



# TOWN OF BOONSBORO

DEPARTMENT OF PLANNING, ZONING & ENGINEERING  
WWW.TOWN.BOONSBORO.MD.US ♦ 301-432-5690

**AS-BUILT REVIEW**  
**BOND REDUCTION/RELEASE REQUEST: SYCAMORE RUN PHASE I**  
**PLANNING COMMISSION STAFF REPORT**  
**April 30<sup>th</sup>, 2019**

**PROJECT:** SYCAMORE RUN (King Road Associates)

**OWNER:** King Road Associates  
5031 Lowell St NW  
Washington, D.C. 20016-2606

**TAX ID:** Tax Map 0073 Parcel 0313 Town Center Residential Zoning

**LOCATION:** Along the East side of US Alternate 40 abutting the Boonsboro Cemetery

**REQUEST:** To reduce the bond for public improvements/construction for Phase 1 of Sycamore Run by 95% of the original surety (original surety was in the amount of \$1,586,640.39).  
To reduce the bond for public improvements/construction for the Sycamore Run Pump Station by 95% of the original surety (original surety was in the amount of \$35,000.00).  
To reduce the bond for public improvements/construction for Phase III of Sycamore Run by 75% of the original surety (original surety was in the amount of \$1,346,425.24).

**PROJECT NOTES:**

1. On June 28, 2011, the Planning Commission approved the preliminary plans for King Road, Phase I for a total of 104 lots on 45 acres.
2. On December 3, 2013, the Planning Commission approved the Final Plat for Sycamore Run contingent upon rezoning (approved by the Mayor and Council on February 3, 2014).
3. The Open Space parcels, Stormwater Management areas, and roads will be dedicated to the Town of Boonsboro upon completion of one-year maintenance agreements after final inspections have been completed.
4. On March 17<sup>th</sup>, 2014, a public works agreement between King Road Associates and the Mayor and Council of Boonsboro was signed for Phase 1 of Sycamore Run.
5. For Phase I, a performance bond for a surety of \$1,526,006.39 was signed by King Road Associates on February 25, 2014.
6. This would be the third bond reduction for Phase 1 of Sycamore Run. On October 5, 2015, the Boonsboro Mayor and Council voted to reduce the bond for Sycamore Run Phase 1 by \$1,085,613.49 for a retained surety of \$501,026.90. On August 6, 2018, the Boonsboro Mayor and Council voted to reduce the bond for Sycamore Run Phase 1 by \$104,266.80 from \$501,026.90 to \$396,660.10, which was 75% of the original surety of \$1,586,640.39. The retained surety is currently \$396,660.10.
7. This would be the first bond reduction for Phase II and the Young Avenue Pump Station.

**STAFF COMMENTS:**

1. The planning commission should provide a recommendation to the Mayor and Council for Approval or Denial or the developer's request to reduce the bond.



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2. The as-builts and site have been reviewed by Town Staff and Eco-Land Solutions in accordance with the approved site plan. In a letter dated April 15, 2019, Eco-Land Solutions provided its review and recommendation to the Town Planner for the Pump Station As-Built Review.
3. The Town Planner's previous punch list of items to be addressed in Phase I, titled "*Phase 1 punchlist 07.02.2018,*" was given to Steve Oder of Cavalier Development in July of 2018. All the items in that punch list were addressed by the developer. As a part of this staff report, The Town Planner is providing the Planning Commission and the developer with a second, abbreviated, punch list of items (with photographs) for Phase 1 and for the Pump Station that should be addressed prior to the Mayor & Council voting on reductions for both Phase I and the Pump Station. The document is titled, "*Second Punchlist Phase I and Pump Station.*"
4. The items that need further addressed are all set forth in the document, "*Second Punchlist Phase I and Pump Station.*"
6. A 95% bond reduction, corresponding to 95% of the work complete for Phase 1 of Sycamore Run, would result in the execution of a One-Year Maintenance Agreement. It is the opinion of Town Staff that once the items in "*Second Punchlist Phase I and Pump Station*" are satisfactorily addressed by the developer the Town should proceed with approving the reduction of the bond to the 95% bond reduction level.
7. It is the opinion of the Town Planner that, per Public Works Agreement: Sycamore Run, Phase 1, No. 2014-01, and contingent upon the punch list items being satisfactorily addressed, contingent upon approvals for bond reductions from the applicable agency for the stormwater management infrastructure and facilities (Washington County), AND contingent upon the completion of construction for 320 Monument Drive, the public works performance amounts may be reduced by a total of 95% corresponding to 95% completion. This would result in the remaining 5% to be held pursuant to a One-Year maintenance agreement to be executed between the parties in the form of Exhibit C of the public works agreement for Phase I of the development (PWA2014-01).

