



TOWN OF BOONSBORO

DEPARTMENT OF PLANNING, ZONING & ENGINEERING

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CONCEPT PLAN for THE PRESERVE AT FOX GAP RESIDENTIAL SUBDIVISION STAFF REPORT July 8th, 2019

PROJECT: BNCP19-02 – Concept Plan for The Preserve at Fox Gap Residential Subdivision

APPLICANT: The Preserve at Fox Gap, LLC
c/o Todd Easterday
20320 Ayoub Lane
Hagerstown, MD 21742

ENGINEER: Frederick, Siebert & Associates
128 S. Potomac Street
Hagerstown, MD 21740

PROPERTY INFORMATION: TM 0073 / G 0012 / P 0307 & 0308, 65.56 acres, Zoned MR, TC(-R), TR

LOCATION: Along the East Side of Old National Pike (US Alt 40) and south of Mousetown Road

PROPOSAL: 118 Lots, Single Family Detached, 43.34 acres

PROJECT NOTES:

1. This concept plan will be reviewed by the Mayor & Council of Boonsboro at the following public meetings over the next several months:
 - a. Mayor & Council Regular Meeting, July 8th, 2019: Informational Agenda Item
 - b. Mayor & Council Workshop Meeting, July 29th, 2019: Workshop Topic for Discussion
 - c. Mayor & Council Regular Meeting, August, 12th, 2019: Vote on Resolution

If a resolution is passed by the Mayor & Council allowing the developer to submit a proposal for residential development of the property to the Town and the Town's Planning Commission for review (see Project Note 5), the Planning Commission will review the concept plan at their August 27th, 2019 meeting.

2. This concept plan proposes a potential layout for a residential subdivision of 118 lots on 43.34 acres with the proposed breakdown of overall land area:
 - a. Residential Lots, Stormwater Management, etc. : 31.19 acres
 - b. Rights-of-Way: 7.46 acres
 - c. Open Space: 4.69 acres

The plan also depicts 0.27 acres of land dedicated for a water tower and 22.22 acres of "remaining lands" in two separate areas (15.51 acres zoned MR and 6.71 acres zoned TR).

3. All of the proposed residential lots fall within the Town Center Residential (TC(-R)) and Town Residential (TR) Zoning Districts. However, proposed lots 42-47, 54, 55, and 59 fall within an area of the property that will be rezoned to Suburban Residential (SR) during the next Comprehensive Plan Update. The developer is aware of this future comprehensive zoning map amendment as it was a Planning Commission recommended condition of approval for BNRZ18-01(rev), a zoning map amendment request approved by the Town's Mayor & Council in April of 2019, and referenced in Planning Commission meeting minutes from January 15th, 2019, February 5th, 2019 (workshop), and February 26th, 2019, and Mayor & Council meeting minutes from January 22nd, 2019 and February 4th, 2019 (both the Public Hearing and Regular Meeting). Knowing this, the developer and their engineers met the SR zoning requirements for minimum lot sizes and setbacks for lots 42-47, 54, 55, and 59.



TOWN OF BOONSBORO

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4. All of the property depicted in the concept plan, and any development of the property, is subject to the property owners' Annexation Agreement, dated December 28th, 2006.
5. The property owner's aforementioned annexation agreement states, *"The remaining portion of the Property, excluding the Commercial Parcel, shall not be developed, nor shall any site plan, subdivision plat or other development application be submitted to the Town by the Petitioner, except as permitted by amendment to this annexation agreement. The Petitioner shall not commence or submit any proposal for residential development of the property to any board, commission, representative or agency of the Town for residential development of the Property or any part thereof until permission to submit such proposal shall have been granted to the Petitioner by resolution of the Mayor and Council, which permission may be withheld or conditioned in the absolute, sole, subjective discretion of the Mayor and Council. The Petitioner in his absolute, unconditional and sole discretion may de-annex the Property, or any part thereof, in the event a moratorium is imposed on the Property or any amendment to this annexation agreement is found to be unacceptable to Petitioner, in his sole discretion."*
6. Per a letter from the Town dated July 18th, 2018, the property owner has purchased (and owns) eight (8) sewer taps (wastewater benefit) to date from the Town of Boonsboro for a total price of \$92,880.59. Per the Town's current policy for the distribution of water and sewer capacity within the municipal boundary for the Town of Boonsboro, any additional "taps" for both water and sewer (wastewater) can be acquired by the developer on a first-come, first-serve basis based upon the available and unused capacity in the Town of Boonsboro's permitted water appropriation and at the wastewater treatment plant. Current prices for taps in the Town of Boonsboro are \$8,550 for water service, \$13,550 for sewer service, and a \$1,000 connection fee.
7. The property for which this concept plan was submitted was recently the subject of a zoning map amendment request (BNRZ18-01(rev)) and approval. Ordinance 2019-01, which has been effective since April 28th, 2019, rezoned 4.53 acres from MR to GC, 6.71 acres from MR to TC(-R), 16.85 acres from TR to TC(-R), and 2.04 acres from TR to GC. GC stands for General Commercial, TR stands for Town Residential, MR stands for Multi-Family Residential, and TC(-R) stands for Town Center Residential.
8. The Comprehensive Plan and the Washington County Water and Sewerage Plan will be reviewed for consistency with respect to this Concept Plan. This Staff Report will review the concept for Comprehensive Plan consistency (see below). Unless otherwise noted by Town of Boonsboro staff, the preliminary plat/site plan for this Concept Plan (the next step in the Development Review Process) will need to conform with the following Town Ordinances (and potentially others not listed below):
 - a. Zoning Ordinance
 - b. APFO / Ordinance for Growth Management
 - c. Land Subdivision Ordinance (2006) and Amendments
 - d. Site Plan, Landscaping, and Street Light Requirements (2009-04)
 - e. Street Standards (2010-01)
 - f. Parking (2012-01)
 - g. Washington County Stormwater Management, Sediment, and Erosion Control Ordinance
 - h. Washington County Sensitive Areas Ordinance
 - i. Washington County Floodplain Ordinance
 - j. The Town Code for the Town of Boonsboro – Chapters 6, 7, and 11



