

From: [David Luu](#)
To: [Planning Commission](#)
Cc: [Council Members](#); [County Executive](#)
Subject: Please hold the line at I-270
Date: Monday, April 17, 2023 5:54:46 PM

[EXTERNAL EMAIL]

Planning Commission,

I support current version of the Overlay text. I appreciate the retention of the forestry language in the Overlay. The Overlay should apply to the entire Sugarloaf Plan area. Please hold the line at I-270.

Regards,
David Luu, Esq.
1451 Sugarloaf Mountain Rd
Dickerson, MD 20842

From: smordensky@aol.com
To: [Planning Commission](#); [Council Members](#); [County Executive](#)
Subject: Please support the Sugarloaf Overlay Text and the I-270 boundary before the planning commision on 4/19
Date: Monday, April 17, 2023 5:56:32 PM

[EXTERNAL EMAIL]

Dear friends,

Supporting the Sugarloaf Plan Overlay Text and the I-270 boundary as is in the 4/19 presentation before the FC Planning & Zoning Commission is critical to preserving this special area in south Frederick County.

We have an opportunity to preserve & protect a very special area near two major metropolitan areas.

The Sugarloaf Plan is an area & concept to revitalize & recharge the mind, body & soul of all who visit this area as we need escape valves from high-density development east of I-270.

Sincerely,

Stan

Stan Mordensky, Sr.
11401 Meadowlark DR.
Ijamsville, MD 21754

Cell Phone: 301-639-8584 (Best choice)

From: [Betsy Franklin](#)
To: [Planning Commission](#)
Cc: [Council Members](#); [County Executive](#)
Subject: OVERLAY MATTER
Date: Monday, April 17, 2023 6:06:50 PM

[EXTERNAL EMAIL]

TO THE COMMISSIONERS

I would like to thank you and staff for the current version of the Overlay text; I very much appreciate the retention of forestry language in the Overlay.

Beyond that, I would like to reiterate that I, as a 22-year resident of Thurston Road, also I firmly believe the Overlay should apply to the ENTIRE Sugarloaf Plan Area, and you should indeed hold the line for us at I-270.

Thanks for your consideration

ELIZABETH A. FRANKLIN
2669 Thurston Road
Frederick, MD 21704-8248

301/802-1223

From: [Catherine Marcoux](#)
To: [Planning Commission](#)
Subject: Re: Overlay District
Date: Monday, April 17, 2023 6:40:50 PM

[EXTERNAL EMAIL]

Dear Council Members,

Thank you for the current version of the overlay text. Thank you for giving us hope in our local government that democracy works.

I would appreciate if the forestry language is kept in the Overlay.

I do believe that with the density of building in Frederick county, (and I have lived here my whole 63 years), that we need to have green space and recreational space for our growing population. Therefore, I believe the Overlay should apply to the entire Sugarloaf plan area. Please hold the line at I-270.

Thank you for listening to my concerns,
Catherine Marcoux
2808 Chevy Chase Cir, Jefferson, MD 21755
240-656-9248

From: [mary.mann](#)
To: [Planning Commission](#)
Date: Monday, April 17, 2023 10:20:08 PM

[EXTERNAL EMAIL]

Please hold the line at 270 for the overlay of Sugarloaf

Thank you

Mary E Ma n

From: smordensky@aol.com
To: [Planning Commission](#); [Council Members](#); [Fitzwater, Jessica](#)
Subject: Please support the Preservations boundaries for the Sugarloaf Plan as they were when the Plan was adopted last fall by County Council
Date: Monday, April 17, 2023 4:46:33 PM

[EXTERNAL EMAIL]

Good evening County Council, Executive & the FC Planning & Zoning Commission,

I urge you to support the preservation boundaries to be the same as last fall when the Sugarloaf Plan was adopted.

That plan currently has no teeth.

I can not understand why it was not successfully passed by the county council in 2022?

Sincerely,

Stan

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

From: [Sue Fortin](#)
To: [Planning Commission](#)
Cc: [Council Members](#); [County Executive](#)
Subject: Sugarloaf Treasured Landscape Management Plan Boundary and Overlay
Date: Tuesday, April 18, 2023 4:40:12 AM

[EXTERNAL EMAIL]

Thank you for your efforts in preserving and protecting the Sugarloaf area. I appreciate and support the current language in the current version and support its application to the entire plan area.

I also fully support the boundaries the were approved and passed by the previous board and urge you NOT to make any changes to the boundaries.

From: [Christine Rai](#)
To: [Planning Commission](#); [Council Members](#); [County Executive](#)
Subject: Support the overlay text and 270 boundary
Date: Tuesday, April 18, 2023 8:00:44 AM

[EXTERNAL EMAIL]

Good Morning Honorable Councilmembers,

I am writing in support of the current overlay text and maintaining the 270 boundary.

I am also in favor of maintaining the forestry language in the current overlay text. Additionally, I recommend that the entire overlay apply to the Sugarloaf plan area in general and that the line should be held at 270.

Thank you for supporting the caretaking of the Sugarloaf area so future generations can enjoy the valuable and unique historic, agricultural, and natural resources there.

Kind regards,

Christine Rai
sunny_rai@verizon.net
(301) 980-5159

Taste Travel Teach
www.christinerai.com

From: msimpson2005_bennettscreekfarm.com
To: [Planning Commission](#)
Cc: [Council Members](#); [County Executive](#)
Subject: Sugarloaf Overlay discussion April 19
Date: Tuesday, April 18, 2023 9:10:15 AM

[EXTERNAL EMAIL]

Hello to all,

I want to express my concern that the current text of the Sugarloaf Plan Overlay may be changed to allow more development west of I-270.

I think that the Overlay plan should be applied to include all the Sugarloaf Plan area. This will ensure that the Sugarloaf Mountain area will be kept safe from inappropriate development in the future.

I would like to thank the Commissioners and their staff for drawing up the text as it stands today. Along with the text about forestry use, the plan goes far to preserve a state-wide environmental treasure.

Please do not be influenced to change the text. Please hold the line of development at I-270!

Thank you very much, Margy Simpson
301-520-7113
2149 Thurston Road
Frederick MD 21704

From: [Susan Trainor](#)
To: [Planning Commission](#)
Cc: [Council Members](#); [County Executive](#)
Subject: Sugarloaf Overlay District
Date: Tuesday, April 18, 2023 9:50:12 AM

[EXTERNAL EMAIL]

Dear Frederick Planning Commission Members:

Thank you for your continued thoughtful attention to the Sugarloaf Overlay District.

- I generally support the current version of the text submitted by staff, as a reflection of your discussions.
 - I appreciate the inclusion of the forestry provisions. I believe it is valuable for the Sugarloaf area to test these regulations while plans are made to extend them throughout the county.
 - I wonder about the change as regards solar installations. Why the change from the original text? What is the impact on preservation?
- My concern is that there is as yet no map or language describing where the Overlay will apply. I believe the Overlay should apply throughout the Sugarloaf Plan area. Please hold the line at I-270.

Thank you for your consideration.

Sincerely,
Sue Trainor
8089 Fingerboard Road
Frederick 21704

From: [Elizabeth Law](#)
To: [Planning Commission](#)
Cc: [Council Members](#); [County Executive](#); [Gaines, Kimberly](#); [Superczynski, Denis](#)
Subject: Please Protect Sugarloaf from Datacenters - Extend the Overlay to I-270
Date: Tuesday, April 18, 2023 10:30:01 AM

[EXTERNAL EMAIL]

Dear Planning Commissioners,

Thank you for the current version of the Overlay text and for keeping the forestry language in the Overlay.

I am pleading with you to pass the Sugarloaf Overlay and extend it to I-270. The issue is even more imperative than ever before. You are aware of the onslaught of Datacenter development emerging out of Loudoun County into Southern Frederick County.