## **STAFF RECOMMENDATION:**

**The Town Planner recommends reducing the associated surety in accordance with the PWA for Phase I of the subdivision by 95% for 95% of the work completed for a retained surety of \$79,332.02. This would reduce the associated surety by \$317,328.08, from \$396,660.10 to \$79,332.02 (95% of the original surety of \$1,586,640.39 equals \$79,332.02.). The Town Planner recommends this action contingent upon the following three items:**

- 1) punch list items being addressed**
- 2) applicable approvals from Washington County for stormwater management facility as-builts**
- 3) completion of the construction of 320 Monument Drive, the last home being built in Phase I of the subdivision, which is currently under construction**

**The Town Planner recommends that the bond reduction approval for Phase I only be forwarded to the Mayor & Council for a vote once the three items above have been adequately addressed.**

**The Town Planner also recommends entering into a One-Year Maintenance Agreement with the developer for Phase I of the Sycamore Run development, contingent upon the completion of the items above and the Mayor & Council's Approval.**

**The Town Planner recommends revisiting the Pump Station As-Builts after the last home built is occupied, per the Young Avenue Sewer Pump Station Agreement, which states that the bond to warrant**



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**the cost of the equipment to run the Pump Station shall be held for one year after the completion and build out of the subdivision (one year after the last home built is occupied, see page 2).**

**It should also be noted that the applicant, during this application process, requested an As-Built review (for Bond Reduction) on Phase III of the development as well. Both the Town Planner and Eco-Land Solutions recommend waiting to do the As-Built Review for Phase III of the development until after home construction in Phase III of the subdivision is completed. Town Staff and the Town's Engineering Consultants will proceed with the As-Built Review for Phase III of the development after the completion of home construction for the final homes being built in the 102-home subdivision.**

Respectfully Submitted,

Ethan Strickler  
Town Planner/Zoning Administrator



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## **SITE PLAN REVIEW: High's Dairy Store – Boonsboro, MD STAFF REPORT April 30<sup>th</sup>, 2019**

**PROJECT:** High's – Preliminary/Site Plan Application (BNSP 19-01) RE-SUBMITTAL and MODIFICATION REQUESTS

**OWNER:** Preserve at Fox Gap, LLC  
c/o Todd Easterday  
20320 Ayoub Ln  
Hagerstown, MD 21742

**DEVELOPER:** High's of Baltimore, LLC  
c/o Jesse Newman  
2700 Loch Raven Blvd  
Baltimore, MD 21218

**TAX ID:** Tax Map 0073, Grid 0012, Parcel 0311, Lot 1, General Commercial Zoning

**LOCATION:** Along the north and east side of Old National Pike, south side of town, across from Thompson Gas

**PROPOSAL:** To build a 4,870 sq. ft. building (convenience store), 1,300 sq. ft. building (car wash), 16 gas pumps, and 6 vacuum stations as a part of the High's Dairy Store Complex.

### **PROJECT NOTES:**

1. The project proposes the full development of Lot 1 of the Commercial Lots at the Preserve at Fox Gap, LLC property in Boonsboro with a High's Dairy Store that includes a convenience store, gas pumps, vacuum stations, and a car wash.
2. The footprint of new buildings on the property will be 6,170 square feet, with building footprints of 4,870 sq. ft. for the convenience store and 1,300 s. ft. for the car wash.
3. An Engineering Review was conducted by ARRO Consulting on February 11th, 2019 for the original submittal and on April 25th, 2019 for the re-submittal. See the attached document for the consulting engineers' comments.
4. A Planning & Zoning Review was conducted by Town Staff on February 18th, 2019 for the original submittal and April 25th, 2019 for the re-submittal.
5. The Planning Commission will review the re-submittal at their April meeting.

