Central Chemical Superfund Redevelopment Initiative Pilot Project

Hagerstown, MD

Project Report
July 2003

Central Chemical Superfund Redevelopment Initiative Pilot Project

Project Report

prepared for:

The City of Hagerstown
Planning Department
Fourth Floor, City Hall
Hagerstown, MD 21740

prepared by

Hagerstown Land Use Committee
E^2 Inc.
University of Virginia's Institute for Environmental Negotiation (IEN)

in collaboration with:

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Overview

The City of Hagerstown, Maryland received a pilot grant from EPA's Superfund Redevelopment Initiative (SRI) to undertake a community-based planning process with the community to develop future land use recommendation(s) for the 19-acre Central Chemical Corporation Superfund site on Mitchell Avenue. The project's intent was to provide EPA and the City with the community's guidance and reuse recommendations for the site as EPA, in conjunction with the site's property owner and Potentially Responsible Parties (PRPs), formulate the cleanup plan.

This report, prepared by the project's consultant team, presents the project's land use recommendations and describes the eight-month community planning process in detail. Managed by the Land Use Committee, an 18-member community-based body that met nine times and interacted with the larger community at three public meetings, the process has resulted in a set of future land use recommendations for the site. EPA can incorporate these recommendations into the Agency's reasonably anticipated future land uses (RAFLUs) and cleanup plan for the site, ensuring that the site's remedy will not preclude anticipated future use opportunities identified by the community. The Committee will also present its recommendations to Hagerstown's Mayor, City Council, and Planning Commission for endorsement, and the report's recommendations will be incorporated into the City's Comprehensive Plan.

The primary responsibility of the U.S. Environmental Protection Agency (EPA) at Superfund sites is to ensure the protection of human health and the environment. Since 1999, through the Superfund Redevelopment Initiative, EPA has also been required to consider reasonably anticipated future land uses when making remedy decisions at Superfund sites, and to ensuring that the cleanup of Superfund sites allows for safe reuse for commercial, recreational, ecological, or other purposes. With forethought and planning, communities can help return sites to productive use without jeopardizing the effectiveness of the remedy put into place to protect human health and the environment. Across the nation, more than 330 former National Priorities List (NPL) sites are in productive reuse or plans for their reuse are under development. The commercial and industrial use of these sites supports 15,000 jobs and a half-a-billion dollar increase in annual incomes. Other sites are providing ecological and recreational benefits.

Report Contents

Section 1: Reuse Recommendations for the Central Chemical Superfund Site

1.0 Introduction

Today, planning for the cleanup of the 19-acre Central Chemical Superfund site is underway. EPA and the Maryland Department of the Environment (MDE) are assessing the site's conditions and contaminants and developing cleanup approaches for the site.

Several years from now, the site's cleanup will be complete. The site's remedy will protect the long-term health and safety of community residents, and the site will be available for appropriate reuses that will help meet community needs and sustain the local economy.

The Central Chemical site and the City of Hagerstown

This Land Use Committee report is the product of an eight-month pilot community planning process conducted by the City of Hagerstown to determine the community's reuse preferences and priorities for the Central Chemical Superfund site. Over the past eight months, the Committee has:

The Central Chemical Site

- researched the site's history, contamination, and current status;
- worked with the City of Hagerstown's Department of Planning and the project's consultant team to assess the potential impacts of industrial, residential, commercial, recreational, and civic reuses at the site; and
- developed reuse guiding principles and reuse recommendations.

Based on these analyses, discussions, and community input, the members of the project's Land Use Committee hereby present EPA, MDE, and Hagerstown's Mayor, City Council, and Planning Commission with their reuse recommendations for the Central Chemical Superfund Redevelopment Initiative Pilot Project.

The Committee recognizes that these recommendations represent an important step that will inform the cleanup and eventual reuse of the Central Chemical Superfund site. The Committee also recognizes that these recommendations represent a *first* step that will need to be followed up with sustained community interest and involvement, partnerships, and resources. Accordingly, this Committee report includes a detailed assessment of community resources, partnership opportunities, and next steps to ensure that this report serves as part of an active and ongoing community discussion and continues to inform EPA's cleanup planning for the Central Chemical site.

1.1 Reuse Recommendations

The Committee recommends two potential reuse scenarios for the Central Chemical Superfund site:[1]

- **Light industrial development with a natural buffer area**
- **Commercial office park development with a natural buffer area**

Examples of potential light industrial uses include:

- printing
- heating/electrical contracting
- equipment repair
- landscaping services
- ceramics manufacturing
- computer manufacturing
- laboratories

Local Light Industrial Use Example: Hagerstown Business Park

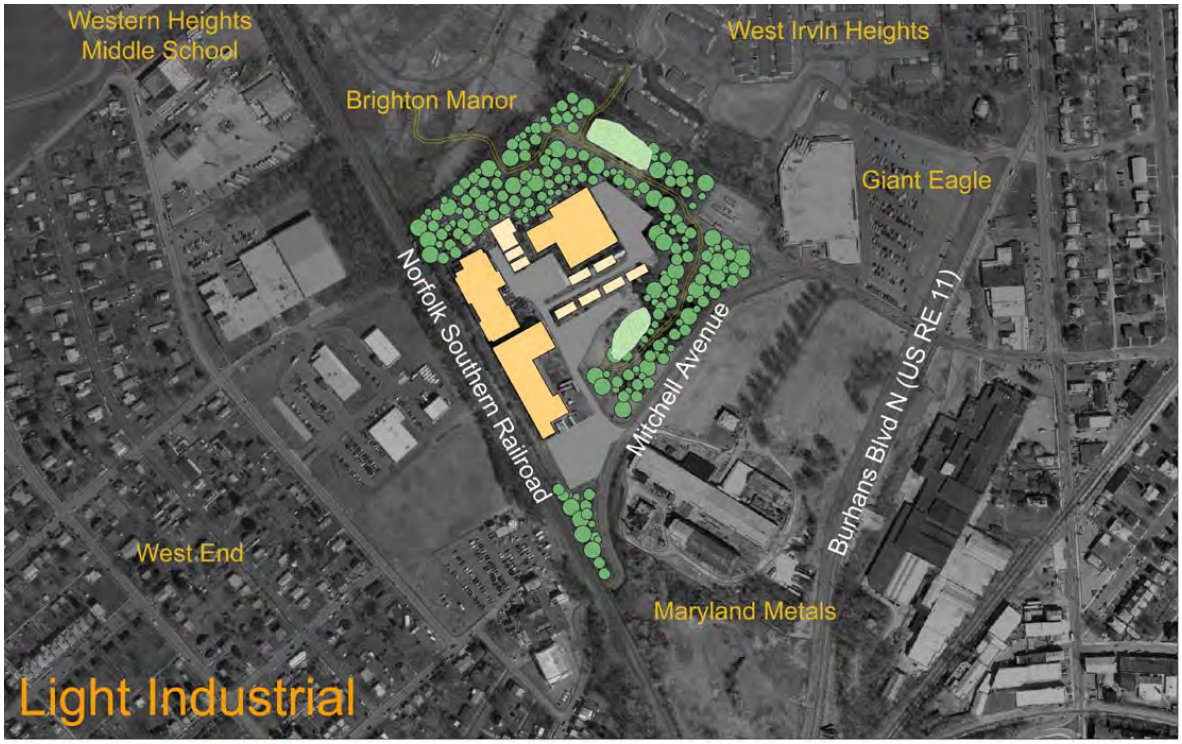
Examples of potential commercial office park uses include:

- medical offices
- accounting/investment offices
- software designers
- graphic designers
- engineering firms
- photography studios

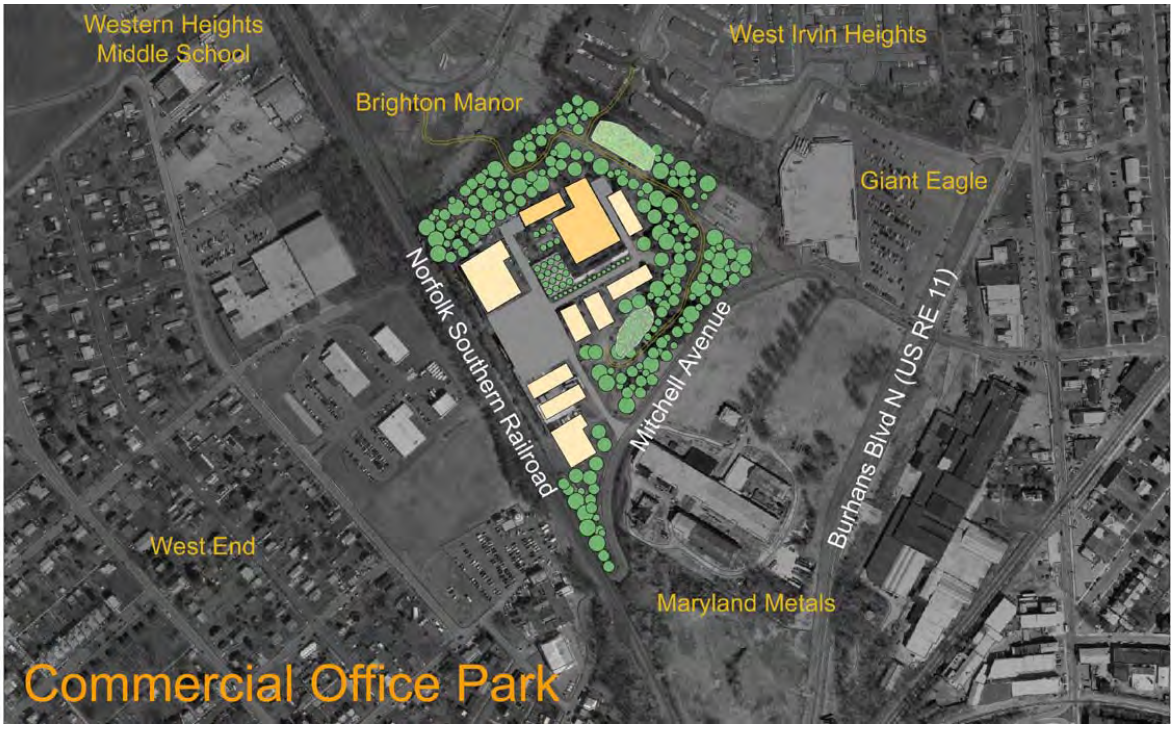
Local Office Park Use Example: MKS Business Park

[1] The Committee indicated an equal interest in either land use, or a combination of both land uses, as reuse opportunities at the Central Chemical site.

The project's consultant team developed site use diagrams that illustrate potential layouts of buildings and natural buffer areas for each of these reuse scenarios. These diagrams illustrate how buildings and infrastructure could be placed on the site, based on zoning and infrastructure requirements.



Site Use Diagrams of Light Industrial and Commercial Office Park Uses with Natural Buffer Areas



The diagrams on the previous page highlight opportunities for the location of both central facility buildings and smaller, surrounding buildings on the 19-acre site. Either use would be able to provide sufficient surface-level parking, with road access to the site provided from Mitchell Avenue.

The diagrams also illustrate how a 200-foot-wide minimum buffer area (required in the area's existing Industrial General zoning) could be integrated with the site's uses along the site's northern boundaries. This buffer area can provide the community with natural areas and native woodlands for community residents to visit and enjoy, as well as bike paths, walking trails, and educational resources. The solid green areas within the buffer areas illustrate potential opportunities for the use of innovative cleanup approaches that use the natural functions of plants (phytoremediation) and microorganisms (bioremediation) to remediate contamination.[2] Potential safety concerns in the buffer area could be addressed by providing night-time lighting, limiting area access after dark, and ensuring that there are sufficient community "eyes on the site" at all times.[3]

Land Use Committee Selection Process for Reuse Recommendations

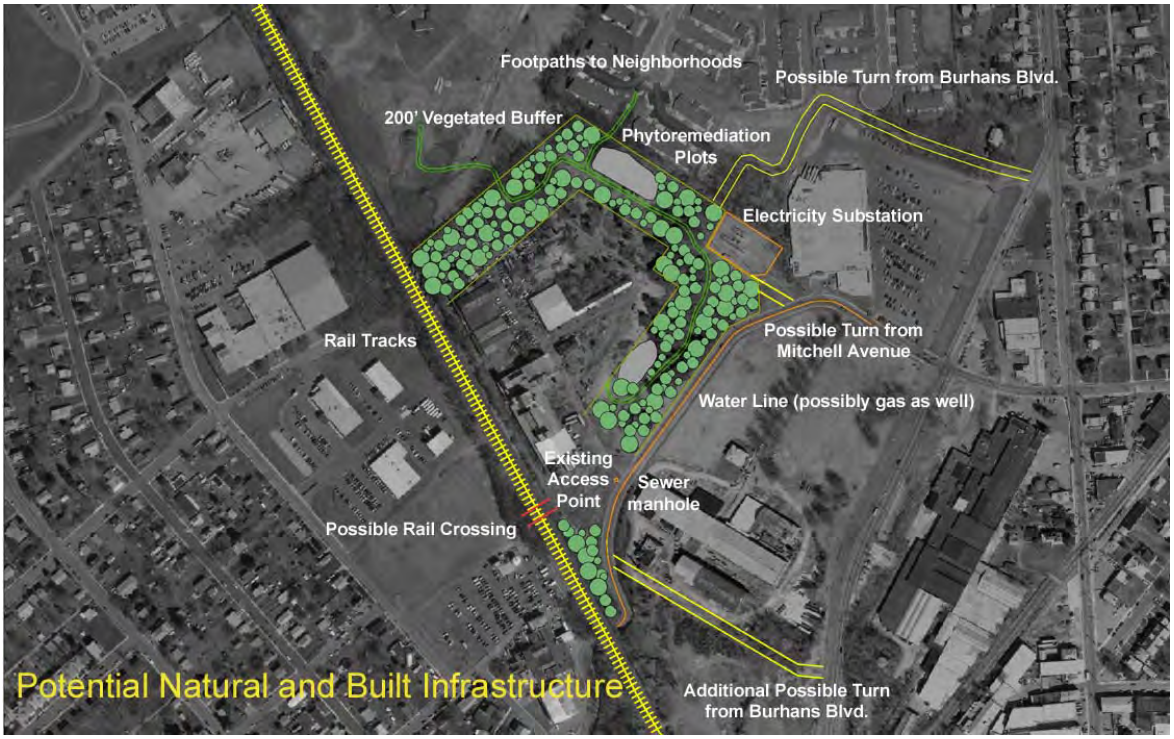
The Committee selected light industrial, commercial office park, and natural area buffer uses for its final land use recommendations for the site based on Committee discussions, community input, review of available information, and a set of guiding principles developed by the Committee.

Based on these discussions and analyses, the Committee determined that light industrial and commercial office park uses with natural buffer areas at the site could best meet community needs and priorities. Light industrial and commercial office park uses with a recreational buffer area will enhance local quality-of-life and not negatively impact adjacent residential areas. These uses will create new jobs for community residents and create new tax revenues for the City. Multiple uses – light industrial/office park and natural buffer area uses – at the site will provide multiple economic, social, and environmental benefits and ensure that the entire site can be returned to reuse. Finally, these site reuses can be directly connected to surrounding land uses and integrated as part of existing land use patterns throughout the City.

The Committee also recognized the importance of improving the site's limited access to address potential traffic increases associated with future site uses and to ensure that community residents would be able to easily access the site's natural buffer area and enjoy walking and biking opportunities. The Committee noted that the construction of on-site trails and paths would also preclude opportunities for trespassing or inappropriate site access, and that the site's fencing could be removed following the site's cleanup to emphasize the site's availability for light industrial, commercial office park, and natural buffer area uses. The map on the following page illustrates potential ways to expand site access opportunities.

[2] Actual on-site locations for the use of these innovative cleanup approaches will need to be determined following completion of EPA's ongoing Remedial Investigation and Feasibility Study (RI/FS).

[3] Site PRPs will remain responsible for maintaining the protectiveness of the site remedy once site cleanup is completed.



The map highlights several potential road and pedestrian access opportunities between the site and its surroundings. The Committee has not determined the feasibility of specific road improvements or rights-of-way for pedestrian access. The map illustrates the importance of additional site access opportunities, but is not intended to designate specific access point locations. In order to develop potential road access opportunities, the site owner will need to work with the City and the community to assess the feasibility of different options. To develop pedestrian access opportunities, the site owner, the City, and neighborhoods surrounding the site will need to work with adjacent landowners to determine whether rights-of-way can be established to provide neighborhood access to the site's natural buffer area.

The map also highlights the potential addition of a raised rail crossing that would connect the site's western boundary to adjacent land uses. The rail crossing would address community safety concerns identified during the project. The rail crossing would provide an opportunity for children and community residents to cross the rail line safely without having to either cross the rail line on foot or walk through the limited-visibility underpass on Mitchell Avenue. Finally, the map also illustrates the availability of existing infrastructure, including water, sewer, and utilities, at the Central Chemical Superfund site.

The Committee's guiding principles, presented below, provide a detailed description of the criteria used by the Committee to determine its reuse recommendations for the site.

1.2 Project Guiding Principles

Protect the long-term health and safety of community residents. The Committee recognizes that EPA's site investigations are ongoing, that additional information about the site's contamination is forthcoming, and that this information could potentially impact the types of appropriate land uses allowed at the site. Where possible, EPA should consider the Committee's reuse recommendations as it evaluates site cleanup options. However, in all scenarios, EPA should ensure that the site's cleanup is timely and protection of community residents' health and safety remains the primary priority.

Ensure that site reuses are compatible with surrounding neighborhoods. The Committee recognizes the value of site reuses that enhance local quality-of-life and do not negatively impact adjacent residential areas. Site uses that would create nuisances such as excessive noise, lighting, odors, safety concerns, or traffic are not acceptable. Site uses should be compatible with surrounding neighborhoods and, if needed, buffer areas and road improvements should be used to screen any potential nuisances and address traffic concerns.

Provide community-wide benefits and create tax revenues and new jobs. The Committee recognizes the value of reuses at the site that can address long-term, community-wide employment needs and provide an additional source of tax revenues for the City of Hagerstown to help fund City services and infrastructure. To maximize community benefits, site reuses should provide a significant number of new jobs. Some potential site reuses, such as storage facilities or distribution warehouses, would create only limited employment opportunities.

Consider multiple uses at the site. The Committee recognizes that the Central Chemical Superfund site is sufficiently large to support multiple uses that can provide a range of economic, social, and environmental benefits for community residents and the City of Hagerstown. Incorporating multiple uses at the site can also help ensure that the entire site is returned to reuse.

Incorporate and integrate the natural environment into the site's reuse. The Committee recognizes the value of including natural areas as part of reuse planning for the site. Natural areas can allow for the reuse of portions of the site that may be unsuitable for other types of uses, and can also provide community residents with the opportunity to enjoy bike paths, walking paths, native woodlands, wildlife, and areas of natural beauty. Natural areas may also allow for the use of innovative site cleanup approaches that would rely on plants (phytoremediation) and microorganisms (bioremediation) to help address the site's contamination.

Understand the site within its local surroundings and as part of the larger community. The Committee recognizes that site reuses should include an understanding of the site's relationship to its surroundings and as part of existing land use patterns throughout the City. Access to the site should be improved and multiple forms of access to the site should be provided to ensure that the site relates directly to its surroundings. Connections between the site and the City, including rail lines, alleyways, similar land uses, and infrastructure, and their implications for the site's potential reuses, should also be emphasized. Such connections and patterns are identified in the City's Comprehensive Plan and the impact analysis developed by the City's Planning Department.

Section 2. The Central Chemical Superfund Site

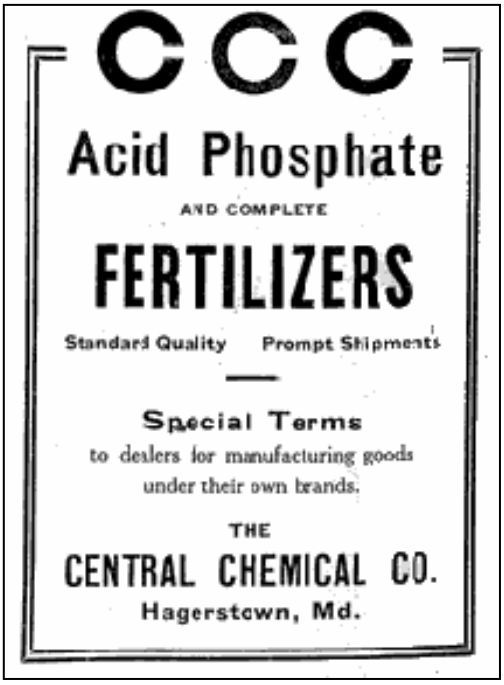
2.0 Site History

The Central Chemical site consists of a 19-acre parcel of land located on Mitchell Avenue in Hagerstown, Maryland, approximately one mile north of the City's downtown district. From 1937 until 1984, the Central Chemical Corporation operated facilities on the site for the formulation of fertilizers. Fertilizer components like nitrogen and potash were brought into the factory, mixed, and repackaged for sale to agricultural operations.

The Central Chemical site and the City of Hagerstown

From the mid-1940s until the late 1960s, the company also blended agricultural pesticides and herbicides at the site. Raw pesticides manufactured at other locations were blended with inert materials to produce commercial-grade products using air and hammer mills and wetting agents.

Central Chemical Company Advertisement



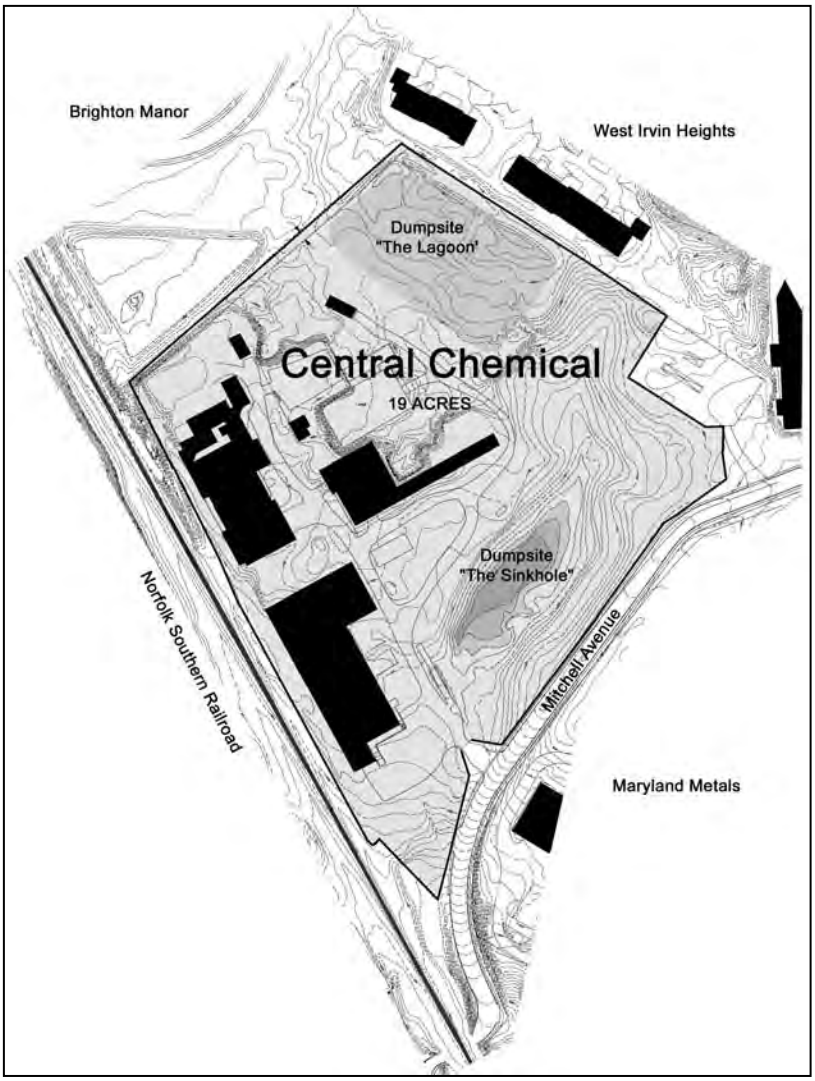
Pesticide and herbicide production was largely discontinued after 1965, when the company's main facility, where blending operations took place, was destroyed by fire. The company discontinued fertilizer-manufacturing operations in 1984. Since 1984, facilities at the site have been leased for warehousing and miscellaneous small business operations.

