAL EMAIL]

To the Frederick County Planning Commission:

I have lived on Ramsland Way near Thurston Road for over 15 years. I write because I am concerned about the county's apparent lack of commitment to the preservation of the Sugarloaf Mountain area. I had been under the impression that the county's commitment to environmental preservation was strong, but learned that was unfortunately not so on 27 Jan 2023, when the Frederick News Post broke the story that the county, in violation of state open meetings law, had participated in secret talks with Amazon to carve up the Sugarloaf Plan area and move the decades-long honored development boundary of I-270 to allow Amazon to build several data centers here. While Amazon has no further plans here, development pressure remains very high. The desire to develop this area, gullibility of the county officials who bought into Amazon's enormously exaggerated claimed county benefits, utter lack of transparency, and outright illegal secrecy are outrageous, unjustified, and unacceptable.

When the Commission meets on Feb 15, I urge you to keep the following points in mind:

1. **SECRET CONVERSATIONS ARE NOT ACCEPTABLE** and violate state open meetings law. Do not accept or allow another secret meeting or conversation about the future of this area.
2. **THE PROPOSED OVERLAY NEEDS TO COVER THE ENTIRE SUGARLOAF PLAN AREA.** Because the overlay is the teeth that implements the approved Sugarloaf Preservation Plan, it must cover the entire plan area. The area which Mr. Natelli wishes to "cut out" needs the MOST protection, not the least.
3. **DON'T LET LAND SPECULATORS DICTATE THE AREA'S FUTURE.** Mr Natelli took a risk when he bought property west of 270 knowing commercial development would be opposed by local residents, but we the people who live here SHOULD have more say in the future of our home than land speculators.
4. **THE SUGARLOAF PLAN/OVERLAY ARE PRESERVATION PLANS, NOT DEVELOPMENT PLANS.** They are designed to protect the mountain, its rural environment, and the surrounding area. As such, the overlay needs to be approved NOW, not later, and not be weakened by discussing the Sugarloaf Plan simultaneously with the I-270 Corridor Development Plan.
5. **MAINTAIN THE DEVELOPMENT BOUNDARY AT 270 WHERE IT'S BEEN FOR DECADES.** Do not cave to development pressure. The 270 boundary line, respected for many years, must not change. Prohibit high-density and commercial development west of I-270. Crossing the I-270 boundary is an irreversible decision that would cause a cascade of development that would threaten the area's character, adversely impact wildlife habitats and wetlands, and likely impact residential drinking water. Resist efforts to move the boundary

to Route 80.

6. **DON'T LET GATLINBURG OR NORTHERN VA HAPPEN HERE.** The FNP called the 80/270 interchange (½ mile from my home) the "Gateway to Sugarloaf." Similarly, Gatlinburg, TN is called "The Gateway to the Smokies" but parks need protection beyond their immediate boundaries. *When an area outside a preserve is not protected, overdevelopment is guaranteed.* Gatlinburg, right outside a National Park, was not adequately protected and so was made ugly with over-development, motels, and amusement parks, not all at once, but one development at a time. Northern VA made the same mistake and now has data centers right across the road from the Manassas Battlefield Park. The Sugarloaf Gateway is also under great development pressure. Mr Natelli wishes to "cut out" this area from the overlay so it can be similarly developed. If it is not actively protected, the same thing will happen. Don't let it. Protect the area west of 270 and the Monocacy Battlefield. Learn from Gatlinburg and Northern VA. Don't make the same irreversible mistake here.
7. **PREPARE FOR THE SUGARLOAF MOUNTAIN LAND TRUST TO EXPIRE IN 2046.** The trust has been operated with care by Stronghold Inc for years but we must prepare for the inevitable day when it will no longer protect the Mountain. The mountain area is vulnerable and its beauty cannot last without county protection. Protect the Mountain and the surrounding area.
8. **PROTECT THE MONOCACY BATTLEFIELD AREA.** Development around I-270 threatens the Monocacy Civil War Battlefield. My great-grandfather, a private in the 1st Wisconsin infantry, was stationed at Monocacy during the Civil War. It is not just a national historic treasure but a place of memory. I imagine the Battle of Monocacy every time I drive by. Don't spoil the memory with development.

Please honor these concerns when you discuss the area on Feb 15th. I will closely follow the Planning Commission's deliberations.

Peter Blood
3213 Ramsland Way
Urbana, MD 21704

From: [Mary Carlsson](#)
To: [Planning Commission](#)
Subject: Sugarloaf Overlay and the I-270 boundary.
Date: Saturday, February 4, 2023 12:26:53 PM

[EXTERNAL EMAIL]

We support the Sugarloaf Overlay and the I-270 boundary, which includes:

- completing the preservation Overlay District approval process prior to beginning consideration of the I-270 Corridor.
- We support the Sugarloaf Alliance plan to apply the full preservation Overlay of the entire area, including the commercial areas on the west side of I-270.
- Our property abuts Sugarloaf Mountain. We want the area to be truly protected now and in the future .
- Sugarloaf Alliance notices that it is still unknown what Mr. Natelli intends for his land in the Plan area and as a land owner we oppose any changes.

**Uno and Mary Carlsson
1803 Mt. Ephraim Rd.
Adamstown, MD 21710**

From: [Jean Rosolino](#)
To: [Planning Commission](#)
Subject: Sugarloaf and I270 boundary
Date: Sunday, February 5, 2023 9:39:27 PM

[EXTERNAL EMAIL]

The Sugarloaf plan is about PRESERVATION (not devastation!)

Please do not kowtow to developer desires when it comes to the Sugarloaf plan and the I270 boundary.

We have ONE TIME to get this right and to preserve farmland and natural beauty or development will encroach upon this pristine area.

There are plenty of other places in Frederick County to build and develop and cover the landscape with unattractive townhouses. Please...

No high-density development should occur west of I-270 in the Sugarloaf Plan area.

Jean Rosolino
Acting & Voiceovers
609-430-9000 (MD)
JeanRosolino@gmail.com

From: [Suzanne Sella](#)
To: [Planning Commission](#)
Subject: Plans for i270 corridor development into Sugarloaf Area
Date: Monday, February 6, 2023 12:37:41 PM

[EXTERNAL EMAIL]

Dear Commissioners:

I was quite disturbed to learn of the further subterfuge and finagling of Mr. Natelli and his cohorts on the commission to undermine the perfectly reasonable plans proposed by the Sugarloaf Alliance, as he continues to attempt to undermine the wishes of the citizens of southwestern Frederick County. In fact I find the positions taken by several commissioners elected to serve all their constituents, not just the ones who have plenty of money, to be absolutely reprehensible; there is no need to publish your names.

To me this whole situation looks more and more like a movie where the "bad guy" gangs up on the little guys and tries to take possession their land, oil, gold, jobs, businesses, or whatever. The "bad guy" is all about greed, shady politics, underhandedness, and cheating. Another name for it is bullying. Anyone associated with the bully gets "tarred with the same feathers" to coin an old expression originating in Colonial days.

I call upon each one of you to step up, lose the "what's in it for me" attitude and do the right thing for the county. It would be a shame to allow Mr. Natelli to wreck another slice of this scenic and historic valley.

We are depending on every one of you.

Suzanne W. Sella
1822 Enon Rd
Oxford, NC 27565

From: [Pam Burke](#)
To: [Planning Commission](#)
Cc: [Ingrid Rosencrantz](#); [McKay, Steve](#); [Constituent Services](#)
Subject: Sugarloaf Overlay and I-270 Boundary
Date: Monday, February 6, 2023 10:45:17 AM

[EXTERNAL EMAIL]

Dear Planning Commission Members,

We strongly support the Sugarloaf Overlay and the I-270 Boundary. It is critical that a promise to protect a critical environment and historic area will be honored. Faith in our elected officials is at jeopardy, as well as further degradation of our democratic processes. The lack of transparency regarding this issue is disturbing.

It is not necessary to give consideration to developers and large corporations who have little interest in the long term effects of their needs and wants on the residents and taxpayers of Frederick County. These entities were aware of the plan for conservation and seem to believe their money and influence should be enough to override that decision. Please honor the Overlay and original I-270 boundary.

Very Sincerely,
Paul and Pam Burke
Bessie Clemson Road
Frederick County

From: [Barbara Luchsinger](#)
To: [Planning Commission](#)
Cc: [barbara.luchsinger](#)
Subject: Sugarloaf Overlay
Date: Monday, February 6, 2023 4:11:20 PM

[EXTERNAL EMAIL]

Dear Planning Commission,

I most certainly support the original Sugarloaf Overlay plans that came before you last year.

While I support the boundaries outlined by the Sugarloaf Alliance, it is even more critical not to let a development threat have a foothold west of I270.

Credibility of County government has been seriously eroded by the change in the original Overlay outline which allowed Natelli to have his piece of property at first included in the Overlay and then mysteriously excluded. Such secret changes so seriously damage public opinion of the entire process that the only group I and many trust, is your group, the Planning Commission for having stayed the course. Please continue. The Overlay is vital to maintaining a semblance of "rural" to the lovely Sugarloaf area.

Barbara Luchsinger

2750 Thurston Road

From: [Cherney, Ragen](#)
To: [Johanna Springston](#)
Cc: [County Council Staff](#); [Gaines, Kimberly](#)
Subject: RE: Sugarloaf Treasured Landscape Management Plan Overlay
Date: Monday, February 6, 2023 12:25:32 PM
Attachments: [image001.png](#)

On behalf of the County Council, thank you for your remarks on the Sugarloaf Area Plan. The council members have all received your email. Your remarks will be made a part of the record.

The County Council appreciates all comments from our residents.

Have a good day.

Ragen

Ragen Cherney

Chief of Staff/Legislative Director

Frederick County Council

Winchester Hall

12 East Church Street

Frederick, Maryland 21701

301.600.1049



From: Johanna Springston <johannaspringston@gmail.com>

Sent: Monday, February 6, 2023 12:14 PM

To: Planning Commission <PlanningCommission@FrederickCountyMD.gov>

Cc: Council Members <CouncilMembers@FrederickCountyMD.gov>; Fitzwater, CE
<CEFitzwater@FrederickCountyMD.gov>

Subject: Sugarloaf Treasured Landscape Management Plan Overlay

[EXTERNAL EMAIL]

Dear Planning Commissioners,

I urge you to take all necessary steps to protect and preserve the entire Sugarloaf Planning area, including the developer-owned land that borders I-270. I live on Rt. 80 across from the developer's property at Park Mills Rd. and I have serious concerns about his desire to develop that land. In my opinion, this is the most vulnerable land in the entire planning area and it needs the most, not least, protection. This land is not only part of the gateway to Sugarloaf but also borders the Monocacy National Battlefield.

As you are aware, in late October the County Council approved the Sugarloaf Plan to include all the land north of Rt. 80. The goals of the plan are to preserve the area and the overlay is the means to that preservation. Without the overlay over the entire planning area, there will be a dire threat to the preservation goal. If the County supports the developer in his mission to bring commercial and/or industrial development into the Sugarloaf area, adjacent property owners will rightfully want and seek the same zoning. Dense development in the Sugarloaf Planning area is in direct opposition to the approved goals of this plan.