The extension of the Overlay to I-270 is more important with each day, as datacenter developers pounce on Frederick County. We are aware of the proposed plans for the Natalli Cutout to be developed as datacenters. The first proposal was for two datacenter sites. The revised proposal was to bisect the area with a narrow section allowing a doubling of legally allowed emissions. Extending the Overlay adds stronger protection from encroachment of datacenters into the Sugarloaf area.

I am an Electric Power Engineer and as such understand the monumental infrastructure changes the datacenters will bring to this county. As an engineer I am deeply concerned that Frederick County will stumble into the same ill-conceived results we see in Northern Virginia. As a project manager I installed high-powered (138kV and 345kV) equipment. As much as I enjoyed working with such monumental structures, I don't want to see them crisscrossing the Sugarloaf Treasured Landscape area. I don't want transmission towers and transmission lines desecrating the Monocacy Battlefield like Manassas Battlefield.

In addition to extending the Overlay to I-270, Frederick County needs an engineering analysis of the full extent of power, water, and air quality impact of projected datacenters. This study should at minimum be based on the full projected buildout at Quantum Loophole, Windridge, Suzanne Family Irrevocable Trust, and any other agricultural land in line for zoning changes from AG to IG so that comprehensive planning can be done. How many megawatts (MW) will be coming into this area? What are the millions of gallons per day (mgd) of water required for each datacenter? At what level must our water treatment and stormwater management systems be upgraded to meet this demand? What will be the cost to taxpayers? What will be the increased emissions from hundreds of fans and diesel generators?

Hopefully you will extend the Overlay to I-270, and the engineering analysis will not need to include the Natalli Cutout as more datacenters.

Thank you,

Elizabeth (Betty) Law
1758 Wheyfield Drive
Frederick, MD 21701

From: alberto dcfarm.net
To: [Planning Commission](#)
Cc: [Donald, Jerry](#)
Subject: Sugarloaf Overlay Proposal
Date: Tuesday, April 18, 2023 10:42:52 AM
Attachments: [image001.jpg](#)
[image003.jpg](#)
[Goetzl Cohen Comments April 2023.pdf](#)

[EXTERNAL EMAIL]

Dear Chairman Hicks and Commission Members:

Please find attached comments related to the Sugarloaf Overlay proposal with a focus on the proposed forest management provisions.

Thank you.

Al

Alberto Goetzl
Dream Catcher Farm
2101 Park Mills Road
Adamstown, Maryland 21710
Cell: 301-775-6868



Dream Catcher Farm®
2101 Park Mills Road
Adamstown, Maryland 21710

April 18, 2023

Craig Hicks, Chair
Frederick County Planning Commission
30 N. Market St.
Frederick, MD 21701

RE: Sugarloaf Proposed Overlay Zoning Regulation

Dear Chairman Hicks:

We own a 112-acre operating farm on Park Mills Road located within the Sugarloaf Treasured Landscape planning area. There are other working farms along Park Mills Road, and other farms within the Sugarloaf Planning Area. At our farm, we board and breed horses, have a few sheep and chickens. We grow hay and occasionally other farm commodities. Our farm, and most of the other farm properties, have been working farms for one hundred years or more. Each has changed and evolved over time to emphasize different commodities as economic conditions warrant. For example, some of the farms were dairy farms but now raise beef and/or grow hay and grains. Others grow vegetables. We happen to emphasize horse boarding, breeding, and training. Many, if not most of the farms, have woodlots. Growing timber – trees -- is an option that farm owners can and do engage in for additional income. We have a 40-acre woodlot.

We submitted comments to the Planning Commission last year detailing how the original Plan and Overlay proposal would adversely impact our farm and forestry management. To the County Council's credit, the re-zoning aspects of the Planning Commission's original Overlay proposal were rejected. We also noted in our comments to the Commission last year that the proposed forest management regulations would serve as a disincentive to good stewardship. That continues to be the case in the current draft being considered.

State and county regulations that address soil and water quality issues are already among the strongest in the eastern United States. The addition of the more complicated proposed forest management regulations in the Overlay will not add significant protection while adding significant cost. The fact is that very few harvesting permits are even applied for in the Sugarloaf area, so the perceived protection gain, if there is one, and we don't believe there is, would not be significant.

In fact, the Maryland Forest Action Plan (the state plan to foster forest sustainability) found that complex additional regulations are proving counterproductive to sustainable forest

management. The Sugarloaf Plan Overlay as currently drafted feeds that problem.^a An unintended consequence of the Overlay may very well be that forest landowners become less likely to engage in activities, including thinnings and selective harvesting, that foster resilience to insects, diseases, fire, and climate extremes.

In addition, the proposed Overlay makes a sawmill a prohibitive use in the Overlay Zone. In our view, this is contrary to the goal of encouraging a rural natural resource-based economy. The fact is that there are small part-time sawmills located on farms. Is the purpose of this prohibited use to prevent the cutting of trees? A lack of opportunities in the area for selling forest products actually serves as a disincentive to retaining forests and keeping them healthy. Prohibiting a small sawmill of a part-time, permanent nature on a farm accomplishes little.

The vast majority of landowners in the area are outstanding stewards of their properties. The County should strive to meet its policy goals first and foremost through incentives to landowners, not land management restrictions that remove the willingness to keep the land in its current form and uses.

We believe the proposed Sugarloaf Rural Heritage Overlay Zoning District, to the extent that it affects farming and forestry, to be largely unnecessary and is not in keeping with the character and culture of the area.

Respectfully Submitted,

The image shows two handwritten signatures in blue ink. The signature on the left is "Alberto Goetzl" and the signature on the right is "Melinda Cohen".

Alberto Goetzl & Melinda Cohen

CC: PlanningCommission@FrederickCountyMD.gov
Jerry Donald, jdonald@frederickcountymd.gov

^a https://dnr.maryland.gov/forests/Documents/Maryland-State-Strategy_wAON%202020FINALpages.pdf

From: [Michael J Natelli](#)
To: [Planning Commission](#); [Superczynski, Denis](#); [Gaines, Kimberly](#)
Cc: [Council Members](#); [County Executive](#); [Krista Davisson](#); [Tom Natelli](#)
Subject: Sugarloaf comments
Date: Tuesday, April 18, 2023 11:19:59 AM
Attachments: [Letter to Planning Commission 4-18-23.pdf](#)

[EXTERNAL EMAIL]

Dear Planning Commission members,

Please see the attached written comments regarding the Sugarloaf overlay boundary. I appreciate your consideration.