Section 2.1 Site Contamination

EPA's remedial project managers (RPMs) and community involvement coordinator (CIC) for the site provided the Land Use Committee and the community with information about the site's contamination at Committee meetings, project public meetings, and at a site visit for Committee members in December 2002. As of July 2003, the following information about the site's contamination is available.

Based on available EPA data, fertilizer, herbicide, and pesticide production at Central Chemical Corporation's facility between the early 1930s and 1984 resulted in spillage and disposal activities that contaminated the site's ground water, soils, and sediments, as well as sediments located downstream from the site. Contaminants identified at the site by EPA include the pesticides chlordane, DDT, dieldrin, endrin, lindane, and alpha- and beta-BHC, several volatile organic compounds (VOCs), as well as two metals, arsenic and lead.[4] The map below highlights two potential on-site disposal areas – the "lagoon" and "sinkhole" areas.

The Central Chemical site



[4] For additional information on these contaminants, the Agency for Toxic Substances and Disease Registry (ATSDR) provides summary information sheets on their website at www.atsdr.cdc.gov/toxfaq.html.

Data collected at intervals during the past ten years indicates several areas of contamination. These locations generally reflect areas of significant on-site activity, such as near the site's railroad access areas, where chemicals were loaded and unloaded. Exact contaminant locations will be determined as part of EPA's Remedial Investigation (RI), which includes soil, surface water, ground water, and sediment sampling. The site's RI, now underway, will provide information about the site's contaminants and assess the on-site risks that those contaminants may pose to people and the environment. The site's fenced boundaries indicate the area within which EPA has determined that contaminants may pose a health and safety risk to human health and the environment.

2.2 Current Site Status

EPA has approved a plan to investigate and decide how to clean up the Central Chemical Superfund site. The site's ongoing Remedial Investigation will provide EPA with the information that it needs to be able to fully assess the site's conditions, contaminants and extent of contamination, and the site contamination's risk to human health and the environment. The Feasibility Study (FS) consists of EPA's detailed analysis of different cleanup options for the site. The RI and FS are conducted at the same time, and the RI/FS process takes, on average, two years.

Depending on the extent and characteristics of the contamination documented during the RI/FS, the site's cleanup may take at least several years. On average, it takes nine years and ten months between when a site is listed on EPA's National Priorities List and completion of the site's cleanup. The

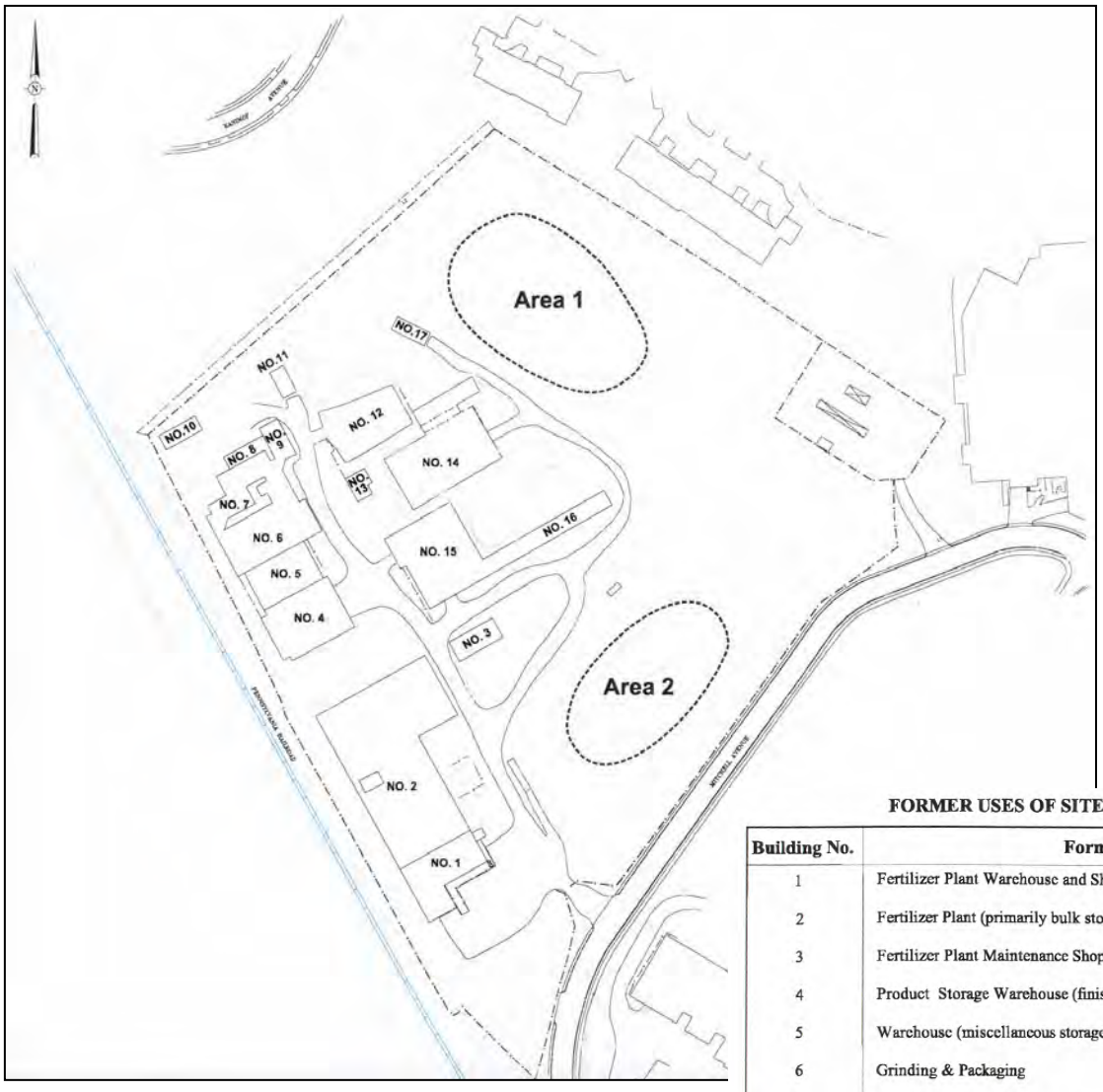
Site Timeline

1937	Central Chemical Corporation purchases 19-acre property on Mitchell Avenue.
1937-1984	Fertilizing mixing operations take place at the property.
1940s-1965	Pesticide and herbicide operations take place at the property.
1965	Fire destroys main blending operations buildings. Fire ends pesticide and herbicide production at the property.
1970-1978	Initial identification and cleanup of on-site contamination by Central Chemical Corp.
1987	Unauthorized utilities line excavation uncovers additional waste material.
1988-1992	EPA and MDE proceed with site investigations. Contaminants identified include arsenic, DDT, and lead. Fence erected around the site.
1997	EPA designates site as National Priorities List (NPL) Superfund site.
1997-2002	EPA in dialogue with site's potentially responsible parties (PRPs) to finalize RI/FS (Remedial Investigation/ Feasibility Study) work plan.
2000	Central Chemical Corporation records restrictive covenants restricting site uses to industrial uses.
2000	City of Hagerstown awarded SRI pilot grant to develop future land use recommendations for the site.
2002	City contracts with E²-IEN consulting team and community-based Land Use Committee formed for SRI pilot project.
2003	EPA approves RI/FS work plan to investigate and determine how to clean up the site.
June 2003	Land Use Committee provides final site reuse recommendations to EPA, MDE, and Hagerstown's Mayor, City Council, and Planning Commission. EPA's RI/FS for the site is ongoing.

Central Chemical Superfund site was listed on the NPL in 1997.

The illustrations below provide additional information about historical site operations and EPA's on- and off-site sampling plans for the site's ongoing Remedial Investigation and Feasibility Study (RI/FS). The illustrations were developed by URS Corporation, the site's RI/FS contractor.

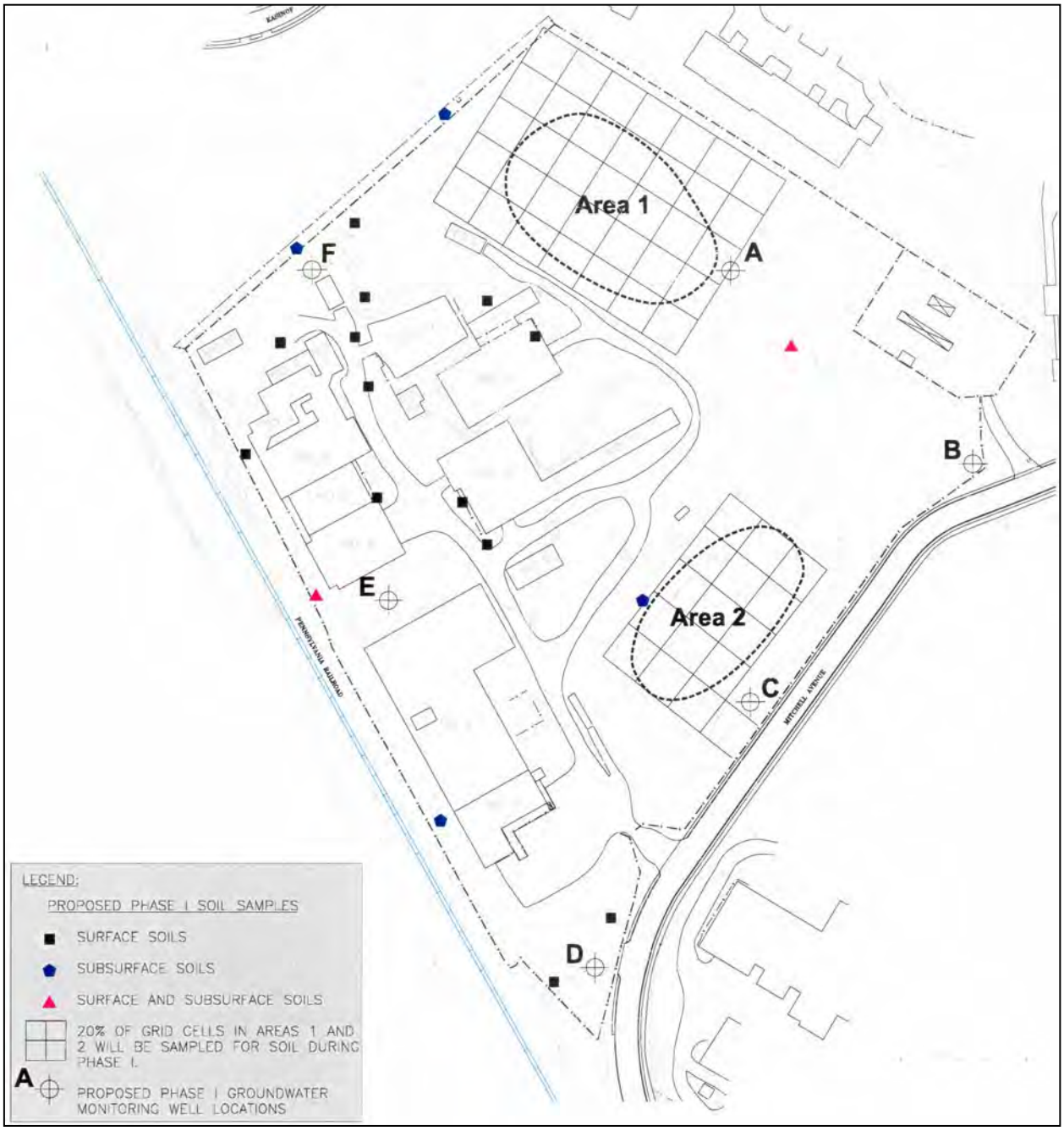
Central Chemical Superfund Site: *Historical Site Operations*



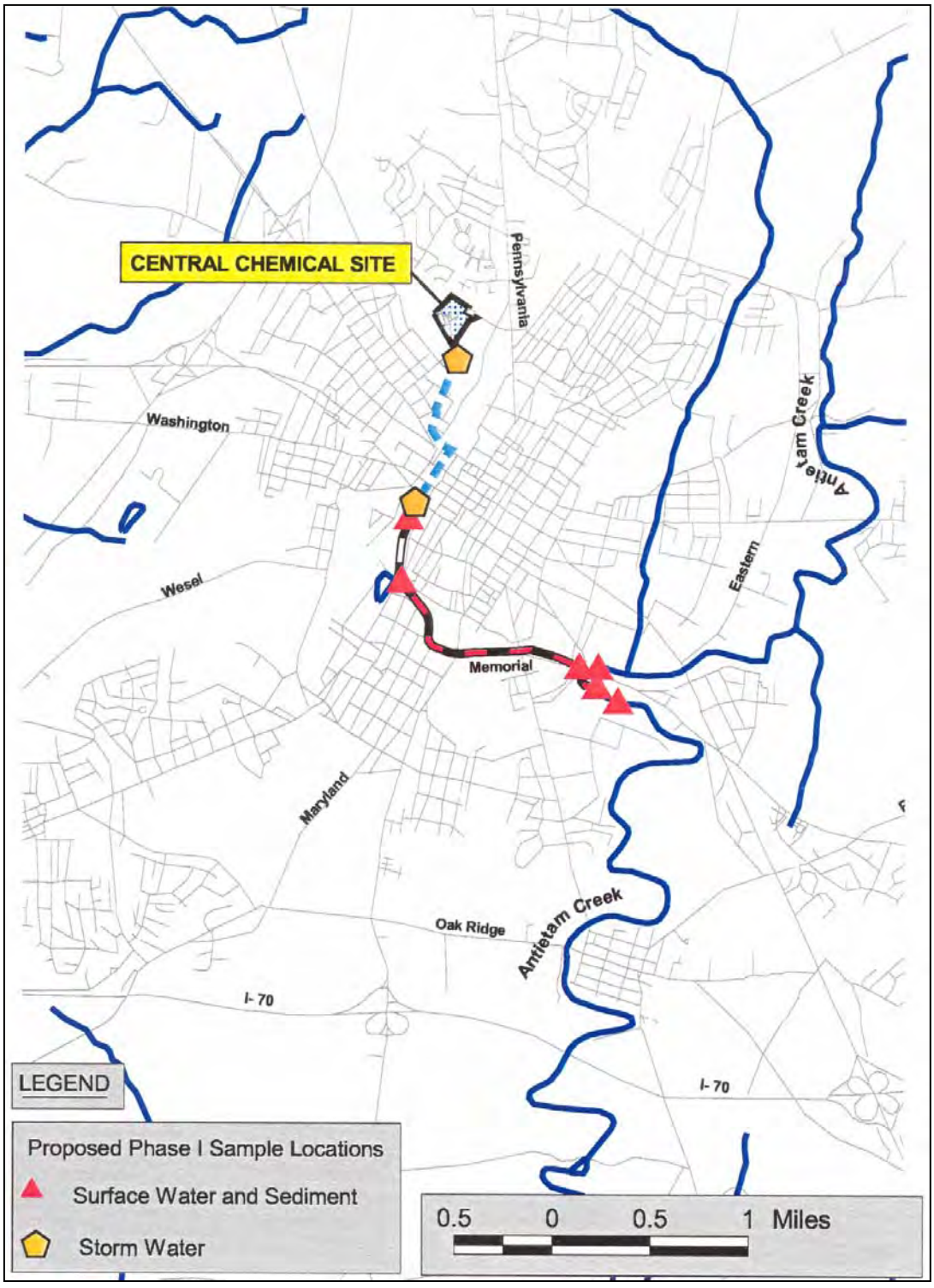
FORMER USES OF SITE BUILDINGS

Building No.	Former Usage
1	Fertilizer Plant Warehouse and Shipping/Receiving Office
2	Fertilizer Plant (primarily bulk storage of fertilizers)
3	Fertilizer Plant Maintenance Shop and Washrooms
4	Product Storage Warehouse (finished products)
5	Warehouse (miscellaneous storage)
6	Grinding & Packaging
7	Storage Warehouse
8	Manufacturing
9	Storage Warehouse
10	Lime Sulfur Building and Liquid Pesticide Manufacturing
11	Boiler House
12	Pesticide Plant Warehouse and Air Mill Building
13	Office and Laboratory
14	Pesticide Warehouse
15	Warehouse (Shaw Building) - finished product storage
16	Maintenance/Repair Shop/Electrical Shop
17	Double-wide Trailer (stored on site - not a permanent structure)

Central Chemical Superfund Site: ***Planned Sampling – Soil and Ground Water***



Central Chemical Superfund Site: ***Planned Sampling – Off-Site Surface Water, Sediment, and Storm Water***



2.3 Site Context, Topography, and Access

The 19-acre Central Chemical Superfund site is located approximately one mile from the City of Hagerstown's downtown district. Once surrounded by agricultural fields, today the site is an integral part of the City's urban fabric.

2.3.1 Site Context

The Central Chemical Superfund site is located within one of the City's Industrial General (IG) Districts. The IG District allows light industrial, office, and recreational uses, as well as a wide range of other – predominantly industrial – uses. As illustrated below, the site is surrounded to the south

The Central Chemical Site: Adjacent Land Uses and Zoning

and west by additional properties like Maryland Metals that are also zoned Industrial General (in purple). To the north, the site is bordered by residential neighborhoods – Brighton Manor and West Irvin Heights – that are part of a residential (R2) district (in orange). To the east, the site is bordered by a commercial (C2) district that includes the Giant Eagle shopping center.

2.3.2 Site Topography

The Central Chemical Superfund site is characterized by relatively flat topography. Elevations on the property range from 598 feet to 632 feet. Karst geology may underlie portions of the site – particularly a depression along the site's eastern boundary. Karst geology refers to a landscape formed over limestone, dolomite, or gypsum that is characterized by sinkholes, caves, and underground drainage. According to the City's Department of Engineering, karst geology underlies much of Hagerstown and would likely not limit potential reuse opportunities at the site.

The map below illustrates the site's topography in greater detail.

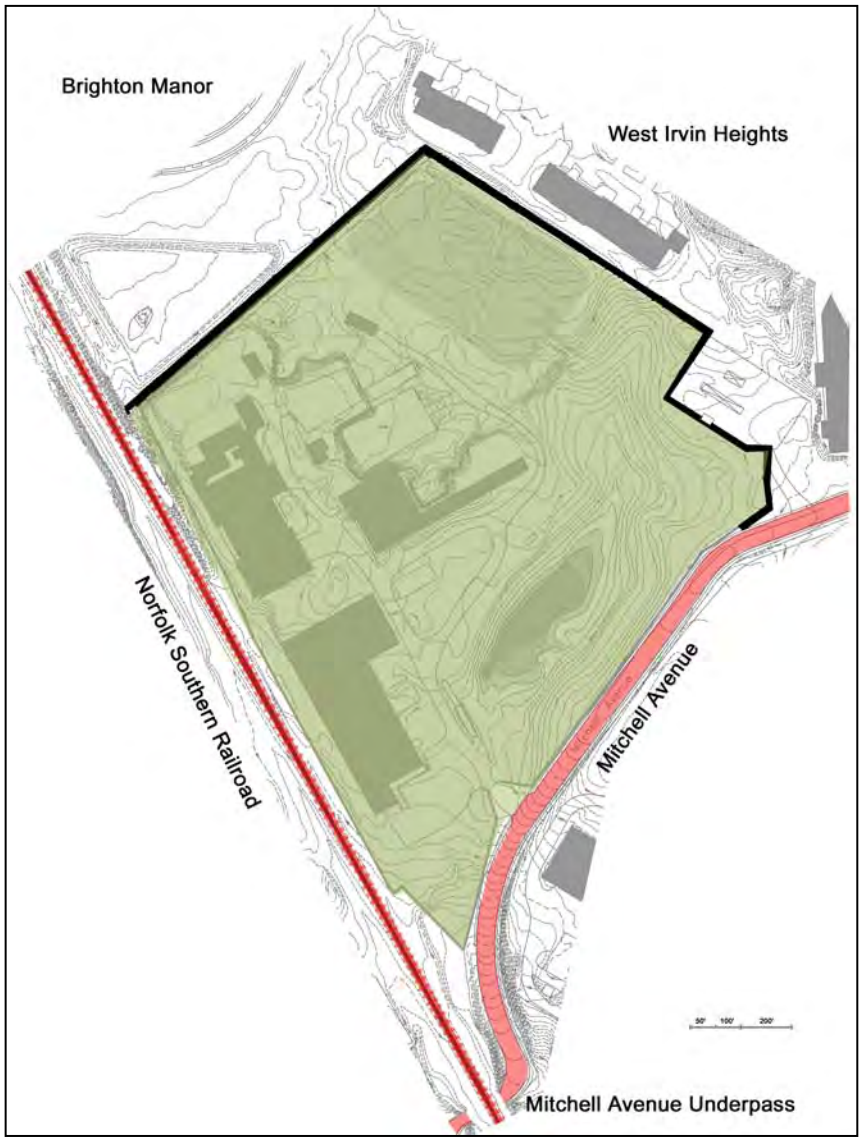
The Central Chemical Site: Site Topography

2.3.3 Site Access

The Central Chemical Superfund site can be accessed from the site's southern edges. Railroad access is available along the site's western boundary. Vehicular access to the site is limited to a single access point on Mitchell Avenue, along the site's southeastern edge. Mitchell Avenue is classified as a local street (less than 2,500 vehicles per day) and adjacent N. Burhans Boulevard is classified as an arterial street (more than 12,000 vehicles per day). The existing one-lane underpass on Mitchell Avenue is a significant traffic bottleneck and is not suitable for truck traffic. The City's Department of Engineering indicated that the majority of traffic generated at the Central Chemical site should use N. Burhans Boulevard as the site's primary point of access.

The map below illustrates the points of railroad and vehicular access at the site.

The Central Chemical Site: Site Access



Section 3. Project Information Resources

3.0 City's Impact Analysis

The Committee's reuse recommendations and guiding principles for the Central Chemical Superfund Redevelopment Initiative Pilot Project are based on research by the City's Department of Planning and the project's consultant team, as well as additional input from a team of landscape architecture students from the University of Virginia.

At the beginning of the reuse planning process, the Committee emphasized the importance of a comprehensive assessment of potential reuse scenarios for the site. The approach was designed to ensure that *all* possible reuse opportunities at the site were considered. The Committee worked with the consultant team to identify five reuse categories: industrial, residential, commercial, park/recreational, and civic. Within each of these categories, several types of reuse were evaluated.