At the charette, Planning Director Steve Horn warned the residents if we are not willing to compromise on the overlay boundary, then we risk losing the entire overlay. I am not willing to

compromise. Any compromise would impose significant inequities on residents who are located next to or near dense development.. We would not have any of the benefits of preservation and would incur significant consequences, including a loss of value in our properties, a loss of our rural lifestyle, and increased degradation of our environment.

A compromised overlay will not give residents the protection and preservation they seek and will only serve to harm property owners, particularly in the northern part of the planning area. **A compromised overlay is a signal to the developers and corporations who wish to industrialize the Sugarloaf area that they are welcome in.**

Last summer, you sent the right message to the County Council, public, and development/business community that the entire Sugarloaf area is worth preserving when you voted to extend the overlay over almost the entire area. You listened to the vast majority of the residents and citizens of Frederick County to preserve this small, but environmentally sensitive area. I hope that you will continue to listen to us and act accordingly.

Sincerely,

Johanna M. Springston
8101 Fingerboard Rd.

From: susanhanson@ruralroadsfrederickmd.org
To: [Planning Commission](#)
Subject: FW: Support for the Sugarloaf Plan and Overlay as originally written
Date: Monday, February 6, 2023 12:31:50 PM

[EXTERNAL EMAIL]

Dear Planning Commission:

Thank you for the opportunity to write to you concerning the Sugarloaf Plan Overlay Rewrite. This plan, in my opinion, was supposed to be the easiest of the new Master Plan Rewrites, and it hasn't worked out that way. Sadly, Planning has lost one of its best staff, Tim Goodfellow. A true professional. I wish him well!

My questions are: Who is/are the beneficiaries of changing the Overlay criteria and the I-270 Boundary? Not only the developers who will find it easier to develop along the I-270 Corridor, but non-environmentally friendly development criteria will be easier as well. This will make the entire region, a region that was supposed to be the easiest to preserve as Frederick County's Rural Gem, the easiest to follow suit with Montgomery County's mega growth to the south. And, clearly, if this Overlay is rewritten to benefit development, the keystone effort to preserve other future areas of Frederick County will be much much harder.

The beneficiaries of 'Holding the Line' on the Overlay and the Plan are not only the residents, who, in general, desire the area to remain as pristine as possible. The pristine trout stream and the beautiful gravel roads benefit from preserving the area as well. Additionally, the State and County have embarked on several initiatives designed to improve our carbon footprint. These include impervious surface initiatives, the 5 million new trees planted by 2030, and other points elaborated by the Climate Emergency Report. We cannot and should not burden these initiatives by relaxing the Overlay or changing its boundaries!

Finally, the issue of resources that developing will bring to Frederick County. Frederick County's Monocacy Battlefield, with its rich history, has a story to tell that becomes clouded if the suburban sprawl of fast food, fast roads, and urbanization are allowed to expand. Income generated from our Monocacy National Battlefield is something that needs to be considered, and how to promote and preserve its message.

Thank you for the opportunity to add to the remarks I have made at Public Hearings concerning the Sugarloaf Plan over the past. I hope that you will consider the consequences of changing these boundaries – because once the area is 'opened up', there is no 'putting the genie back in the bottle'!

Susan Hanson, Spokesperson, Friends of Rural Roads
3205 Poffenberger Road
Jefferson, MD 21755

From: [Darlene Joy Bucciero](#)
To: [Planning Commission](#)
Subject: Support for the Sugarloaf Overlay and the I-270 boundary
Date: Monday, February 6, 2023 1:08:15 PM

[EXTERNAL EMAIL]

Dear Planning Commission,

I am writing to offer my full support for the Sugarloaf Overlay and the I-270 boundary. There are a few items that are up for discussion with regards to this Plan that I would like to address in this email:

1. Certain industries suggested delaying the preservation Overlay District approval process until after the I-270 Corridor Plan. I disagree with this sentiment. The Planning Commission has worked on this issue for several months at this point and delaying the decision making on this issue to satisfy a certain industry is not a good look for Frederick County and would spread mistrust of the Frederick County government.
2. I hope the Planning Commission does not reduce or create "cut-outs" in the overlay to appease certain industries. The Overlay should apply to the entire area as originally planned, including the commercial areas of the west side of I-270.
3. I want to emphasize that I-270 should remain the boundary for planning purposes. No high-density development should occur west of I-270 in the Sugarloaf Plan area. Once high density development is allowed, we are all experienced enough to know that it will spread and the sugarloaf overlay will mean nothing. The approved Sugarloaf Plan and its proposed and its proposed Overlay District are preservation plans, not development plans.

Below are just a few of the reasons the Frederick County Planning Commission should maintain the October 2022 approved Sugarloaf Plan with I-270 as its boundary and move forward with approving the Sugarloaf Overlay as it was originally proposed:

1. The 270/80 interchange has been called the "Gateway to Sugarloaf Mountain" and as such is under very heavy development pressure. It needs MORE protection, not less. The land east of Route 80 is the head of the watershed into the Sugarloaf area. Contaminants associated with development, such as heavy metals from vehicle traffic and sediments and discharge from whatever infrastructure might be built, would negatively impact the quality of streams as they flow into the protected area.

2. If high-density development is allowed west of I-270, the Monocacy Civil War Battlefield will be further threatened. There is only one property currently between developer-owned land on Park Mills Road and the Park boundary.

3. The mountain is a unique and irreplaceable feature of southern Frederick County. The Sugarloaf Plan and Overlay are designed to protect the mountain, its rural environment, its natural resources, for now and the future - including after the land trust expires in 2046.

4. Finally, in my opinion, the developer and the county have been secretive about their development discussions and intentions for the properties on the west side of I-270 in the Sugarloaf Plan and Overlay area. This has disappointed me greatly as a Citizen of Frederick County. I voted for representatives that I trusted to be transparent in government business that impacts them. I've lived in Frederick for over 20 years and treasure the green space the County has to offer. Government officials that I voted for reneged on the promises for environmental sustainability by discussing development with industry without the proper public notice. Residents of the area and those who love the Sugarloaf area have a right to know what has been considered and what is being planned.

I also commute on the I-270 corridor. More development means more traffic. It has become increasingly difficult to travel along I-270. It would be a serious mistake to allow more development in this area.

Sincerely,
Darlene J Bucciero

Darlene J Bucciero, Director, PMP, LEED GA
Research Facilities Management Office
College of Agriculture and Natural Resources
1209 Symons Hall
College Park, MD 20742
(o) 301.405.5429
(c) 240.446.6451
(f) 301.405.2963

From: [Coleomar E.](#)
To: [Planning Commission](#)
Subject: 1550 NEW DESIGN ROAD property owners support of the Sugarloaf Plan and the proposed Overlay District and the I-270 boundary
Date: Tuesday, February 7, 2023 6:42:48 PM

[EXTERNAL EMAIL]

Hello Planning Commission of Frederick Cty,

I am writing to let you know my support of the Sugarloaf Plan and the proposed Overlay District and the I-270 boundary.

We own a working farm in Adamstown, MD of approximately 300 acres. We love where we live and we purchased land in this area because it was in an agriculturally preserved area that did not have commercial development planned. Commercial development will absolutely have a negative impact on the resources that our farm relies. The Frederick County land west of I-270 in the Sugarloaf area needs to be protected. We need our leaders to stand up to the heavy pressure of development and protect it, its views and its resources. We all know how one approval of rezoning will allow another, then another, then another. All requests will site past rezoning as a reason for future rezoning. We will then soon be surrounded by commercial development.

I have heard many rumors of talks of planning to develop this area that I love that have not been transparent and have not being handled properly. We need our leaders to stand up to all peoples, organizations and commercial developers to require all to work through proper channels and do so in a transparent, above board manner. This process NEEDS to have no talk, meetings, emails, calls or collaboration of any kind that is not done in a proper, legal and transparent manner.

Please protect this area. And please, please listen to all the residents of this area that do not want commercial development.

The Sugarloaf Plan and Overlay are designed to protect the mountain, its rural environment, its natural resources, for now and the future.

Just because the space west of 270 is open, does not mean it needs to be developed. Please protect this very special area of Frederick and our beautiful state.

Again, I am writing to let you know my support of the Sugarloaf Plan and the proposed Overlay District and the I-270 boundary. If you have any questions, please do not hesitate to reach out to me at anytime.

Thanks much for your consideration,
Joe and Mary Adams
Owners of 1550 New Design Road, Adamstown Md 21710.

From: [Marney Bruce](#)
To: [Planning Commission](#)
Subject: Please support the Sugarloaf Overlay and the I-270 boundary
Date: Tuesday, February 7, 2023 10:56:13 AM

[EXTERNAL EMAIL]

Dear Commissioners,

I-270 is the long-recognized boundary and remains by far the best line for planning purposes. No high-density development should occur west of I-270 in the Sugarloaf Plan area. So much would be threatened! I know you are getting lots of letters about this, so I don't have to go into detail.

Respectfully,

Marney Bruce
4541 Windsor Lane
Bethesda, MD 20814

From: Cherney, Ragen <RCherney@FrederickCountyMD.gov>
Sent: Monday, February 6, 2023 8:00 AM
To: Gaines, Kimberly <KGaines@FrederickCountyMD.gov>
Subject: FW: [Prince William Times] Residents claim Warrenton Town Councilmembers met with Amazon representatives in private meetings ahead of data center vote
For the Sugarloaf record.

R

Ragen Cherney
Chief of Staff/Legislative Director
Frederick County Council
Winchester Hall
12 East Church Street
Frederick, Maryland 21701
301.600.1049

-----Original Message-----

From: Cherney, Ragen <RCherney@FrederickCountyMD.gov>
Sent: Monday, February 6, 2023 7:52 AM
To: Nick Carrera <mjcarrera@comcast.net>
Cc: Cherney, Ragen <RCherney@FrederickCountyMD.gov>; Grabowski, Sarah <SGrabowski@FrederickCountyMD.gov>; Luna, Nancy <NLuna@FrederickCountyMD.gov>; Redmond, Lee <LRedmond@FrederickCountyMD.gov>
Subject: RE: [Prince William Times] Residents claim Warrenton Town Councilmembers met with Amazon representatives in private meetings ahead of data center vote
On behalf of the County Council, thank you for your remarks on the Sugarloaf Area Plan. The council members have all received your email. Your remarks will be made a part of the record.
The County Council appreciates all comments from our residents.

Have a good day.

Ragen
Ragen Cherney
Chief of Staff/Legislative Director
Frederick County Council
Winchester Hall
12 East Church Street
Frederick, Maryland 21701
301.600.1049

-----Original Message-----

From: Nick Carrera <mjcarrera@comcast.net>
Sent: Sunday, February 5, 2023 7:11 PM
To: Council Members <CouncilMembers@FrederickCountyMD.gov>
Subject: [Prince William Times] Residents claim Warrenton Town Councilmembers met with Amazon representatives in private meetings ahead of data center vote
[EXTERNAL EMAIL]

[https://urldefense.com/v3/__https://www.princewilliamtimes.com/news/residents-claim-warrenton-town-councilmembers-metwith-amazon-representatives-in-private-meetings-ahead-of-data/article_afb29aec-6e5f-5b74-a7bc-a4bb756b11ad.html?utm_medium=social&utm_source=email&utm_campaign=user-share__;!!I2-OFBIJoQBJqqeup9g!CTYItuc-JM4asGYo8edLfWuNUXWURsXSnewIHAVJakCxS8cbmA5fUmEuITm5ID8bzCeEz3TFT2issb3XeNuQH4uGd4aUYZFTWfSy\\$](https://urldefense.com/v3/__https://www.princewilliamtimes.com/news/residents-claim-warrenton-town-councilmembers-metwith-amazon-representatives-in-private-meetings-ahead-of-data/article_afb29aec-6e5f-5b74-a7bc-a4bb756b11ad.html?utm_medium=social&utm_source=email&utm_campaign=user-share__;!!I2-OFBIJoQBJqqeup9g!CTYItuc-JM4asGYo8edLfWuNUXWURsXSnewIHAVJakCxS8cbmA5fUmEuITm5ID8bzCeEz3TFT2issb3XeNuQH4uGd4aUYZFTWfSy$)

This is the way Amazon Web Services met with our own county council, back in August 16, 2021.

