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## Maryland DEPARTMENT OF PLANNING

November 2, 2022

Rob Straebel, Town Administrator  
300 Mill Street  
P.O. Box 206  
St. Michaels, MD 21663

Dear Mr. Straebel:

Thank you for the opportunity to comment on the *2022 Draft Amendment (Draft Amendment)* to the *2015 Town of St. Michaels Comprehensive Plan, adopted November 28, 2015 (Comprehensive Plan)*. The Maryland Department of Planning (Planning) feels that good planning is important for efficient and responsible development that adequately addresses resource protection, adequate public facilities, community character, and economic development.

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

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

Please feel free to contact me at (410) 767-4500 or Keith Lackie, Regional Planner for the Lower Eastern Shore, at (410) 713-3464.

Sincerely,

Charles W. Boyd, AICP  
Director of Planning Coordination

Enclosures: Comments on the Draft Amendment for Town of St. Michaels.

cc: Helen Herman (Levin), Chair, St. Michaels Planning Commission  
Joseph Griffiths, Manager – Planning, Local Assistance and Training  
Tracey Gordy, Director - Planning, Lower Eastern Shore Regional Office



**Maryland Department of Planning  
Review Comments  
2015 St. Michaels Comprehensive Plan – 2022 Draft Amendment**

**General Comments:**

The Maryland Department of Planning (Planning) has reviewed the *2022 Draft Amendment (Draft Amendment) to the 2015 Town of St. Michaels Comprehensive Plan (Comprehensive Plan)* and offers the following comments for your consideration. These comments are offered as suggestions to improve the *Draft Amendment* and better address the statutory requirements of the Land Use Article.

**Maryland Department of Planning Introductory Comments:**

Planning notes that the town's *Draft Amendment* is limited to amending the text, tables, and/or maps within the *Comprehensive Plan's 'Land Use and Growth Management', 'Municipal Growth and Development Regulations', and 'Water Resources Element' chapters*. These proposed amendments are in furtherance of an anticipated annexation of a 2.98-acre portion of a 7.49-acre parcel that is currently partially within the town and Talbot County.

**Maryland Department of Planning Comments:**

- **Chapter 1, Page 4: Table 1-2 (Future Land Use)** has an incorrect square footage total for the *Residential* land use. This error results from protracting an incorrect sum in the *Comprehensive Plan*. Planning recommends revising the total *Residential* land use for the "Area Sq. Ft." column to reflect 17,263,263.60.
- **Chapter 2, Page 3: Table 2-1 (Build-out Results for St. Michaels and Areas of Mutual Interest)** has incorrect totals for the columns entitled "*Total Dwellings (Permitted)*" and "*Existing Dwellings*", which should be "1,350" and "1,129", respectively.
- **Chapter 2, Page 4:** The *Draft Amendment's Potential Annexation Area (C)* text states, in part, "[p]otential annexation area C is the remaining 2.983 acres of parcel 1952, also already partially within the town." Planning notes that the Maryland Department of Assessments and Taxation (SDAT) appears to incorrectly indicate the land area (subject to this comprehensive plan amendment) as being a portion of Tax Map 0032, Parcel 0109, Lot 1 [Account Identifier 02-071738]. Planning recommends the property owner of Tax Map 0201, Parcel 1952 [Account Identifier 02-061759] contact SDAT to correct this apparent error.

- Chapter 4, Page 4: Table 4.1 (Existing and Possible Future Water Usage) has a cell with no data (also protracted from the *Comprehensive Plan*) for the “Area B” - “total potential water usage”, which should indicate “1,616”. This recommended revision does not affect the Total Potential Water Usage, which correctly reflects “Area B” potential water usage, notwithstanding a blank cell for this area.
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**Maryland Department of Natural Resources (Fishing and Boating Service) Comments:**