Reuse Assessment Categories and Uses

- Industrial: light industry, heavy industry, and warehousing
- Residential: single-family, townhouses, apartments, and assisted living
- Commercial: shopping center, offices, and mini-warehousing
- Park/Recreational: passive park, active park, and little league park
- Civic: medical, school, government, and museum

The Committee also worked with the consultant team to develop a "Report Card" of assessment criteria for potential site reuses. The Committee identified eight assessment criteria:

"Report Card" Assessment Criteria

- Compatibility with Existing Zoning
- Furtherance of Comprehensive Plan Goals
- Traffic Impacts
- Development Characteristics / Intensity
- Compatibility with Nearby Uses / Features / Neighborhood Concerns
- Impacts on Schools
- Fiscal / Economic Impacts
- Public Services / Utility / Infrastructure Impacts

Based on these criteria, the City's Department of Planning developed an impact analysis that comprehensively assessed potential reuse scenarios for the Central Chemical site. The impact analysis examined how different types of reuse at the site could fit in with surrounding land uses and

their potential effect (more traffic, increased school populations, or increased tax revenues, for example) in the community. The City's impact analysis also provided the Committee with background information on the site's existing zoning, the City's Comprehensive Plan, and site access and transportation issues.

Below, this report describes this background information in greater detail, and then provides the City's impact analysis for light industrial, office park, and passive recreational uses (like natural areas) at the site. Appendix D provides the City's complete impact analysis for all potential reuse scenarios – industrial, residential, commercial, park/recreational, and civic – evaluated by the Committee.

3.0.1 Existing Zoning

The City's impact analysis first reviewed the site's zoning history and the description of the area in the City's 1997 Comprehensive Plan. Prior to March 1977, the Central Chemical site was zoned for Heavy Industry (HI) and adjacent properties to the north were zoned HI and Retail Business. In 1977, the site was rezoned to Industrial General (IG) and properties to the north were rezoned to a Residential (R2) District.

The Committee reviewed the site's existing IG zoning to determine how its zoning could be changed, depending on the Committee's reuse recommendations. In the State of Maryland, a request for a zoning reclassification must present strong evidence of a mistake in the original zoning or evidence of substantial change in the character of the area since the original zoning.[5] Accordingly, the Committee determined that, if its reuse recommendations required a rezoning, the rezoning could be a challenging process, as the area has not changed substantially since 1977. The Committee's reuse recommendations for an office park or light industrial uses with a natural buffer area will not require rezoning, as each of these uses is permitted under the site's existing IG zoning.

Background Site Information

- *Site's existing zoning:*
  - -- Industrial General (IG) District
  - -- Light industrial, office park, and recreational buffer uses allowed in IG District
- *City's Comprehensive Plan:*
  - -- Site designated as part of Mitchell Avenue area
  - -- Area designated as appropriate location for a small neighborhood employment center
- Site access and transportation issues:
  - -- Site has single-point, limited road access (via Mitchell Avenue)
  - -- Site's local street network may require improvements for increased traffic associated with future site uses

[5] For additional information, please refer to the following court cases: Montgomery Bd. of Commissioners for Prince George's County, 256 Md. 597 (1970) and Boyce v. Sembly, 25 Md. App. 43 (1975).

3.0.2 City of Hagerstown Comprehensive Plan

The City's 1997 Comprehensive Plan indicates that the site is located within the Mitchell Avenue area, which is bounded by the Norfolk Southern rail line to the west, the Central Chemical site and Giant Eagle property to the north, Pennsylvania Avenue to the east, and the CSX rail line to the south. The Plan recommends this area as an appropriate location for a small neighborhood employment center, stating that economic development efforts should aim for the optimal use of industrial land and buildings in the area. The Mitchell Avenue area is almost entirely nonresidential, consisting of a mixture of commercial and industrial uses, including three large industrial properties, two shopping centers, and several small mixed-use properties along Pennsylvania Avenue. The area includes a significant number of unused or underused properties and buildings.

The Committee reviewed the Comprehensive Plan's goals for the area to learn about previously identified needs and priorities in relation to the Central Chemical site. The Committee's reuse recommendations address the Plan's recommendations for a small employment center in the area. The Committee's recommendation to develop an on-site natural buffer area addresses additional community needs and priorities that are not addressed in the Plan. The City's Planning Department has indicated that the Committee's reuse recommendations will be incorporated into the City's update of the Comprehensive Plan, which will take place within the next two years.

3.0.3 Site Access and Transportation Issues

The City's impact analysis highlighted that the Central Chemical site has limited access (via Mitchell Avenue) and is located on a local street network that would likely require significant improvement for the increased traffic associated with virtually all potential reuse scenarios. Mitchell Avenue is classified as a local street (less than 2,500 vehicles per day) and adjacent N. Burhans Boulevard is classified as an arterial street (more than 12,000 vehicles per day). The existing one-lane underpass on Mitchell Avenue is a significant traffic bottleneck and is not suitable for truck traffic. The City's Department of Engineering indicated that the majority of traffic generated at the Central Chemical site should use N. Burhans Boulevard as the site's primary point of access. The City has no existing plans for transportation improvements that would affect traffic volumes/distribution in the area.

3.0.4 City of Hagerstown Impact Analysis: Light Industrial

Analysis: The impact analysis was structured to address the information that the Mayor and Council considers when reviewing a rezoning request per the requirements in the Zoning Ordinance and the Annotated Code of the State of Maryland.

1. <u>Development Characteristics/Intensity</u>

   Deduct 6.73 acres for the 200-ft buffer along north and west = 12.27 acres

   Minimum workable lot size for light manufacturing = 4 acres

   12.27 acres / min. 4 acres per lot = 3 lots

To determine the intensity of usage of a typical Light Industry business, this analysis used Action Products in the Hagerstown Business Park as a model for impact data. Action Products manufactures medical padding products. It has a 27,500 sq. ft. facility on 5.8 acres on Sweeney Drive. This facility has 80 employees on two shifts with an overlap between 2:00-2:30 p.m. Currently, it has two box truck deliveries per day, one tractor trailer truck delivery per month, and daily UPS deliveries. After renovations in the coming year, the facility will have two tractor trailer truck deliveries per day, one box truck delivery per week, and daily UPS deliveries.

2. Furtherance of Comprehensive Plan Goals

The proposed light industry business park use would be consistent with the Comprehensive Plan's goals for a small neighborhood employment center in this neighborhood.

3. Compatibility with Existing Zoning

The proposed use is permitted in the IG zoning district.

4. Compatibility with Nearby Uses/Features/Neighborhood Concerns

With buffering, the proposed use would be compatible with the adjoining residential neighborhoods, particularly since traffic would not pass through those developments. The use would generate significant traffic which Mitchell Avenue and its intersection with N. Burhans Boulevard might not be able to handle adequately. For example, 4-6 deliveries per day and 450 trips per day generated by staff, visitors, etc., for two enterprises such as Action Products. The attraction of the Mitchell Avenue underpass as a short cut to access the site to and from the West End could cause significant adverse traffic impacts at the underpass and through the West End's narrow residential street system. The use could provide customers for Norfolk Southern, which has an active freight line bordering the site.

5. Impacts on Schools

There will be no impact on schools with this use, because the use will not increase the population of the area.

6. Fiscal/Economic Impact

Tax revenues.

7. Traffic Impacts

It is anticipated that an 80-employee light industry business, such as Action Products, would add 225 average daily trips to the road network and 36 trips at peak hour.

With 12 acres available for development, the site could accommodate two enterprises such as Action Products. Depending upon the nature of the industrial operation, a fair amount of delivery traffic could also be added to the road network (i.e., two tractor trailer truck deliveries per day and one box truck per week for Action Products).

8. Public Services/Utility/Infrastructure Impacts

All public facilities and services rendered by the City of Hagerstown (electricity, water, and sewer) are available to the site.

Depending upon the ultimate redevelopment uses selected and the related increases in traffic, the turn lanes near N. Burhans Blvd may need to be lengthened or the signal timing at the intersection may need to be changed. A deceleration/turning lane may be required at the entrance to the Central Chemical site and a new traffic signal could be required on Mitchell Avenue at the site's entrance. When warranted, the developer will be responsible for all road improvements.

9. Potential Benefits Summary

The use could create good paying jobs for the community and tax revenues for the City.

10. Potential Liabilities Summary

Traffic impacts on Mitchell Avenue and at the N. Burhans intersection.

3.0.5 City of Hagerstown Impact Analysis: Office Park

Analysis: This impact analysis was structured to address the information that the Mayor and Council considers when reviewing a rezoning request per the requirements in the Zoning Ordinance and the Annotated Code of the State of Maryland.

1. Development Characteristics/Intensity

Deduct 6.73 acres for the 200-ft buffer along north and west = 12.27 acres

Minimum workable lot size for office buildings = 2 acres

12.27 acres / min. 2 acres per lot = 6 lots

To determine the intensity of usage of a typical office complex, this analysis used the Eastern Professional Center in the MKS Business Park on Eastern Boulevard as a model for impact data. The Eastern Professional Center occupies a 3.35 acre parcel and includes two buildings with a total of 40,000 square feet of office space and 191 parking spaces. The new building (under construction) will include a 9,600 sq. ft.

surgery center, a 9,600 sq. ft. radiology center, and 9,600 sq. ft. on the third floor for office use by other tenants. The existing building has the 9,000 sq. ft. Mid- Atlantic Orthopaedic and Physical Therapy Center and a 9,000 sq. ft. brokerage firm. Mid Atlantic Orthopaedic has 33 staff members, sees 400-500 patients per week, and receives daily Fed Ex deliveries.

2. Furtherance of Comprehensive Plan Goals

The proposed office complex use would be consistent with the Comprehensive Plan's goals for a small neighborhood employment center in this neighborhood.

3. Compatibility with Existing Zoning

The proposed use is permitted in the IG zoning district.

4. Compatibility with Nearby Uses/Features/Neighborhood Concerns

With buffering, the proposed use would be compatible with adjoining residential neighborhoods, particularly since traffic would not pass through those developments. The use would increase traffic significantly, which Mitchell Avenue and its intersection with N. Burhans Boulevard might not be able to handle adequately. For example, 1,000 trips per day generated by staff, visitors, etc., for a 300-employee office building. The attraction of the Mitchell Avenue underpass as a short-cut to access the site to and from the West End could cause adverse traffic impacts at the underpass and through the West End's narrow residential street system. However, the traffic impact would be less than the commercial use of a shopping center. The use could provide several customers for Norfolk Southern railroad, which has an active freight line bordering the site.

5. Impacts on Schools

There will be no impact on schools with this use, because the use will not increase the population of the area.

6. Fiscal/Economic Impact

Tax revenues.

7. Traffic Impacts

It is anticipated that a 300-employee office building or a 40,000 sq.ft. medical office building, such as the Eastern Professional Center, might add 1,000 average daily trips to the road network and 115 trips at peak hour. With 12 acres available for development, the site could accommodate two office complexes such as the Eastern Professional Center. Depending upon the make-up of the office tenants, a fair amount of delivery traffic could also be added to the road network.

8. Public Services/Utility/Infrastructure Impacts

All public facilities and services rendered by the City of Hagerstown (electricity, water, and sewer) are available to the site.

Depending upon the ultimate redevelopment uses selected and the related increases in traffic, the turn lanes near N. Burhans Blvd may need to be lengthened or the signal timing at the intersection may need to be changed. A deceleration/turning lane may be required at the entrance to the Central Chemical site and a new traffic signal could be required on Mitchell Avenue at the site's entrance. When warranted, the developer will be responsible for all road improvements.

9. Potential Benefits Summary

The use could create good paying jobs for the community and tax revenues for the City.

10. Potential Liabilities Summary

Traffic impacts on Mitchell Avenue and at the N. Burhans intersection.

3.0.6 City of Hagerstown Impact Analysis: Passive Park

Analysis: This impact analysis was structured to address the information that the Mayor and Council considers when reviewing a rezoning request per the requirements in the Zoning Ordinance and the Annotated Code of the State of Maryland.

1. Development Characteristics/Intensity

A passive park is a landscaped public place that may include pedestrian trails, tot lots, picnic pavilions, gardens, water features, forested areas, and/or a music pavilion. City Park is a local example. Since a great deal of the attendance is unorganized (families feeding the ducks, using the tot lots, or walking the trails), gauging the numbers of users in a given week can be difficult. Organized events (picnic pavilion rentals and Band Shell events) can give a sense of the park's usage. The City rents eight picnic pavilions to private groups from April to October. In 2002, the pavilions were rented 222 times. The Band Shell is the site of summer Sunday concerts by the Municipal Band. The concerts typically draw 500 people per week.

2. Furtherance of Comprehensive Plan Goals

The proposed use would not be consistent with the Comprehensive Plan's goals for a small neighborhood employment center in this neighborhood. It would be consistent with the Plan's goals for a new park in the Carroll Heights neighborhood to the north.

3. Compatibility with Existing Zoning

The proposed use is permitted in the IG zoning district.

4. Compatibility with Nearby Uses/Features/Neighborhood Concerns

With buffering, the proposed use would be compatible with the adjoining residential neighborhoods, particularly since traffic would not pass through those developments. The use could generate a fair amount of traffic to the road network. The attraction of the Mitchell Avenue underpass as a short cut to access the site to and from the West End could cause significant adverse traffic impacts at the underpass and through the West End's narrow residential street system. It may not be desirable to locate a park on a site which is bounded by an active freight rail line because it might tempt children to cross the tracks to access the site to and from the West End.

5. Impacts on Schools

There will be no impact on schools with this use, because the use will not increase the population of the area.

6. Fiscal/Economic Impact

Municipal parks do not provide tax revenues for the City. In addition, parks require significant annual funding allocations for maintenance.

7. Traffic Impacts

It is anticipated that the proposed use would add 200 average daily trips to the road network on the weekend. Traffic volume varies depending upon the park amenities.

8. Public Services/Utility/Infrastructure Impacts

All public facilities and services rendered by the City of Hagerstown (electricity, water, and sewer) are available to the site.

Depending upon the ultimate redevelopment uses selected and the related increases in traffic, the turn lanes near N. Burhans Blvd may need to be lengthened or the signal timing at the intersection may need to be changed. A deceleration/turning lane may be required at the entrance to the Central Chemical site and a new traffic signal could be required on Mitchell Avenue at the site's entrance. When warranted, the developer will be responsible for all road improvements.

9. Potential Benefits Summary

Parks add to the quality of life of a community and influence home-buyer decisions.

10. Potential Liabilities Summary

The State's budget reductions may eliminate or substantially cut traditional funding sources for park acquisition and construction. The City's strained budget situation would make it difficult at present to accommodate the expense of staffing and maintaining an additional park.

3.0.7 Impact Analysis Conclusions

As described above, the City's impact analysis indicated that light industrial and office park uses at the Central Chemical site would be compatible with the City's Comprehensive Plan and existing IG zoning district, could generate jobs and tax revenues, and create significant traffic flows. A passive park at the site would be compatible with the site's existing zoning, would be compatible with adjacent residential uses, would generate significant traffic flows only during special events, could require public funding sources, and would not generate direct tax revenues for the City.

The Land Use Committee reviewed these uses as part of the City's complete impact analysis for the five reuse categories – industrial, residential, commercial, park/recreational, and civic – identified by the Committee for evaluation. The City presented the impact analysis to the Committee at its February 20th meeting, and the Committee presented the impact analysis to the community at the project's second public meeting, held on March 20th at Western Heights Middle School. The Committee incorporated the impact analysis as an important component of its information-gathering process, which in turn informed Committee discussions and the development of the project's guiding principles and reuse recommendations.

3.1 University of Virginia Student Research

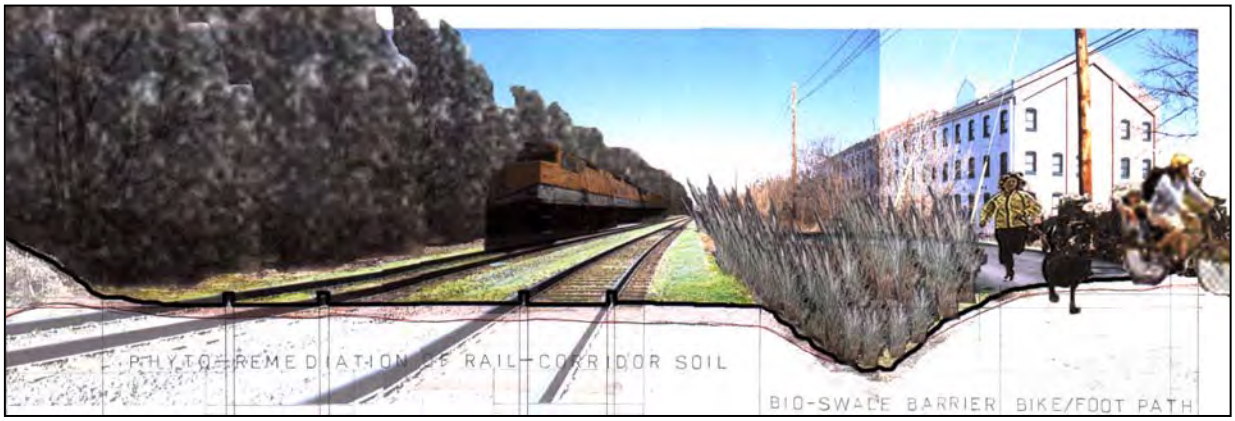
The Land Use Committee's discussions and decision-making were also informed by research and site design ideas developed by graduate landscape architecture students from the University of Virginia's BOOM studio. Studio participants presented their research and site design ideas to the Committee on April 17th, 2003.

The studio's research and design ideas examined the Central Chemical Superfund site within the larger context of the City of Hagerstown, analyzing the site's existing and potential future relationships with surrounding land uses, cultural resources, and points of access. The studio explored innovative remediation solutions, including phytoremediation (plants) and bioremediation (microorganisms), that would allow natural processes to help clean up the site over time. The studio also developed a range of site design proposals that focused on the integration of natural processes, natural areas, and working landscapes on the site. BOOM studio's design proposals included plans for an on-site storm water park, sports park, farm, skate park, watershed park, rails to trails recreational trail network, ecological laboratory, and wildlife habitat.

Committee members were particularly interested in the studio's remediation ideas, opportunities to incorporate natural processes and natural areas as part of a mixture of site reuses, and the studio's

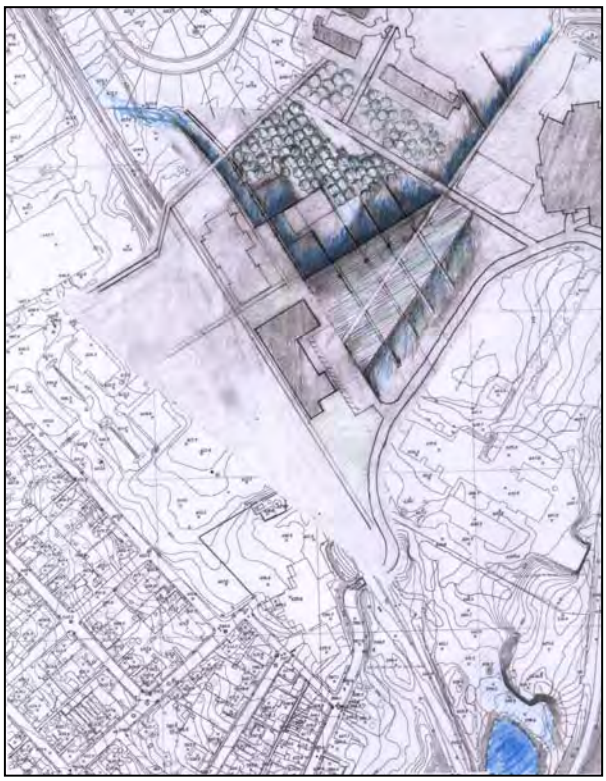
relation of the site to its surrounding context. The illustrations below provide an initial introduction to the studio's site designs.[6]

BOOM Studio Site Designs

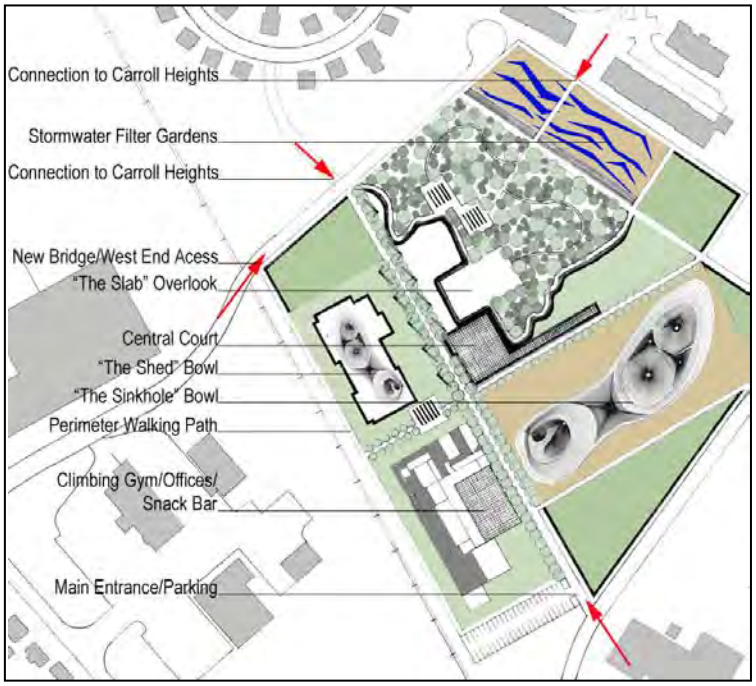


Rails to Trails Recreational Trail Network

Storm Water Park Plan



Site Skate Park Facilities



[6] BOOM studio has also published a booklet that describes the studio's research and site designs in greater detail. Contact the City's Planning Department for additional information.

Section 4: Next Steps and Resources

4.0 Keys to Success

The Land Use Committee recognizes that its reuse recommendations represent an important step that will inform the cleanup and eventual reuse of the Central Chemical Superfund site. The Committee also recognizes that its recommendations represent a *first* step that will need to be followed up with sustained community interest and involvement, partnerships, and resources.

This section of the report provides a detailed assessment of important partnership opportunities, community resources, and next steps to ensure that this report serves as part of an active and ongoing community discussion and continues to inform EPA's cleanup planning for the Central Chemical Superfund site.

Key #1: Community Partnerships

The realization of successful reuse outcomes at the Central Chemical Superfund site will require additional funding and technical resources, local political support, the involvement of the site's owner, and ongoing coordination with EPA. Community partnerships can integrate each of these components and ensure that the components are working together and creating new opportunities and solutions that can enhance site reuses.

The SRI reuse planning pilot project for the Central Chemical Superfund site has created avenues of communication between community members, community organizations, the City of Hagerstown, and the site's owner, the Central Chemical Corporation. These avenues of communication need to be maintained and expanded in the months and years ahead. Working together, these interests will be able to develop flexible and innovative solutions that meet the needs of all parties. In the short-term, for example, the community and the site owner can work together to pursue funding and design opportunities for the site's natural buffer area. At the same time, the community and site owner can also work with EPA to clarify the potential time frame for the reuse of the site's buffer area and determine potential use restrictions required by the site's remedy. The ongoing, PRP-sponsored Community Liaison Panel process for the site's RI/FS also represents an important opportunity to sustain community interest and develop new partnerships.