Best,
Michael Natelli

--
Michael J. Natelli
Executive Vice President
Natelli Communities
Office (301) 590-7346
Cell (240) 338-0568

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Natelli Communities

April 18, 2023

Members of the Frederick County Planning Commission
Winchester Hall
12 E Church Street
Frederick, MD 21701

Re: Sugarloaf Treasured Landscape Management Plan

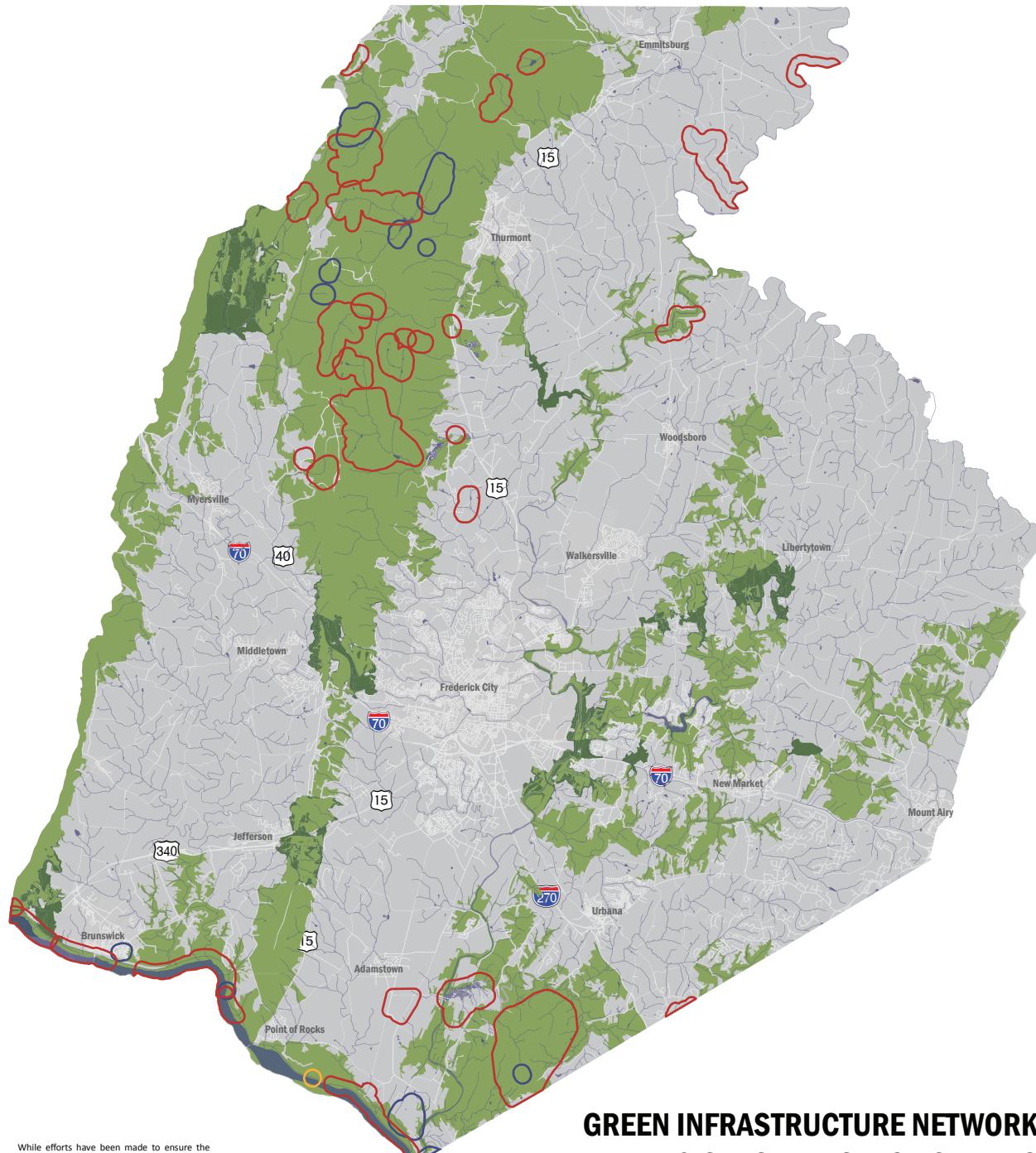
Dear Planning Commission Members,

Livable Frederick intends for the Sugarloaf area plan to be a preservation plan that preserves a specific area of significant natural resources around Sugarloaf Mountain. I feel strongly that the Overlay boundary for the Sugarloaf Mountain Treasured Landscape Management Plan should closely correspond to the Sugarloaf area boundary defined in Livable Frederick.

The Sugarloaf boundary shown in the Thematic Plan of Livable Frederick was created based on a specific mapped inventory of natural resources that had been developed by the County using local, State and Federal data. There are clear and fact-based reasons that established where the Sugarloaf area boundary is intended to be located in the Livable Frederick plan. The maps on the following pages show the rationale applied during Livable Frederick to establish the boundaries of the area.

Please see the attached maps for further commentary:

This is the Green Infrastructure Network Plan from Livable Frederick. It is intended to portray the specific locations of significant natural resources in the whole County using local, State, and Federal data. It doesn't identify every single natural resource in the County, but rather the significant hubs and corridors of resources that need to be protected amid future growth. It is *not* a thematic plan. Although the mapping below should not be exclusively relied upon, its intent to show accurate locations of resources is clear.



GREEN INFRASTRUCTURE NETWORK & SENSITIVE SPECIES AREAS

Sensitive Species Areas

State of MD Listed □
 DNR Listed (unofficial status) □
 Federally Listed □

Green infrastructure Hubs

Green Infrastructure Corridors

While efforts have been made to ensure the accuracy of this map, Frederick County accepts no responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user. Tax maps are a product of the Maryland Department of Planning, may not be current and may contain positional inaccuracies.



This is the Green Infrastructure Sector Plan. It is a representation of the plan on the previous page. The inventory of natural resource lands are simply being translated from the prior Plan into a more conceptual form. If you look at the two plans side by side, you can see how one was turned into the other. The red line around Sugarloaf Mountain represents the recommended boundary of the Sugarloaf Mountain Rural Heritage Landscape. The red line generally follows the edge of the green area, which we know represents specifically identified natural resources around Sugarloaf Mountain from the prior Plan.

The Green Infrastructure Sector

As the amount of developed land has increased, natural areas have not only decreased in quality and quantity, but have undergone significant fragmentation. Locally, this can negatively impact the vitality of the ecosystem and the health and happiness of county residents. At a regional and state level, the ability of Frederick County to protect its green infrastructure will benefit the Potomac River and the Chesapeake Bay. The Green Infrastructure Sector is therefore identified to support the conservation of natural resources and environmentally sensitive areas in the county, to direct urban/suburban growth away from green infrastructure and sensitive areas, and to ensure the protection and integration of green infrastructure where it exists within areas targeted for growth. (Figure 6) This sector will be further implemented through the development of a Livable Frederick Green Infrastructure Sector Plan.