TOWN OF BOONSBORO

DEPARTMENT OF PLANNING & ZONING
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- k. The Town Charter (more generally)
 - l. Town Water Specifications
 - m. Town Sewer Specifications
9. The concept plan does not indicate forest conservation requirements via the forest conservation ordinance (Washington County) that would result from development of the property.
10. Preliminary Ordinance Review (for consistency with Town Ordinances listed above, Town Ordinance Review below is not complete)
- a. Zoning Ordinance Section 305.B.5.: Single Family Homes are permitted by-right in the TC(-R), TR, and SR zoning districts.
 - b. Zoning Ordinance Section 401.A.1.: Minimum Lot sizes, minimum lot widths, and minimum setbacks are correctly listed on the concept plan for TC(-R) and TR, but not listed for SR. The minimum lot size for SR is 15,000 square feet, the minimum lot width for SR is 100 feet, and the minimum setbacks are 20 feet (front), 15 feet (sides), and 25 feet (rear). More information is needed to determine whether lots 43-46, 54, 55, and 59 comply with the aforementioned dimensional requirements for Suburban Residential.
 - c. Zoning Ordinance Section 512.A.: The Planning Commission may require adequate provision for landscaping/screening in order to protect adjoining properties.
 - d. Zoning Ordinance section 513 (required Open Space): The Open Space requirement for the TC(-R) zoning district is 10% of the total parcel area, and the open space requirement for the TR and SR zoning districts is 15% of the total parcel area. The concept plan lists 13%. The development will be required to conform with the zoning ordinance.
 - e. Zoning Ordinance section 601.B.1.: Single family dwellings require 2 parking spaces per unit. Street Parking must accommodate 8 foot wide parking spaces that are at least 22' long (602.A.1.).
 - f. Section 702 of the Land Subdivision Ordinance: The depth of residential lots shall not be less than one (1) or more than three (3) times its width. In addition, panhandle lots, defined as polygonal shaped lots with the appearance of a pan, flag, or staff in which the handle is used as the point of access to a street or road, shall not be permitted. Lots 29, 43, 46, 54, 55, and 59 are depicted as panhandle lots.
 - g. Block Length (Table 7.1 of the Land Development Ordinance) will be taken into account in the final design of the proposed residential subdivision and may alter the layout in the concept plan.
 - h. Section 708 of the Land Subdivision Ordinance: The cul-de-sacs in the concept plan should be designed to conform with Section 708 of the ordinance.
 - i. Per Section 711 of the Land Subdivision Ordinance, sidewalks will be required along all public rights of way and streets in the proposed residential subdivision.



TOWN OF BOONSBORO

DEPARTMENT OF PLANNING & ZONING
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- j. Ordinance 2009-04: Ordinance 2009-04 specifies the requirements for site plans and landscaping. The proposed landscaping layout will need to be designed in accordance with these requirements. Traffic signs, lights, and all signage needs to be delineated on the site plan. Street trees will be provided by the developer, shall be planted along each side of all streets, and shall be placed at intervals no greater than 30 feet (See Section 719.I.).
- k. Street Standards (2010-01): The Street Standards ordinance must be complied with. Details 1, 4, 5, 7, 8, and 9 are of particular importance to this concept plan.
- l. Sidewalks: Sidewalks are required to be constructed per the Town Charter and Town Ordinances and designed in conjunction with Detail 9.0 of the Street Standards Ordinance. Sidewalks are not adequately shown on the concept plan.
- m. Washington County Stormwater Management Ordinance: Minimal land dedicated for stormwater management is shown in the concept plan. All development must comply with the stormwater management ordinance for Washington County.