Appendix C provides a list of community organizations and government resources identified by the Land Use Committee as potential partners to help return the site to successful reuse.

Key #2: Resources, Resources, Resources

Resources, including technical assistance, financial assistance, and educational outreach, are available from a range of local, state, and federal agencies, non-profit organizations, and private companies. While the community can designate important local resources to help return the Central Chemical Superfund site to reuse, these additional resources can provide opportunities to expand, enhance, and sustain community efforts over time. On the pages that follow, Sections 4.1 and 4.2 describe potential public- and private-sector resources in greater detail.

Key #3: Linking Reuse Recommendations and the Site's Reuse

The Land Use Committee's reuse recommendations for the Central Chemical Superfund site will need to be followed up with policy tools, regulatory mechanisms, and incentives to increase the likelihood that light industrial and office uses with a natural buffer area will be developed on the site. Today, the site's existing Industrial General (IG) zoning allows light industrial and office uses, but also allows a wide range of other – predominantly industrial – uses. A partial list of these uses includes knitting mills, breweries, paint manufacturers, plastics manufacturers, and saw mills, as well as special exception uses that include concrete mixing plants, foundries, and natural gas distribution. To increase the likelihood that the Central Chemical Superfund site is redeveloped for light industrial or office park uses with a natural buffer area, the community and the City of Hagerstown can consider several different policy and regulatory tools, described below.

4.1 Light Industrial & Commercial Office Park Development

This section describes the tools and resources available to the community, the City of Hagerstown, and the site's property owner to increase the likelihood that light industrial or commercial office park uses will be developed on the site.

The site's owner and prospective developers evaluating the site will consider a wide range of factors, including site location, access, and infrastructure, local and regional economic conditions, regional demographics, financing costs, and project risks, to determine a critical valuation: can profits be adequately maximized and project risks sufficiently minimized to justify a project's development? The community and City of Hagerstown can use innovative policy tools, regulatory mechanisms, and incentives to help answer this question, opening the door to the site's successful reuse.

Tools & Resources:

- City Comprehensive Plan / Zoning Ordinance Update
- City's Capital Improvement Program Prioritization
- EPA Ready for Reuse Determination (RfR)
- Funding Resources and Incentives

4.1.1 Comprehensive Plan / Zoning Ordinance Update

The City of Hagerstown's Comprehensive Plan and Zoning Ordinance can be updated to reflect the Committee's land use recommendations for the Central Chemical site. Both documents can reflect the City's support and endorsement of the reuse planning process for the site and the Committee's reuse recommendations, providing prospective developers with guidelines to ensure that the site is appropriately reused.

The City's 1997 Comprehensive Plan recommends the Mitchell Avenue area, which includes the Central Chemical site, as an appropriate location for a small neighborhood employment center, stating that economic development efforts should aim for the optimal use of industrial land and buildings in the area. This description can be further targeted to describe light industrial and office park uses, while language can be added to reflect the Committee's recommendation that a natural buffer area be included as part of the site's reuse.

The City's 2003 Zoning Ordinance indicates that the Central Chemical site is located within the City's Industrial General (IG) district. As described above, the IG district allows light industrial and office uses, but also allows a wide range of other – predominantly industrial – uses. To increase the likelihood that the Central Chemical Superfund site is redeveloped for light industrial or commercial office park uses with a natural buffer area, the Zoning Ordinance could be updated in several ways:

- The IG district could be revised to eliminate uses (like heavy industrial operations or special exception uses) that would adversely impact intended future uses at the Central Chemical site. However, this revision would be applicable to *all* IG sites across the City.

- The site could be rezoned to an Industrial Restricted (IR) district, which excludes heavy industrial uses. A potential change or mistake argument could stipulate that the character of the area changed with the development of adjacent residential neighborhoods and light industry would therefore be a more appropriate use within that context.

- The IG district could be modified to include a provision that, where the IG district includes a Superfund site that has a City-approved reuse plan, uses not compatible with that plan would not be allowed. The legality of this approach would need to be evaluated.

- An overlay Superfund or Reuse Plan district could be created. Where applied, the district would recognize a site with a City-approved site reuse plan as a general development plan to which uses and design would need to be in general conformity. Planning Commission and Mayor and City Council hearings would be required to provide community input at the time of a specific development proposal.

4.1.2 City's Capital Improvement Program Prioritization

In addition to its annual budget, the City prepares and adopts a five-year Capital Improvement Program, which lists capital projects, estimated project costs, and funding sources. The goal of the Plan is to order the City's fiscal expenditures while coordinating public investment with adopted plans and policies to properly manage the City's long-term investments.

Given the City's acceptance of the Committee's reuse recommendations and the reflection of these recommendations in the City's Comprehensive Plan, the Central Chemical site could be identified as a Program target area and Program funds could be used to facilitate on- and off-site improvements. The reuse of the Central Chemical site meets several Program goals, including "improving or rehabilitating deteriorated facilities" and "promoting jobs or benefiting a large population segment,"

according to the Program's guidelines. Potential capital improvements at the site will need to be determined at a future date, as reuse plans are finalized following completion of the site's cleanup.

4.1.3 EPA Ready for Reuse Determination (RfR)

EPA is currently establishing a pilot program called a Ready for Reuse Determination (RfR) that could serve as an effective tool to help return the Central Chemical site to successful reuse. Historically, Superfund sites have been difficult to market and return to productive reuse, often due to either a lack of information about the sites or difficulties in interpreting available information. Many land parcels that are low environmental risks are stigmatized because they are or were part of Superfund sites. The RfR concept was developed to aid the real estate market by making an affirmative statement that a site identified as "ready for reuse" will remain protective of human health and the environment. An RfR can further aid the real estate market by providing documentation, written in plain English, to support the ready for reuse determination. RfRs will communicate information that, where appropriate, will support both public reuse (ecological/recreational/governmental) and private reuse (industrial/commercial/residential).

At the Central Chemical site, an RfR could be issued following completion of the site's remedy that would identify the site as ready for identified reuses that would not impact the site's remedy. For information about the pilot process, interested parties should contact EPA's Remedial Project Manager for the Central Chemical site.

4.1.4 Funding Resources and Incentives

The City of Hagerstown, Washington County, and the State of Maryland have set up a variety of economic incentive programs and financial resources to attract new economic development opportunities. The programs listed below can provide loans, incentives, and tax credits to promote the development of light industrial and commercial office park uses at the Central Chemical site. The final resource – the Wal-Mart Good Works Program – is a private-sector resource.

- **Hagerstown-Washington County Enterprise Zone Program –**
  Hagerstown-Washington County Economic Development Commission

- **Financing Programs –**
  Maryland Department of Business and Economic Development (DBED)

- **Public Works and Economic Development Program –**
  U.S. Department of Commerce, Economic Development Administration

- **Wal-Mart Good Works Program**
  Wal-Mart, Inc.

Appendix B provides detailed information on these programs.

4.2 On-Site Natural Area Development

While the tools and resources described on the previous page target the development of light industrial and commercial office park facilities at the Central Chemical site, different tools and resources are required to facilitate the development of a natural buffer area on the site.

The Land Use Committee's reuse recommendations stipulate the creation of a buffer area on the site that can provide the community with natural areas and native woodlands for community residents to visit and enjoy, as well as bike paths, walking trails, and educational resources. This section of the report describes the tools and resources available to the community, the City of Hagerstown, and the site's property owner to enhance the development of a natural buffer area on the site.

Tools and Resources

- Conservation Easement Implementation
- Forest Conservation Ordinance Review
- Deed Restriction Revision or Removal
- Additional Resources

The site's existing Industrial General (IG) zoning requires a 200-foot buffer area along the site's northern boundaries, which abut residential areas. However, changes to the site's zoning in the future could remove this requirement. In addition, there are no conditions in place to ensure that the buffer area's development reflects community preferences. Several resources are available to ensure that this buffer area exists in perpetuity, is adequately funded, and is designed to incorporate the community's expressed preferences.

4.2.1 Conservation Easements

A conservation easement can be used to protect and preserve the site's buffer area in perpetuity. A conservation easement is a legal agreement between a property owner and an easement-holding organization like a land trust or public agency that restricts the type and amount of development that may take place on a property. The easement spells out the rights that the property owner retains and the restrictions on use of the property. Once instituted, the easement is monitored and enforced by the easement-holding organization.

At the Central Chemical Superfund site, the site's owner, the Central Chemical Corporation, would place a conservation easement on the site's buffer area. Central Chemical Corporation would continue to retain title to the entire property after selling or donating the conservation easement. Once placed, the easement would "run with the land" and be appended to the property's deed; future property owners would not be able to remove the easement.

In return for placing the easement on the site's buffer area, the company would become eligible for state and federal tax benefits. The Company could also receive compensation from the easement-holding organization or from the City in return for the easement. The value of the easement would typically be determined by an appraisal of the difference between the site's value before the placement of the easement and its value after placement of the easement.

There are several Maryland-based organizations that accept conservation easements for properties in the Hagerstown area. These organizations include the Potomac Conservancy, the K & S Wildlife Land Trust, the Maryland Environmental Trust, and the Restoration Conservancy. For additional information about these organizations, please refer to Appendix B.

4.2.2 Forest Conservation Ordinance Review

The City's Forest Conservation Ordinance can also provide resources and effective guidelines for the development of the site's natural buffer area. The City's Ordinance, enacted in 1999, was written "for the preservation or replanting … of trees or forests during certain development activities." New development projects in the City that meet certain criteria must submit a forest conservation plan that documents existing forest resources and protects retained forest areas during construction. Development projects that plan to remove portions of forested areas on their properties must either plant new trees (reforestation) or, if the City's requirements for reforestation cannot be met, contribute money, at a rate of 30 cents per square foot of the area of required planting, into the City of Hagerstown's forest conservation fund. Monies from the fund are used to develop new forest stands in "priority areas" in the City.

The City's Forest Conservation Ordinance can be updated to provide resources and effective guidelines for the development of the site's natural buffer area in two primary ways. First, the Ordinance can be used to designate the site as a "priority area," making the site eligible for the City's forest conservation fund monies to help pay for the buffer area's reforestation. Specifically, Article 10.1.C of the Ordinance could be updated to include language that designates community natural areas and contaminated areas where phytoremediation (the use of plants and trees) is a possible remediation option as priority areas. The Ordinance will also need to define in greater detail the selection of priority areas and the designation of forest conservation funds, as well as either including or providing a link to City maps and resources that highlight priority areas and properties with forest conservation plans in the City.

Second, the Ordinance can help guide the reforestation of the site's buffer area by providing recommended tree and plant guidelines. The Committee's reuse recommendations indicate that the site's buffer area should include tree and plant species native to the City and Washington County. Currently, Article 12.1.A of the Ordinance does stipulate that "tree species used for afforestation or reforestation shall be native to Washington County, when appropriate." However, the Ordinance and/or the City's Forest Conservation Technical Manual need to include a detailed list of approved native tree and plant species, as well as additional guidelines for the appropriate size, planting, and long-term care of the trees and plants.

For more information about the City's Forest Conservation Ordinance, contact the Department of Planning in City Hall.

4.2.3 Deed Restriction Revision or Removal

On September 25th, 2000, the Central Chemical Corporation placed restrictive covenants on the Central Chemical site. Restrictive covenants are legal declarations that limit allowable land uses on a piece of property and are recorded as part of a property's deed.[7] At the Central Chemical site, the restrictive covenants restrict the site's uses to commercial and/or industrial uses, which could potentially limit the development of an on-site natural buffer area.

The covenants stipulate that if the company or EPA determines at a future date that the covenants are not necessary to protect public health or the environment, the covenants can be removed. Accordingly, the site's owner can work with the City, community members, EPA, and MDEQ during the site's cleanup to determine the feasibility of revising or removing the site's restrictive covenants. EPA's selected remedy for the site could require that the site's restrictive covenants remain in place in perpetuity. However, the site's remedy could also allow for portions of the site or the entire site to be available for additional uses, including a natural buffer area.

4.2.4 Additional Resources

Public- and private-sector organizations are available to provide technical assistance, financing, and educational outreach to support the development of the site's natural buffer area. In particular, the development of an on-site trail network with connections to surrounding neighborhoods and Mitchell Avenue may be assisted by the organizations listed below.

- **National Center for Bicycling and Walking**

  Created to promote and help to create walkable and bicycle-friendly communities, the Center provides planning services, training programs, economic development and tourism planning and analysis, and organizes workshops and conferences.

- **National Recreational Trails Program**

  Administered by the State Highway Administration, this program funds the development of community-based, motorized and non-motorized recreational trail projects. The program provides funds for all kinds of recreational trail uses, such as pedestrian uses, bicycling, and in-line skating. The program matches federal funds with local funds or in-kind contributions to implement trail projects.

Appendix B provides detailed information on these programs.

[7] These covenants can be placed, modified, or removed only by the property owner that originally put the restrictions in place. A property's current owner is responsible for the maintenance of the property's restrictive covenants. There is no local, state, or federal oversight or enforcement of restrictive covenants.

Section 5. The Central Chemical Superfund Redevelopment Initiative Pilot Project

The Central Chemical Superfund Redevelopment Initiative Pilot Project was established as an eight-month, community-based reuse planning process. The process was managed by a Land Use Committee, an 18-member body that met nine times and interacted with the larger community during a series of three public meetings.

Funded by a pilot grant from EPA's Superfund Redevelopment Initiative (SRI), the City of Hagerstown's Planning Department served as the project's sponsor and developed an impact analysis of reuse alternatives at the Central Chemical Superfund site. The project's consultant team, from environmental consultants E^2 Inc. and the University of Virginia's Institute for Environmental Negotiation (IEN), organized public outreach efforts, provided research, analysis, and design services, facilitated committee and public meetings, and provided technical review services. The Technical Outreach Services for Communities (TOSC) program, from the Center for Hazardous Substances in Urban Environments in Baltimore, provided technical expertise at no cost to help address the community's site health and safety concerns.

This section of the report describes the project's structure and timeframe in greater detail.

Project Partners

Project Sponsorship:
City of Hagerstown Planning Department

Project Community Team:
Land Use Committee

Consultant Services:
E^2 Inc.
University of Virginia's Institute for Environmental Negotiation (IEN)

Educational and Technical Resources:
Technical Outreach Services for Communities (TOSC) Program

Project Funding:
EPA Superfund Redevelopment Initiative Pilot Program

Project Chronology

EPA's Superfund Redevelopment Initiative Pilot Program awarded a reuse planning pilot grant to the City of Hagerstown in 2000. In September 2002, the City contracted with E^2 Inc. and the University of Virginia's Institute for Environmental Negotiation to provide consulting services for the project.

The project's first Land Use Committee meeting was held in November 2002. The project's final Committee meeting was held in June 2003.

5.0 The Land Use Committee

The project's consultant team worked with the City's Planning Department to develop the structure of the Land Use Committee and identify potential Committee members, contact potential Committee members, and bring Committee members together for the project's first meeting in November 2002.

5.0.1 Committee Composition

The Land Use Committee's structure was designed to ensure that the community-based group included a diverse range of interests. Besides a general interest that the Committee represented community characteristics such as age, race/ethnicity, and economic level, the participation of the following specific interests was also targeted:

- residents and property owners adjacent to the site
- residents and property owners from across the City
- local business interests
- local government officials
- the site owner
- potentially responsible parties (parties whose activities on the site or relationships with the site owner may incur obligation to assist in the site cleanup)

The Committee's structure was also designed to include other "resource" members that could provide expertise but did not have a stake in the project's outcome and were not involved in determining the Committee's reuse recommendations. Examples of resource members included representatives from the Hagerstown Fire Department, Hagerstown Engineering and Planning Departments, and Maryland Department of the Environment.

5.0.2 Committee Participation Goals

Following design of the Committee's structure, participation goals were developed for potential Committee members. In order to serve as a member of the Committee, potential members were asked to be willing and available to:

Land Use Committee Photos

Land Use Committee Members: *(top)* in discussion with City Planning Director Kathleen Maher; *(middle)* touring the Central Chemical site; and *(bottom)* working with TOSC's Ralph Lightner during a Committee meeting

Committee Participation Criteria

- Participate in six Committee meetings and three community meetings over the course of the eight-month process. Each community meeting was also to be immediately followed by a short Committee debriefing session.
- Participate in one of three subcommittees, which were to focus on public outreach, education and participation, resources and funding, and reuse assessment, respectively.
- Represent the interests of the City as a whole rather than any single specific interest; and
- Entertain a wide range of potential uses for the site.

During early project meetings, Committee members decided that the Committee would work on the tasking originally assigned to the three subcommittees. While the Committee worked in small groups during several meetings to address these tasks, these groups were informal and the subcommittees were never formally established.

5.0.3 Committee Roles and Responsibilities

During the first two Committee meetings, the project's consulting team worked with the Committee to clarify the group's roles and responsibilities. These roles and responsibilities were then revisited throughout the project, serving as guidance for the Committee's discussions and decision-making. The Committee identified the following roles for the group:

Committee Roles

- Listening to the local community throughout the process and incorporating their perspectives in the Committee's discussions.
- Bringing public interests to the table
- Learning – about the Superfund program, reuse opportunities, and the site.

Committee Roles *(cont.)*

- Developing and evaluating reuse options for the site.
- Providing City Council and EPA with its reuse recommendations for the site. EPA will take the recommendations under consideration as the site remedy is designed.
- Serving as local ambassadors and information sources for the community. Community involvement at the site will be needed into the future, in the months and years to come, and will require ongoing community interest and engagement.

5.0.4 Committee Ground Rules and Decision-Making

The Land Use Committee also worked with the project's consulting team during the project's first two Committee meetings to establish ground rules and a decision-making structure for the Committee's discussions. Ground rules identified by the Committee include:

Committee Ground Rules

- Committee discussions should be an open, friendly process where different opinions are welcome and respected.
- Clear, understandable language should be used in Committee discussions. Any time that an acronym is used, it should be explained.
- The project should be an interactive process that reaches into the community to provide information and to receive input.

Once the project's ground rules were established, the Committee discussed how the group would reach decisions and develop its reuse recommendations during the project.

Committee Decision-Making

The Committee determined that the group would seek consensus agreement on their recommendations for the Central Chemical Superfund site. Should full agreement not be possible, the Committee determined that an accurate description of group preferences, along with the pros and cons of various options and areas of agreement and disagreement, would be reported to the City and EPA.

5.1 Project Timeframe

The Land Use Committee also worked with the City's Planning Department and the project's consultant team to finalize the project's timeframe. The Committee determined that the reuse planning process for the Central Chemical Superfund site would take eight months and include nine Committee meetings and three public meetings.

Project Timeline

Land Use Committee Meeting Schedule:

- Committee Meeting #1: Thursday, Nov. 21st, 5:30-9:30 pm
- Committee Meeting #2: Thursday, Dec. 5th (site visit), 4:00-7:45 pm
- Committee Meeting #3: Thursday, Jan. 16th, 5:30-8:30 pm
- Committee Meeting #4: Thursday, Jan. 23rd, following first public meeting
- Committee Meeting #5: Thursday, Feb. 20th, 5:30-8:30 pm
- Committee Meeting #6: Thursday, Mar. 20th, following second public meeting
- Committee Meeting #7: Thursday, April 24th, 5:30-8:30 pm
- Committee Meeting #8: Thursday, May 22nd, following third public meeting
- Final Committee Meeting: Thursday, June 5th, 5:30-8:30 pm

Committee Meeting Location:

City Hall, Room 407
One East Franklin St.
Hagerstown, MD

Public Meetings Schedule:

- Public Meeting #1: Thursday, Jan. 23rd, 7:00 pm – 8:45 pm
- Public Meeting #2: Thursday, Mar. 20th, 7:00 pm – 8:30 pm
- Public Meeting #3: Thursday, May 22nd, 7:00 pm – 8:30 pm

Public Meeting Location:

Western Heights Auditorium and Cafeteria
Western Heights Middle School
1300 Marshall St.
Hagerstown, MD

5.2 Public Meetings

The community-based reuse planning process for the Central Chemical Superfund site included three public meetings, held at Western Heights Middle School in Hagerstown. The purpose of the meetings was to provide opportunities throughout the process for the Committee to share its findings with the larger community and to incorporate community ideas and feedback.

Project Public Meetings

Public Meeting #1: Thursday, Jan. 23rd

The project's first public meeting introduced the project and provided the community with an update on the status of the Central Chemical site. EPA staff reported at the meeting that the site's Remedial Investigation and Feasibility Study (RI/FS) would start in Spring 2003 and that site sampling and investigation would continue into 2004.

Public Meeting #2: Thursday, Mar. 20th

The project's second public meeting introduced the impact analysis of site reuse alternatives developed by the City's Planning Department. Community members shared their thoughts and ideas on the analysis, which evaluated five reuse categories – industrial, residential, commercial, park/recreational, and civic – identified by the Committee.

Public Meeting #3: Thursday, May 22nd

The project's third public meeting provided the community with an opportunity to evaluate and discuss the Committee's draft guiding principles and reuse recommendations for the Central Chemical site. Following the meeting, the Committee incorporated the community's feedback into the development of the guiding principles and reuse recommendations to be presented to the Hagerstown City Council and EPA.

Community Residents and Committee Members at the Project's First Public Meeting

5.3 Future Roles and Responsibilities

In this project report, the project's Land Use Committee has presented EPA, MDE, and Hagerstown's Mayor, City Council, and Planning Commission with its reuse recommendations for the Central Chemical Superfund Redevelopment Initiative Pilot Project.

Beyond the publication of this report, the Committee intends that EPA incorporate its reuse recommendations into the evaluation and selection of the site's remedy. The Committee recognizes that EPA's site investigations are ongoing, that additional information about the site's contamination is forthcoming, and that this information could potentially impact the types of appropriate land uses allowed at the site in the future. In this case, the Committee requests that EPA report back to the City and the community to discuss potential implications and updated approaches to facilitate the reuse of the Central Chemical Superfund site. The Committee also requests that EPA continue to work closely with the City of Hagerstown and community residents in the future to address community concerns and work with the community to clean up the Central Chemical site and return the site to successful reuse.

The Committee also intends that Hagerstown's Mayor, City Council, and Planning Commission endorse and incorporate its research and reuse recommendations into future City planning efforts and documents, including the City's Comprehensive Plan and zoning ordinance. The Committee requests that the City continue to work closely with community residents and EPA to ensure that the Central Chemical site is cleaned up and returned to successful reuse.

The Committee recognizes that this project report and the project's reuse recommendations represent an important step that will inform the cleanup and eventual reuse of the Central Chemical site. The Committee also recognizes that these recommendations represent a *first* step that will need to be followed up with sustained community interest and involvement, partnerships, and resources. In particular, the ongoing, PRP-sponsored Community Liaison Panel and community involvement process for the site's Remedial Investigation and Feasibility Study (RI/FS) represents an important opportunity to maintain community interest, develop new partnerships, and identify additional resources that will help return the Central Chemical site to successful reuse.

For additional information about partnership opportunities and community resources, please refer to Section 4 of this report.