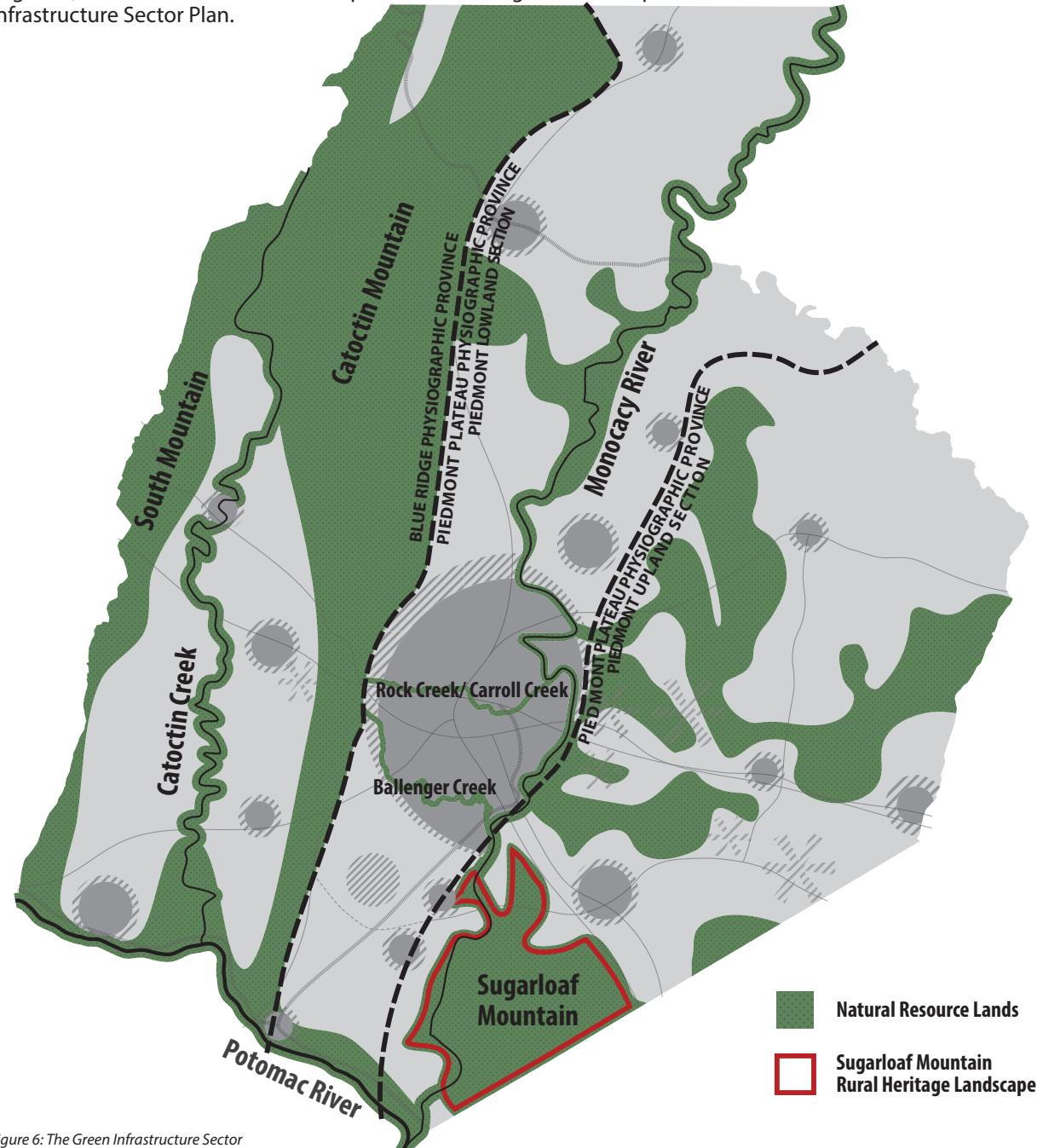


Figure 6: The Green Infrastructure Sector

This is the Livable Frederick Thematic Plan. It is visual representation of the planning and growth goals recommended in Livable Frederick. Please note that the green areas—the Natural Resource Lands—on this Plan exactly match the green areas on the Plan on the previous page. In other words, the Plan on the previous page that represents the mapped inventory of natural resources is the base map layer upon which the whole thematic plan is designed around. The dark green line around Sugarloaf Mountain also matches the red line from the previous page's Plan. The Sugarloaf area is clearly intended to be related to those natural resources. The Sugarloaf area plan should, then, recognize this same framework. It should define the Overlay boundary based on taking a more granular look at these significant natural resources and how they exist at the property level.



Thematic Plan Diagram

Primary Growth Sector

- Primary Growth Area
- Rail Corridor
- Highway Corridor
- Development Focus Area
- Multi-Modal Places (1/2 mile radius)
- Multi-Modal Spokes

Secondary Growth Sector

- County Growth Area
- Municipal Growth Area
- Suburban Retrofit

Agricultural Infrastructure Sector

- Agricultural Lands
- Rural Hamlet / Agricultural Support
- Agricultural/Rural Corridor

Green Infrastructure Sector

- Natural Resource Lands
- Major Waterway
- Sugarloaf Mountain Rural Heritage Landscape

E P
 ● ○ Transit Center
 ■ □ Highway Interchange
 E=Existing P=Proposed

If we agree that Livable Frederick is our guide, then shouldn't the Overlay boundary be closely related to those same natural resources that are determining the boundary area in the Plans provided on the prior pages? You will notice there is a large area along 270 that is intentionally not included within Livable Frederick's Sugarloaf area boundary because that area does not contain any significant natural resources based on the county-wide inventory. **This I-270 "carve out" is recommended in Livable Frederick.** If the County elects to extend the Overlay boundary by thousands of acres outside of the boundary described by Livable Frederick, then the County is making the decision to cover a substantial amount of land outside of the mapped inventory of natural resources such that the rationale for how the boundary was drawn in Livable Frederick will no longer apply. What then, was the purpose of using fact-based information to establish the framework for Livable Frederick? By extending the Overlay boundary by thousands of acres beyond what Livable Frederick proposed, it is also restricting land within the future I-270 growth corridor area and therefore conflicting with another Livable Frederick recommendation.

Please consider modifying the Overlay Boundary so it aligns more closely with the intentions laid out Livable Frederick. A few alternatives that could address that are as follows:

- Hold off on making any decision as to where to apply the Overlay District until after the County completes an area plan study for the I-270 corridor. Applying the Overlay to properties along I-270 now, prior to the completion of an I-270 area plan study, will taint the process and prevent a fair and objective review of the I-270 corridor for economic development.
- Decide now to set the boundary of the Overlay as was proposed in the July 2021 recommended plan, with the boundary established along Rt 80 and Thurston Road, instead of along I-270. **This boundary aligns much more closely with the Livable Frederick boundary**, and it would leave unencumbered for now the properties along I-270 at the existing and future interchanges, including our properties. If, after completion of an I-270 corridor study, the County concludes that the Overlay should apply to all properties on the west side of I-270, then the County would be free at that time to expand the applicability of the Overlay as appropriate.
- Introduce clear language into the Overlay and Sugarloaf Plan that the actions taken by the County in adopting the Sugarloaf Plan and Overlay are not intended to diminish the opportunity for a thorough evaluation of the development potential of the properties along the I-270 corridor as part of a future area plan corridor study.

Sincerely,

Michael J. Natelli
Michael Natelli
Executive Vice President
Natelli Communities

From: Anne Garrett <ankath@msn.com>
Sent: Tuesday, April 18, 2023 7:23 PM
To: Planning Commission <PlanningCommission@FrederickCountyMD.gov>
Cc: Council Members <CouncilMembers@FrederickCountyMD.gov>; County Executive <CountyExecutive@FrederickCountyMD.gov>
Subject: Sugarloaf Rural Heritage Overlay District

[EXTERNAL EMAIL]

Dear members of the Planning Commission,

Thank you for the current version of the Sugarloaf Rural Heritage Overlay District text. I support it! I also appreciate that you kept the forestry language in the Overlay text.

However, there is no map or description of where the Overlay regulations would apply. I would like the Overlay to apply to the entire Sugarloaf Plan area. Please hold the line at I-270, which is now a common-sense boundary. Let the beauty, wildlife, and rural landscape west of I-270 thrive!

I appreciate your attention to this issue.

Sincerely,

Anne Garrett
610 Biggs Avenue
Frederick, MD 21702

From: [Steven Findlay](#)
To: [Planning Commission](#)
Subject: Sugarloaf Treasured Landscape Management Plan + Overlay Zoning
Date: Tuesday, April 18, 2023 4:05:27 PM
Attachments: [PastedGraphic-4.pdf](#)
[PastedGraphic-5.pdf](#)

[EXTERNAL EMAIL]

April 18, 2023

To: The Frederick County Planning Commission
From: Sugarloaf Citizens Association (SCA)
Re: Sugarloaf Treasured Landscape Management Plan - Overlay Zoning

SCA represents some 300 individuals and families living in northern Montgomery County and Southern Frederick County. A good number of our members live in close proximity to Sugarloaf Mountain and east of the mountain to I-270. We write today to reiterate our position in favor of applying full overlay zoning to the Treasured Landscape boundary as defined in 2022 after over a year of assessment, debate and discussion. That boundary, of course, extends to I-270. Put simply, we strongly oppose—and believe the majority of residents in the area strongly oppose—any attempt to exempt or “carve out” areas along I-270 for high-intensity residential or commercial development.