Best regards,
Nick Carrera

Residents claim Warrenton Town Councilmembers met with Amazon representatives in private meetings ahead of data center vote

By Peter Cary/Piedmont Journalism Foundation

Jan 10, 2023 Updated Jan 23, 2023



John Foote, attorney for Amazon Web Services, addressed a Nov. 15 meeting of the Warrenton Planning Commission.

Some Warrenton Town Council members may have been quietly planning small meetings with Amazon representatives outside of the public process regarding the company's application to build a data center in the town, according to several local residents.

Late last week, three local residents told the *Piedmont Journalism Foundation* that Councilwoman Heather Sutphin (Ward 1) told them she had met with Amazon on Wednesday morning, Jan. 3. According to those residents, Sutphin said she had learned that the company planned to announce on Jan. 10 that it would move toward a quieter cooling system.

Sutphin, according to the residents, said her meeting was one of several planned that would include two council members at a time to avoid violating the state's open meetings law – which views a meeting of three or more members as an official meeting and must be open to the public. According to the residents, Sutphin said the meetings were designed so all council members could get questions answered in the leadup to the Jan. 10 town council meeting on the Amazon application.

It could not be determined at press time if or when any other council members had met with Amazon. Three council members who are known to be skeptical of the project said they had not heard of the meetings. "I'm not aware of any meetings and have absolutely not been invited to any meetings," said incoming council member David McGuire (at large). His statement was echoed by new council member Paul Mooney (at large) and by Bill Semple (Ward 2), who took office in 2020.

Four council members – Sutphin, Jay Heroux (Ward 5), Brett Hamby (Ward 3) and James Hartman (Ward 4) — did not return several phone calls and emails from the Piedmont Journalism Foundation. While none of them have said publicly where they stand on the Amazon project, all four voted Dec. 13 to take up the application at the council's Jan. 10 meeting, no matter what the planning commission recommended.

An Amazon representative also did not respond by press time.

Denise Schefer, one of the residents who says that she talked to Sutphin Jan. 5 about her meeting, said she planned to address the council about Sutphin “taking your fellow council members out of the conversation” and “keeping the public in the dark.”

Schefer, who owns a townhouse in Sutphin's ward, said she met on Thursday with Sutphin to discuss the data center. She said Sutphin made many claims, but it was the ex-parte meeting mentioned by Sutphin that concerned her most. She said Sutphin told her she had met on Zoom Wednesday morning with Amazon officials, and learned, among other things, that Amazon was going to switch to a quieter closed-loop water cooling system.

“I am 100% certain that she mentioned the Zoom meeting on Wednesday morning. She said so twice.” She said Sutphin said “we” met with Amazon but did not say who the others were.

On Friday, Suzan and Mike Fultz were on a phone call with Sutphin when she surprised them by telling her of her meeting with Amazon. The Fultzes said that Sutphin said the council was doing a series of two-member Zoom meetings with the company to avoid violating the open meetings law. Suzan Fultz said that when she asked, Sutphin said all members would be invited – even the two new ones just seated.

Tuesday's day of meetings promises to be long and contentious.

A work session on the data center proposal is scheduled for 9 a.m. For the evening session, which starts at 6:30 p.m., opponents of the data center are urging as many speakers as possible to attend. If 60 residents speak during the public hearing, the speeches would take three hours. The last time 60 residents spoke – at a Nov. 15 planning commission meeting – the meeting was continued to another session.

The council has scheduled two other public hearings for the same night, one over appropriation of \$5 million for water and sewer projects and the other to budget \$458,001 for the Timber Fence Trail Project. Then it will be on to Amazon.

From: Cherney, Ragen <RCherney@FrederickCountyMD.gov>
Sent: Monday, February 6, 2023 7:51 AM
To: Nick Carrera <mjcarrera@comcast.net>
Cc: Grabowski, Sarah <SGrabowski@FrederickCountyMD.gov>; Luna, Nancy <NLuna@FrederickCountyMD.gov>; Redmond, Lee <LRedmond@FrederickCountyMD.gov>; Cherney, Ragen <RCherney@FrederickCountyMD.gov>; Gaines, Kimberly <KGaines@FrederickCountyMD.gov>
Subject: RE: Data Center Creep beyond Eastalco bounds?

On behalf of the County Council, thank you for your remarks on the Sugarloaf Area Plan. The council members have all received your email. Your remarks will be made a part of the record.

The County Council appreciates all comments from our residents.

Have a good day.
Ragen

Ragen Cherney
Chief of Staff/Legislative Director
Frederick County Council
Winchester Hall
12 East Church Street
Frederick, Maryland 21701
301.600.1049



From: Nick Carrera <mjcarrera@comcast.net>
Sent: Saturday, February 4, 2023 5:26 PM
To: Planning Commission <PlanningCommission@FrederickCountyMD.gov>
Cc: Council Members <CouncilMembers@FrederickCountyMD.gov>; County Executive <CountyExecutive@FrederickCountyMD.gov>; Carrera, Alexandra <sasha.carrera@gmail.com>; Carrera, Johnny <johnnyquercus@me.com>
Subject: Data Center Creep beyond Eastalco bounds?

[EXTERNAL EMAIL]

Dear Planning Commissioners,

I hope you will be mighty "Odysseus," and resist the tempting song of the data center "Sirens" who are seeking to bewitch Frederick County. The data center crowd have had free reign in Northern Virginia, and see what it has led to. The politicians seem happy, but those who have the misfortune of living nearby are appalled. I'd call it "buyer's remorse," except that the practice of Amazon and others is to operate in secret until the deal is done, so citizens have no clue what's being done to them -- it was never their choice to "buy" data centers in the first place.

Nevertheless, they are saddled with the fallout: loss of attractive land area to hulking building behemoths; excess noise from periodic exercise of standby generators; 24/7 lighting; heavy draw on water, sewer, and power services; and now there are reports that power may be inadequate and some data centers will have to run their generators routinely to make up the deficit. It's reported that the Virginia legislature may have to relax emission restrictions to allow this possibility. This, at a time when *responsible* counties and states are seeking to reduce their harmful emissions! What madness has captured Virginia! Don't let it happen here.

As I'm sure you are aware, the January 27 *Frederick News-Post* reported that Amazon Web Services wished to erect multiple data centers on Tom Natelli property along both sides of I-270 near Urbana, in the Brunswick area, and in the Adamstown area near the Quantum Loophole project. Jan Gardner and the County Council were all-too receptive to the Sirens' song at that time, but timing was against them and the talks, all conducted in secret, fell through. Amazon picked up and has moved its marbles to Northern Virginia.

The county has approved the Quantum Loophole project, for building many data centers in the old Eastalco property. The land was already zoned for such use, and services were already in place (although additional may be needed, with the glut of data centers envisioned there). This seems to me to be PLENTY of data centers for the county to accommodate. Now, though, it appears that owners and developers in Frederick County hope to piggyback on the Quantum Loophole project, by buying up adjoining properties to allow for EVEN MORE DATA CENTERS in the Adamstown area. It is my understanding that to accomplish this, they want you, the Commissioners, to hold your noses, look the other way, and approve irregular or even illegal zoning changes. I'd say that, you being responsible Commissioners, there was no way you'd do this, but as Homer depicted the Sirens, their song was simply irresistible, and even mighty Odysseus needed help to keep from succumbing. So I'm joining in a chorus of concerned citizens, in urging you to be strong and resist these calls. I think the county will have all it can do to accommodate the many data centers that will eventually be installed in the Quantum Loophole/Eastalco property. Please don't add to the burden the county and we citizens will have to bear.

Sincerely,

Nicholas Carrera, 2602A (scenic) Thurston Road, Frederick 21704

-----Original Message-----

From: Cherney, Ragen <RCherney@FrederickCountyMD.gov>

Sent: Tuesday, February 7, 2023 8:00 AM

To: Nick Carrera <mjcarrera@comcast.net>

Cc: County Council Staff <CountyCouncilStaff@FrederickCountyMD.gov>; Gaines, Kimberly <KGaines@FrederickCountyMD.gov>

Subject: RE: Data Center Development Download: What Makes a Great Site?

On behalf of the County Council, thank you for your remarks on the Sugarloaf Area Plan. The council members have all received your email. Your remarks will be made a part of the record.

The County Council appreciates all comments from our residents.

Have a good day.

Ragen

Ragen Cherney

Chief of Staff/Legislative Director

Frederick County Council

Winchester Hall

12 East Church Street

Frederick, Maryland 21701

301.600.1049

-----Original Message-----

From: Nick Carrera <mjcarrera@comcast.net>

Sent: Monday, February 6, 2023 7:29 PM

To: County Executive <CountyExecutive@FrederickCountyMD.gov>; Council Members <CouncilMembers@FrederickCountyMD.gov>

Cc: Carrera, Alexandra <sasha.carrera@gmail.com>; Carrera, Johnny <johnnyquercus@me.com>

Subject: Data Center Development Download: What Makes a Great Site?

[EXTERNAL EMAIL]

[https://urldefense.com/v3/_https://rebusinessonline.com/bohler-data-center-development-download-what-makes-a-great-site/_;!!I2-OFBIJoQBJqgeup9g!AEFJokzCpty0C1yL_hPF847MTFrIATENivpydEe3PU8DvT_2qi9SxN5sQrpNYJF-wZSMfrLUhHC8xkerw3iDhV_T9JmptiqlBxEJ\\$](https://urldefense.com/v3/_https://rebusinessonline.com/bohler-data-center-development-download-what-makes-a-great-site/_;!!I2-OFBIJoQBJqgeup9g!AEFJokzCpty0C1yL_hPF847MTFrIATENivpydEe3PU8DvT_2qi9SxN5sQrpNYJF-wZSMfrLUhHC8xkerw3iDhV_T9JmptiqlBxEJ$)

I invite your attention to the section on "zoning considerations." While shocking, it's also refreshing to see such candor in acknowledging what unwelcome neighbors data centers are. The hucksters must have a rather flexible integrity, to be comfortable operating in secrecy that way.

Note also the need for a dedicated substation on large data center sites. I've not seen a pretty one, and they're hard to hide. You'll recall how residents of Kemptown resisted the substation that PATH wanted to build there a few years back.

Regards,

Nick Carrera, 2602 scenic Thurston Road, Frederick 21704

Data Center Development Download: What Makes a Great Site?