### **STAFF RECOMMENDATION:**

*Staff recommends approval of the site plan contingent upon applicable agency approvals.*

Respectfully Submitted,

Ethan Strickler  
Town Planner / Zoning Administrator



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## *Comments: Planning & Zoning Review (conducted by Town Staff)*

April 25<sup>th</sup>, 2019

Messick Group, Inc.  
(T/A Messick & Associates)  
c/o Darrell J. Volney, PE  
7 Old Solomons Island Road, Suite 202  
Annapolis, MD 21401

RE: High's Dairy Store – Boonsboro, MD: Preliminary/Site Plan Application (BNSP19-01)  
Second Submission (Re-submittal)

To Whom It May Concern:

The above referenced project has been scheduled for discussion at the April 30<sup>th</sup>, 2019 regular meeting of the Boonsboro Planning Commission. The Commission meets at 7 pm in the 1<sup>st</sup> Floor Town Hall Annex (Charles F. “Skip” Kauffman building meeting chambers) room at Town Hall. It is recommended that someone is present to answer any questions the Planning Commission may have.

The project has been forwarded to the following agency for review and comment: ARRO (The Town's Consulting Engineer). We will also forward the project to Boonsboro Planning Commission (as stated previously) for their review and approval.

If you have not done so already, please forward the project to the following agencies for their review and comment as well: Washington County Engineering (for review of Stormwater Management and Grading); Washington County Soil Conservation (for review of Soil Erosion and Sediment Control); and Washington County Planning (for review of Forest Conservation).

The responses below are a follow-up to the comments from the Staff Report distributed before February 2019's Planning Commission meeting. They are also in response to the applicant's re-submittal letter, dated April 15<sup>th</sup>, 2019. The re-submittal generated the following comments:

1. In response to Comment 2, the Town of Boonsboro is currently going through the process of approving updates to the Town construction specifications for its water and wastewater systems. The Utilities commission is likely to vote to approve the revised and updated specifications at either their April or May (2019) regular meetings. The Town will ensure that the applicant remains informed on any changes to the specifications, and that the applicant will be able to access the updates at the link the applicant provided in the plans - <https://www.town.boonsboro.md.us/?SEC=2F87D194-898C-45E8-A2D9-78C977354ADE>. Also in response to Comment 2, the Town's Street Standards Ordinance is No. 2010-01, not 2012-01. This was a miscommunication from Town Staff to the applicant in the February



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- Staff Report. No. 2010-01 is the correct ordinance number for the Street Standards ordinance for Boonsboro.
2. In response to Comment 4, as acknowledged by the applicant, the developer will update their signage specifications to meet Town ordinances and will provide the required Town of Boonsboro sign permit application(s) for new signs.
  3. In response to Comments 5 and 6, the Street Standards ordinance is No. 2010-01. Again, this was a miscommunication from Town Staff to the applicant.
  4. In response to Comments 10 and 11, the heights of both fences were adjusted to heights that will not require a Town or County building permit. The fence to be placed atop the retaining wall was adjusted to a height of 48", while the fence in the trash enclosure area was adjusted to a height of 72". Only fences greater than 72" in height require permits.
  5. In response to Comment 12, as acknowledged by the applicant, the developer will be required to obtain the necessary (county) building permits to construct the retaining wall.

All other comments from the original Planning & Zoning Review were adequately addressed by the applicant in the site plan re-submittal and in their letter dated April 15<sup>th</sup>, 2019.

On April 18<sup>th</sup>, 2019, the applicant submitted a "Request for Modification" form to request the following:

1. Article 6 Section 602.A. (Parking Lot Dimensions) – Reduce Parking Stall Length by 1 foot (from 19' to 18' as proposed in the plans)
2. Article 6 Section 602. C. (Entrance/Exit Drive Width) – Exceed the maximum width of 40' (from 40' to 47' as proposed in the plans)

***Staff recommends approval of Modifications 1 and 2 as described above contingent upon receipt of the signed application and application fee (\$265.00) at the April 30<sup>th</sup>, 2019 meeting, as well as any engineering review fees the Town invoices the developer for in response to the re-submittal and modification request(s).***

The applicant properly addresses the Modification 1 in Comment 9 of the letter dated April 15<sup>th</sup>, 2019. Modification 2 was properly addressed and suggested during the Planning Commission's February meeting. The applicant properly addresses both Modifications in its "Modification Request Letter," date April 18<sup>th</sup>, 2019.

If you have any questions, please feel free to contact me at [townplanner@townofboonsboro.com](mailto:townplanner@townofboonsboro.com) or 301.432.5690.

Sincerely,

Ethan Strickler  
Town Planner / Zoning Administrator