It is simply a fact that ample appropriately zoned land exists in Frederick County for commercial and industrial development, including large-scale data storage and transmission centers. The Livable Frederick plan provides for commercial development in areas such as the South Frederick Triangle and the Urbana Growth Area, among other areas.

As should now be clear to everyone, the Sugarloaf Treasured Landscape Plan is a land conservation and protection plan not a business development plan. It was never intended to be a business development plan and the application of the overlay zoning to the entire area should not be corrupted into becoming a business development plan.

Along with a duty to guard against unwanted and unwise development along the I-270 corridor and near the Monocacy National Battlefield, Frederick County government must also protect Sugarloaf Mountain itself—a unique feature of southern Frederick County. We find unconscionable Stronghold Inc's position and tactics over the past two years. The company's actions have served to undermine its long and respected period of managing the mountain well for the benefit of the public and common good, as Gordon Strong desired. We urge you to reject Stronghold's ultimatums and resistance to purposeful zoning changes that are clearly in the public interest and consistent in every way with modern conservation zoning and with the challenged of climate change in mind.

We support a quick resolution to this long-running drama. Small compromises on the details may be warranted but there can be no compromise on applying the overlay zoning as the Commission recommended in 2022 after hundreds of hours of assessment. Moreover, the public and community most affected by the Plan and the proposed zoning changes have spoken; the vast majority support the full overlay for the full boundary area. Thank you for your hard work to date on this initiative and for consideration of our view.

Sincerely,

Steven Findlay

President, SCA

From: [Steve Black](#)
To: [Planning Commission](#)
Subject: Letter for the Planning Commission re the Cutout Mystery
Date: Tuesday, April 18, 2023 4:18:42 PM
Attachments: [FCPCLetteronCutout041823.pdf](#)

[EXTERNAL EMAIL]

For the Planning Commissioners,

Please see the attached letter and attachments .

Thank you

Steve Black
President
Sugarloaf Alliance



April 18, 2023

Frederick County Planning Commission Members:

In the spring of 2021 an area, which has come to be called The Cutout, was removed from the Sugarloaf Plan area. The reasons for this modification to the Plan has never been acknowledged. Questions posed to staff by Commissioners did not result in a satisfactory explanation. Similar questions about The Cutout were posed to the Director of Planning by the County Council. His answers also failed to provide any illumination.

In September 2021, the Planning Commission eliminated The Cutout and returned the Sugarloaf Plan boundary to I-270.

As a result of numerous Public Information Act requests to a wide range of government entities, the Sugarloaf Alliance can now answer the long-standing question of The Cutout.


Attached you will find a concept drawing of data center development in The Cutout. Also attached is a memo explaining the reasons for the arrangement of the parcel lines in The Cutout.

The Sugarloaf Alliance believes that the entirety of the County's land planning process should be conducted in an open and transparent manner. To ensure that Planning Commission members, and the public in general, have full understanding of all facts and events related to planning matters we will continue submitting the results of our investigations.

Sincerely,

Sugarloaf Alliance

attachments





Suna Sariscak -MDE- <suna.sariscak@maryland.gov>

Seeking VA Guidance on Air Permits for Data Centers

Suna Yi Sariscak <suna.sariscak@maryland.gov>
 To: "Thompson, Tamera" <tamera.thompson@deq.virginia.gov>

Wed, Mar 31, 2021 at 11:26 AM

Hi Tamera,

How are you? I hope you are doing well. We are all still working mostly remotely here at MDE. My guess is we'll phase back in over the late summer/fall as more people are vaccinated. I hope that we can all get back to normal soon.

I have a few questions about air permits for data centers that I wanted to get your opinion on. I talked to Mary Cate Opila from EPA R3, and she suggested that I reach out to you since she believes that VA has issued permits for these sources already. We have just started to receive these applications for facilities that will be located in central Maryland where the major source threshold for NOx is 25 tons per year. The process for a single data center is fairly straightforward, but we are now receiving inquiries regarding clusters of data centers located in the same general area.

Although the data centers would be under common control and would belong to the same industrial grouping, could they be considered separate sources (allowed up to 25 tons of NOx per year each)? Based on EPA R3 guidance and information that we have received from Ohio EPA, we believe each data center could be considered a separate source as long as some amount of land, not owned by the source, would separate each facility, so that they are not located on contiguous or adjacent properties; and each data center operates independently.

One applicant has raised some questions about this criteria that makes this determination more difficult.

1. What if there is a single private road that serves each of the independently operated data centers? Each data center would have its own access points off of the private road with separate parking areas and property boundaries. The private road might be owned by the source or by the parcel owner that owns the land between each data center.
2. What if the data centers share a stormwater retention pond located on the subdivided parcel of land?
3. Would each data center require separate electric substations (owned by the utility) or can a single electric substation serve multiple data centers?
4. Does VA have a minimum distance between each property in order to be considered separate? EPA R3 and Ohio EPA did not seem to specify a minimum distance as long as the land between each data center was not owned by the data center. Does proximity matter?
5. Does VA require evidence (such as financial arrangements or staffing information) to demonstrate that each data center is operated independently?

Attached is a conceptual drawing of two data center facilities (Campus A and Campus B) that share a private road and may share a retention pond and/or electric substation (owned by the public utility). Would VA consider Campus A and Campus B to be separate sources?

Any guidance that you can provide on VA's approach to permitting data centers would be greatly appreciated. Thanks for your consideration.

Regards,

Suna Yi Sariscak
 Manager, Air Quality Permits Program
 Air and Radiation Administration
 Maryland Department of the Environment
 1800 Washington Boulevard
 Baltimore, Maryland 21230
suna.sariscak@maryland.gov
 410-537-4129 (O)

[Website](#) | [Facebook](#) | [Twitter](#)

Because of the COVID-19 virus and the need for safety precautions, many state employees are working remotely.

 [Conceptual Drawing.pdf](#)
3350K

From: [Karen Russell](#)
To: [Planning Commission](#)
Cc: [Council Members](#); [County Executive](#)
Subject: Apply current Sugarloaf Overlay text to entire Plan Area; hold the line at I-270
Date: Tuesday, April 18, 2023 5:26:13 PM

[EXTERNAL EMAIL]

I support the version of the Overlay District currently in front of the Planning Commission; however, I believe it should apply to the entire Sugarloaf Plan Area. Please hold the line at I-270.

Ms. Karen J. Russell
510 E. Mountain Rd.
Knoxville, MD 21758
301-401-2463

From: [suzanne matteson](#)
To: [Planning Commission](#)
Cc: [Council Members](#)
Subject: Overlay should apply to the entire Sugarloaf Plan area
Date: Tuesday, April 18, 2023 6:48:36 PM

[EXTERNAL EMAIL]

Dear Commissioners and staff,

Thank you for keeping the current version of the Overlay text. I appreciate you keeping the forestry language in the Overlay and would like a definitive map created to confirm your good actions. It's very important that the overlay be applied to the entire Sugarloaf plan area. Can you confirm to holding the line at I-270? I know you can. Thank you!

Sincerely,

Suzanne Matteson

From: [Carol Waldmann](#)
To: [Planning Commission](#)
Subject: Fwd: Sugarloaf overlay
Date: Wednesday, April 19, 2023 6:42:09 AM

[EXTERNAL EMAIL]

As I have written in the past I feel it is critical this apply to the whole area
West of 270 (without any carve out)
thank you for your consideration,

Carol Waldmann
Frederick county resident

From: Johnny Carrera <johnny.carrera@fredbookartscenter.org>
Sent: Wednesday, April 19, 2023 10:03 AM
To: Planning Commission <PlanningCommission@FrederickCountyMD.gov>; Council Members <CouncilMembers@FrederickCountyMD.gov>; County Executive <CountyExecutive@FrederickCountyMD.gov>
Subject: Cutout in Overlay District for Sugarloaf Treasured Landscape

[EXTERNAL EMAIL]

Dear Planning Commision,

I recall Manassass, VA, being embarrassed some years ago when it was brought to light that the developers were too cozy with the county government.