Posted on August 10, 2021 by Sarah Daniels in Bohler, Content Partner, Data Centers, Development, Features, Industrial, Midwest, Northeast, Southeast, Texas, Western

SPONSORED

As more aspects of our lives become digital, the need for data centers is increasing exponentially. COVID fast-tracked the upsurge in data center demand, as businesses worldwide transferred communications and operations to digital platforms — but the need for data centers is *permanent*.

“With an increase in devices needing to connect to each other and the Internet of Things (IOT), the amount of data needed to do this will always be growing, furthering the demand for additional space within data centers,” says Megan Baird, Professional Engineer (PE), a senior project manager at Bohler, a land development consulting and technical design firm.

Getting the right space with the right zoning, utilities and market timeline can be a daunting task that requires extensive planning. Baird says three major factors determine whether a site is a prime data center opportunity: utilities, zoning and space. Plus, Baird explains how to get a property to market once the planning is done.

What’s Available to Help Developers

- **Tax incentives** vary by state and locality and can depend on the number of jobs created, equipment used or amount of money invested.
- **Overlay districts** are a regulatory tool where jurisdictions specify additional restrictions/allowances in addition to the underlying zoning district rules. These can make approvals easier (while also restricting available locations).
- **Fast-track programs** offer priority reviews for projects likely to have a significant impact on the tax base.
- **Advance permits for site clearing** allow a developer to begin clearing a site before a detailed design is in place, speeding up the construction timeline.

Utility Considerations for Data Center Development

The old maxim of “location, location, location” doesn’t hold true for data centers. It’s more like “power, power, power.”

According to Baird, “If you can get power and fiber to a site, that makes the site feasible, something that an end user would look at. Power and fiber are the limiting factors as far as speed to market, and power is usually the bigger of the two limiting factors. We’re seeing a need for bigger parcels of land so that we can put substations on them to power the sites. Substations transform electrical loads from power lines into a usable amount of current. Data centers need power, and they need it fast. If an end user can control that variable by adding substations on the land, it can help them get to market more quickly.” Generally, a large site needs its own substation, an undertaking that requires coordination with utility companies.

Interest in green initiatives abounds for data centers — in large part due to their requirements for extensive utilities. Markets that support these green initiatives see greater interest from data center operators, Baird says. “For example, using reclaimed water to cool the server racks is cheaper (sometimes millions of dollars cheaper) than using potable or domestic water. Reclaimed water is huge in Loudoun County, Virginia; that’s part of why Northern Virginia is such a big market [for data centers]. The reclaimed water is available and exists as a public utility.”

Other green initiatives might take the form of power delivery systems. Solar power, wind turbines and other forms of power delivery aren't stable enough yet to totally replace fossil fuel systems, but there is a pronounced interest in incorporating green technologies.

Zoning Considerations for Data Center Development

Lack of clarity in zoning ordinances can slow efforts to bring data center properties to market. Many ordinances do not specifically address data centers, and the assets can fall under the less desirable "industrial" category. There are two common options in such situations: rezoning or special exceptions.

A property can be rezoned so that a data center can operate there "by right." The benefit of this approach is that developers don't necessarily have to state publicly whether they're building a data center. As Baird explains, "You're just switching the property to a zone that *allows* data centers." Rezoning a property may not need to be an overly long or intensive process — depending on the location. In areas like Atlanta, rezoning could take as little as three months, whereas in Fairfax County, Virginia, it can take upwards of a year.

If a developer is unable to rezone a site, applying for a special exception to allow data centers is an option, but it can come with complications. Applying for a special exception makes it clear the property being developed will be a data center. "Depending on where you are, you may be required to send notifications to adjacent property owners, opening the door for these owners to object or resist a data center."

"A developer needs to work with a civil engineering consultant and land use attorney to figure out what's needed in terms of zoning," says Baird. "A good project manager can work with the agencies within a modified process to keep you moving and hit your end delivery date to power a building. By working within modified processes, we can help tailor our approach to alleviate pain points throughout the development process."

Savvy planning leads to essential processes happening quickly and in the right order. "Phasing of buildings has become vital: planning is fundamental to ensuring that buildings are powered on at the right time. This is critical when a building needs to be timed in conjunction with another building that might be needed for redundancy," says Baird.

Space/Location Considerations for Data Center Development

Size matters for data centers — end users generally need at least two buildings on a site to take advantage of efficiencies in utilities, security and proximity to other data centers. A good target site footprint for two such buildings is 40 acres, and many developers are looking for sites that are hundreds of acres. Unlike traditional industrial assets, data centers do not require access to major roadways.

When it comes to physical location, Northern Virginia still dominates the market, and submarine fiber cables in Virginia Beach are making the Interstate 95 corridor attractive for data centers. But the high cost of land in Virginia is leading to increasing interest in markets like Atlanta; Columbus, Ohio; Texas; and parts of New Jersey.

Data center developers are often willing to consider non-traditional locations, including those in floodplains. However, Baird warns data centers have much less tolerance for possible flooding and must be designed to cope with the unexpected. Stormwater management must be over planned, to a degree, to avoid catastrophe.

Planning to Get a Data Center to Market

“Once you have a parcel that has power and fiber and is zoned correctly, that parcel is going to be worth a lot,” Baird says. “The market is both expensive and competitive — especially because there are more players in the industry than ever before. You’ve got more people going after the same few available sites, so you need to move quickly, and you want someone who knows the process. A developer is going to want someone who’s a partner in making decisions rapidly. Bohler can give good information that will help throughout a project’s timeline, and our consultants can truly advise, saving developers time and money at each stage, from planning to getting an asset to market.”

Bohler is a [content partner](#) of REBusinessOnline. For more articles from and news about Bohler, [click here](#).

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From: [Nick Carrera](#)
To: [Council Members](#); [Planning Commission](#)
Subject: [fauquier.com, PrinceWilliamTimes.com] Some cities suffering from data center noise turn to tough limits
Date: Thursday, February 9, 2023 9:32:51 PM

[EXTERNAL EMAIL]

https://urldefense.com/v3/__https://www.fauquier.com/news/some-cities-suffering-from-data-center-noise-turn-to-tough-limits/article_1007b6ce-a74a-11ed-8df5-6bcfed2aa1ef.html?utm_medium=social&utm_source=email&utm_campaign=user-share__;!!I2-OFBIJoQBJqqeup9g!CDoAlzOzvksnEf2w7tkWa2dikb4Hf0GcJqgetQU49mtx4TM9p1joqEWmt_i6rei-g6p--P6HBZ73FF0Hq4397bZ0BeIESFrysBciZ6IS

I wouldn't worry about having that happen here; they're probably just a bunch of disaffected wimps out there in Arizona. Why not hire KO to downplay the noise aspect; they have already done good PR work for the county, and should be able to do a PR job on our county citizens.

Nick Carrera

Some cities suffering from data center noise turn to tough limits

By Peter Cary/Piedmont Journalism Foundation, Feb 10, 2023 Updated 19 min ago



During an Aug. 29 rally in Manassas, protesters carry signs decrying the noise and nuisance caused by a Amazon Web Services data center campus that is about 600 feet away from the nearest home in the Great Oak subdivision.

Jill Palermo/Times Staff Photo

Chandler, Arizona, on the southeastern edge of Phoenix with a population of 280,000, may be the national poster child for data center noise. In 2014, its residents began complaining of droning from a million-square-foot data center there, and that made the local news. But in 2019, The Atlantic magazine put the problem on the national map with a lengthy article about the data center noise and its potential health effects.

Even though the operator of that data center complex, CyrusOne, began swaddling its air-conditioning equipment to lower its noise, residents were concerned that more data centers were in the pipeline. So, as protest swelled, on Jan. 11 the city adopted Ordinance 5033 to reduce data center noise.

Now a company wanting to build a data center in Chandler must hold two meetings with nearby residents to describe their noise mitigation plans. They must pay a noise liaison officer to field complaints. And they must hire an acoustics consultant to measure the noise in the neighborhood before the center is built. When the center is up and running, the noise may not push the neighborhood's sound level above what already existed.

The noise in Chandler, it turns out, has reverberated far eastward. In August 2021, Warrenton resident Steve Wojcik cited Chandler's problems at a town council meeting as a warning of what residents might experience if a data center is built there. No one paid much attention then, but 18 months later the council is struggling to write conditions into a permit to control the noise from a data center that Amazon Web Services is proposing. AWS, which would have to agree to the conditions, is working with the town to draw them up.

Meanwhile, Prince William County has set out to revise its noise ordinance, as its residents and officials try to get AWS to quiet a four-building complex – that effort is a work in progress. The county staff has proposed removing exemptions for nighttime air-conditioning equipment for one year as it works toward an ordinance that is more responsive to residents' noise concerns.

Noise experts say both jurisdictions might want to look at what others are doing. Approaches differ somewhat, but they share a basic theme: making the centers quiet enough so that residents won't hear the nonstop noise.

Chandler's zoning administrator, Kevin Mayo, who designed the new ordinance, said in an interview that significant noise attenuation can be achieved in several ways. Since heard noise decreases as the source moves

farther away, setbacks are key. Building design, such as putting the noise emitters where the building blocks the noise, is another. A third answer is muffling devices, such as acoustic blankets and screening walls.

“I’m confident they can get there,” he said.

In recent years, the city of Niagara Falls, New York, was plagued by noise from bitcoin mining. The heavy users of electricity were attracted to the city’s cheap hydroelectric power. But their massive fans created a constant drone that upset nearby residents.

“My home was invaded by noise,” Bryan Maacks said at a public hearing. “It has changed my life. It is constant, 24 hours a day. I’m here for myself and my mental health.”

As in Chandler, Niagara officials were caught off guard, as the bitcoin industry had sprung up quickly. We have “no method of establishing the way in which this industry can operate,” Mayor Robert Restaino said during a public meeting last fall.

Last Sept. 8, the city passed an ordinance aimed at bitcoin shops, data centers and marijuana growers, all of which run cooling machinery night and day. The ordinance restricts the plants to industrial and business park zones and limits their noise to 50 decibels during the day and 45 at night.

Writing ordinances to deal with data center noise is relatively new, said Les Blomberg, director of the Noise Pollution Clearinghouse, a nonprofit based in Montpelier, Vermont. But he and Eric Zwerling, who runs the Rutgers University Noise Technical Assistance Center, said it can be done.

“You can solve the problem with technology,” Blomberg said. “Think of how loud an unmuffled car is. And think about how quiet a muffled car is.”

Data center noise is unique in that it is not so much its loudness that is an irritant as its constancy. Measurements taken since last summer at Great Oak, a subdivision south of Manassas plagued by noise from a cluster of Amazon centers, showed that about half the time the noise was below the county daytime limit of 60 decibels. But residents say the constant drone, especially at night, causes anxiety and deprives them of sleep. Some health studies back up their complaints.

Amazon has been working to muffle its cooling equipment with acoustic shrouds and plans to replace all its rooftop fans by September. In the meantime, says Dale Browne, president of the Great Oak Homeowners Association, the noise has lost its peaks, but continues to violate county limits, especially at night.

Blomberg noted that typical noise limits are focused on transient noise and “not on the 24/7 drone that invades your house.” People say noise of 55 to 65 decibels (the range of Prince William’s ordinance) is no louder than human conversation, he said, “but it’s like having a conversation with someone you don’t want to have, all the time. That’s the thing; there’s no escaping it.”