STAFF COMMENTS (Comprehensive Plan Review):

1. This revised concept plan was reviewed by Staff on July 2nd and 3rd, 2019. Comprehensive Plan Review (for consistency) is meant to serve as a guide for the Town and for developers. Unlike ordinances and codes, the comprehensive plan is not law. However, it is a helpful tool for guiding the growth and development of communities.
2. The Washington County Water and Sewerage Plan states that the BMUC has a policy that requires each developer (except minor subdivisions of 5 or less units) to provide a minimum new water supply of 108,800 gpd (70 gpm) in the form of a new well to be connected to the existing distribution system (Page III-8), and that the BMUC is willing to make extensions of the sewer system within the Growth Area, but only for annexed properties (it remains Town policy that public sewerage will not be extended beyond corporate boundaries) (Page IV-15).
3. Assuming an average household size of 2.4 people (per page 2-1 of the Comprehensive Plan), this conceptual development would add a maximum of 283 people to the Town's population.
4. The Comprehensive Plan recommends 30 acres of park and open space per 1,000 residents, 15 acres of which should be for active recreation uses. For the projected population increase resulting from this development, that results in a recommendation of 8.49 acres of open space with 4.25 acres available for active recreation. While open spaces are shown on the plan, there are no open spaces dedicated for active recreation shown on the plan. The closest municipal open space recreation area for residents of this proposed neighborhood is Shafer Park, which is on the other side of Town. An entire section of our Town's Comprehensive Plan is titled, "As the Town grows, the distribution of its park land is an important consideration." (Page 5-7). Staff recommends working with the developer to facilitate more open space and the dedication of an active recreation area in this part of Town such as a public or community park or similar amenity. There are several locations on land that this developer owns that could be good candidates for a new public park for the Town of Boonsboro. Map 3.2 (Future Land Use) in the Comprehensive Plan even indicates a park (in green) on part of the subject property. Staff also recommends collaboration between the developer, the Town Planning & Zoning Department, and the MD State Highway Administration to facilitate pedestrian connectivity all the way to Shafer Park.



TOWN OF BOONSBORO

DEPARTMENT OF PLANNING & ZONING
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This can be achieved by facilitating sidewalk improvements and connectivity on South Main Street between the proposed residential development and the new Sycamore Run development, which has a planned and bonded pedestrian connection to Shafer Park via the right-of-way along Monument Drive at the intersection of Monument Drive and Potomac Street.

5. Emergency vehicular access (fire, ambulance, police, etc.) will likely be an issue in this proposed subdivision if the long-term plan only facilitates one way in and one way out of the proposed subdivision. This should be discussed at both the concept plan stage and during development review.
6. Page 2-9 of the Comprehensive Plan states that, with existing withdrawal permits, the Town can provide drinking water for approximately 920 new EDU, in addition to existing customers. It also states that the wastewater treatment plant will be able to serve approximately 960 new EDUs, in addition to existing customers. These projections were current in 2009, the year the comprehensive plan was last updated and approved. The Comprehensive Plan states that neither figure was adequate, at that time, to support projected development through 2030, and that an expanded groundwater appropriate permit may be necessary, as well as further upgrades to the treatment plant. More analysis is necessary to determine how many EDUs of drinking water and discharges to the wastewater treatment plant the Town can provide today, in 2019. This analysis will be available to the Mayor & Council at their July 29, 2019 workshop.
7. Page 2-12 of the Comprehensive Plan states that “The outer edges of those properties (the 2006 Annexation properties) are not envisioned as being fully developed through 2030, and would be held as a transition area (agriculture, forestry, or open space) between the Town and the surrounding unincorporated portion of Washington County. The proposed residential development would border the municipal boundary with Washington County. The public hearings and meetings for the recent zoning map amendment request for the property (BNRZ18-01(rev)) revealed that adjacent property owners to this particular property would like buffers to be both considered and incorporated into the approved layout and design of any residential subdivision in the area. This is something the Mayor & Council and Planning Commission should consider before giving approval to any residential development on the subject property. Buffers between the new residential subdivision and the adjacent property owners in Washington County would work towards meeting this intent of rural buffers and transition areas in the comprehensive plan.
8. Sidewalks were mentioned in the Ordinance Review section of this staff report. Page 2-13 of the Comprehensive Plan states that new development should be connected to the Town Center by roads and paths (including sidewalks and trails) in appropriate locations. The plan also highlights the importance of linkages between the Town’s park and recreation facilities. New and existing parks should be linked via sidewalks or paths, with clearly marked pedestrian crossings on major streets (such as South Main Street) (Page 5-8). Staff recommends working with the developer and the state highway administration to further establish and connect the sidewalk network along South Main Street between Ostertag Pass and Monument Drive.
9. The property does contain areas with slopes greater than 25%. Therefore, there are some steeper slopes and similar areas of this property that could create erosion and sediment control issues. The developer should take extra care in these sensitive areas, where tighter contour lines reveal areas with steeper slopes. Chapter 9 of the Comprehensive Plan is wholly dedicated to addressing the Town’s vision for sensitive areas within the municipal boundary. All new development should avoid sensitive areas (page 3-6).