Frederick has come into the limelight as the disturbing behaviour on the part of our beloved sheriff Jenkins has come to light.

I think it wise to shy away from rubber stamping something that was so clearly part of illegal meetings and catering to a developer. It doesn't make Frederick look good. In fact it means that Frederick is not acting in the open and fair manner that I wish our government to act.

I trust you will make the honest and fair decision to forget the shady ways of the past administration and fairly apply the overlay to the whole area without the developer cutout.

Thank you,
Johnny

Johnny Carrera (He/Him)
Executive Director
Frederick Book Arts Center
frederickbookarts.org

From: [Linda Nishioka](#)
To: [Planning Commission](#)
Subject: Keep the Sugarloaf Plan Boundary at 270
Date: Saturday, April 22, 2023 9:22:06 PM

[EXTERNAL EMAIL]

Commissioners ,

I am concerned about the county's apparent lack of commitment to the preservation of the Sugarloaf Mountain area.

I-270 should remain the long-recognized boundary and the best line for planning purposes when the commission discusses this plan. No high-density development should occur west of I-270 in the Sugarloaf Plan area.

The decision to change the boundary can not be taken back and it has broad impacts on farmland, water quality and forest cover.

Linda Nishioka
lindanishi@aol.com
11118 Mitscher St
Kensington , Maryland 20895

From: [Patricia Burton](#)
To: [Planning Commission](#)
Subject: Keep the Sugarloaf Plan Boundary at 270
Date: Saturday, April 22, 2023 8:26:49 AM

[EXTERNAL EMAIL]

Commissioners ,

I am concerned about the county's apparent lack of commitment to the preservation of the Sugarloaf Mountain area.

I-270 should remain the long-recognized boundary and the best line for planning purposes when the commission discusses this plan. No high-density development should occur west of I-270 in the Sugarloaf Plan area.

The decision to change the boundary can not be taken back and it has broad impacts on farmland, water quality and forest cover.

Patricia Burton
pdjburton@yahoo.com
17120 Queen Victoria Ct
Gaithersburg , Maryland 20877

From: [James Zwiebel](#)
To: [Planning Commission](#)
Subject: Keep the Sugarloaf Plan Boundary at 270
Date: Saturday, April 22, 2023 8:12:42 AM

[EXTERNAL EMAIL]

Commissioners ,

I am concerned about the county's apparent lack of commitment to the preservation of the Sugarloaf Mountain area.

I-270 should remain the long-recognized boundary and the best line for planning purposes when the commission discusses this plan. No high-density development should occur west of I-270 in the Sugarloaf Plan area.

The decision to change the boundary can not be taken back and it has broad impacts on farmland, water quality and forest cover.

James Zwiebel
zwiebelj@verizon.net
6317 Kenhowe Drive
Bethesda, Maryland 20817

From: Mary Carlsson <marycarlsson1950@gmail.com>
Sent: Wednesday, April 19, 2023 3:18 PM
To: Planning Commission <PlanningCommission@FrederickCountyMD.gov>
Cc: County Executive <CountyExecutive@FrederickCountyMD.gov>;
councilmembers@frederickcounty.gov
Subject: Overlay boundary

[EXTERNAL EMAIL]

- I wish to thank the Commissioners and staff for the current version of the Overlay text.
- I appreciate keeping the forestry language in the Overlay.
- I believe the Overlay should apply to the entire Sugarloaf Plan area. Please hold the line at I-270.
- Thank you

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

Statement of Joseph Hinson, President

Maryland Forests Association

Before the

Frederick County Planning Commission

April 19, 2023

Members of the Commission:

I am Joe Hinson, President of the Maryland Forests Association. I am also a professional forester, licensed in Maryland, and actively practice as a consultant. As Beth noted, our organization represents forest landowners, forest products companies, loggers and all who have an interest in Maryland's forests.

Our interest in being here today is that we are committed to equitable requirements for forest management including logging that both adequately protect environmental values while being fair and reasonable for loggers and landowners. We are strong supporters of Maryland's laws that require measures to protect water quality during and after logging operations and which assure that the forest that will inevitably regenerate after logging is healthy and meets the landowner's expectations and objectives.

The Sugarloaf Overlay Forestry Proposals Largely Duplicate Existing Rules

I have reviewed the proposed forest management and logging regulations in the "Sugarloaf Rural Heritage Overlay District" addition to the County Zoning Code. What strikes me is that much of what is envisioned in the forestry and logging provisions already exist in either the very detailed state forest management guidelines or which could easily be incorporated into "forest stewardship plans" for individual landowners. As shown in the attached table, much of the additional information that would be required under the county's proposal adds nothing that would further protect environmental values on the ground. What it would add is a significant expense and delay to the approval of logging plans, virtually assuring that these would need to be prepared by a professional forester. While we may be cheap, we're not free and I can easily see how the level of detail required by the county's proposal would cost perhaps \$10,000.

Most logging projects in Frederick County are small, probably rarely exceeding 10 acres. The cost of requiring a complex logging plan will render many projects impractical from an economic standpoint and encourage landowners to explore other alternatives for securing income from their land.

Encouraging Stewardship Plans is a Better Alternative to Regulations

We suggest an alternative approach which would be to better educate forest landowners about the value of forest stewardship plans. Such plans include much of the data envisioned in the county's proposal. These plans, too, cost money but, fortunately, there is cost-sharing for their preparation available from the state, so the financial impact is much reduced. MFA would be very happy to do all we could to partner with the county and the state in promoting stewardship plans to the forest landowners in Frederick County.

The Forest Conservancy Boards are not Prepared to Approve all Timber Harvest Plans

We note also that the proposed county regulations place the Forest Conservancy Board in the position of being the reviewing and approval agency for all timber harvest plans. Apart from the county boards' responsibility to review and approve forest harvesting plans in the designated Chesapeake Bay "Critical Areas", there is no statutory authority for the boards to approve harvest plans outside the critical areas. In addition, the boards are made up of volunteer members and are perhaps not well-suited for technical reviews of harvest plans which would create a significant increase in their workload. The local Soil Conservation District, Department of Environment and Maryland Forest Service are each much more able to review, approve and enforce forest harvesting plans just as they do now.

The Objectives of the Sugarloaf Overlay Forestry Regulations is Unclear

As I have reviewed the Sugarloaf forestry and logging proposals, I have found myself wondering just what on-the-ground, tangible problem these proposed regulations are trying to solve. Frankly, I don't see one that is not already adequately addressed by state regulations and what could easily be included in a forest stewardship plan.

While the Sugarloaf proposals include requirements for more detailed identification of steep slopes, drainage flows, landowner objectives, pre and post harvest stand conditions and logging locations, there is no indication of what applies once this information is included in the logging plan. For example, if a "steep slope" is identified, what adjustments must a logger make? The proposed regulations offer no guidance. However, Maryland Soil Erosion and Sediment Control Standards and Specifications for Forest Harvest Operations mandates very detailed measures to be taken. These are legal requirements, they are proven effective and there are regular audits to assure compliance (see attached).

https://dnr.maryland.gov/forests/Documents/publications/ForestHarvestOperationsManual_120715.pdf

In our experience, forest management is a hard concept for non-foresters to grasp in the abstract. Before the county adopts the regulations associated with the Sugarloaf Overlay, we would urge a day in the field. We would like to see forestry practices that are perhaps problematical to you and see if there is a way to address them through current law and we'd like to drill down on how the state agencies and local soil conservation districts work to assure that environmental values are protected. We'd like to facilitate such a day and firmly believe that the knowledge gained would lead to a more informed outcome and final product.