Prince William’s ordinance limits noise in residential areas to 60 decibels in the day and 55 at night. It exempts noise from air conditioning, but the county may change that. Stanley Martin Homes, which wants to build up to 14 data centers within 600 feet of housing off Devlin Road, submitted proffers on Jan. 31 agreeing to those limits and promising even to cut its noise levels by three more decibels if it were found to emit a monotonous tone.



Steve Wojcik has been speaking to Warrenton officials about data center noise for more than 18 months.
Robin Earl/Fauquier Times Staff Photo

Warrenton's ordinance is more complicated, with different day- and night-time limits in eight frequency bands. It has been called antiquated, but it is similar to the noise codes of New Jersey and several large cities. For the proposed Amazon data center, it would allow noise, depending on the frequency, of up to 62 decibels during the day and 57 at night. Those limits assume that the data center will emit a monotonous tone.

One solution could be to write an ordinance that penalizes the duration of noise. Alameda, California, regulates noise based not only on decibel level, but also its time length. The longer the noise continues, the quieter it must be. But Blomberg said such an ordinance requires a police officer to stay in place as long as an hour to measure noise duration. "It makes sense, but it's not enforceable," he said.

The better solution, he said – as in Chandler and Niagara Falls – is to require emitters of nonstop noise to be especially quiet. "It's not unreasonable to choose a night level of 45 decibels," Blomberg said, and a daytime limit of 50.

The Chandler ordinance would seem to achieve the same thing, as Mayo said the ambient noise near data-center locations typically runs between 45 and 50 decibels.

However, Zwerling noted that noise is circumstantial: "If you had 50 decibels worth of data center noise, but you were fairly close to a major highway, you'd never hear it. If on the other hand, it was a quiet winter night and you're nowhere near a highway, it would be the only thing you hear."

In Warrenton, that sounds like Dave Winn's problem. He lives just west of town, north of Old Waterloo Road, about nine-tenths of a mile south of the Warrenton Training Center, where one data center is operating and at least two more are under construction.

Winn said what he hears depends on the ambient noise and the wind, "but it's very evident at night." "Now we simply can't sleep with the windows open anymore, because all you hear is the drone at the data center."

In winter, he said, with the leaves off the trees, "I go to the corner of my house in my sunroom, and I read for a couple hours every morning. And now as I'm reading, I hear the data center drone in my ear with the windows closed, and you cannot escape it."

From: [Nick Carrera](#)
To: [Council Members](#); [Planning Commission](#)
Cc: [Carrera, Nicholas](#); [Carrera, Alexandra](#); [Carrera, Johnny](#)
Subject: Data Center noise -- FNP article
Date: Thursday, February 9, 2023 9:19:08 PM

[EXTERNAL EMAIL]

[https://urldefense.com/v3/__https://fredericknews-post-md.newsmemory.com/?publink=1e3454e38_1348616__;!!I2-OFBIJoOBJqqeup9g!ApLxMxbLkLxDpUPxagfFa6_HCTLUq-mduiUi5at9GYPLzgLFuvIJ-atPDEN4n-2KUx93mmolIPUxMr6vF_6_KwobDzH_Yg9tuI22ailk\\$](https://urldefense.com/v3/__https://fredericknews-post-md.newsmemory.com/?publink=1e3454e38_1348616__;!!I2-OFBIJoOBJqqeup9g!ApLxMxbLkLxDpUPxagfFa6_HCTLUq-mduiUi5at9GYPLzgLFuvIJ-atPDEN4n-2KUx93mmolIPUxMr6vF_6_KwobDzH_Yg9tuI22ailk$)

Maybe the county can give all neighbors along Fingerboard Rd, Thurston Rd, and Dixon Rd a voucher to purchase industrial-quality earmuffs for when they're outside in the yard, and pay to retrofit their houses with super sound insulation. I don't know what to suggest about protecting pets from damage to their hearing and their mental health. Perhaps county could consider an ordinance that no one within a half-mile of a data center (would that be far enough?) may own a pet. People may be willing to make that sacrifice for the sake of having data centers on Tom Natelli's properties on Thurston Rd and Fingerboard Rd.

Nick Carrera

As Northern Virginia data centers proliferate, neighbors knock the noise

By MATTHEW BARAKAT

Associated Press

MANASSAS, Va. — In a universe of cloud computing, northern Virginia might be in a perpetual fog.

More of the data centers that feed the cloud are clustered in the region outside the nation's capital than anywhere else in the world.

As cloud computing — which enables data storage and other services to be delivered over the internet — continues its exponential increase, the appetite for new data centers continues to grow. And increasingly, communities that abut the centers are complaining about their new neighbors, mostly about the noise from constantly whirring fans needed to cool the computers and servers warehoused within.

“It's just a constant whirl at a frequency that's obnoxious,” said Dale Browne, president of the Great Oak Homeowners Association. Residents there led a protest recently outside a nearby data center in Prince William County, newly built to support Amazon Web Services.

Browne said he preferred the quarry that used to occupy the land over the data center. And he's worried that the noise will only get worse in winter, when a line of trees that provides something of a buffer sheds its leaves.

Speakers at the protest said they fear Prince William County is on the verge of joining its neighbor, Loudoun County, which is known as the data center capital of the world.

“We are the canary in the coalmine,” Browne said.

Northern Virginia has been a tech hub since the formation of the internet, and now hosts more data centers than the next five largest U.S. markets combined, according to the Northern Virginia Technology Council.

Collectively, the northern Virginia data centers demand about 1,900 megawatts of power, said Josh Levi, president of the Data Center Coalition, an industry trade group. That's roughly equivalent to the entire output of Dominion Energy's nuclear reactors at its North Anna power plant.

Browne and his neighbors say noise from the data center regularly exceeds the local limit of 60 decibels for noise — a study by Amazon disputes this — but it's largely a moot point because the county noise ordinance exempts air conditioning units. Activists say the ordinance was written more than 30 years ago and never anticipated the massive cooling systems used in data centers.

Amazon Web Services, for its part, said it's installing acoustical shrouds at the site as part of its noise-reduction efforts.

“Addressing our neighbors' noise concerns in Prince William County is a priority for us,” a company spokesman said in a statement.

Noise is not the only issue. Spencer Snakard, president of Protect Fauquier, worries that more data centers will require more high-voltage transmission lines to deliver the massive amounts of electricity they require, destroying views and posing their own potential health risks.

“I see these noisy monstrosities much like computers of the 1960s and 70's: massive, bulky, ugly, and in their infant stage,” she said.

Not all residents are opposed to the data centers. In the Gainesville area, a group of property owners proposed having their land rezoned from agricultural use to allow them. County staff recommended approving this ahead of a Sept. 14 planning commission vote.



Spencer Snakard, president of Protect Fauquier, speaks Aug. 29 at a rally near Manassas, Va., protesting a newly built data center for Amazon Web Services.

Associated Press file photo

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[Powered by TECNAVIA](#)

From: Cherney, Ragen <RCherney@FrederickCountyMD.gov>

Sent: Friday, February 10, 2023 12:31 PM

To: smordensky@aol.com

Cc: County Council Staff <CountyCouncilStaff@FrederickCountyMD.gov>; Gaines, Kimberly <KGaines@FrederickCountyMD.gov>

Subject: RE: Part Two: Giving Teeth to the passed Sugarloaf Plan Concept to enforce, "The Overlay Zone Protections" Fwd: SUGARLOAF: The I-270 boundary issue is back

On behalf of the County Council, thank you for your remarks on the Sugarloaf Area Plan. The council members have all received your email. Your remarks will be made a part of the record.

The County Council appreciates all comments from our residents.

Have a good day.

Ragen

Ragen Cherney

Chief of Staff/Legislative Director

Frederick County Council

Winchester Hall

12 East Church Street

Frederick, Maryland 21701

301.600.1049



From: smordensky@aol.com <smordensky@aol.com>

Sent: Friday, February 10, 2023 12:22 PM

To: County Executive <CountyExecutive@FrederickCountyMD.gov>; Council Members <CouncilMembers@FrederickCountyMD.gov>

Subject: Part Two: Giving Teeth to the passed Sugarloaf Plan Concept to enforce, "The Overlay Zone Protections" Fwd: SUGARLOAF: The I-270 boundary issue is back

[EXTERNAL EMAIL]

Good morning,

Returning to the Sugarloaf Mt area, last October got The Sugarloaf Plan concept passed but not the teeth to enforce preserving & protecting this area. Being late in the election cycle the fate of the Sugarloaf Plan was left to a new county executive & council.

It is much like the battles of many early local & state parks & early national park battles like Yosemite NP & Yellowstone NP faced when competing w/ranchers, mining interests, big money interests and the wealthy wanting areas like those resulting years later creating Arcadia NP.

An Urbana, MD developer began clearing his 500 acres on the west side of I-270 in the spring 2022 w/out permits or development approvals. That same developer had private talks w/data centers and other commercial ventures. Presently town houses & strip malls could become permanent parts of the views.

A newly planned I-270 interchange soon to be built at Park Mills Road just 3-5 miles north of MD Rt 80 (current interchange) "is a developers' dream to have undeveloped raw land on both sides of the interstate".

It has long been a feeding frenzy since, "The I-270 Inter-Modal Study of the 1960s" was released. This is the blue print for development in the surrounding & far reaching Maryland counties. Land speculators & developers got involved after this highway study gained traction..

The majority of **90% plus of land owners** support the Sugarloaf Plan. Most land is privately owned.

Stronghold that manages Sugarloaf Mt's 3,500 acres has been given all the protections & assurances they have requested from the Frederick County government and they still have not gotten on board for some unknown reasons? In many aspects Stronghold is pretty much a secretive & very private management board.

This rural & natural Sugarloaf area is very special. These 20,000 acres (20 square miles) inside Frederick County, MD would back up right against the Montgomery Agricultural Preserve (Damascus/Laytonsville, Barnesville/Poolesville/Boyds) of over 100,000 acres established in the 1980s. This MC Ag Preserve faces new challenges every year by private land owners & private enterprise's challenging & testing the set rules & regulations.

It is remarkable that this unique natural area of open fields & forests, country homes, mountain views, farms, country roads & a pristine watershed w/excellent water quality supporting native brook trout w/stoneflies & mayflies exists within 40-75 miles of two major east coast cities (Greater Baltimore & Greater Metro DC) w/populations in the millions.

Sugarloaf Mountain is an monadnock on the Maryland piedmont.

It formed much like someone pushing their finger up thru layers of soft cake as magma during the time the North American plate separated (tensional forces) from the African plate. The only other super volcano in North America besides Yellowstone formed at this time. The remains is Mt Rodgers, the highest point in Virginia. Mt Rodgers is thought to have been over 14,000 feet at the time it formed.

Returning to the Sugarloaf, this natural area helps replenish the mind, body & soul of those living in nearby counties and visitors passing thru the area. It saves lot of money from DC psychiatrists.

The west side of I-270, the long unofficial demarcation line between high density development of the east side of I-270 & a natural & rural setting on the west side of this interstate. It has only been an historic boundary along I-270.

This area presently extends from the Montgomery County line northward along I-270 to the westward flowing Monocacy River. It then includes all land south of the Monocacy River and back again to the Montgomery County line.