TOWN OF BOONSBORO

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10. Smart Neighborhood Principles, which include efficient use of infrastructure, socioeconomic diversity, transportation choice, environmental quality, sustained economic health, sense of community, and logical extension and integration of communities (detailed on pages 3-7 through 3-9 of the Comprehensive Plan) should be considered carefully when reviewing this conceptual development proposal, particularly as they relate to a range of housing options and prices, pedestrian and bicycle activity, new public spaces, and the connectivity of pedestrian and open space networks.
11. The housing section of the comprehensive plan states the need in Boonsboro for affordable, workplace housing. More information is needed from the developer regarding the size and price point of the homes in the concept plan. A considerable market exists in Boonsboro for affordably priced units (page 8-3). This section of the plan also discusses the need for senior housing, a greater diversity of housing types, and tapping into a higher income housing market. As of the year 2000, 67% of the homes in Boonsboro were single family detached homes. That number likely only has risen since that time, due to the construction of the Fletcher's Grove and Sycamore Run housing developments.
12. In addition to the Washington County SWM Ordinance, the Town's Comprehensive Plan recommends that the Town require Environmental Site Design for new development (page 4-11). Also, it is a stated goal in the Comprehensive Plan to encourage the minimization of impervious surfaces in new development, through careful guidance of development projects (page 4-13). Staff recommends working with the developer to minimize the overall amount of impervious surfaces in the proposed development.
13. Table 4.1 on Page 4-3 of the Comprehensive Plan indicates that the available capacity on the Town's drinking water system in 2009 was 230,000 gallons per day, or 920 EDUs. The Table (4.1) also projects a water system deficit with projected growth by 2030, which could lead to development restrictions if not properly addressed. Table 4.2 on page 4-8, the same demand and capacity table but for the wastewater treatment plan, also shows a potential deficit with projected growth by 2030.
14. The Plan's Water Resources Element stresses the Town's need for additional drinking water sources (page 4-3). Town Staff recommends working with the developer to find solutions to the Town's drinking water capacity concerns. In addition, Town Staff recommends working with the developer, and all Town developers, to try and solve the Town's ongoing Inflow & Infiltration (I&I) issues described on page 4-9 of the Comprehensive Plan. Phase I of the I&I has already been completed. The Town must search for grant funding, developer contributions, or Town resources to complete Phase II of the I&I project and other alternative projects that will solve I&I issues.
15. Page 4-5 of the Comprehensive Plan mentions system water loss, which remains a critical issue for the Town of Boonsboro today, ten years later, in 2019.
16. A question for the future would be whether this proposed development will have an HOA or if it will be solely reliant on Town Ordinances, Codes, and Charters.
17. The project, if allowed to proceed forward and eventually submitted to the Boonsboro Planning Commission, will be forwarded to the Boonsboro Volunteer Fire Department for their input and review. The project will also be forwarded to the agency responsible for reviewing school demands.



TOWN OF BOONSBORO

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18. **Staff recommends that the Mayor & Council use the July 8, 2019 regular meeting to gather information on the proposed subdivision ahead of a more comprehensive discussion of the proposal at their next workshop, currently scheduled for Monday, July 29, 2019. Staff also recommends being prepared to vote on a resolution to allow the Petitioner to forward this concept plan to the Planning Commission at their next regular meeting, scheduled for Monday, August 12, 2019.**
19. Staff will prepare a full analysis of the Town's current capacity at the wastewater treatment plant and on the Boonsboro-Keedysville Water System ahead of the July 29th workshop so that available capacity can be a part of the discussion regarding this proposed residential subdivision.
20. The Planning Commission, BMUC, and Mayor & Council have a joint meeting scheduled for Tuesday, August 27, 2019, during the time of the regularly scheduled Planning Commission meeting that evening.

Respectfully Submitted,

Ethan Strickler
Town Planner/Zoning Administrator