Thank you and Beth and I would be happy to answer your questions.

Comparison of State Regulations, Forest Stewardship Plans and Frederick County Proposal		
State Requirements	Stewardship Plan Components	Additional County Measures
Sediment control plan approved by SCD, showing: <ul style="list-style-type: none"> • Site entrance • Trails and landing locations • Stream locations and buffers • Post harvest stabilization Prior notification of agencies Plan kept on site	Description of property and landowner objectives Maps showing: <ul style="list-style-type: none"> • Timber stands and types • Streams and waterbodies • Wetlands • Property boundaries • Roads • Soil types 	Forest Conservancy Board is reviewing and approval agency Much more detailed requirements for identifying: <ul style="list-style-type: none"> • Harvest areas • No cut areas • Roads, landings, skid trails
Site maps including: <ul style="list-style-type: none"> • Site location • Access points, roads, streams • Buffers and stream crossings Periodic inspections	Consultation with DNR on areas with sensitive species and management guidelines Identification of invasive species Description of each stand, proposed management, future conditions	Complex narratives describing: <ul style="list-style-type: none"> • Landowner objectives • Types of harvests • Pre and post logging stand conditions • Flagging and marking guides
Harvest limitations within buffers Requirements for cuts, fills and grades on roads Post harvest road stabilization Special plans for buffer zones, critical areas, habitat protection areas and non-tidal wetlands Streams crossing and watershed permits Comply with Seed Tree law		Management action schedule

Forest Harvest Best Management Practices in Maryland and Delaware: Use and Effectiveness: 2016 Results

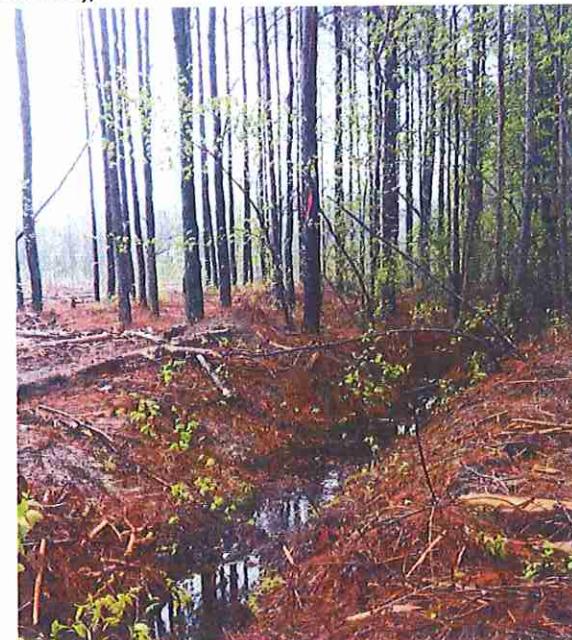
Forest harvesting best management practices are required by law in Maryland¹ and Delaware², and are an important safeguard to avoid damage to water quality. Forest lands yield excellent water quality, including forests producing raw materials that society and economies need, generation after generation. Practices are designed to work with the site conditions and natural materials on-site as much as possible, and have been shown to protect water quality for sustainable forestry operations over several decades³.



Common best practices

- Harvest planning to avoid stream crossings, steep slopes and wetlands;
- Locating roads and skid trails on low slopes (usually less than 15 percent);
- Timing harvest operations to avoid wet periods;
- Diverting water off roads and skid trails to infiltrate into the forest floor using earthen berm water bars, broad-based dips or other diverters;
- Stabilizing roads, landings and steep skid trails;
- Using bridges, culverts or temporary corduroy logs for water crossings;
- Crossing streams at right angles to minimize disturbance; and
- Leaving buffers to shade waterways.

Some harvesting can occur within buffers but a minimum of 60 square feet of basal area must be left, usually over half of the trees in an area.



Methods

A study was conducted from 2014 to 2016 to evaluate the rates at which best management practices were applied on forest harvesting operations and how effective they were in preventing sediment from entering waterways: the goal of the Clean Water Act.

Sites were assessed using two methods:

- 1) State best management practice compliance checklists for the state-specific requirements, and

*Top: re-vegetated haul road, Vision Forestry.
Bottom: Waterway buffer and removed crossing structure,
Maryland Forest Service.*

¹ Maryland Department of Environment. 2015. The 2015 Maryland Soil Erosion and Sediment Control Standards and Specifications for Forest Harvest Operations. MDE, Baltimore, MD. 166p.

² Forestry Best Management Practices to Protect Delaware's Water Quality. 1990. Delaware Dept. of Agriculture, DE Forest Service, Dover, DE. 92p.

³ Aust, W.M., and C.R. Blinn. 2004. Forestry best management practices for timber harvesting and site preparation in the eastern U.S.: An overview of water quality and productivity research during the past 20 years (1982-2002). Water, Air and Soil Pollution: Focus 4(1):5-36.

2) The U.S. Forest Service Northeastern Area Best Management Practices Monitoring approach⁴ (Welsch et al., 2007), which focuses on measuring effectiveness of the best management practices in protecting waterways from sediment, loss of shade, chemical pollution, and fish blockages.

A forestry contractor visited 72 sites throughout Maryland and Delaware. (Figure 1.) Eleven sites were visited for quality assurance by state forestry staff, with resulting 94 percent consistency in sediment evaluation results.

Results

Compliance with state-required best management practices was **88 percent in Maryland**—covering sites from the mountains to the coastal plain—and **93 percent in Delaware**—all coastal plain sites.

The sites selected for assessment were locations with waterway crossings and buffers with the greatest potential for water quality impacts. Of 2,080 harvest permits (2011-2014), 345 (17 percent) had crossings. The remainder avoided crossing waterways, and those potential impacts. Effects were expected to be larger than normal because of the high rainfall 2014-2016, more than 20 percent above the 30-year average.

Sediment Impacts to Water

On sites with water crossings, **90 percent** avoided delivering sediment to waterways, while 6 percent delivered measurable amounts of sediment at crossings or approaches (Figure 2).

The average volume of delivered sediment, estimated from rill and gully dimensions, was 14 cubic feet. Factoring in all sites, including those without water crossings, average sediment delivery per harvest site was **less than 1 cubic foot**. Sites with crossings averaged 4 cubic feet per site. The most common location for sediment impacts was at the crossing itself, where there are the fewest opportunities to divert or filter out

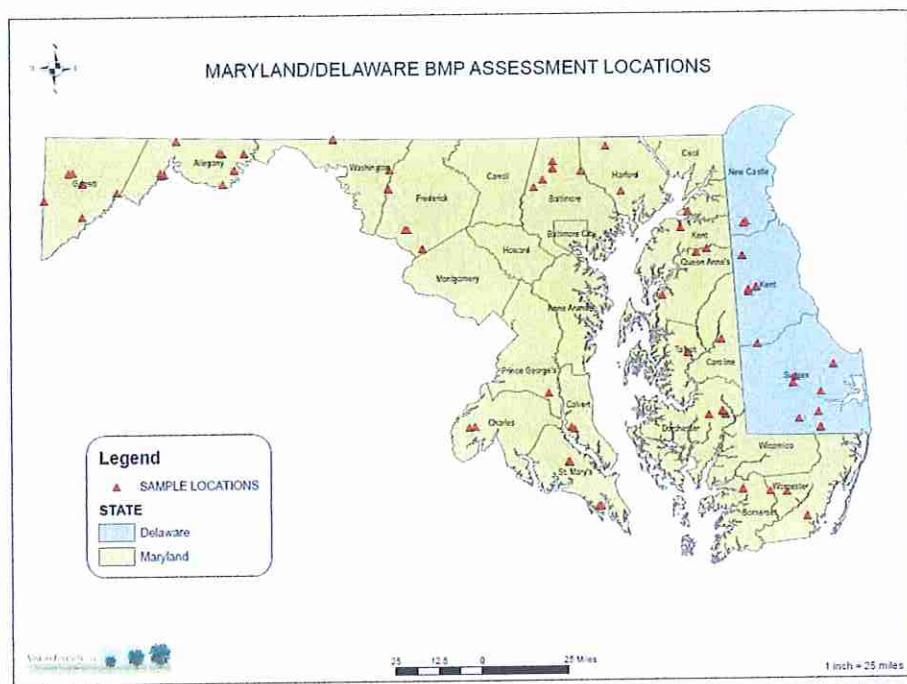


Figure 1: Forest Harvest best management practices evaluation locations in Maryland and Delaware