Presently it has no real protections from development.

An important email from the SugarloafAlliance.org is found below this email.

Any help that you can provide in letters of support would be appreciated. Frederick County Executive & council members are copied on this email.

Sincerely,

Stan Sr., (Retired MD World Studies & Science Teacher & Renaissance Man)

Stan Mordensky, Sr.
11401 Meadowlark DR.
Ijamsville, MD 21754
Home/Office Phone: 301-831-6619
Cell Phone: 301-639-8584 (Best choice)

-----Original Message-----

From: Karen Russell <ccwgfredco@gmail.com>
Sent: Tue, Feb 7, 2023 10:44 am
Subject: Fwd: SUGARLOAF: The I-270 boundary issue is back

For your information...
Begin forwarded message:

From: Sue Trainor <sue.trainor.music@gmail.com>
Subject: SUGARLOAF: The I-270 boundary issue is back
Date: February 3, 2023 at 3:44:17 PM EST
To: Sue Trainor <suetrainor@aol.com>



SUGARLOAF ALLIANCE

www.sugarloaf-alliance.org

The Boundary Issue is Back

Note: This alert is a summary of a longer report; [click here for a more in-depth discussion.](#)

Preservation supporters must step-up once again to support the Sugarloaf Plan and to oppose development pressure on the Sugarloaf Treasured Landscape. Please email the Planning Commission to remind them that you support the Sugarloaf Overlay and the I-270 boundary. (planningcommission@frederickcountymd.gov). You can find Sugarloaf Alliance's suggested talking points below.*

Current Status: An [amended Sugarloaf Plan, with the I-270 boundary](#), was passed by the County Council in October. [The Sugarloaf Overlay legislation](#), which is the "teeth" of the Plan, was sent back to the Planning Commission for further consideration. On 1/18, the Planning Commission held a "Listening Session" - five mixed focus groups - to air the various, conflicting points of view regarding the Overlay. This is what we learned.

- Developer Tom Natelli wondered if consideration of the Overlay should be delayed until after the development-oriented I-270 Corridor Plan is settled. *Sugarloaf Alliance supports completing the preservation Overlay District approval process prior to beginning consideration of the I-270 Corridor Plan.*
- Mr. Natelli and other industry participants suggested that the Overlay might be graduated, with different rules for the I-270 area than for the Sugarloaf Mountain area. *Sugarloaf Alliance supports applying the full preservation Overlay to the entire*

area, including the commercial areas on the west side of I-270, in order for the planning area to be truly protected now and in the future.

-
- Mr. Natelli opposed the Overlay's 15,000 square foot limit on building size. Sugarloaf Alliance notices that we still don't know what Mr. Natelli intends for his land in the Plan area and we oppose this change.

We are concerned about the county's commitment to preservation in the Sugarloaf area. A Commissioner, who once called the I-270 boundary a longstanding "promise" to those living west of I-270, began finding details to criticize. So did one or two other Commissioners. After breaking into discussion groups, Plan opponents tried to open the discussion to include status of the Plan itself. On 1/27, The Frederick News-Post reported that the county, in its secret talks with Amazon Web Services, had been quite ready to carve up the Sugarloaf Plan to make room for data centers. That effort apparently was halted only by the timing – there was too little time left to pass the necessary legislation before the 2022 elections. Hasty public consideration would have been "cosmetic at best" and seen as "abusing" trust in the county government.

It's clear that we need to push as hard as ever to ensure an effective Overlay for the Sugarloaf Plan. Overlay restrictions that fall short endanger the preservation Plan itself.

Now is the time to email the Planning Commission

The Planning Commission's next work session will be on February 15 at 5:30pm in Winchester Hall (12 E. Church St., Frederick). Please mark your calendars.

Now is the time to remind the Planning Commission of your support for the Overlay and the I-270 boundary. Email: planningcommission@frederickcountymd.gov

***In addition to the Sugarloaf Alliance positions underlined above, we offer below some suggested talking-points for your emails.** More can be found by clicking [here](#) (preservation) and [here](#) (climate change) and [here](#) (I-270 Corridor).

I-270 Boundary

I-270 is the long-recognized boundary and remains by far the best line for planning purposes. No high-density development should occur west of I-270 in the Sugarloaf Plan area.

Last year the Planning Commission agreed that the boundary should be I-270, rejecting the sweetheart deal of cut-outs for developers. If the Planning Commission or the County Council return the developer cut-outs to the Overlay, adjacent property owners would become the involuntary buffers between dense development and rural properties.

If the I-270 boundary is crossed and more intense development is allowed in the Sugarloaf Plan area, there will be a race to the bottom. Rural neighbors will opt to appeal current zoning, cash out and move rather than tolerate the overpowering density of commercial, industrial or Villages-like environment. The area west of I-270 will look like that east of I-270.

Preservation

The approved Sugarloaf Plan and its proposed Overlay District are preservation plans, not development plans.

Open space is not merely undeveloped space. In the context of climate and covid changes, open space should be considered the "highest and best use" of the entire Sugarloaf Treasured Landscape area.

The 270/80 interchange has been called the "Gateway to Sugarloaf Mountain" and as such is under very heavy development pressure. It needs MORE protection, not less.

The land east of Route 80 is the head of the watershed into the Sugarloaf area. Contaminants associated with development, such as heavy metals from vehicle traffic and sediments and discharge from whatever infrastructure might be built, would negatively impact the quality of streams as they flow into the protected area.

Monocacy Battlefield

If high-density development is allowed west of I-270, the Monocacy Civil War Battlefield will be further threatened. There is only one property currently between developer-owned land on Park Mills Road and the Park boundary.

Sugarloaf Mountain

The mountain is a unique and irreplaceable feature of southern Frederick County. The Sugarloaf Plan and Overlay are designed to protect the mountain, its rural environment, its natural resources, for now and the future - including after the land trust expires in 2046.

Transparency

The developer and the county have been secretive about their development discussions and intentions for the properties on the west side of I-270 in the Sugarloaf Plan and Overlay area. Residents of the area and those love the Sugarloaf area have a right to know what has been considered and what is being planned.

Thank you!

The Sugarloaf Alliance represents over 400 stakeholders in the Sugarloaf region. The Alliance's mission is to protect the unique natural and historical aspects of the Sugarloaf Mountain area and its environment through education and initiatives in support of watersheds, streams, meadows, forests, and historic sites. Working with volunteers, civic groups, and local, state, and federal agencies, the organization's primary goal is to preserve the unique character and serenity of the area for future generations. Sugarloaf Alliance is a 501(c)(3) organization. Sugarloaf-Alliance.org

Steve Black, President
Sue Trainor, Vice President
Nick Carrera, Treasurer
Johanna Springston, Secretary

From: peterblood3213@comcast.net
To: [Nick Carrera](#); [Council Members](#); [Planning Commission](#)
Cc: [Carrera, Alexandra](#); [Carrera, Johnny](#)
Subject: More on noise
Date: Friday, February 10, 2023 8:00:40 AM

[EXTERNAL EMAIL]

The article Nick referred to https://fredericknewspost-md.newsmemory.com/?publink=1e3454e38_1348616 says that the data center regularly exceeds the VA local noise limit of 60 decibels (dB).

According to research at Sensear, <https://www.sensear.com/blog/data-centers-arent-loud-right> average data center noise may reach 92 or 96dB. This article above focuses mainly on threat of hearing loss to workers, but EPA deals with the threat to the general public. EPA recommends maintaining environmental noises below 70 dB over 24-hours (75 dB over 8-hours) to prevent noise-induced hearing loss.

So I was trying to find out what the limits were in Frederick County and stumbled across this:

<https://www.frederickcountymd.gov/DocumentCenter/View/292634/104-Bill-16-15-Nuisance-Noise?bidId=>

If I read the above document correctly (please check):

- The current noise limit in Frederick county is
 - Residential zones: 65dB (day) and 55 (night)
 - Industrial zones: 75dB day or night.
 - Areas under construction: 90dB during the day.
- In 2016, Bud Otis tried to repeal the entire nuisance noise section of code.
- In 2015, Delauter tried to raise the noise limit on construction to 125dB
- In 2016, Billy Shreve tried to delete the restriction on construction noise, restrictions on snowmobile and go-cart noise, and delete words acknowledging that loud noises harm public health.
- In 2016, Fitzwater tried to add an exemption for day care center noise.

I read that "Noise above 70dB over a prolonged period of time may start to damage your hearing. Loud noise above 120dB can cause immediate harm to your ears." I recall dB is a logarithmic scale such that 20dB is 10 times louder than 10dB. Then would it not follow that 90dB (average noise from a data center) would be 1000x louder than 60dB (the approximate noise limit allowed in Frederick County residential areas)??

Peter

On 02/09/2023 9:18 PM Nick Carrera <mjcarrera@comcast.net> wrote:

https://fredericknewspost-md.newsmemory.com/?publink=1e3454e38_1348616

Maybe the county can give all neighbors along Fingerboard Rd, Thurston Rd, and Dixon Rd a voucher to purchase industrial-quality earmuffs for when they're outside in the yard, and pay to retrofit their houses with super sound insulation. I don't know what to suggest about protecting pets from damage to their hearing and their mental health. Perhaps county could consider an ordinance that no one within a half-mile of a data center (would that be far enough?) may own a pet. People may be willing to make that sacrifice for the sake of having data centers on Tom Natelli's properties on Thurston Rd and Fingerboard Rd.

Nick Carrera

Data Centers Aren't Loud, Right?

by Nate Holmer

HEARING PROTECTION FOR DATACENTER, HIGH NOISE WORKPLACE COMMUNICATION HEADSETS, DIGITAL COMMUNICATION HEADSETS, INDUSTRIAL COMMUNICATION HEADSET, COMMUNICATION IN DATA CENTERS, INDUSTRIES

Wrong. Based on research found by us at Sensear, the average noise level around the server areas of a data center can be up to 92 dB(A), and within the server racks, noise levels can reach up to 96 dB(A). To put this into perspective, this is equivalent to listening to a motorcycle up close all day, for 48-52 hours a week (or more if there aren't enough workers). How long and how loud can someone listen to sound without risking hearing damage? OSHA and NIOSH break this down in Figure 1 below.

Level, in dB A	85	88	90	92	94	95	100	105	110	115
OSHA PEL	16		8			4	2	1	0.5	0.25
NIOSH REL	8	4			1		0.25			

Figure 1. Duration (in hours) of allowable exposures based on OSHA and NIOSH criteria. PEL = Permissible Exposure Limit; REL = Recommended Exposure Limit. Noise exposure levels/times exceeding those shown in Figure 1 require the use of hearing protection.

So, given that OSHA's noise threshold for required hearing protection is 85 dB(A) for over an 8-hour time period, the noise levels in a data center are within the confines of **Noise-Induced Hearing Loss**.

Now, because systems within data centers vary from large to small, noise levels will also vary. As the systems become more concentrated/dense as additional servers are added, more sophisticated equipment is required to cool down the system. The addition of fans, power supplies, and other equipment simply adds to the noise levels. Constant exposure to all this noise is concerning and can lead to potential hearing loss down the road.

What About Communication?