Appendix A: Project Participants

Land Use Committee Members

Name	Organization
Kristin Aleshire	City Council
Robert Brown	Washington County Public Schools
Laurie Bucher	Washington County Environmental Health Department
Gudrun Cook	Community Resident
Patti Divelbiss	Community Resident
Bobbie Elmlinger	Northwest Neighbors
Daniel Elmlinger	Northwest Neighbors
Roberta Fowlkes	Ann Green Communications
Bob Garver	Maryland Department of Business & Economic Development
Gerhard Muller	Community Resident
Penny Nigh	City Council
Robert Nigh	Community Resident
Becky Orndorff	Community Resident
Barbara Pradel	Community Resident
Jim Richmond	Maryland Department of the Environment
Monda Sagalkin	League of Women Voters
David Schwartz	President, Central Chemical Corporation
Jim Snyder	Community Resident

Committee Resource Members

Rick Kipe Acting Fire Chief	City of Hagerstown Fire Department
Patrick J. Gaughan Community Involvement Coordinator (CIC)	EPA Region III
John Harris National Program Coordinator	EPA Headquarters Superfund Redevelopment Initiative (SRI)
Eric Newman Site Remedial Project Manager (RPM)	EPA Region III
Humberto Monsalvo Site Remedial Project Manager (RPM) (through February 2003)	EPA Region III
Andrew Zarins Waste Management Administration	Maryland Department of the Environment (MDE)

City Staff, Consultant Team, and Technical Outreach

Kathleen A. Maher Planning Director	City of Hagerstown Planning Department
Megan Gedney Planner	City of Hagerstown Planning Department
Rodney Tissue City Engineer	City of Hagerstown Engineering Department
Jim Bender Assistant Engineer	City of Hagerstown Engineering Department
Michael Hancox Vice-President of Operations	E^2 Inc.
James Wilkinson Project Manager	E^2 Inc.
Shawn Gewirtz Associate	E^2 Inc.
Franklin Dukes, PhD. Director	UVA Institute for Environmental Negotiation (IEN)
Bruce Dotson, PhD. Senior Associate	UVA Institute for Environmental Negotiation (IEN)
Lynn Osgood Associate	UVA Institute for Environmental Negotiation (IEN)
Robyn Gilden Region III Outreach Program Manager	Technical Outreach Services for Communities (TOSC) Program
Ralph Lightner Environmental Engineering Consultant	TOSC Program

Appendix B: Resources

Light Industrial and Commercial Office Park Development

The City of Hagerstown, Washington County, and the State of Maryland have set up a variety of economic incentive programs and financial resources to attract new economic development opportunities. The programs listed below can provide loans, incentives, and tax credits to promote the development of light industrial and commercial office park uses at the Central Chemical site. The final resource – the Wal-Mart Good Works Program – is a private-sector resource.

- **Hagerstown-Washington County Enterprise Zone Program –**
  Hagerstown-Washington County Economic Development Commission

  The Central Chemical site is located in one of three state-designated Enterprise Zones in Washington County. An Enterprise Zone is a defined geographic area in which economic incentives are made available to new and existing businesses that expand through capital investments and/or job creation. Benefits provided within the City's Enterprise Zone include job creation tax credits, local real property tax credits, and local incentives, including project financing, infrastructure financing, and project loans.

Hagerstown-Washington County Economic Development Commission

100 West Washington St., Room 103
Hagerstown, MD 21740
www.hagerstown.nedc.org

Contact:
Sonya Hoover
Enterprise Zone Coordinator
T: (240) 313-2280
F: (240) 313-2281

- **Financing Programs –**
  Maryland Department of Business and Economic Development (DBED)

  The Central Chemical site is eligible for financial and training assistance through a variety of programs offered by DBED. Through DBED's Division of Financing, businesses can apply for direct lending, bank loan guarantees, bond issuance, linked deposits, loan guarantees, and venture capital investments. DBED evaluates project proposals based on projects' potential for job creation and job retention, the level of capital investment,

Maryland Department of Business and Economic Development

234 Paca St.
Suite #2
Cumberland, MD 21502
www.choosemaryland.org

Contact:
Robert Garver
Business Development Specialist
T: (301) 722-0054
F: (301) 722-0924

the return on the state's investment, and the strengthening of key industry sectors. DBED's Division of Regional Development can provide businesses with training assistance and grants for specific training purposes.

- **Public Works and Economic Development Program –**
  U.S. Department of Commerce, Economic Development Administration

  This federal program, coordinated by the Tri-County Council for Western Maryland, supports locally-developed projects that encourage long-term economic self-sufficiency and global competitiveness. Examples of past infrastructure investments include industrial access roads, water and sewer facilities, rail spurs, technology-related infrastructure, as well as construction of publicly-owned facilities. The City of Hagerstown meets the program's eligibility criteria.[8]

Tri-County Council for Western Maryland

111 South George St.
Cumberland, Maryland 21502
www.osec.doc.gov/eda

Contact:
Leann Mazer, Executive Director
T: (301) 777-2158
F: (301) 777-2495

- **Wal-Mart Good Works Program**
  Wal-Mart, Inc.

  Wal-Mart, Inc. provides environmental grants to support environmental efforts and education in communities where their stores are located. Eligible organizations include 501-(c)-3 organizations, schools (public, parochial, and private), churches, and government-funded agencies. All requests for funding must be directed through the Wal-Mart Supercenter located in Hagerstown. Proposals mailed directly to the Wal-Mart Foundation will not be considered.

Wal-Mart Supercenter

17850 Garland Groh B
Hagerstown, Maryland 21740
www.walmartfoundation.org

Contact:
Store Manager
T: (301) 714-1373

[8] The City of Hagerstown's per capita income is less than 80 percent of the national average per capita income. According to the U.S. Bureau of Economic Analysis, Hagerstown's per capita income is $24,267. The national average per capita income is $30,941.

On-Site Natural Buffer Area Development

Maryland Conservation Easement Organizations

- **Potomac Conservancy**

The **Potomac Conservancy** is a regional land and water conservation organization dedicated to protecting and enhancing the natural, scenic, recreational, and historical qualities of the Potomac River and its watershed lands. To protect this special resource, the Potomac Conservancy conducts a comprehensive land protection program; develops and implements a variety of land and water restoration projects; provides counseling and other conservation support services for more than 70 other land trusts across four states and the District of Columbia; provides meaningful, hands-on volunteer and education programs for adults and young people to foster a stewardship ethic; and partners with other land trusts, conservation organizations, and local, state, and federal agencies to more efficiently achieve land protection and restoration goals.

Potomac Conservancy
1730 North Lynn Street
Suite 403
Arlington, VA 22209
www.potomac.org
Contact:
Meredith Lathbury
Director of Land Protection
T: (703) 276-2777
F: (703) 276-1098

- **K&S Wildlife Land Trust**

The **K&S Wildlife Land Trust** was established in 2002 to help preserve natural resources, wildlife habitat, scenic view-sheds, cultural resources, and greenways, with particular focus on Washington County, Maryland. Additionally, the Trust serves as an educational tool for the communities where K&S Wildlife Land Trust assets are present. The services the Trust provides include accepting conservation easements, assisting easement donors in overseeing and managing their property, monitoring wildlife habitat and populations, and providing hands-on educational experiences through various partnerships with other entities, including corporations, universities, and conservation organizations.

K&S Wildlife Land Trust
P.O. Box 921
Cascade, MD 21719
www.kswlt.org

Contact:
Terry Kuhn
Chief Volunteer Officer
Terry.Kuhn@kswlt.org
T: (301) 241-4747

- **Maryland Environmental Trust**

The **Maryland Environmental Trust** (MET) is a quasi-public statewide land trust established in 1967. Staffed with funds from the Maryland Department of Natural Resources, it is directed by an independent Board of Trustees. The Trust has protected 82,000 acres of privately-owned forest, farm, and open space land across Maryland with permanent donated easements. MET has helped form 52 local land trusts around the state and runs the Maryland Land Trust Alliance to network them. The Trust's focus has historically been the process of acquiring and maintaining donated conservation easements.

Maryland Environmental Trust
100 Community Place, 1st Floor
Crownsville, MD 21032
www.dnr.state.md.us/met

Contact:
Barbara Levin
MET Staff Representative for Washington County
blevin@dnr.state.md.us
T: (410) 514-7900 or (877) 514-7900

- **The Restoration Conservancy (TRC)**

The Restoration Conservancy (TRC) is a non-profit organization that assists communities with long-term issues associated with brownfields and other sites in communities that could benefit from land stewardship. TRC accepts conservation easements, provides technical assistance and advice to communities, and works with communities to preserve the character of individual properties.

The Restoration Conservancy (TRC)
4811 Manor Lane
Ellicott City, MD 21042

Contact:
Ned Tillman
TRC Program Manager
ntillman@columbiadata.com
T: (410) 536-9911

Additional Resources

- **National Center for Bicycling and Walking**

National Center for Bicycling and Walking
1506 21st Street NW, Suite 200
Washington, DC 20036
www.bikewalk.org

Contact:
Peter Moe
Deputy Director
mailto:info@bikewalk.org
T: (202) 463-6622
F: (202) 463-6625

The Center is a technical resource that can provide the community with information about potential trail development on the Central Chemical site. In order to achieve its mission of promoting and helping to create walkable and bicycle-friendly communities, the Center:

- provides specialized consulting services in the areas of long-range planning, policy development, public involvement, route selection, planning and design guidelines for bicycle and pedestrian facilities;
- provides training programs for public health and transportation agencies;
- provides economic development and tourism planning and analysis; and
- organizes and manages workshops and conferences, including the biennial Pro Bike / Pro Walk conference.

The Center's Pro Bike/Pro Walk program includes seminars on bicycle & pedestrian facility planning, design & engineering, public health & physical activity, education & safety research and programs, effective advocacy techniques, and trails and greenway development.

- **National Recreational Trails Program**

National Recreational Trails Program
Office of Environmental Design
Maryland State Highway Administration
707 N Calvert Street
Mailstop C-303
Baltimore, MD 21202-3668
www.sha.state.md.us/exploremd/oed/trails/trails.asp

Contact:
Terry Maxwell
Recreational Trails Coordinator
tmaxwell@sha.state.md.us
T: (410) 545-8640 or (800) 446-5962
F: (410) 209-5003

The **National Recreational Trails Program** funds the development of community-based, motorized and non-motorized recreational trail projects. The program provides funds for all kinds of recreational trail uses, such as pedestrian uses, bicycling, and in-line skating. Administered by the State Highway Administration (SHA), this program matches federal funds with local funds or in-kind contributions to implement trail projects. Projects can be sponsored by a county or municipal government, a private non-profit agency, a community group, or an individual.

Activities eligible for funding include:

- Maintenance and restoration of existing recreational trails;
- Development and rehabilitation of trailside facilities and trail linkages;
- Purchase and lease of trail construction equipment;
- Construction of new trails;
- Acquisition of easements or property for recreational trails or recreational trail corridors; and
- Operation of educational programs to promote safety and environmental protection relating to the use of the trails.

Appendix C: Community Partnership Opportunities

The project's Land Use Committee identified these local community organizations and government resources as potential partners to help return the site to successful reuse.

Local Community Organizations

Citizens for the Protection of Washington County
Greater Hagerstown Committee
Leadership Hagerstown
League of Women Voters

Local Government Resources

Hagerstown Economic Development Director
Hagerstown-Washington County Chamber of Commerce
Hagerstown-Washington County Economic Development Commission
Hagerstown Planning Commission
Hagerstown Department of Planning
Hagerstown Mayor William M. Breichner
Hagerstown City Council
Small Business Development Center
Washington County Soil and Water Conservation District

Regional Organizations and State and Federal Agencies

Maryland Cooperative Extension (MCE), Washington County
Maryland Department of Business & Economic Development (DBED)
Maryland Department of the Environment (MDE)
Tri-County Council of Western Maryland
United States Environmental Protection Agency (EPA)

Appendix D: City's Impact Analysis

Redevelopment of Central Chemical Site
Impact Analysis

EXISTING ZONING: IG (Industrial General). This designation is intended for manufacturing, processing, and storage uses which should be separated from other uses by reason of characteristics which may conflict with other uses. Also permitted in the IG district are the IR (Industrial Restricted) uses, such as offices, warehousing, and light industry, which do not require special measures to control odor, dust, or noise and which do not involve hazardous waste and whose environmental impacts are contained within the property limits.

EXISTING LAND USE: 19-acre property formerly utilized as an industrial plant, Central Chemical, for manufacturing of pesticides and fertilizers. The property was designated as a Superfund site by the U.S. EPA in 1997. The site is currently occupied by a recycling company and several independent automobile mechanics.

ADJACENT LAND USES:

NORTH: Several residential neighborhoods zoned R-1 (Low-density residential) and R-2 (Moderate-density residential):

- Townhome developments – West Irvin Heights, Northgate
- Single-family developments – Carroll Heights, Brighton Manor

EAST: Commercial development located on land zoned C-2 (Commercial General):

- Giant Eagle grocery store
- Groh Plaza

Beyond the commercial activities is Hagerstown's residential North End neighborhood, comprised of single-family homes zoned primarily R-1 (low-density residential)

SOUTH: Industrial uses are located on industrially-zoned land:

- Maryland Metals on I-G (Industrial General) zoned land
- Also I-G (Industrial General) zoning along west side of N. Burhans Boulevard
  - I-G (Industrial General) designation intended for manufacturing, processing, and storing of materials that should not be located near commercial or residential activities.
- I-R (Industrial Restricted) zoning along east side of N. Burhans Boulevard Thomas, Bennett and Hunter, Inc. Concrete
  - I-R (Industrial Restricted) classification is designed for offices, light industry, and uses that would not have any impacts on adjacent properties

WEST: Commercial uses along Norfolk Southern Railroad on I-G (Industrial General) land:

- Horst Milk Transfer, Turner Transportation Group, Wise Auction House, Washington County ARC, and Stationery House
- Further west of the industrial land lies the West End neighborhood (R-1)

TRANSPORTATION ISSUES:

Mitchell Avenue is classified as a local street (less than 2,500 vehicles per day) and N. Burhans Boulevard is classified as an arterial street (more than 12,000 vehicles per day). The estimated average daily traffic on N. Burhans Boulevard is 13,000 vehicles per day. A 1996 traffic study for the traffic signal upgrade project indicated that under both existing and projected (year 2020) conditions, the level of service (LOS) at the Mitchell Ave/N. Burhans Blvd signal would be LOS A (excellent). The City has no plans for transportation improvements that would affect traffic volumes/distribution in the area.

The existing one-lane underpass on Mitchell Avenue is a tremendous restriction and Engineering does not encourage more traffic to pass through that bottleneck. Given the geometry of the underpass, it is not suitable for truck traffic. In general, Engineering feels that the majority of traffic generated at Central Chemical site will (and should) use N. Burhans Blvd. for access.

ZONING HISTORY: Prior to the comprehensive rezoning in March, 1977, this property was zoned HI (heavy industry) and the adjacent lands to the north were zoned HI and Retail Business. In 1977, the property was rezoned to IG and the land to the north was rezoned R2.

COMPREHENSIVE PLAN RECOMMENDATIONS:

The property is located in the Mitchell Avenue neighborhood, as defined by the *1997 Comprehensive Plan.* There are industrial and commercial uses in this neighborhood. The Plan recommends this area as appropriate for a small neighborhood employment center and further states that economic development efforts should aim for the optimal use of the industrial land and buildings in this section. The Plan recommends that planning attention be given to traffic control, off-street parking, maintenance of buildings, and the provision of buffer areas along residential edges. The Land Use Plan map recommends low/medium-density residential for the Central Chemical site. Within the next two years, the City will be updating the *1997 Comprehensive Plan*, which would enable incorporation of a new land use recommendation for Central Chemical.

REZONING CONSIDERATIONS:

Change or Mistake Criteria

Whether or not a zoning reclassification has merit in the State of Maryland depends first upon the applicant establishing to the satisfaction of the Planning Commission and the Mayor and Council, strong evidence of mistake in the original zoning or evidence of substantial change in the character of the neighborhood. Once this is established, the question turns to the appropriate zoning classification.

> "In order to establish a change in the character of the neighborhood a person seeking a zoning reclassification under this rule must present evidence demonstrating at least the following: (a) What area reasonably constituted the 'neighborhood' of the subject property; (b) The changes which have occurred in that neighborhood since the original or last comprehensive zoning affected that property; (c) That these changes resulted in a change in the character of the neighborhood which would justify reclassification to the category requested." Montgomery Bd. of Commissioners for Prince George's County, 256 Md. 597(1970).

> "In order to assess the evidence before the Board, it is necessary to understand the inherent nature of the terms 'mistake' or 'error' as they are used in zoning law. A perusal of cases . . . indicates that the presumption of validity accorded to a comprehensive zoning is overcome and error or evidence to show that the assumptions or premises relied upon by the Council at the time of the comprehensive rezoning were invalid. Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council's action was premises initially on a misapprehension . . . . Error or mistake may also be established by showing that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect." Boyce v. Sembly. 25 Md. App. 43(1975) at 50 and 51.

REDEVELOPMENT ALTERNATIVE: **INDUSTRIAL USES – Light Industry, Heavy Industry, and Warehousing.**

ANALYSIS: This impact analysis is structured to address the information that the Mayor and Council considers when reviewing a rezoning request per the requirements in the Zoning Ordinance and the Annotated Code of the State of Maryland.

LIGHT INDUSTRY

1. Development Characteristics/Intensity

   Deduct 6.73 acres for the 200-ft buffer along north and west = 12.27 acres

   Minimum workable lot size for light manufacturing = 4 acres

   12.27 acres / min. 4 acres per lot = 3 lots

   To determine the intensity of usage of a typical Light Industry business, this analysis will use Action Products in the Hagerstown Business Park as a model for impact data. Action Products manufacturers medical padding products. It has a 27,500 square foot facility on 5.8 acres on Sweeney Drive. This facility has 80 employees on two shifts with an overlap between 2:00-2:30 p.m. Currently, it has 2 box truck deliveries per day, 1 tractor trailer truck delivery per month, and daily UPS deliveries. After renovations in the coming year, the facility will have 2 tractor trailer truck deliveries per day, 1 box truck delivery per week, and daily UPS deliveries.

2. Furtherance of Comprehensive Plan Goals

   The proposed light industry business park use would be consistent with the Comprehensive Plan's goals for a small neighborhood employment center in this neighborhood.

3. Compatibility with Existing Zoning

   The proposed use is permitted in the IG zoning district.

4. Compatibility with Nearby Uses/Features/Neighborhood Concerns

   With buffering, the proposed use would be compatible with the adjoining residential neighborhoods, particularly since traffic would not pass through those developments. The use would generate significant traffic which Mitchell Avenue and its intersection with N. Burhans Boulevard might not be able to handle adequately. For example, 4-6 deliveries per day and 450 trips per day generated by staff, visitors, etc. for two enterprises such as Action Products. The attraction of the Mitchell Avenue underpass as a short cut to access the site to and from the West End could cause significant adverse traffic impacts at the underpass and through the West End's narrow residential street system. The use could provide customers for Norfolk Southern which has an active freight line bordering the site.

5. Impacts on Schools

   There will be no impact on schools with this use, because the use will not increase the population of the area.

6. Fiscal/Economic Impact

   Tax revenues.

7. Traffic Impacts

It is anticipated that an 80-employee light industry business, such as Action Products, would add 225 average daily trips to the road network and 36 trips at peak hour. With 12 acres available for development, the site could accommodate two enterprises such as Action Products. Depending upon the nature of the industrial operation, a fair amount of delivery traffic could also be added to the road network (i.e., two tractor trailer truck deliveries per day and 1 box truck per week for Action Products).

8. Public Services/Utility/Infrastructure Impacts

All public facilities and services rendered by the City of Hagerstown (electricity, water, and sewer) are available to the site.

Depending upon the ultimate redevelopment uses selected and the related increases in traffic, we may need to lengthen the turn lanes near N. Burhans Blvd or change the signal timing at the intersection. A deceleration/turning lane may be required at the entrance to the Central Chemical property. Also depending upon the use of the site, a new traffic signal could be required on Mitchell Avenue at the site's entrance. When warranted, the developer will be responsible for all road improvements.

9. Potential Benefits Summary

The use could create good paying jobs for the community and tax revenues for the City.

10. Potential Liabilities Summary

Traffic impacts on Mitchell Avenue and at the N. Burhans intersection.

HEAVY INDUSTRY

1. Development Characteristics/Intensity

Heavy industry is typically manufacturing of materials from raw products. Hagerstown has no active examples of heavy industries such as a tannery, concrete plant, plastics manufacturer, steel plant, etc.

Density Calculation – 19 gross acres
Deduct 6.73 acres for the 200-ft buffer along north and west = 12.27 acres

This site would have 12.27 usable acres for the proposed use. According to the City's Economic Development Coordinator, a heavy manufacturing plant would need a minimum of 20 acres.

2. Furtherance of Comprehensive Plan Goals

The proposed use would be consistent with the recommendations for the Mitchell Avenue neighborhood; however it might cause problems for the Carroll Heights neighborhood immediately adjacent to the north.

3. Compatibility with Existing Zoning

The proposed use is permitted in the IG zoning district.

4. Compatibility with Nearby Uses/Features/Neighborhood Concerns

The noise, fumes, vibrations, etc. associated with heavy manufacturing would be a nuisance for adjoining residential neighborhoods.

5. Impacts on Schools

There will be no impact on schools with this use, because the use will not increase the population of the area.

6. Fiscal/Economic Impact

Tax revenues.

7. Traffic Impacts

If the site was adequate in size and the plant had around the clock shifts, there could be significant traffic impacts from average daily trips and from tractor trailer truck deliveries.

8. Public Services/Utility/Infrastructure Impacts

All public facilities and services rendered by the City of Hagerstown (electricity, water, and sewer) are available to the site.

Depending upon the ultimate redevelopment uses selected and the related increases in traffic, we may need to lengthen the turn lanes near N. Burhans Blvd or change the signal timing at the intersection. A deceleration/turning lane may be required at the entrance to the Central Chemical property. Also depending upon the use of the site, a new traffic signal could be required on Mitchell Avenue at the site's entrance. When warranted, the developer will be responsible for all road improvements.

9. Potential Benefits Summary

If the site was adequate in size, the use could create good paying jobs for the community and tax revenues for the City.

10. Potential Liabilities Summary

Nuisance use for adjoining residential neighborhoods.

WAREHOUSING USE

1. Development Characteristics/Intensity

Deduct 6.73 acres for the 200-ft buffer along north and west = 12.27 acres

Minimum workable lot size for warehousing = 4 acres

12.27 acres / min. 4 acres per lot = 3 lots

To determine the intensity of usage of a typical Warehousing operation, this analysis will use Larkin Wholesale Company in the Hagerstown Industrial Park as a model for impact data. Larkin is a beer distributor with 22 employees and hours of operation of 6:00 a.m. to 12:00 a.m. The 27,500 sq.ft. building sits on a 5 acre site. Loading is done inside the warehouse. The facility receives product on 1-2 tractor trailer trucks per day and ships out product on 4 tractor trailer trucks per day.

2. Furtherance of Comprehensive Plan Goals

The proposed use is consistent with the recommendations for the Mitchell Avenue neighborhood.

3. Compatibility with Existing Zoning

The proposed use is permitted in the IG district.