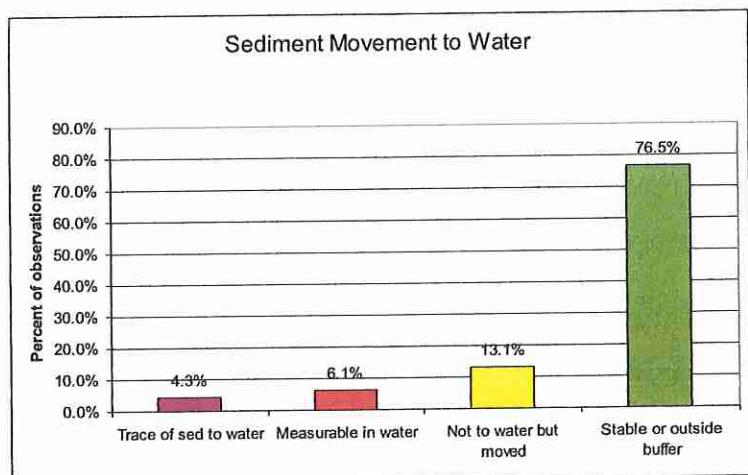


Figure 2: Evidence of sediment movement on harvests with crossings.

⁴ Welsch, D., R. Ryder, and T. Post. March 2007. Best Management Practices (BMP) Monitoring Manual-Field Guide: Implementation and Effectiveness for Protection of Water Resources. USDA Forest Service Northeastern Area State and Private Forestry NA-FR-02-06, Newtown Square, PA. 130p.

sediment. Temporary bridges are now more commonly used to limit stream impacts, but some sediment can be added as they are removed.

On the few sites that did not apply some or all best management practices, sediment delivery was greater. The maximum observed delivery was 280 cubic feet in Maryland (an order of magnitude more than other observations) and 23 cubic feet in Delaware, compared to the most common rate of 1 cubic foot of sediment.



Left: Skid trail with tops used to protect soil, Maryland Forest Service.

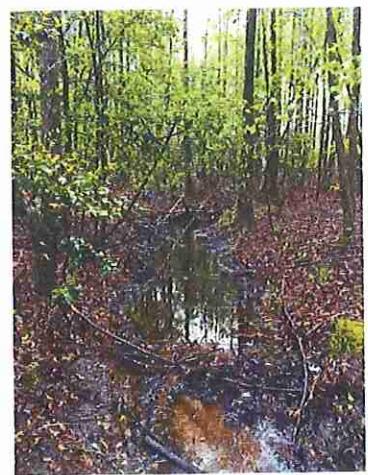
Right: Skid trail without BMPs with rill erosion, Vision Forestry.

Buffers

Buffers around waterways were an important best management practice. Sediment had moved into buffers in 12 percent of observations. On average, sediment moved **45 percent** of the way through the buffer, then deposited before reaching water. In Delaware, the greatest distance moved was 60 percent of buffer width, while Maryland had a location where sediment reached the water through the buffer around crossings. On two of the 72 sites, log landings were in the buffer area (3 percent). These were in Delaware, where many sites are on old fields next to ditches and may have been using an existing cleared area.

More than 10.5 miles of waterway buffers were assessed in Maryland (7.9 miles) and Delaware (2.6 miles.). No sediment breached buffers in Delaware, aided by the gentle slopes in the coastal plain. In Maryland, with a greater variety of terrain, sediment was observed breaching buffers at four of 56 sites, delivering an average of 82 cubic feet of sediment per mile of monitored buffer. Three sites had another 26 observations where sediment entered the buffer but was filtered out before reaching water.

Most buffers provided good shade, averaging **82 percent canopy** (80 percent in Maryland, 86 percent in Delaware). Shade had been reduced some in 30 percent of the buffers by the harvest (33 percent in Maryland, 21 percent in Delaware). Most buffers, 87 percent, met state requirements, or buffers were not required on the types of waterways assessed (Maryland met on 84 percent, Delaware 100 percent). The largest trees on the assessed buffer plots after the harvest averaged **20 inches in diameter**, a substantial size for supplying future large woody debris in streams. Basal area was generally high, 98 square feet per acre, typical of a fully stocked forest stand.



Buffered coastal plain waterway, Maryland Forest Service.

Oil spills and Trash

No evidence of large oil leaks or spills were observed on 70 sites, but one site in Delaware had minor drips and one site in Maryland had a stain less than 10 square feet. No trash was seen on Delaware sites, but five of 56 Maryland sites had trash; three sites with logging-related oil containers and two with trash from other land uses.

Wetlands

Wetlands were **avoided on 91 percent of sites** (92 percent in Maryland, 88 percent in Delaware.) For the 9 percent that had to cross wetlands, average crossing length was 53 feet. Corduroy logs (small logs laid perpendicular to a travel path) and logging mats were most commonly used to minimize soil damage.



Perched culvert,
Maryland Forest Service.

Fish Passage

Most sites allowed movement of fish and other aquatic dwellers such as benthic macroinvertebrates (stream insects). On 8 percent of sites, crossings structures were perched or lacked natural substrate that would aid passage. More than half of stream crossing structures were removed after harvest to aid fish passage. Only 20 percent of remaining structures, usually culvert pipes, constricted the stream cross-section.

DATA SUMMARY	Delaware	Maryland	All
Harvest sites	367	1713	2080
Harvest sites with crossings	126 (34%)	219 (13%)	345(17%)
Crossing sites w/measureable sediment to water	5%	7%	6%
Avg. volume, sites with delivered sediment to water	4 cu. ft.	20 cu. ft.	14 cu. ft.
Delivered sediment, average over all sites	0.3 cu. ft.	0.7 cu. ft.	0.6 cu. ft.
Buffers with trapped sediment	8%	13%	12%
Avg. percent distance sediment moved in buffer	22%	49%	45%
percent of sites sediment delivered through buffer	0%	7%	6%
Median sediment per mile of buffer, crossing sites	0 cu. ft.	1 cu. ft.	1 cu. ft.
Average shade in buffer, post-harvest	86%	80%	82%
Some shade reduction from harvest	21%	33%	30%
Diameter of largest tree/buffer plot, future woody debris	19 inches	21 inches	20 inches
Basal area in buffer (minimum is 60 sq. ft. / ac.)	130 sq. ft. / ac.	90 sq. ft. / ac.	98 sq. ft. / ac.
Evidence of oil drips or spill (< 10 sq. ft.)	1 of 17 sites	1 of 56 sites	2 of 72 sites
Evidence of trash from harvest	0	3 of 56 sites	3 of 72 sites
Wetlands avoided	88%	92%	91%
Fish passage constrained by culvert	6%	9%	8%



Larry Hogan, Governor | Mark Belton, Secretary

Maryland Department of Natural Resources Forest Service

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6/29/17



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