So, you provide hearing protection for your data center employees, but how can they communicate now? If an employee needs to troubleshoot an issue within the data center that requires over-the-phone vendor assistance, they run into an issue. Removing their hearing protection is dangerous and the person on the other line may have a hard time trying to hear the data center employee due to the external noise. How do you solve this issue?

Many data center employees will simply walk to a quiet area to take cell phone calls so that both parties can hear one another, however, this can become a productivity issue if the employee endlessly needs to run back inside to complete the task and then run back outside to continue the phone call. Instead of doing this, data center employees will see an improvement in productivity if they could use a headset that not only protects their hearing but can also connect to their cell phone or laptop via Bluetooth® for phone calls and/or Teams/Zoom meetings (while also filtering outside noise so the person on the other end can hear as well) or two-way radios for face-to-face communication within and around the data center.

Sensear's smart headsets and earplugs use our patented **SENS® Technology** to lower harmful noises while isolating and enhancing speech for clear and effective communication in high-noise environments like data centers. With Bluetooth®, users can pair their headset to their smartphone, tablet, computer, or two-way radio, connect to colleagues on Microsoft Teams or Zoom, stream music at work, or answer phone calls. With a two-way radio connection, users can communicate clearly and effectively in high-noise environments, without having to remove their headsets or raise their voices. Furthermore, users can communicate headset-to-headset using SENS® without the need for a wireless/wired connection.



We all know that communication is critical and hearing loss is cumulative if not prevented. Investing in effective communication solutions with hearing protection is crucial to the well-being of data centers' most important assets – the employees.



Bill No. 16-15
Concerning: Nuisance – Noise Levels and
Enforcement
Introduced: August 15, 2016
Revised: _____ Draft No. _____
Enacted: _____
Effective: _____
Expires: _____
Frederick County Code, Chapter 1
Section(s) 1-11-6 & 1-11-7

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council President Bud Otis on behalf of County Executive Jan Gardner

AN ACT to: Establish measurable criteria and enforcement to restrict generation of excessive noise and designate Enforcing Agencies and Enforcement Officials.

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

By amending:

Frederick County Code, Chapter, 1 Section(s) 1-11-6 & 1-11-7

Other: _____

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

Bill No. 16-15

The County Council of Frederick County, Maryland, finds it necessary and appropriate to repeal and reenact Sections 1-11-6 and 1-11-7 of the Frederick County Code to establish criteria to define acceptable noise levels, to restrict generation of excessive noise and to designate Enforcing Agencies and Enforcement Officials.

NOW, THEREFORE, BE IT IN ENACTED, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

Harold F. (Bud) Otis, President
County Council of Frederick County,
Maryland

Repeat existing Sections 1-11-06 and 1-11-7.

Enact:

§ 1-11-6. NUISANCE – NOISE LEVELS.

(A) The County Council finds that excessive noise harms public health and welfare and impairs enjoyment of property. The intent of this Chapter is to limit noise sources to protect public health and welfare and to allow the peaceful enjoyment of property.

(B) Definitions.

(1) dBA means abbreviation for the sound level in decibels determined by the A-weighting network of a sound level meter or by calculation from octave band or one-third octave band data. (COMAR 26.02.03.01.)

(2) Daytime hours means 7:00 a.m. to 10:00 p.m., local time.

(3) Nighttime hours mean 10:00 p.m. to 7:00 a.m., local time.

(C) Noise Standards for Residential Areas as Receiving Property.

(1) Except as provided in paragraph (2) of this subsection and in subsection (F) of this section, a person may not cause or permit noise levels emanating from any property, such that the levels received on residential property exceed the levels contained in Table 1 below. (COMAR 26.02.03.03B.(1)).

Table 1

Maximum Allowable Noise Levels (dBA)
for Receiving Land Use Categories

<u>Day/Night</u>	<u>Industrial</u>	<u>Commercial</u>	<u>Residential</u>
<u>Day</u>	<u>75</u>	<u>67</u>	<u>65</u>
<u>Night</u>	<u>75</u>	<u>62</u>	<u>55</u>

(2) A person may not cause or permit noise levels emanating from construction or demolition-site activities that exceed:

(i) During daytime hours, 90 dBA; or

(ii) During nighttime hours, the levels specified in Table 1 above (COMAR 26.02.03.03B.(1))

(D) Measurement of Noise Levels.

(1) The measurement of noise levels under this subsection shall be conducted at points on or within the property line of the receiving property (or the boundary of a land use area,) and may be conducted at any point for the determination of identity in multiple source situations.

Underlining indicates entirely new matter added to existing law by original bill.

- (2) Sound level meters used to determine compliance with this section shall meet or exceed the specifications for Type II sound level meters.

(E) Off-road Internal Combustion Vehicles –

- (1) A person may not operate or permit to be operated an off-road internal combustion engine powered recreational vehicle, including, but not limited to, a dirt bike, an all terrain vehicle, a go cart, a snowmobile, or a similar vehicle, on private property without the express written permission of a person owning an interest in the property.
- (2) A person may not operate or permit to be operated an off-road internal combustion engine powered recreational vehicle, including, but not limited to, a dirt bike, an all terrain vehicle, a go cart, a snowmobile, or a similar vehicle, on private property closer than 300 feet to a neighboring residence, without the written permission of the affected resident, unless the operator of the vehicle can demonstrate that the operation of the vehicle, at all of its operating speeds, within 300 feet of the neighboring residence, will at not cause the noise levels set forth in (C) 1 above to be exceeded at the receiving property line. (COMAR 26.02.03.02 (B)(5))

(F) Exemptions. The provisions of this section do not apply to:

- (1) Devices used solely for the purpose of warning, protecting, or alerting the public, or some segment thereof, of the existence of an emergency situation;
- (2) Household tools and portable appliances in normal usage;
- (3) Lawn care and snow removal equipment during daytime hours, when used and maintained in accordance with the manufacturer's specifications;
- (4) Agricultural field machinery when used and maintained in accordance with manufacturer's specifications;
- (5) Blasting operations for demolition, construction, and mining or quarrying, between the hours of 8:00 a.m. and 5:00 p.m.;
- (6) Motor vehicles on public roads;
- (7) Aircraft and related airport operations at airports licensed by the State Aviation Administration;
- (8) Boats on State waters or motor vehicles on State lands under the jurisdiction of the Department of Natural Resources;
- (9) Emergency operations;
- (10) Pile driving equipment, between the hours of 8:00 a.m. and 5:00 p.m.;
- (11) Sound not electronically amplified created by sporting, amusement, and entertainment events and other public gatherings operating according to terms and conditions imposed by the County, between the hours of 7:00 a.m. and 12:00 midnight;

Underlining indicates entirely new matter added to existing law by original bill.

Bill No. 16-15

- (12) Railroads;
- (13) Construction and repair work on public property; and
- (14) Air conditioning or heat pump equipment used to cool or heat housing on residential property. For this equipment, a person may not cause or permit noise levels which exceed 70 dBA for air-conditioning equipment at receiving residential property, and 75 dBA for heat pump equipment at receiving residential property.
- (15) Trash and Recycling collection between the hours of 7 a.m. and 10 p.m.
- (16) Carnivals, fairs and amusements conducted by civic and service organizations.
- (17) Sporting events conducted by primary or secondary schools, colleges, or recreational leagues on Board of Education, County or municipally owned properties, between the hours of 7 a.m. and 11 p.m.
- (18) Trapshooting, skeet shooting, or other target shooting on any range or property approved by the Division of Planning and Permitting for such activities. (Envir. Art. §3-401.)

§1-11-7. ENFORCEMENT AND PENALTIES.

- (A) A violation of Section 1-11-6 shall be subject to enforcement by the Director of the Division of Planning and Permitting or the Director's designees, the Zoning Administrator, or the Sheriff of Frederick County and the Sheriff's designees, ("Enforcement Official") pursuant to Section 1-1-9 of the Code.
- (B) The Enforcement Official is not required to issue a warning notice.
- (C) A first offense shall be deemed a Class E civil offense. Each subsequent offense by the same individual or property owner(s) shall be cited at the next highest Class of offense.
- (D) The Enforcement Official may, in consultation with the County Attorney, seek additional legal remedies as appropriate as under the circumstances.



FREDERICK COUNTY COUNCIL

Local Government Fiscal Estimate of Legislation

CONTACT INFORMATION AND GENERAL INSTRUCTIONS

Bill Number/Reference:	16-15
Bill Title:	Nuisance – Noise Levels and Enforcement
Local Government Agency:	Frederick County Division of Finance
Prepared By:	Lori L. Depies
Title:	Director
Phone Number:	301.600.1753
E-Mail Address:	ldepies@frederickcountymd.gov
Due Date:	September 13, 2016
Date Submitted:	

FREDERICK COUNTY COUNCIL

Local Government Fiscal Estimate of Legislation

Date:						
Please respond to the questions below. If you prefer to provide responses or additional information in a separate file or document, send the file or document in a separate e-mail to rcherney@frederickcountymd.gov with the bill number/reference in the subject line.						
1.	Describe the impact of this proposed legislation on your agency (operations, revenues, expenditures, etc). If there is no impact, <u>please explain why.</u>					
This Bill will repeal existing Frederick County Code 1-11-6 and 1-11-7 and enact new provisions which include clear parameters for determining noise violations and facilitate enforcement by the Sheriff through the use of civil citations as an initial step.						
The Frederick County Sheriff's Office anticipates that this legislation will make noise ordinance enforcement more effective and lead to fewer noise complaints. Any fiscal impacts of will be absorbed by the Sheriff's Office in the normal course of operations and budget.						
2.	Please indicate whether the proposed legislation will affect small businesses in Frederick County, and if it will, please provide any information you may have which could be useful in determining the economic impact on small businesses.					
This legislation should have no impact on small businesses.						
FISCAL IMPACT SUMMARY – SHOW (DECREASE) IN PARENTHESES						
<u>REVENUES</u>						
3.	Analysis of estimated increase (or decrease) in government revenues. Please estimate below any anticipated increase (or decrease) in revenues resulting from this legislation. Please be aware of any delayed effective dates in the bill or other factors that may cause revenue increases/decreases to begin in later years.					
<u>Source</u>		<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>
N/A- There is no anticipated revenue increase/decrease due to this legislation.		N/A	N/A	N/A	N/A	N/A
TOTAL \$		\$	\$	\$	\$	\$
		Please explain how the above estimated increase(s) or decrease(s) were arrived at, including any calculations and/or assumptions made. Please also explain any variation if the revenue increase(s)/decrease(s) are not constant.				