4. Compatibility with Nearby Uses/Features/Neighborhood Concerns

With buffering, the proposed use could be compatible with the adjoining residential neighborhoods, particularly since traffic would not pass through those developments. The use could generate a fair amount of tractor trailer traffic which Mitchell Avenue and its intersection with N. Burhans Boulevard might not be able to handle adequately. The attraction of the Mitchell Avenue underpass as a short cut to access the site to and from the West End could cause significant adverse traffic impacts at the underpass and through the West End's narrow residential street system. The use could provide customers for Norfolk Southern which has an active freight line bordering the site.

5. Impacts on Schools

There will be no impact on schools with this use, because the use will not increase the population of the area.

6. Fiscal/Economic Impact

Tax revenues to the City.

7. Traffic Impacts

Engineering standards anticipate that a 25 employee warehouse operation would add 225 average daily trips to the road network and 20 trips at peak hour. With 12 acres available for development, the site could accommodate 2-3 enterprises such as the Larkin Wholesale Company. Depending upon the nature of the warehouse operations, a significant amount of tractor trailer traffic could also be added to the road network.

8. Public Services/Utility/Infrastructure Impacts

All public facilities and services rendered by the City of Hagerstown (electricity, water, and sewer) are available to the site.

Depending upon the ultimate redevelopment uses selected and the related increases in traffic, the turn lanes near N. Burhans Blvd may need to be lengthened or the signal timing at the intersection may need to be changed. A deceleration/turning lane may be required at the entrance to the Central Chemical site and a new traffic signal could be required on Mitchell Avenue at the site's entrance. When warranted, the developer will be responsible for all road improvements.

9. Potential Benefits Summary

Rail access might be beneficial for some warehouse operations.

10. Potential Liabilities Summary

The limited access to and from this site – out to N. Burhans – makes this site less than optimal for warehousing.

REDEVELOPMENT ALTERNATIVE: **COMMERCIAL USES – Shopping Center, Offices, and Mini-warehousing.**

ANALYSIS: This impact analysis is structured to address the information that the Mayor and Council considers when reviewing a rezoning request per the requirements in the Zoning Ordinance and the Annotated Code of the State of Maryland.

SHOPPING CENTERS

1. Development Characteristics/Intensity

Max. square footage of retail space for shopping center in C2 = 150,000 sq.ft.

To determine the intensity of usage of a typical Shopping Center, this analysis will use the Centre at Antietam Creek on Eastern Boulevard (at Dual Highway), as a model for impact data. This center has 115,112 square feet of retail space on a 17 acre site (including infrastructure). The center includes a 65,000 sq.ft. grocery store, three restaurants, a video store, approximately 7 other small retail spaces, and two undeveloped out parcels. Since it is unlikely that another grocery store would locate next door to Giant Eagle, the study will use Routzahn's and Staples as examples for impact data on large stores - shopping centers usually include at least one large magnet store. The Routzahn's furniture store at Long Meadow Shopping Center is in a 25,000 sq.ft. store and has 10 employees, 30-50 customers/day, and 4-6 box truck deliveries per day. The Staples office supply store on Wesel Boulevard is in a 20,000 sq.ft. store and has 30 employees, 500 customers/day, and 3 tractor trailer deliveries per week. Out parcels are usually occupied by fast food restaurants or banks. The McDonalds at the Hagerstown Commons shopping center has 40 employees, 800-1,000 transactions/day, and 4 tractor trailer deliveries/week.

2. Furtherance of Comprehensive Plan Goals

The proposed shopping center use could be consistent with the Comprehensive Plan's goals for a small neighborhood employment center in this neighborhood.

3. Compatibility with Existing Zoning

The proposed use is not currently permitted in the IG zoning district. A rezoning to C2 or a text amendment would be needed in order for the proposed use to be admissible. C2 zoning would be compatible with the land on the northeast boundary which first developed as a shopping center in 1962. It is unclear what the change or mistake argument for rezoning to C2 would be since the commercial zoning and character of the C2 district was established prior to the comprehensive rezoning in 1977.

4. Compatibility with Nearby Uses/Features/Neighborhood Concerns

With buffering, the proposed use would be compatible with the adjoining residential neighborhoods, particularly since traffic would not pass through those developments. The use would increase traffic significantly, which Mitchell Avenue and its intersection with N. Burhans Boulevard might not be able to handle adequately. This use out of all the uses would probably increase traffic flow the most in the adjacent area. For example, 5,500-7,500 trips per day (depending upon make-up of tenants) generated by staff, shoppers, etc. The attraction of the Mitchell Avenue underpass as a short cut to access the site to and from the West End could cause significant adverse traffic impacts at the underpass and through the West End's narrow residential street system. The use could provide several customers for Norfolk Southern which has an active freight line bordering the site.

5. Impacts on Schools

There will be no impact on schools with this use, because the use will not increase the population of the area.

6. Fiscal/Economic Impact

Tax revenues.

7. Traffic Impacts

It is anticipated that a 120,000 sq.ft. shopping center would add 5,500 average daily trips to the road network and 580 trips at peak hour. According to the McDonald's figures, a fast food restaurant might conceivably generate 1,600-2,000 trips per day in customer traffic alone. Depending upon the make-up of the retail tenants, a significant amount of tractor trailer traffic could also be added to the road network.

8. Public Services/Utility/Infrastructure Impacts

All public facilities and services rendered by the City of Hagerstown (electricity, water, and sewer) are available to the site.

Depending upon the ultimate redevelopment uses selected and the related increases in traffic, the turn lanes near N. Burhans Blvd may need to be lengthened or the signal timing at the intersection may need to be changed. A deceleration/turning lane may be required at the entrance to the Central Chemical site and a new traffic signal could be required on Mitchell Avenue at the site's entrance. When warranted, the developer will be responsible for all road improvements.

9. Potential Benefits Summary

The use could create good paying jobs for the community and tax revenues for the City. A commercial shopping center could also provide a local place to shop for consumers on the West and North Ends.

10. Potential Liabilities Summary

Significant traffic impacts on Mitchell Avenue and at the N. Burhans intersection. Also shopping center could cause a nuisance for neighboring communities depending on store hours and types of retail (lighting, noise, etc.).

OFFICE PARK

1. Development Characteristics/Intensity

Deduct 6.73 acres for the 200-ft buffer along north and west = 12.27 acres

Minimum workable lot size for office buildings = 2 acres

12.27 acres / min. 2 acres per lot = 6 lots

To determine the intensity of usage of a typical office complex, this analysis will use the Eastern Professional Center in the MKS Business Park on Eastern Boulevard, as a model for impact data. The Eastern Professional Center occupies a 3.35 acre parcel and includes two buildings with a total of 40,000 square feet of office space and 191 parking spaces. The new building (under construction) will include a 9,600 sq.ft. surgery center, a 9,600 sq.ft. radiology center, and 9,600 sq.ft. on the third floor for office use by other tenants. The existing building has the 9,000 sq.ft. Mid Atlantic Orthopaedic and Physical Therapy Center and a 9,000 sq.ft. brokerage firm. Mid Atlantic Orthopaedic has 33 staff members, sees 400-500 patients per week, and receives daily Fed Ex deliveries.

2. Furtherance of Comprehensive Plan Goals

The proposed office complex use would be consistent with the Comprehensive Plan's goals for a small neighborhood employment center in this neighborhood.

3. Compatibility with Existing Zoning
The proposed use is permitted in the IG zoning district.

4. Compatibility with Nearby Uses/Features/Neighborhood Concerns

With buffering, the proposed use would be compatible with the adjoining residential neighborhoods, particularly since traffic would not pass through those developments. The use would increase traffic significantly, which Mitchell Avenue and its intersection with N. Burhans Boulevard might not be able to handle adequately. For example, 1,000 trips per day generated by staff, visitors etc. for a 300 employee office building. The attraction of the Mitchell Avenue underpass as a short cut to access the site to and from the West End could cause adverse traffic impacts at the underpass and through the West End's narrow residential street system. However, the traffic impact would be less than the commercial use of a shopping center. The use could provide several customers for Norfolk Southern which has an active freight line bordering the site.

5. Impacts on Schools

There will be no impact on schools with this use, because the use will not increase the population of the area.

6. Fiscal/Economic Impact

Tax revenues.

7. Traffic Impacts

It is anticipated that a 300 employee office building or 40,000 sq.ft. medical office building, such as the Eastern Professional Center, might add 1,000 average daily trips to the road network and 115 trips at peak hour. With 12 acres available for development, the site could accommodate two office complexes such as the Eastern Professional Center. Depending upon the make-up of the office tenants, a fair amount of delivery traffic could also be added to the road network.

8. Public Services/Utility/Infrastructure Impacts

All public facilities and services rendered by the City of Hagerstown (electricity, water, and sewer) are available to the site.

Depending upon the ultimate redevelopment uses selected and the related increases in traffic, the turn lanes near N. Burhans Blvd may need to be lengthened or the signal timing at the intersection may need to be changed. A deceleration/turning lane may be required at the entrance to the Central Chemical site and a new traffic signal could be required on Mitchell Avenue at the site's entrance. When warranted, the developer will be responsible for all road improvements.

9. Potential Benefits Summary

The use could create good paying jobs for the community and tax revenues for the City.

10. Potential Liabilities Summary

Traffic impacts on Mitchell Avenue and at the N. Burhans intersection.

MINI-WAREHOUSING

1. Development Characteristics/Intensity

Deduct 6.73 acres for the 200-ft buffer along north and west = 12.27 acres

To determine the intensity of usage of a typical Mini-Warehousing complex, this analysis will use the Hagerstown Mini-Storage East located on All-Star Court, as a model for impact data. Hagerstown Mini-Storage East is located on a 5 acre site (roadway and storm water infrastructure excluded) and is home to 780 storage bins in 96,000 sq.ft. of storage space. The facility employs 3 people and includes a 2,400 sq.ft. building for the office and required manager's residence. According to an employee on average about 30 people access their storage bins daily. The facility is open from 8:30 a.m. to 5:00 p.m., Monday through Friday, and from 8:30 a.m. to 1:00 p.m on Saturday.

2. Furtherance of Comprehensive Plan Goals

The proposed use is not consistent with the recommendation for a small employment center in the Mitchell Avenue neighborhood.

3. Compatibility with Existing Zoning

The proposed use is permitted in the IG district.

4. Compatibility with Nearby Uses/Features/Neighborhood Concerns

With buffering, the proposed use could be compatible with the adjoining residential neighborhoods, particularly since traffic would not pass through those developments. The use would generate minimal traffic to the road network. The attraction of the Mitchell Avenue underpass as a short cut to access the site to and from the West End could cause adverse traffic impacts at the underpass and through the West End's narrow residential street system.

5. Impacts on Schools

There will be no impact on schools with this use, because the use will not increase the population of the area.

6. Fiscal/Economic Impact

Tax revenues to the City.

7. Traffic Impacts

Engineering standards anticipate that an 800-unit mini-warehousing operation would add 210 average daily trips to the road network and 28 trips at peak hour. This number is at odds with the user's estimate of 60 trips per day by renters. With 12 acres available for development, this site could accommodate two enterprises of this size.

8. Public Services/Utility/Infrastructure Impacts

All public facilities and services rendered by the City of Hagerstown (electricity, water, and sewer) are available to the site.

Depending upon the ultimate redevelopment uses selected and the related traffic increase the developer would be responsible for all improvements. However, this type of usage would not increase traffic substantially and may not warrant any improvements.

9. Potential Benefits Summary

The use could create tax revenues for the City and could provide the people of the West and North Ends a place for storage.

10. Potential Liabilities Summary

Traffic impacts may be a small concern due to the limited number of people who access storage daily. Concern may rise from neighboring communities if access to the storage bins is not controlled.

REDEVELOPMENT ALTERNATIVE: RESIDENTIAL – Single-Family, Townhouse, Apartments, and Assisted Living.

ANALYSIS: The following impact analysis is structured to address the information that the Mayor and Council considers when reviewing a rezoning request per the requirements in the Zoning Ordinance and the Annotated Code of the State of Maryland.

SINGLE-FAMILY RESIDENTIAL

1. Development Characteristics/Intensity

Deduct 20% of gross acreage to determine net acreage for density:
19 acres - 3.8 acres infrastructure/etc = 15.2 acres remaining for residential development

Lot requirements for single-family:
Min. Lot Area = 7,500 sq. ft.

15.2 acres / 7,500 sq. ft. per dwelling = **approx. 88 dwellings**

Density of Development = 5 dwellings/acre (approx.)

2. Furtherance of Comprehensive Plan Goals

The Plan recommends that planning attention be given to traffic control, off-street parking, maintenance of buildings, and the provision of buffer areas along residential edges. This low-density residential use is in accordance with the Land Use Plan map, which recommends low/medium-density residential development for the Central Chemical site.

3. Compatibility with Existing Zoning

The R-2 classification would be appropriate because lands adjacent to the property on two sides (northwest and northeast) are zoned R-2. These properties are developed by single-family and one-story townhouse dwellings. Furthermore, lands beyond these adjacent neighborhoods are developed residentially, with Northgate Townhomes (R-2) to the north and Carroll Heights (R-1) to the northwest. The change or mistake argument for R2 rezoning could be that the character of the neighborhood changed when the formerly agricultural land to the north and west of the property developed with residential uses between 1986-2003. A wrinkle in this argument is that the land has been zoned R2 since 1977.

4. Compatibility with Nearby Uses/Features/Neighborhood Concerns

The Central Chemical site is bordered on two sides (northwest and northeast) by residential developments, both of which are zoned R-2. Brighton Manor is comprised of single-family dwellings, and West Irvin Heights is developed by one-story townhouses. Accordingly, single-family homes would be compatible with the existing residential neighborhoods. Residential uses would not be compatible with the adjacent railroad and industrial uses (I-G, Industrial Restricted) to the southwest and southeast, which include Horst Milk Transfer, Turner Transportation Group, Wise Auction House, Washington County ARC, Stationery House and Maryland Metals.

The existing street network surrounding the site would need to be analyzed to determine if any improvements would be warranted.

5. Impacts on Schools

Constructing 88 single-family homes creates the potential for 88 families to impact local schools. The following figures are estimates as to the number of students that may impact schools from this development:

Fountaindale Elementary	= 19
Western Heights Middle	= 10
North Hagerstown High	= 9
Total Impact	**= 38 students**

6. Fiscal/Economic Impact

Revenue Generated:
City taxes
City Light/Water/Sewer Service
City trash fees

Revenue Lost:
Street/utility maintenance
Increased school demand
Increased fire/police services

Economic Impact:
Increased patronage of local businesses

7. Traffic Impacts

Constructing 88 single-family homes creates the potential for 88 families to generate 860 trips per day, with a peak estimate of 85 trips per hour. The traffic signal at Mitchell Avenue and N. Burhans Boulevard should be able to handle the traffic generated from the site to the east; however, any additional traffic passing through the Mitchell Avenue underpass should be discouraged.

8. Public Services/Utility/Infrastructure Impacts

All public facilities and services rendered by the City of Hagerstown (electricity, water, and sewer) are available to the site.

Depending upon the ultimate redevelopment uses selected and the related increases in traffic, the turn lanes near N. Burhans Blvd may need to be lengthened or the signal timing at the intersection may need to be changed. A deceleration/turning lane may be required at the entrance to the Central Chemical site and a new traffic signal could be required on Mitchell Avenue at the site's entrance. When warranted, the developer will be responsible for all road improvements.

9. Potential Benefits Summary

Property tax revenues and income tax revenues.

10. Potential Liabilities Summary

Expense to the City to maintain the new public streets and street lights and to provide police and fire service. Expense to the County to serve the additional students added to the school system.

TOWNHOUSE RESIDENTIAL

1. Development Characteristics/Intensity

Deduct 20% of gross acreage to determine net acreage for density:
19 acres - 3.8 acres infrastructure/etc = 15.2 acres remaining for residential development

Lot requirements for townhouse:
Min. Lot Area = 12,000 sq. ft. (townhouse group)
Min. Lot Area per Dwelling = 4,000 sq. ft.
Min. 3 townhouses per group
15.2 acres / 12,000 sq. ft lot area = approx. 55 townhouse lot groups
55 townhouse lot groups x 3 townhouses per group = **approx. 165 dwellings**

Density of Development = 9 dwellings/acre (approx.)

2. Furtherance of Comprehensive Plan Goals

The Plan recommends that planning attention be given to traffic control, off-street parking, maintenance of buildings, and the provision of buffer areas along residential edges. This low-density residential use is in accordance with the Land Use Plan map, which recommends low/medium-density residential development for the Central Chemical site.

3. Compatibility with Existing Zoning

The R-2 classification would be appropriate because lands adjacent to the property on two sides (northwest and northeast) are zoned R-2. These properties are developed by single-family and one-story townhouse dwellings. Furthermore, lands beyond these adjacent neighborhoods are developed residentially, with Northgate Townhomes (R-2) to the north and Carroll Heights (R-1) to the northwest. The change or mistake argument for R2 rezoning could be that the character of the neighborhood changed when the formerly agricultural land to the north and west of the property developed with residential uses between 1986-2003. A wrinkle in this argument is that the land has been zoned R2 since 1977.

4. Compatibility with Nearby Uses/Features/Neighborhood Concerns

The Central Chemical site is bordered on two sides (northwest and northeast) by residential developments, both of which are zoned R-2. Brighton Manor is comprised of single-family dwellings, and West Irvin Heights is developed by one-story townhouses. Accordingly, townhouses would be compatible with the existing residential neighborhoods. Residential uses would not be compatible with the adjacent railroad and industrial uses (I-G, Industrial Restricted) to the southwest and southeast, which include Horst Milk Transfer, Turner Transportation Group, Wise Auction House, Washington County ARC, Stationery House and Maryland Metals.

The existing street network surrounding the site would need to be analyzed to determine if any improvements would be warranted.

5. Impacts on Schools

Constructing 165 townhomes creates the potential for 165 families to impact local schools. The following figures are estimates as to the number of students that may impact schools from this development:

Fountaindale Elementary	= 53
Western Heights Middle	= 35
North Hagerstown High	= 17
Total Impact	**= 105 students**

6. Fiscal/Economic Impact

Revenue Generated:
City taxes
City Light/Water/Sewer Service
City trash fees

Revenue Lost:
Street/utility maintenance
Increased school demand
Increased fire/police services

Economic Impact:
Increased patronage of local businesses

7. Traffic Impacts

Constructing 165 townhouses creates the potential for 165 families to generate 950 trips per day, with a peak estimate of 85 trips per hour. The traffic signal at Mitchell Avenue and N. Burhans Boulevard should be able to handle the traffic generated from the site to the east; however, any additional traffic passing through the Mitchell Avenue underpass should be discouraged.

8. Public Services/Utility/Infrastructure Impacts

All public facilities and services rendered by the City of Hagerstown (electricity, water, and sewer) are available to the site.

Depending upon the ultimate redevelopment uses selected and the related increases in traffic, the turn lanes near N. Burhans Blvd may need to be lengthened or the signal timing at the intersection may need to be changed. A deceleration/turning lane may be required at the entrance to the Central Chemical site and a new traffic signal could be required on Mitchell Avenue at the site's entrance. When warranted, the developer will be responsible for all road improvements.

9. Potential Benefits Summary

Property tax revenues and income tax revenues.

10. Potential Liabilities Summary

Expense to the City to maintain the new public streets and street lights and to provide police and fire service. Expense to the County to serve the additional students added to the school system.

APARTMENTS RESIDENTIAL

1. Development Characteristics/Intensity

Deduct 30% of gross acreage to determine net acreage for density:
19 acres - 5.7 acres infrastructure/etc = 13.3 acres remaining for residential development

Lot requirements for multi-family structures (R-3):
Min. Lot Area = 20,000 sq. ft. (per building)
Min. Lot Area per Dwelling = 2,000 sq. ft.
Min. 10 apartments per building

13.3 acres / 20,000 sq. ft lot area = approx. 29 apartment buildings
29 apartment buildings x 10 apartments per building = **approx. 290 dwellings**

Density of Development = 15 dwellings/acre (approx.)

2. Furtherance of Comprehensive Plan Goals

The Plan recommends that planning attention be given to traffic control, off-street parking, maintenance of buildings, and the provision of buffer areas along residential edges. This high-density residential use is not in accordance with the Land Use Plan map, which recommends low/medium-density residential development for the Central Chemical site.

3. Compatibility with Existing Zoning

The R-3 classification is the only district where multi-family dwellings are allowed as principally-permitted uses; therefore, R-3 would be the simplest and most appropriate zoning classification for this type of residential development. The closest R-3 zoning districts are the Jonathan Street neighborhood between Bethel Street and Charles Street, and Woodlands North on Kensington Drive.

The only other zoning alternative would be R-4. If the property were to be successfully rezoned to R-4, the project would still need to be reviewed for a Special Exception by the Board of Zoning Appeals. It is unclear what the change or mistake argument for rezoning to R-3 or R-4 would be since a multi-family or office use character has not been established in this area since 1977 and because there was no mistake in zoning Central Chemical for IG in 1977.

4. Compatibility with Nearby Uses/Features/Neighborhood Concerns

The Central Chemical site is bordered on two sides (northwest and northeast) by residential developments, both of which are zoned R-2. Brighton Manor is comprised of single-family dwellings, and West Irvin Heights is developed by one-story townhouses. Multi-family dwellings are neither compatible with these adjacent uses, nor with the railroad and industrial uses (I-G, Industrial Restricted) to the southwest and southeast (Horst Milk Transfer, Turner Transportation Group, Wise Auction House, Washington County ARC, Stationery House and Maryland Metals.)
The existing street network surrounding the site would need to be analyzed to determine if any improvements would be warranted.

5. Impacts on Schools

Constructing 290 apartments creates the potential for 290 families to impact local schools. The following figures are estimates as to the number of students that may impact schools from this development:

Fountaindale Elementary	= 32
Western Heights Middle	= 17
North Hagerstown High	= 15
Total Impact	**= 64 students**

6. Fiscal/Economic Impact

Revenue Generated:
- City taxes
- City Light/Water/Sewer Service
- City trash fees

Revenue Lost:
Street/utility maintenance

Increased school demand

Increased fire/police services

Economic Impact:
Increased patronage of local businesses

7. Traffic Impacts

Constructing 290 apartments creates the potential for 290 families to generate 1900 trips per day, with a peak estimate of 185 trips per hour. The traffic signal at Mitchell Avenue and N. Burhans Boulevard should be able to handle the traffic generated from the site to the east; however, any additional traffic passing through the Mitchell Avenue underpass should be discouraged.

8. Public Services/Utility/Infrastructure Impacts

All public facilities and services rendered by the City of Hagerstown (electricity, water, and sewer) are available to the site.

Depending upon the ultimate redevelopment uses selected and the related increases in traffic, the turn lanes near N. Burhans Blvd may need to be lengthened or the signal timing at the intersection may need to be changed. A deceleration/turning lane may be required at the entrance to the Central Chemical site and a new traffic signal could be required on Mitchell Avenue at the site's entrance. When warranted, the developer will be responsible for all road improvements.

9. Potential Benefits Summary

Property tax revenues and income tax revenues.

10. Potential Liabilities Summary

Expense to the City to maintain the new public streets and street lights and to provide police and fire service. Expense to the County to serve the additional students added to the school system.