- St. Michael’s is located between the Miles River and Broad Creek, a tributary of the Choptank River, is adjacent to habitat for recreational and commercial finfish and shellfish. Fishing and Boating Services supports the Town of St. Michael’s comprehensive plan amendment detailing the annexation of 2.983 acres of parcel 1952 and the vision to maintain its historical maritime community and small waterfront charm, as this vision is consistent with research that associates conservation of rural lands and limiting future development with sustainable fisheries. The town’s plan to promote revitalization and infill areas rather than expanding the footprint aligns to Smart Growth policies and is consistent with Fishing and Boating Services message to promote conservation of working and rural lands. Changes in tidal fish habitat begin to occur in watersheds with greater than 5% impervious surface (IS), requiring increased effort in maintaining fish production (MD DNR 2022). Once a watershed exceeds 10% IS, the ability to manage fisheries becomes compromised because of habitat deterioration. Therefore, we support the town’s incentives to minimize the impervious footprint of residents and staying within the water and sewer capacities. Any increase in stormwater and runoff from impervious surfaces from development can result in dissolved oxygen too low to support aquatic life in brackish tidal tributary like Miles River where most of the drainage occurs. While growth is projected to increase in the next 20 years throughout Maryland, the plan to focus new development in existing towns and villages will aide in minimizing impervious surface by reducing sprawl.
- Fishing and Boating services also supports the Town of St. Michaels in developing a strategy to limit Total Maximum Daily Loads (TMDLs) which have shown success in limiting nutrients and sediments at small scales. We additionally support continued use of Best Management Practices (BMP’s). In watersheds where IS has not exceeded 5-10% IS we support BMPs to limit nutrient and sediment inputs, but caution against over-reliance on them as a substitute for conservation.
- Commercial fishing in the waterways of Talbot County is historically rooted in St. Michael’s maritime community where shipbuilding and seafood processing/packaging industries were prime backbones of the economy. Hand tonging for oysters, shucking houses, and crab picking houses supported the economy after the War of 1812. Today the commercial fisheries still target oysters, as well as Striped Bass and Blue Crabs in the Choptank and Miles Rivers. Oyster recruitment in the Choptank River system has its highest recruitment since 1999 in 2020 (MD DNR 2022). Commercial landings for Oysters, Striped Bass, and Blue Crabs are higher in the Choptank River than the Miles River, but both systems contribute towards the harvest and productivity of commercial fishing. Overall, the area is

primarily a nursery and adult habitat for many exploited species, such as Striped Bass, White Perch, Atlantic Croaker, Atlantic Menhaden, Blue Crab, Weakfish, Summer Flounder, and Spotted Seatrout.

- The Town of St. Michael's offers public angler access spots for recreational fishing: St. Michael's Harbor access point is located on the Miles River and Chew Street Park on the San Domingo Creek. Recreational anglers have access to Striped Bass, Bluefish, Spot, Spanish Mackerel, Seatrout, Flounder, Croaker, Red and Black Drum, Weakfish, and White Perch (MD DNR 2022). Charter boats are also available for recreational anglers to rent to reach additional fishing grounds in the Eastern Bay and Mid-Bay areas (MD DNR 2022).
- Maryland DNR Fisheries Habitat and Ecosystem Program has conducted summer estuarine fish community sampling in the Miles River from 2003 to 2005 and in 2020. Habitat problems that affect habitat and fisheries were evident. Bottom trawl sampling indicated finfish catches were the lowest in 2020 compared to previous sampling years, with little change in finfish composition. Miles River, classified as an agricultural system with an 3.9% IS, had widespread low bottom dissolved oxygen (DO; mg/L), during summer, 2020. The extent of poor DO within Miles River is unusual for a mid-eastern shore tributary. Increased sediment loads and nutrients can result in dissolved oxygen too low to support aquatic life in brackish tidal tributaries, controlling development and reducing runoff are important factors to minimize habitat deterioration. We have resources and maps to assist in planning, particularly with any waterfront areas for angling, commercial operations, and areas of respite. A waterside view could help conceptualize potential conflicts that can be avoided in a fuller consideration of resource use and allocation in the planning process.
- Other specific recommendations and comments related to amendments:
  - Chapter 4. Page 7. Developing a TMDL Strategy:
    - Maintaining the integrity of the habitat and production of key fisheries by maintaining rural landscape. Placing areas with legacy pollutants as high priority and effectively implementing TMDLs. Recommend providing incentives for higher priority areas.