FREDERICK COUNTY COUNCIL

Local Government Fiscal Estimate of Legislation

<u>EXPENDITURES</u>						
4.	Analysis of estimated increase (or decrease) in government expenditures. Please estimate below any anticipated increase (or decrease) in expenditures resulting from this legislation. Please be aware of any delayed effective dates in the bill or other factors that may cause expenditure increases/decreases to begin in later years.					
<u>A. Salaries & Wages</u>		<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>
FTE Employees - _____ # of positions Fringe Benefits N/A – It is not anticipated that additional staff will be required by this legislation.		N/A	N/A	N/A	N/A	N/A
TOTAL (Salaries, wages & benefits)		\$	\$	\$	\$	\$
		Please provide an explanation of the need for the number and type of any personnel listed above, including (1) what specific provision(s) of the bill necessitate additional staff; (2) what the duties of each type employee will be; and (3) why existing personnel cannot absorb the additional work. Please also certify the wage/salary rate and % fringe rate (if differing rates apply) for each personnel classification.				
<u>B. Other Operating Expenses</u>		<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>
Technical/Special Fees, Grants/Subsidies Communications-Phone, Postage Travel, Food, Auto, Fuel & Utilities Contractual Services Supplies Equipment-Replacement Equipment-Additional Land & Structures, Fixed Charges Other (Please Specify on Extra Page(s)) N/A – It is not anticipated that budgeted operating expenses will be affected by this legislation.		N/A	N/A	N/A	N/A	N/A
TOTAL (Expenditures)		\$	\$	\$	\$	\$
		On the next page, please provide brief descriptions/breakdowns of the above “Other Operating Expenses.”				
		Please explain below any additional calculations or assumptions made in estimating the “Other Operating Expenses” that will help us to understand the amounts and timing of the expenses.				

FREDERICK COUNTY COUNCIL

Local Government Fiscal Estimate of Legislation

4. (cont'd)

C. Operating Expense Descriptions/Breakdowns

Please provide below a short description of the specific purpose of each expense listed under 4B. If any amount(s) listed under 4B represent(s) a total of multiple expenses, provide a breakdown of the fiscal 2016 amount with a short description of each expense (for example, if \$2,500 is listed for Communications – Phone, Postage, a statement such as “\$1,500 for cellphone charges for two new inspectors and \$1,000 for postage for mailings to permittees to notify them of changes to inspection requirements.”)

Fiscal 2017 Expenditures

Technical/Special Fees, Grants & Subsidies description/breakdown	\$
Communications – Phone, Postage description/breakdown	\$
Travel, Food, Auto Operations, Fuel & Utilities description/breakdown	\$
Contractual Services description/breakdown	\$
Supplies description/breakdown	\$
Equipment-Replacement description/breakdown	\$
Equipment-Additional description/breakdown	\$
Land & Structures, Fixed Charges description/breakdown	\$
Other (Please Specify) description/breakdown	\$

**Please submit BY E-MAIL to: Ragen Cherney, Legislative Director/Chief of Staff
Frederick County Council • E-Mail: RCherney@FrederickCountyMD.gov**

AMENDMENT 1 to Bill No: 16-15

Introduced By: Council Member Delauter (District 5)
Introduction Date: October 4, 2015
Adopted/Rejected/Withdrawn: _____

An ACT to: Establish measurable criteria and enforcement to restrict generation of excessive noise and designate Enforcing Agencies and Enforcement Officials.

On Page 1, Exhibit 1, Subsection (2)(i) Amend:

(2)(i) During daytime hours, **[90] 125** dBA; or

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

AMENDMENT 2 to Bill No: 16-15

Introduced By: Council Member Delauter (District 5)
Introduction Date: October 4, 2015
Adopted/Rejected/Withdrawn: _____

An ACT to: Establish measurable criteria and enforcement to restrict generation of excessive noise and designate Enforcing Agencies and Enforcement Officials.

On Page 2, Exhibit 1, Section F, Subsection (5) Exemptions. The provisions of this section do not apply to, Amend:

(5) Blasting operations for demolition, construction, and mining or quarrying, between the hours of [8:00] **7:00** a.m. and 5:00 p.m.;

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

AMENDMENT 1 to Bill No: 16-15

Introduced By: Council Member Jessica Fitzwater (District 4)
Introduction Date: October 4, 2016
Adopted/Rejected/Withdrawn: _____

An ACT to: Establish measurable criteria and enforcement to restrict generation of excessive noise and designate Enforcing Agencies and Enforcement Officials.

On Page 3, Exhibit 1, Subsection 1-11-6 (F) Add:

(19) SOUND NOT ELECTRONICALLY AMPLIFIED CREATED BY OUTDOOR RECREATIONAL ACTIVITIES OCCURRING ON THE PREMISES OF LICENSED CHILDCARE FACILITIES AND PRIMARY OR SECONDARY SCHOOLS BETWEEN THE HOURS OF 7:00 A.M. AND 7 :00 P.M.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

AMENDMENT 1 to Bill No: 16-15**Introduced By:**

Council Member Billy Shreve

Introduction Date:

October 4, 2016

Adopted/Rejected/Withdrawn: _____

Repeal existing Sections 1-11-06 and 1-11-7.

Enact:

§ 1-11-6. NUISANCE – NOISE LEVELS.

(A) ~~The County Council finds that e~~Excessive noise ~~harms public health and welfare and impairs enjoyment of property. The intent of this Chapter is to limit noise sources to protect public health and welfare~~ and to allow the peaceful enjoyment of property.

(B) Definitions.

(1) dba means abbreviation for the sound level in decibels determined by the A-weighting network of a sound level meter or by calculation from octave band or one-third octave band data. (COMAR 26.02.03.01.)

(2) Daytime hours means 6:00 7:00 a.m. to 10:00 p.m., local time.

(3) Nighttime hours mean 10:00 p.m. to 6:00 7:00 a.m., local time.

(C) Noise Standards for Residential Areas as Receiving Property.

(1) Except as provided in paragraph (2) of this subsection and in subsection (F) of this section, a person may not cause or permit noise levels emanating from any property, such that the levels received on residential property exceed the levels contained in Table 1 below. (COMAR 26.02.03.023B.(1)).

Table 1**Maximum Allowable Noise Levels (dba)****for Receiving Land Use Categories**

<u>Day/Night</u>	<u>Industrial</u>	<u>Commercial</u>	<u>Residential</u>
<u>Day</u>	<u>75</u>	<u>67</u>	<u>65</u>
<u>Night</u>	<u>75</u>	<u>62</u>	<u>55</u>

~~(2) A person may not cause or permit noise levels emanating from construction or demolition site activities that exceed:~~

~~(i) During daytime hours, 90 dbA; or~~

~~(ii) During nighttime hours, the levels specified in Table 1 above (COMAR 26.02.03.03B.(1))~~

(D) Measurement of Noise Levels.

Underlining indicates entirely new matter added to existing law by original bill.

Bill No. 16-15

(1) The measurement of noise levels under this subsection shall be conducted at points on or within the property line of the receiving property (or the boundary of a land use area,) and may be conducted at any point for the determination of identity in multiple source situations.

(2) Sound level meters used to determine compliance with this section shall meet or exceed the specifications for Type II sound level meters, and be certified quarterly.

-(i) Operating Personnel shall be certified annually.

(E) Off-road Internal Combustion Vehicles –

(1) A person may ~~not~~ operate or permit to be operated an off-road internal combustion engine powered recreational vehicle, including, but not limited to, a dirt bike, an ~~all terrain~~all-terrain vehicle, a go cart, a snowmobile, or a similar vehicle, on private property. ~~without the express written permission of a person owning an interest in the property.~~

(2) A person may not operate or permit to be operated an off-road internal combustion engine powered recreational vehicle, including, but not limited to, a dirt bike, an ~~all terrain~~all-terrain vehicle, a go cart, a snowmobile, or a similar vehicle, on private property ~~closer than 300 feet to a neighboring residence, without the written permission of the affected resident,~~ unless the operator of the vehicle can demonstrate that the operation of the vehicle, ~~at all of its operating speeds, within 300 feet of the neighboring residence,~~ will ~~at~~ not cause the noise levels set forth in (C) 1 above to be exceeded at the receiving property line ~~over an average of any thirty minute period.~~ (COMAR 26.02.03.02 (B)(5)).

(F) Exemptions. The provisions of this section do not apply to:

(1) Devices used solely for the purpose of warning, protecting, or alerting the public, or some segment thereof, of the existence of an emergency situation;

(2) Household tools and portable appliances in normal usage;

(3) Lawn care and snow removal equipment during daytime hours, when used and maintained in accordance with the manufacturer's specifications;

~~(4) Agricultural field machinery when used and maintained in accordance with manufacturer's specifications;~~

~~(5) Blasting operations for demolition, construction, and mining or quarrying, between the hours of 8:00 a.m. and 5:00 p.m.;~~

~~(6) Motor vehicles on public roads;~~

~~(7) Aircraft and related airport operations at airports licensed by the State Aviation Administration;~~

~~(8) Boats on State waters or motor vehicles on State lands under the jurisdiction of the Department of Natural Resources;~~

Underlining indicates entirely new matter added to existing law by original bill.

~~(9) Emergency operations;~~

(10) Pile driving equipment, ~~between the hours of 8:00 a.m. and 5:00 p.m.;~~

(11) Sound ~~not electronically amplified~~ created by sporting, amusement, and entertainment events and other public gatherings operating according to terms and conditions imposed by the County, between the hours of 7:00 a.m. and ~~10:00 p.m. 12:00 midnight;~~

~~(12) Railroads;~~

(13) Construction and repair work on public ~~and private~~ property; and

~~(14) Air conditioning or heat pump equipment used to cool or heat housing on residential property. For this equipment, a person may not cause or permit noise levels which exceed 70 dBA for air conditioning equipment at receiving residential property, and 75 dBA for heat pump equipment at receiving residential property;~~

(15) Trash and Recycling collection. ~~between the hours of 7 a.m. and 10 p.m.;~~

(16) Carnivals, fairs and amusements; ~~conducted by civic and service organizations;~~

(17) Sporting events conducted by primary or secondary schools, colleges, or recreational leagues on Board of Education, County, ~~private~~ or municipally owned properties, between the hours of 7 a.m. and 11 p.m.;

(18) Trapshooting, skeet shooting, or other target shooting on any range or property approved by the Division of Planning and Permitting for such activities. ~~.(Envir. Art. §3-401.)~~

§1-11-7. ENFORCEMENT AND PENALTIES.

(A) A violation of Section 1-11-6 shall be subject to enforcement by ~~the Director of the Division of Planning and Permitting or the Director's designees, the Zoning Administrator, or the Sheriff~~ of Frederick County and the Sheriff's designees, ("Enforcement Official") pursuant to Section 1-1-9 of the Code.

(B) The Enforcement Official ~~is not required to~~ shall issue a ~~written~~ warning notice ~~for a first time violation.~~

(C) ~~After a written warning, a subsequent A first~~ offense shall be deemed a Class E civil offense. Each subsequent offense by the same individual or property owner(s) shall be cited at the next highest Class of offense.

(D) The Enforcement Official may, in consultation with the County Attorney, seek additional legal remedies as appropriate as under the circumstances.

Underlining indicates entirely new matter added to existing law by original bill.

Bill No. 16-15

From: [Lexi Klein](#)
To: [Planning Commission](#)
Subject: Please Support the Sugarloaf Overlay!
Date: Friday, February 10, 2023 1:48:48 AM

[EXTERNAL EMAIL]

Hi Y'all,

Please please please support the overlay and the 270 boundary. That area is so precious to the ecosystem and also to me as an individual. Nostalgia is powerful and access to nature is so important for people.

Thanks for your consideration on this.

In Peace,

Lexi Klein

From: [Michael C](#)
To: [Planning Commission](#)
Subject: support the Sugarloaf Overlay and the I-270 boundary
Date: Thursday, February 9, 2023 6:19:15 PM

[EXTERNAL EMAIL]

I support the Sugarloaf Overlay and the I-270 boundary

Michael Chen