ASSISTED LIVING

1. Development Characteristics/Intensity

Deduct 30% of gross acreage to determine net acreage for density:
19 acres - 5.7 acres infrastructure/etc = 13.3 acres remaining for Assisted Living facility

An Assisted Living facility is a relatively recent phenomenon which evolved out of the nursing home model. Typically, in nursing homes, residents are bed-ridden or confined to a wheel chair and are dependent upon staff care. Assisted Living facilities are more of a transitional residential nursing care facility, where residents are still fairly mobile and functional, but require some degree of assistance with their physical care and staff supervision of meds, etc. According to the Washington County telephone book, there are at least 14 Assisted Living facilities in the County. The Somerford facility on the Sharpsburg Pike is a 47,000 sq.ft. facility on an 11 acre site. Someford has 91 beds, 80 staff, and 5-10 deliveries per week (box trucks and UPS). The Loyalton facility off of Robinwood Drive is a

67,000 sq.ft. facility on a 4.3 acre site. Loyalton has 110 beds, 35-50 staff, and 5-10 deliveries per week.

Sometimes, Assisted Living communities also include independent living cottages/apartments where the residents either pay a large upfront down payment for the unit and a monthly maintenance fee or rent the unit similar to any other apartment. These communities may also include a nursing home and adult daycare facility. Ravenwood and Homewood are two examples of this type of comprehensive Assisted Living community in the County.

2. Furtherance of Comprehensive Plan Goals

The proposed use would appear to be consistent with the Comprehensive Plan's goals for a small neighborhood employment center in this neighborhood. In addition, since the Land Use Plan map recommends low/medium density residential for the Central Chemical property, rezoning to residential would permit this type of land use.

3. Compatibility with Existing Zoning

The proposed use is not permitted in the IG zoning district. Such a use is permitted as a special exception in the Residential and Commercial districts. Rezoning to R2 or C2, adjacent zoning classifications, would allow for this use. R2 zoning would be compatible with the land on the north and west boundaries of the site and would be consistent with the recommendation of the Land Use Plan map. The change or mistake argument for R2 rezoning could be that the character of the neighborhood changed when the formerly agricultural land to the north and west of the property developed with residential uses between 1986-2003. A wrinkle in this argument is that the land has been zoned R2 since 1977. C2 zoning would be compatible with the land on the northeast boundary which first developed as a shopping center in 1962. It is unclear what the change or mistake argument for rezoning to C2 would be since the commercial zoning and character of the C2 district was established prior to the comprehensive rezoning in 1977.

4. Compatibility with Nearby Uses/Features/Neighborhood Concerns

With buffering, the proposed use could be compatible with the adjoining residential neighborhoods, particularly since traffic would not pass through those developments. The use would generate significant traffic which Mitchell Avenue and its intersection with N. Burhans Boulevard might not be able to handle adequately. For example, 5-10 box truck deliveries per week and 250 trips per day generated by staff, visitors, residents, etc. The attraction of the Mitchell Avenue underpass as a short cut to access the site to and from the West End could cause significant adverse traffic impacts at the underpass and through the West End's narrow residential street system. It may not be desirable to locate a hospital on a site which is bounded by an active freight rail line.

5. Impacts on Schools

There will be no impact on schools with this use, because the use will not increase the population of the area.

6. Fiscal/Economic Impact

Non-profit organizations do not provide tax revenues for the City.

7. Traffic Impacts

The traffic analysis assumes that the Assisted Living use would include 100 retirement units and 100 beds for an assisted living facility. Such an Assisted Living community would add

250 average daily trips to the road network and 26 trips at peak hour. The traffic signal at Mitchell Avenue and N. Burhans Boulevard should be able to handle the traffic generated from the site to the east; however, any additional traffic passing through the Mitchell Avenue underpass should be discouraged.

8. Public Services/Utility/Infrastructure Impacts

All public facilities and services rendered by the City of Hagerstown (electricity, water, and sewer) are available to the site.

Depending upon the ultimate redevelopment uses selected and the related increases in traffic, the turn lanes near N. Burhans Blvd may need to be lengthened or the signal timing at the intersection may need to be changed. A deceleration/turning lane may be required at the entrance to the Central Chemical site and a new traffic signal could be required on Mitchell Avenue at the site's entrance. When warranted, the developer will be responsible for all road improvements.

9. Potential Benefits Summary

An additional option for senior residents in need of an alternative living situation.

10. Potential Liabilities Summary

According to staff at the Somerford facility, the Assisted Living market is saturated in Washington County.

REDEVELOPMENT ALTERNATIVE: **RECREATION USES – Passive Park, Active Recreation Park, and Little League Field.**

ANALYSIS: This impact analysis is structured to address the information that the Mayor and Council considers when reviewing a rezoning request per the requirements in the Zoning Ordinance and the Annotated Code of the State of Maryland.

PASSIVE PARK

1. Development Characteristics/Intensity

A passive park is a landscaped public place which may include pedestrian trails, tot lots, picnic pavilions, gardens, water features, forested areas, and perhaps a music pavilion. City Park is a Hagerstown example of such a park. Since a great deal of the attendance is unorganized (families feeding the ducks, using the tot lots, or walking the trails) it is difficult to gauge the numbers of users in a given week. However, the organized events (picnic pavilion rentals and Band Shell events) provide some numbers to give a sense of the park's usage. There are 8 picnic pavilions which the City rents to private groups from April to October. In 2002, the pavilions were rented 222 times. The Band Shell is the site of Sunday concerts by the Municipal Band in the summer. The concerts typically draw 500 people per week.

2. Furtherance of Comprehensive Plan Goals

The proposed use would not be consistent with the Comprehensive Plan's goals for a small neighborhood employment center in this neighborhood. It would be consistent with the Plan's goals for a new park in the Carroll Heights neighborhood to the north.

3. Compatibility with Existing Zoning

The proposed use is permitted in the IG zoning district.

4. Compatibility with Nearby Uses/Features/Neighborhood Concerns

With buffering, the proposed use would be compatible with the adjoining residential neighborhoods, particularly since traffic would not pass through those developments. The use could generate a fair amount of traffic to the road network. The attraction of the Mitchell Avenue underpass as a short cut to access the site to and from the West End could cause significant adverse traffic impacts at the underpass and through the West End's narrow residential street system. It may not be desirable to locate a park on a site which is bounded by an active freight rail line because it might temp children to cross the tracks to access the site to and from the West End.

5. Impacts on Schools

There will be no impact on schools with this use, because the use will not increase the population of the area.

6. Fiscal/Economic Impact

Municipal parks do not provide tax revenues for the City. In addition, parks require significant annual funding allocations for maintenance.

7. Traffic Impacts

It is anticipated that the proposed use would add 200 average daily trips to the road network on the weekend. Traffic volume varies depending upon the park amenities.

8. Public Services/Utility/Infrastructure Impacts

All public facilities and services rendered by the City of Hagerstown (electricity, water, and sewer) are available to the site.

Depending upon the ultimate redevelopment uses selected and the related increases in traffic, the turn lanes near N. Burhans Blvd may need to be lengthened or the signal timing at the intersection may need to be changed. A deceleration/turning lane may be required at the entrance to the Central Chemical site and a new traffic signal could be required on Mitchell Avenue at the site's entrance. When warranted, the developer will be responsible for all road improvements.

9. Potential Benefits Summary

Parks add to the quality of life of a community and influence home-buyer decisions.

10. Potential Liabilities Summary

The State's budget reductions may eliminate or substantially cut traditional funding sources for park acquisition and construction. The City's strained budget situation would make it difficult at present to accommodate the expense of staffing and maintaining an additional park.

ACTIVE RECREATION PARK

1. Development Characteristics/Intensity

Fairgrounds Park is a Hagerstown example of a park devoted to active recreation. The park contains 3 softball fields, 3 soccer fields, paved trails, a BMX course, an inline hockey rink, a planned skateboard park, a clubhouse for the Police Athletic League, and an ice skating rink. To give an example of the popularity of softball and soccer in Hagerstown, this study will use the fields at Fairgrounds Park as a model for impact data. The City has a user agreement with the Hagerstown Fairgrounds Softball Association, which represents three leagues, for use and maintenance of the 3

softball fields. In 2002, there were 438 games and practices and 60 tournament games held on the softball fields from April to October. The City has user agreements with Hagerstown Area Youth Soccer League and the YMCA for use and maintenance of the soccer fields. In 2002, there were 160 games and practices, including two tournaments and two soccer camps, held on the soccer fields from March to November. The City built parking lots at the perimeter of the softball and soccer fields which hold 613 vehicles.

2. Furtherance of Comprehensive Plan Goals

The proposed use would not be consistent with the Comprehensive Plan's goals for a small neighborhood employment center in this neighborhood. It would be consistent with the Plan's goals for a new park in the Carroll Heights neighborhood to the north.

3. Compatibility with Existing Zoning

The proposed use is permitted in the IG zoning district.

4. Compatibility with Nearby Uses/Features/Neighborhood Concerns

With buffering, the proposed use would be compatible with the adjoining residential neighborhoods, particularly since traffic would not pass through those developments. The use could add significant peak hour traffic which Mitchell Avenue and its intersection with N. Burhans Boulevard might not be able to handle adequately. The attraction of the Mitchell Avenue underpass as a short cut to access the site to and from the West End could cause significant adverse traffic impacts at the underpass and through the West End's narrow residential street system. It may not be desirable to locate a park on a site which is bounded by an active freight rail line because it might temp children to cross the tracks to access the site to and from the West End.

5. Impacts on Schools

This proposal would not generate new students for the school system.

6. Fiscal/Economic Impact

Municipal parks do not provide tax revenues for the City. In addition, parks require significant annual funding allocations for maintenance.

7. Traffic Impacts

It is anticipated that a park with 4 soccer fields would add 600 average daily trips to the road network and 300 trips at peak hour on Saturday.

8. Public Services/Utility/Infrastructure Impacts

All public facilities and services rendered by the City of Hagerstown (electricity, water, and sewer) are available to the site.

Depending upon the ultimate redevelopment uses selected and the related increases in traffic, the turn lanes near N. Burhans Blvd may need to be lengthened or the signal timing at the intersection may need to be changed. A deceleration/turning lane may be required at the entrance to the Central Chemical site and a new traffic signal could be required on Mitchell Avenue at the site's entrance. When warranted, the developer will be responsible for all road improvements.

9. Potential Benefits Summary

Parks add to the quality of life of a community and influence home-buyer decisions.

10. Potential Liabilities Summary

The State's budget reductions may eliminate or substantially cut traditional funding sources for park acquisition and construction. The City's strained budget situation would make it difficult at present to accommodate the expense of staffing and maintaining an additional park.

LITTLE LEAGUE FIELD

1. Development Characteristics/Intensity

In Hagerstown, there are four Little Leagues, one Pony League, and one Colt League. Practices and tryouts begin in March. Games are played from April to June. All Stars games are played from July to August. During regular season, the Little Leagues typically use the fields for one game per night for six days per week. For all the Little Leagues, Pony League, and Colt League, in 2002, the total combined practices were 306, the total combined games were 918, and the estimated number of fans was 107,100.

The Little League fields tend to be located on City property but managed by the Little Leagues. Concession stands, dugouts, and bleachers on the Little League fields are usually funded and constructed by the Little Leagues. The City provides personnel and equipment when needed to assist with maintenance. The City also pays all utilities. The Little Leagues provide daily maintenance (mowing, fertilizing, and sod). Recently, the City helped to construct a Little League field at Fairgrounds Park. It cost the City approximately $40,000 to level the 3.29 acre site, but this figure would change for another property based on specific site conditions. American Little League spent about $30,000 to build dugouts, backstop, infield and fences. The two-story concession stand with kitchen planned for this field is projected to cost $150,000. This field uses a 40-space parking lot provided by the City at Fairgrounds Park.

2. Furtherance of Comprehensive Plan Goals

The proposed use would not be consistent with the Comprehensive Plan's goals for a small neighborhood employment center in this neighborhood. It would be consistent with the Plan's goals for a new park in the Carroll Heights neighborhood to the north.

3. Compatibility with Existing Zoning

The proposed use is permitted in the IG district.

4. Compatibility with Nearby Uses/Features/Neighborhood Concerns

With buffering, the proposed use would be compatible with the adjoining residential neighborhoods, particularly since traffic would not pass through those developments. The use could generate significant peak hour traffic which Mitchell Avenue and its intersection with N. Burhans Boulevard might not be able to handle adequately. The attraction of the Mitchell Avenue underpass as a short cut to access the site to and from the West End could cause significant adverse traffic impacts at the underpass and through the West End's narrow residential street system. It may not be desirable to locate a park on a site which is bounded by an active freight rail line because it might temp children to cross the tracks to access the site to and from the West End.

5. Impacts on Schools

There will be no impact on schools with this use, because the use will not increase the population of the area.

6. Fiscal/Economic Impact

Municipal parks do not provide tax revenues for the City. In addition, parks require significant annual funding allocations for maintenance.

7. Traffic Impacts

It is anticipated that the proposed use would add 500 average daily trips to the road network and 125 trips at peak hour. Traffic volumes could vary depending upon playoff situations and special events.

8. Public Services/Utility/Infrastructure Impacts

All public facilities and services rendered by the City of Hagerstown (electricity, water, and sewer) are available to the site.

Depending upon the ultimate redevelopment uses selected and the related increases in traffic, the turn lanes near N. Burhans Blvd may need to be lengthened or the signal timing at the intersection may need to be changed. A deceleration/turning lane may be required at the entrance to the Central Chemical site and a new traffic signal could be required on Mitchell Avenue at the site's entrance. When warranted, the developer will be responsible for all road improvements.

9. Potential Benefits Summary

Parks add to the quality of life of a community and influence home-buyer decisions.

10. Potential Liabilities Summary

The State's budget reductions may eliminate or substantially cut traditional funding sources for park acquisition and construction. The City's strained budget situation would make it difficult at present to accommodate the expense of staffing and maintaining an additional park. According to the City's Recreation Manager, the Little Leagues are experiencing a drop off in participation which is attributed to the increasing popularity of soccer.

REDEVELOPMENT ALTERNATIVE: **CIVIC USES – Medical, School, Government, and Museum.**

ANALYSIS: This impact analysis is structured to address the information that the Mayor and Council considers when reviewing a rezoning request per the requirements in the Zoning Ordinance and the Annotated Code of the State of Maryland.

MEDICAL USE

1. Development Characteristics/Intensity

Of the Acute, Chronic, and Nursing Home types of hospital facilities, the only one that might realistically be considered at this time for this site is Chronic for the following reasons. Washington County Hospital is an acute hospital and it would take a big player to compete with them. Nursing Homes need a Certificate of Need from the State and because Washington County has vacant beds it would be extremely difficult to get a Certificate of Need for a new Nursing Home facility at present. Chronic Hospitals also need a Certificate of Need, but since there is a waiting list for ventilator and rehab patients, it should be easy to get a Certificate of Need for a new Chronic Hospital. For these reasons, this analysis will concentrate on the Chronic Hospital type of medical use and will use Western Maryland Hospital as a model for impact data.

Western Maryland Hospital is a 153,000 sq.ft. facility on 13 acres. It is both a Nursing Home and a Chronic Hospital. WMH has 325-350 staff, is licensed for 126 hospital beds (operates 40-50 beds due to funding), and is licensed for 63 skilled nursing home beds. The facility has 244 general purpose

parking spaces and 16 parking spaces for the dialysis unit. A chronic hospital requires an incinerator for biohazard material or a contract with Washington County Hospital or a private hauler to remove the biohazard material. Need to provide or contract out a laboratory, x-ray services, autoclaving (sterilizing medical equipment), and pharmacist services. In addition to nurses and nurse's aids, a chronic facility needs to provide Occupational, Physical, and Speech therapists and physicians. While the patients may require hemodialysis, Dr. Rosa & Dr. Rosa have cornered the market in this area for this service. The facility needs back-up generators and piped-in oxygen and suction. Need to provide or contract out (County Medical) transport services to the hospital or Robinwood. Need to provide security against narcotic thefts and trespass by homeless individuals. The chief funding source to operate the facility is Medicare and Medicaid.

Western Maryland Hospital has 5-7 tractor trailer truck deliveries per day for medical, food, and maintenance supplies.

2. Furtherance of Comprehensive Plan Goals

The proposed hospital use would appear to be consistent with the Comprehensive Plan's goals for a small neighborhood employment center (350 staff at WMH) in this neighborhood. In addition, since the Land Use Plan map recommends low/medium density residential for the Central Chemical property, rezoning to residential would permit this type of land use.

3. Compatibility with Existing Zoning

The proposed use is not permitted in the IG zoning district. Such a use is permitted as a special exception in the Residential and Commercial districts. Rezoning to R2 or C2, adjacent zoning classifications, would allow for this use. R2 zoning would be compatible with the land on the north and west boundaries of the site and would be consistent with the recommendation of the Land Use Plan map. The change or mistake argument for R2 rezoning could be that the character of the neighborhood changed when the formerly agricultural land to the north and west of the property developed with residential uses between 1986-2003. A wrinkle in this argument is that the land has been zoned R2 since 1977. C2 zoning would be compatible with the land on the northeast boundary which first developed as a shopping center in 1962. It is unclear what the change or mistake argument for rezoning to C2 would be since the commercial zoning and character of the C2 district was established prior to the comprehensive rezoning in 1977.

4. Compatibility with Nearby Uses/Features/Neighborhood Concerns

With buffering, the proposed use could be compatible with the adjoining residential neighborhoods, particularly since traffic would not pass through those developments. The use would generate significant traffic which Mitchell Avenue and its intersection with N. Burhans Boulevard might not be able to handle adequately. For example, 5-7 tractor trailer truck deliveries per day and 1,400 trips per day generated by staff, visitors, etc. The attraction of the Mitchell Avenue underpass as a short cut to access the site to and from the West End could cause significant adverse traffic impacts at the underpass and through the West End's narrow residential street system. It may not be desirable to locate a hospital on a site which is bounded by an active freight rail line.

5. Impacts on Schools

There will be no impact on schools with this use, because the use will not increase the population of the area.

6. Fiscal/Economic Impact

Non-profit organizations do not provide tax revenues for the City.

7. Traffic Impacts

It is anticipated that the proposed use would add 1,400 average daily trips per day to the road network and 130 trips at peak hour. 5-7 tractor trailer truck deliveries per day would add a significant new traffic dimension to the intersection of Mitchell Avenue and N. Burhans Boulevard.

8. Public Services/Utility/Infrastructure Impacts

All public facilities and services rendered by the City of Hagerstown (electricity, water, and sewer) are available to the site.

Depending upon the ultimate redevelopment uses selected and the related increases in traffic, the turn lanes near N. Burhans Blvd may need to be lengthened or the signal timing at the intersection may need to be changed. A deceleration/turning lane may be required at the entrance to the Central Chemical site and a new traffic signal could be required on Mitchell Avenue at the site's entrance. When warranted, the developer will be responsible for all road improvements.

9. Potential Benefits Summary

There is a shortage of beds in Washington County for chronic care patients (ventilator and rehab). A private, for-profit facility would generate tax revenues for the City. Both Washington County Hospital and Western Maryland Hospital are exempt from local property taxes due to non-profit status or State ownership. Another hospital facility would have an economic impact by providing business for related industries that such a facility would be dependent upon for services or supplies.

10. Potential Liabilities Summary

The two biggest issues facing this use are the expense of constructing and operating a chronic facility and the difficulty in recruiting nurses, therapists, and doctors.

An estimate for construction of a new 110-125 bed facility is $21 million or $175/square foot. Western Maryland Hospital has a $15 million/year budget. The cost per day at WMH is $500/day for rehab patients, $700/day for ventilator patients, and $400/day for nursing home patients. The cost to transport a patient is $1,000/trip for a ventilator patient and $500/trip for a non-ventilator patient.

Staffing shortages are a real problem for the industry. More nurses are retiring than graduating each year in Maryland – and so, the starting salary is $45,000/year. There are also shortages for respiratory therapists. It is difficult to recruit physicians because of the lure of private practice. Pharmacists are also scarce. Chronic facilities need Certified Billing Specialists to go after all the billing sources, in particular Medicare and Medicaid.

An additional concern is the tremendous volume of traffic which this use would add to the local street network.

SCHOOL USE

1. Development Characteristics/Intensity

The prototype for a new 600 student elementary school is a 71,000 square foot facility on 20 acres. There should be 2 playgrounds at 1/4 acre each, one for K-2 grade and one for 3-5 grade, and a parking lot with 85-90 parking spaces. Such a facility would have 60 staff members. For comparison purposes, Salem Avenue Elementary School will be a 70,740 square foot facility (after renovations) for 638 students on a 13.24 acre site. Because Salem Avenue is a walking school, this facility only utilizes 4 school buses. A new school at the Central Chemical site would need 8 school buses, because they would not allow walkers from the West End over the railroad tracks or under the Mitchell Avenue

underpass (as it is currently constructed). The school would attract 3 box trucks and one mini-van per day for deliveries of meals, mail, and supplies. A new school would need fiber optic for internet use. Schools are used weekday evenings from 6:00-9:00 p.m. for clubs and sport leagues. A new school would be used 4 nights/week from 6:00-7:30 p.m. for in-house training of system faculty (20-30 adults per session). Each school provides at least one week of summer school.

2. Furtherance of Comprehensive Plan Goals

The proposed use is not consistent with the recommendations for the Mitchell Avenue neighborhood. While construction of a new school within the City, rather than out in suburban locations, is encouraged by the Comprehensive Plan, construction of a school at this site would result in the closing of the Winter Street School in the West End. The Comprehensive Plan encourages the retention of neighborhood schools. The fact that all of the students at Winter Street are walkers (because they live within a ½ mile of their school) demonstrates that this is a neighborhood school. The size and age of Winter Street School make it a very difficult rehabilitation challenge for the Board of Education.

3. Compatibility with Existing Zoning

The proposed use is not permitted in the IG zoning district. Such a use is permitted as a special exception in the Residential and Commercial districts. Rezoning to R2 or C2, adjacent zoning classifications, would allow for this use. R2 zoning would be compatible with the land on the north and west boundaries of the site and would be consistent with the recommendation of the Land Use Plan map. The change or mistake argument for R2 rezoning could be that the character of the neighborhood changed when the formerly agricultural land to the north and west of the property developed with residential uses between 1986-2003. A wrinkle in this argument is that the land has been zoned R2 since 1977. C2 zoning would be compatible with the land on the northeast boundary which first developed as a shopping center in 1962. It is unclear what the change or mistake argument for rezoning to C2 would be since the commercial zoning and character of the C2 district was established prior to the comprehensive rezoning in 1977.

4. Compatibility with Nearby Uses/Features/Neighborhood Concerns

With buffering, the proposed use would be compatible with the adjoining residential neighborhoods, particularly since traffic would not pass through those developments. The use would generate significant traffic which Mitchell Avenue and its intersection with N. Burhans Boulevard might not be able to handle adequately. For example, 8 school buses twice a day and 2,100 trips per day generated by staff, visitors, etc. The attraction of the Mitchell Avenue underpass as a short cut to access the site to and from the West End could cause significant adverse traffic impacts at the underpass and through the West End's narrow residential street system. It may not be desirable to locate a school on a site which is bounded by an active freight rail line because of noise and vibration and because it might temp children to cross the tracks to access the site to and from the West End.

5. Impacts on Schools

This proposal would not generate new students for the school system.

6. Fiscal/Economic Impact

Public schools do not generate tax revenues. The $12 million needed to construct and fit-out a new school would be financed by State and local tax dollars.

7. Traffic Impacts

It is anticipated that the proposed use would add 2,100 average daily trips per day to the road network and 200 trips at peak hour. 8 school buses twice a day, three box trucks per day, one mini-van per day, and 2,100 trips per day by staff/visitors would add a significant new traffic dimension to the intersection of Mitchell Avenue and N. Burhans Boulevard.

8. Public Services/Utility/Infrastructure Impacts

All public facilities and services rendered by the City of Hagerstown (electricity, water, and sewer) are available to the site.

Depending upon the ultimate redevelopment uses selected and the related increases in traffic, the turn lanes near N. Burhans Blvd may need to be lengthened or the signal timing at the intersection may need to be changed. A deceleration/turning lane may be required at the entrance to the Central Chemical site and a new traffic signal could be required on Mitchell Avenue at the site's entrance. When warranted, the developer will be responsible for all road improvements.

9. Potential Benefits Summary

A new elementary school at the Central Chemical site could be used to replace Winter Street School and to redistrict some of Fountaindale's students, thus relieving overcrowding at Paramount. Winter Street serves 200 students, was constructed in 1953 on a 3.13 acres site, and cannot be renovated to bring up to modern standards due to site constraints. Modern schools add to the quality of life of a community and significantly influence home-buyer decisions.

10. Potential Liabilities Summary

A new prototype school would cost approximately $12 million to construct and fit out. It could take up to 10 years to line up the funding for such a project.

An additional concern is the tremendous volume of traffic which this use would add to the local street network.

GOVERNMENT OPERATIONS USE

1. Development Characteristics/Intensity

Most government operations facilities involve some type of vehicle fleet, storage yard, maintenance area, and office space. In addition, these facilities may include some type of utility plant. This analysis will use the City Light Department's operations center on E. Baltimore Street as a model for impact data. City Light's main facility is on a 3 acre site. It includes a 90,000 square foot building and a 2 acre storage yard for equipment and supplies. The Department's fleet is stored at this facility and includes 10 line trucks, 5 pick-up trucks, 3 vans, and 4 sedans. There are 35 staff members on two shifts. This facility contains the distribution, engineering, and administrative functions of the Department. The facility has a maintenance shop that includes a paint booth, material storage, equipment repair, and oil storage. Deliveries to the site include 3-5 tractor trailer trucks/week, 3-5 box trucks/week, and daily van deliveries.

2. Furtherance of Comprehensive Plan Goals

While this use would appear to meet the Comprehensive Plan's recommendation for a small employment center in the Mitchell Avenue neighborhood (City Light has 35 staff members), relocation of an existing City operations facility would not create new jobs.

3. Compatibility with Existing Zoning

The proposed use is permitted in the IG district.

4. Compatibility with Nearby Uses/Features/Neighborhood Concerns

With buffering, the proposed use could be compatible with the adjoining residential neighborhoods, particularly since traffic would not pass through those developments. The use would generate significant traffic which Mitchell Avenue and its intersection with N. Burhans Boulevard might not be able to handle adequately. For example, 3-5 tractor trailer truck and 3-5 box truck deliveries per week and 300 trips per day generated by utility vehicles, administrative staff, visitors, etc. The attraction of the Mitchell Avenue underpass as a short cut to access the site to and from the West End could cause significant adverse traffic impacts at the underpass and through the West End's narrow residential street system.

5. Impacts on Schools

There will be no impact on schools with this use, because the use will not increase the population of the area.

6. Fiscal/Economic Impact

Public operations facilities do not generate tax revenues. Relocation of an existing facility will cost either the City's general fund or the Utilities' enterprise fund to finance the expense of constructing a new facility.

7. Traffic Impacts

It is anticipated that the proposed use would add 300 average daily trips per day to the road network and 35 trips at peak hour. 3-5 tractor trailer trucks/week, 3-5 box trucks/week, daily van deliveries, and 300 trips per day by staff would add a significant new traffic dimension to the intersection of Mitchell Avenue and N. Burhans Boulevard.

8. Public Services/Utility/Infrastructure Impacts

All public facilities and services rendered by the City of Hagerstown (electricity, water, and sewer) are available to the site.

Depending upon the ultimate redevelopment uses selected and the related increases in traffic, the turn lanes near N. Burhans Blvd may need to be lengthened or the signal timing at the intersection may need to be changed. A deceleration/turning lane may be required at the entrance to the Central Chemical site and a new traffic signal could be required on Mitchell Avenue at the site's entrance. When warranted, the developer will be responsible for all road improvements.

9. Potential Benefits Summary

There may be some political benefits to relocating a City operations facility with a County operations facility to further the mission of consolidating services where feasible or appropriate.

10. Potential Liabilities Summary

The non-centralized location of the site would make it less than optimal for a City government operations facility. For the City Light Department, relocation would get them away from quick response times because their top 5 major customers are all located in the area of the existing facility.

In addition, relocation of an entrenched operations facility such City Light would require large expenditures of funds.

MUSEUM USE

1. Development Characteristics/Intensity

A museum which is intended to be a major tourism destination and center for cultural activities can have significant traffic impacts. The Washington County Museum of Fine Arts (22,000 sq.ft. on 3 acres) is a Hagerstown example of a medium-size museum. The museum's collection includes over 7,000 works of art. The museum employs 6 full-time and 7 part-time staff. The facility has a 36 space parking lot, but could use another 25 spaces. The museum, which is free to the public, attracted 72,000 visitors in 2002 and hosts various cultural events (concerts, lectures, films, exhibit openings) every Sunday afternoon which attract between 100-300 people per event and approximately 5 art classes per week for children and adults. The museum rents out their facility for receptions approximately once or twice a month. When grant funding was available in the past, the museum hosted two school groups per month from September through May. Deliveries to the site include 2 tractor trailer trucks/month and daily deliveries by UPS/Fed Ex.

2. Furtherance of Comprehensive Plan Goals

The proposed use is not consistent with the recommendations for the Mitchell Avenue neighborhood. The proposed use at this location conflicts with the Comprehensive Plan's recommendation to make the downtown a regional tourism destination and to create museum(s) on our Civil War, Railroad, and Industrial heritage in the downtown as a major draw for visitors and a revitalizing element for the downtown.

3. Compatibility with Existing Zoning

The proposed use is not permitted in the IG zoning district. Such a use is permitted in the C3, Commercial Central (downtown), district. Rezoning to C3 is not possible, because this site is not adjacent to the downtown C3 district. If so desired, the Mayor and City Council could adopt a Zoning Ordinance text amendment that would permit museums in the C2, Commercial General, district. If this change were made, it would be necessary to rezone the site to C2. C2 zoning would be compatible with the land on the northeast boundary of the site which first developed as a shopping center in 1962. It is unclear what the change or mistake argument for rezoning to C2 would be since the commercial zoning and character of the C2 district was established prior to the comprehensive rezoning in 1977.

4. Compatibility with Nearby Uses/Features/Neighborhood Concerns

With buffering, the proposed use would be compatible with the adjoining residential neighborhoods, particularly since traffic would not pass through those developments. The use would generate significant traffic which Mitchell Avenue and its intersection with N. Burhans Boulevard might not be able to handle adequately. For example, 2 tractor trailer trucks/month, daily deliveries by UPS/Fed Ex, and 200 trips per day generated by visitors, staff, etc. The attraction of the Mitchell Avenue underpass as a short cut to access the site to and from the West End by locals could cause adverse traffic impacts at the underpass and through the West End's narrow residential street system. It may not be desirable to locate a major cultural tourist attraction across the street from a rough industrial site. In addition, it may not be desirable to locate a museum on a site which is bounded by an active freight rail line because of vibration.

5. Impacts on Schools

There will be no impact on schools with this use, because the use will not increase the population of the area.

6. Fiscal/Economic Impact

Museums are typically non-profit organizations which do not generate property tax revenues. As a magnet for tourists, museums can generate spin-off dollars for hotels, retail, and restaurants in the local economy. The annual local financial support by government and private sources necessary to keep a museum operating taps into an extremely competitive and limited fund supply in the local economy.

7. Traffic Impacts

It is anticipated that the proposed use would add 200 average weekday daily trips per day to the road network and 25 trips at weekday peak hour, and add 500 average Sunday daily trips per day to the road network and 120 trips at Sunday peak hour.

8. Public Services/Utility/Infrastructure Impacts

All public facilities and services rendered by the City of Hagerstown (electricity, water, sewer) are available to the site.

Depending upon the ultimate redevelopment uses selected and the related increases in traffic, the turn lanes near N. Burhans Blvd may need to be lengthened or the signal timing at the intersection may need to be changed. A deceleration/turning lane may be required at the entrance to the Central Chemical site and a new traffic signal could be required on Mitchell Avenue at the site's entrance. When warranted, the developer will be responsible for all road improvements.

9. Potential Benefits Summary

19-acre infill sites within the City for economic development projects are not that common. The availability of this site would create an opportunity for this proposed use.

10. Potential Liabilities Summary

Museums require financial support to keep the doors open. They are extremely expensive to operate. Museum's require temperature and humidity controls which add to the construction and operating budgets. One has to consider how many non-profit cultural organizations the community can support in both attendance and funding (attendance fees, membership fees, fund-raising campaigns, etc.). An annual fund-raising effort is required to keep such facilities operating. General operating funds are difficult to raise through grant sources. Government grant sources are subject to budget cuts which makes this source uncertain for non-profits. Without an endowment fund, the Washington County Museum of Fine Arts would not be able to balance its budget each year. Of the museum's $573,000 annual budget, approximately 21% comes from the City and Washington County, 10% from government and foundation grants, 47% from private donations, and 21% from the museum's endowment fund. The museum's charter does not allow it to charge admission.

If this community is to make a major investment in a history/science/cultural museum, it should be designed and located to maximize its impact on our local economy. With a strategic location, it can act as a magnet for regional tourism and attract customers to nearby shops and restaurants. Location at this site would conflict with the community's goal to create an Arts and Entertainment District in the downtown and the Comprehensive Plan's recommendation to make the downtown a regional destination for culture, dining, and shopping.

Appendix E: Project Partners

This Appendix provides additional information about the City of Hagerstown and its project partners.

The City contracted and partnered with several organizations – E^2 Inc., the Institute for Environmental Negotiation (IEN), and the Technical Outreach Services for Communities (TOSC) program, to help organize the project's public outreach effort, facilitate committee and public meetings, provide training services, provide technical review of a City-generated impact analysis, and provide technical review of site-related data. The City's Department of Planning developed an impact analysis for a range of potential reuse categories – residential, commercial, industrial, civic, and recreational – identified by the project's Land Use Committee.

The City of Hagerstown

Department of Planning

The project was coordinated by the Department of Planning. The Department coordinates the City's development review process, prepares and implements the City's Comprehensive Plan and other planning policies and documents, and assists with the preparation of the Capital Improvement Program. Accordingly, the Department reviews development proposals and administers the Zoning Ordinance in order to protect the public interest and ensure compatibility with the goals and recommendations of the Comprehensive Plan. The staff also prepares grant applications; conducts demographic, land use, and financial analyses; prepares various plans, studies and reports; and prepares the Capital Improvement Program. Staff also works to expand the tax base of the City through annexation.

Department of Engineering

The Department of Engineering assisted the project with mapping, traffic analyses, and infrastructure location. The Department coordinates the City's capital improvement projects, building permits and inspections, code compliance, GIS and drafting, and traffic and parking.

City Project Staff

- Kathleen A. Maher, Planning Director
- Megan Gedney, Planner (until February 2003)
- Rodney Tissue, City Engineer
- Jim Bender, Assistant Engineer

Contact Information

City website: www.hagerstownmd.org
Email: planning@hagerstownmd.org

The E^2-IEN Reuse Planning Team

E^2 Inc. and its partner, the University of Virginia's Institute for Environmental Negotiation (IEN) have assembled a broad array of expertise designed specifically to address the complex economic, social, and environmental issues associated with the redevelopment of former hazardous waste sites.

E^2 Inc.

Established in 1996, E^2 Inc. is an environmental and economic consulting group that specializes in helping communities address the redevelopment of contaminated properties. E^2 Inc.'s approach draws on the expertise of economists, public policy specialists, environmental scientists, urban planners, landscape architects, environmental lawyers, and community facilitators to address communities' economic, social, and environmental needs. E^2 Inc. has worked extensively with EPA's Superfund Redevelopment Initiative (SRI) on numerous projects, including developing an in-depth economic analysis of the benefits provided by the Superfund program. E^2 Inc. is currently working with 11 SRI pilot communities across the country to develop effective, sustained strategies for successful site reuse at 13 NPL sites.

E^2 Inc. Project Staff

- Michael Hancox, Vice-President of Operations
- James Wilkinson, Project Manager
- Shawn Gewirtz, Associate

Contact Information

E^2 Inc. website: www.e2inc.com
Email: jwilkinson@e2inc.com

The Institute for Environmental Negotiation (IEN)

Created in 1980, the Institute for Environmental Negotiation (IEN) at the University of Virginia has two decades of experience in the provision of facilitation, mediation, consensus building, conflict resolution, training, and research services. IEN has worked with diverse clients like the Bi-State Blue Crab Advisory Committee and the Virginia Department of Transportation's Bryan Park Interchange Advisory Committee to address the inter-state management of the Chesapeake Bay's blue crab population and the integration of community involvement into state-level transportation decisions. In the Town of Shenandoah, IEN designed and lead the community's visioning, education, and planning efforts for the redevelopment of the town's Big Gem brownfields site, a former iron mill and municipal dump.

IEN Project Staff

- Dr. Franklin Dukes, IEN Director and Lecturer, University of Virginia Department of Urban and Environmental Planning

- Dr. Bruce Dotson, IEN Senior Associate and Chair, University of Virginia Department of Urban and Environmental Planning
- Lynn Osgood, IEN Associate

Contact Information

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Technical Outreach Services for Communities (TOSC) Program

The EPA-funded Hazardous Substance Research Center's Technical Outreach Services for Communities (TOSC) program provides free technical assistance to communities with environmental contamination issues related to Superfund or Brownfield Sites. At the Central Chemical Corporation NPL site, TOSC provided educational and technical resources to help the project's Land Use Committee and the larger community understand the technical issues related to the Central Chemical site. TOSC aims to empower communities to participate meaningfully in the decision-making process regarding their hazardous substance problems.

TOSC Project Staff

- Robyn Gilden, Region III Outreach Program Manager
- Ralph Lightner, Environmental Engineering Consultant

Contact Information

TOSC website: www.jhu.edu/hsrc
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Appendix F: List of Project-Related Acronyms

AR - (*Administrative Record*): List of all EPA documents used to develop a response action for a Superfund site. The AR culminates in the record of decision for remedial action or an action memorandum for removal actions.

ASTM - (*American Society for Testing and Materials*): ASTM International is a not-for-profit organization that provides a global forum for the development and publication of voluntary consensus standards for materials, products, systems, and services.

ASTSWMO - (*Association of State and Territorial Solid Waste Management Officials*): Association that focuses on the needs of state hazardous waste programs, non-hazardous municipal solid waste and industrial waste programs, recycling/minimization/reduction programs, Superfund/State cleanup programs, and underground storage tank and leaking underground storage tank programs.

ATSDR - **(*Agency for Toxic Substances and Disease Registry*):** Federal agency within the Department of Health and Human Services tasked to prevent exposure and adverse human health effects and diminished quality of life associated with exposure to hazardous substances from waste sites, unplanned releases, and other sources of pollution present in the environment.

CDBG - (*Community Development Block Grant*): A Community Development Block Grant is a federal entitlement program administered by the U.S. Department of Housing and Urban Development (HUD) Community Planning and Development Office. These grants provide eligible metropolitan cities and urban counties (called "entitlement communities") with annual direct grants that they can use to revitalize neighborhoods, expand affordable housing and economic opportunities, and/or improve community facilities and services, principally to benefit low- and moderate-income persons.

CERCLA - (*Comprehensive Environmental Response, Compensation, and Liability Act (1980)*): The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment.

CERCLIS - (*Comprehensive Environmental Response, Compensation, and Liability Information System*): The Comprehensive Environmental Response, Compensation, and Liability Act Information System (CERCLIS) is EPA's database management system which maintains a permanent record of all information regarding all reported potential hazardous waste sites.

CIC - (*Community Involvement Coordinator*): EPA staff member responsible for Agency's community involvement activities at Superfund sites. The CIC coordinates community meetings, explains Agency activities, and works with communities to address local concerns and priorities.

EPA - (*Environmental Protection Agency*): The federal agency whose mission is to protect human health and safeguard the natural environment.

HAZMAT - (*Hazardous Materials*): Chemicals, usually the by-product of industrial processes, that pose a danger to human health and the environment.

HRS - (*Hazard Ranking System*): The HRS is the scoring system used by EPA's Superfund program to assess the relative threat associated with actual or potential releases of hazardous substances. The HRS is the primary screening tool for determining whether a site will be included on the National Priorities List (NPL), EPA's list of priority sites identified for possible long-term remedial action under Superfund. The scoring system assigns each site reviewed with a value between 0 and 100. A score of 28.5 or higher means that the site is eligible for listing on the NPL.

MDE - (*Maryland Department of the Environment*): MDE protects and restores the quality of Maryland's air, land, and water resources, while fostering economic development, healthy and safe communities, and quality environmental education for the benefit of the environment and public health.

NCP - (*National Contingency Plan*): The National Oil and Hazardous Substances Pollution Contingency Plan, more commonly called the National Contingency Plan or NCP, is the federal government's blueprint for responding to both oil spills and hazardous substance releases.

NPL - (*National Priorities List*): The NPL is EPA's list of the most serious uncontrolled or abandoned hazardous waste sites identified for possible long-term remedial action under Superfund. The list is based primarily on the score a site receives from the Hazard Ranking System. EPA is required to update the NPL at least once a year. A site must be on the NPL to receive money from the Trust Fund for remedial action.

O&M - (*Operations and Maintenance*): Activities conducted after a Superfund site remedial action is completed to ensure that the site remedy remains effective in the future.

OERR - (*Office of Emergency and Remedial Response*): Manages the Superfund program, which was created to protect citizens from the dangers posed by abandoned or uncontrolled hazardous waste sites. Congress established Superfund through the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

OSWER - (*Office of Solid Waste & Emergency Response*): The Office of Solid Waste and Emergency Response (OSWER) develops guidelines and standards for the land disposal of hazardous wastes and underground storage tanks. OSWER also implements a program to respond to abandoned and active hazardous waste sites and accidental releases, including some oil spills, and encourages the use of innovative technologies for contaminated soil and groundwater.

PA - (*Preliminary Assessment*): The PA is the first stage of the EPA site assessment process. It is a relatively quick, low-cost compilation of readily available information about a site and its surroundings. The PA emphasizes identifying populations and other targets that might be affected by the site. It includes a reconnaissance of the site and surrounding area, but not environmental sampling. The PA is designed to distinguish between sites that pose little or no potential threat to human health and sites that warrant further investigation.

PCOR - (*Preliminary Closeout Report*): EPA report that documents the completion of a site's remedy.

PRP - (*Potentially Responsible Party*): A group that has been identified by EPA as being liable for incurring the costs of cleanup at a contaminated site.

RA - (*Risk Assessment*): Qualitative and quantitative evaluation of the risk posed to human health and/or the environment by the actual or potential presence and/or use of specific pollutants.

RCRA - (*Resource and Recovery Act of 1976*): The regulatory system that manages hazardous waste from the time they are generated to their final disposal. RCRA imposes standards for transporting, treating, storing, and disposing of hazardous wastes. It is designed to prevent the creation of new hazardous waste sites by authorizing EPA to take administrative, civil, and criminal actions against facility owners and operators who do not comply with RCRA requirements.

RD/RA - (*Remedial Design / Remedial Action*): Remedial Design (RD) is the phase in Superfund site cleanup where the technical specifications for cleanup remedies and technologies are decided. Remedial Action (RA) follows the remedial design phase and involves the actual construction or implementation phase of Superfund site cleanup. The RD/RA is based on the specifications described in a site's record of decision (ROD).

RI/FS - (*Remedial Investigation / Feasibility Study*): After a site is listed on the NPL, an RI/FS is performed at the site. The RI serves as the mechanism for collecting data, while the FS is the mechanism for developing, screening, and evaluating alternative remedial actions. The RI and FS are conducted concurrently. Data collected in the RI influence the development of remedial alternatives in the FS, which in turn affect the data needs and scope of treatability studies and additional field investigations.

ROD - (*Record of Decision*): This EPA document represents the final remediation plan for a site. It documents all activities prior to selection of the remedy, and provides a conceptual plan for activities subsequent to the ROD. The purpose of the ROD is to document the remedy selected, provide a rationale for the selected remedy, and establish performance standards or goals for the site or operable unit under construction. The ROD provides a plan for site

remediation, and documents the extent of human health or environmental risks posed by the site or operable unit. It also serves as legal certification that the remedy was selected in accordance with CERCLA and NCP requirements.

RPM - (*Remedial Project Manager*): EPA staff member responsible for the management of a site's cleanup. A site's RPM directs all investigations, planning, remedial activities, and manages technical, legal and community relations issues at assigned sites. The RPM also directs contractual efforts to ensure proper allocation of funds and that contractor uses are effective and efficient.

SARA - (*Superfund Amendments and Reauthorization Act of 1986*): This legislation amended the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in 1986. SARA's changes stressed the importance of permanent remedies and innovative treatment technologies in cleaning up hazardous waste sites; required Superfund actions to consider the standards and requirements found in other state and federal environmental regulations; provided new enforcement authorities and settlement tools; increased state involvement in every phase of the Superfund program; increased the focus on human health problems posed by hazardous waste sites; encouraged greater citizen participation in site remediation plan designs; and increased the size of the trust fund to $8.5 billion.

SI - (*Site Inspection*): Part of the EPA site assessment pipeline. The SI is a dynamic process tailored to the specific circumstances of individual sites; it is not a standardized process to be repeated at every site. The objective of the SI is to gather information to determine if the site poses a threat to human health or the environment in order to support a site decision regarding the need for further Superfund action. The SI begins by verifying the hypothesis put forth in the PA by collecting and analyzing wastes and environmental media samples to determine whether hazardous substances are present at the site and are migrating into the surrounding environment. The SI data is used for removal actions, other response actions, and to determine if the site is eligible for inclusion on the NPL.

SRI - (*Superfund Redevelopment Initiative*): A national EPA program that focuses on the return of Superfund sites to productive use, the achievement of site cleanups that are consistent with a community's anticipated land use, and the facilitation of the reuse of sites where appropriate. The components of the program include pilots, policies, partnerships, and promotion.

TOSC - (*Technical Outreach Services for Communities*): The TOSC program uses university-based educational and technical resources to help communities understand the technical information and issues associated with local hazardous waste sites. TOSC's mission is to empower communities to participate substantively in decision-making processes related to local hazardous waste management and site cleanup.

TRI - (*Toxic Release Inventory*): Database of toxic releases in the United States compiled from SARA Title III Section 313 reports containing information concerning waste management activities and the release of toxic chemicals by facilities that manufacture, process, or otherwise use such materials. Citizens, businesses, and governments can then use this information to work together to protect the quality of their land, air, and water.

VOCs - (*Volatile Organic Compounds*): VOCs are organic compounds (excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate) that participate in atmospheric photochemical reaction.