



TOWN OF BOONSBORO

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

PROJECT NOTES:

1. The Town must comply with MD Land Use Codes 4-203 and 4-204 governing the procedures for public hearings, amendments, repeals, or reclassifications relating to zoning regulations. 4-204 states that the legislative body (of the Town) may grant the amendment to change the zoning classification based upon a finding that there was either *(a.) a substantial change in character in the neighborhood where the property is located or (b.) a mistake in the existing zoning classification.*

2. The applicant would like to change the following zoning districts on his property at Old National Pike:

Tax Parcel 0073/0308: Rezone from MR to TC(-R) approximately 6.71 acres

Tax Parcel 0073/0308: Rezone from MR to GC approximately 4.53 acres

Tax Parcel 0073/0307: Rezone from TR to TC(-R) approximately 16.85 acres

Tax Parcel 0073/0307: Rezone from TR to GC approximately 2.04 acres

3. Overall, the proposed re-zoning would rezone 6.57 acres from residential zoning to commercial zoning and 23.56 acres from residential zoning to a higher density residential zoning. The current and proposed zoning breakdown for the two parcels subject to the map amendment request are below

4. CURRENT ZONING (approximate)	PROPOSED ZONING (approximate)
MR – 26.35 acres	MR – 15.11 acres
TR – 44.64 acres	TR – 25.75 acres
GC – 0 acres	GC – 6.57 acres
TC(-R) – 0 acres	TC(-R) – 23.56 acres

5. Please Note the Following: MR = Multi-Family Residential, TR = Town Residential, GC = General Commercial, TC(-R) = Town Center Residential

6. Section 1101.C.2. of the Boonsboro Zoning Ordinance states:

The Planning Commission may, at its discretion, notify the Mayor & Council of its intention to conduct promptly a public hearing on such petition (Proposals Originated by a Citizen's Petition, in this instance a Zoning Map Amendment Request). Within thirty (30) days following receipt of such petition, or, if a public hearing is held, within thirty (30) days following such hearing, the Planning Commission shall transmit to the Mayor & Council a report containing its recommendations thereon, which may include additions or modifications to the original proposal.



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7. Section 1104 of the Boonsboro Zoning Ordinance states:

Before enacting a map amendment that would modify, repeal or reclassify the zoning of land within the corporate limits of Boonsboro as herein provided, the Mayor and Council shall make finding of facts in each specific case including, but not necessarily limited to, the following matters:

- A. The report and recommendations of the Planning Commission.*
- B. Population changes in the area of the proposed amendment.*
- C. Availability of public facilities such as police and fire protection, and water and sewerage to serve in the area.*
- D. Present and future transportation patterns in the area.*
- E. Compatibility with existing and proposed development of the area.*
- F. The relationship of the proposed change to the adopted plan for the Town.*
- G. Whether there has been a convincing demonstration that the proposed rezoning would be appropriate and logical for the subject property.*



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STAFF COMMENTS:

Staff Application Narrative Criteria Review

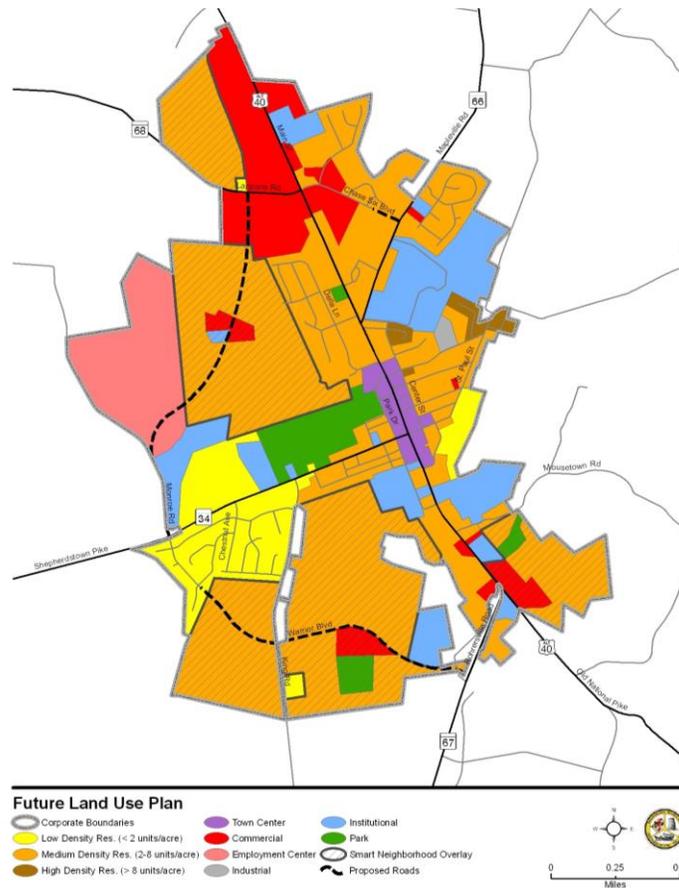
- A. ZONING:** The area subject to the Request for Map Amendment is bordered Multi-Family Residential (MR) to the northwest, by Town Residential (TR) Zoning to the east and southeast, General Commercial (GC) Zoning to the south and southwest, and the Town's Municipal Boundary to the north. The existing zoning of the area subject to the request, Multi-Family Residential (MR) and Town Residential (TR), provides for mostly residential uses at medium densities with respect to Town Center (higher density) and Suburban Residential (lower density). The MR zoning district allows for a wide variety of residential uses, including but not limited to single family detached dwellings, townhouses, duplexes, and apartments, with a minimum lot size of 7,500 square feet for single family detached homes. The TR Zoning district is a medium to high density residential district, with minimum lot sizes of 10,000 square feet for single family homes. Residential uses allowed in the TR Zone include single family homes and duplexes, and townhomes and multi-family apartments are permitted with special exception approval.
- B. CHARACTER OF THE NEIGHBORHOOD:** The 2009 Comprehensive Plan describes the area around and to the north of the intersection of Old National Pike (Alt-40) and Route 67 as an area where active commercial uses are currently clustered (2-7). Most of the developed properties in this part of Town are developed linearly along Old National Pike (3-6). The Future Land Use Plan for the Town (Map 3.2) shows the property in question containing Commercial, Park (Open Space), and Medium Density Residential development (2-8 units per acre). The property sits on the edge of Town Limits, and is bordered by County land on the north, east, and south sides.



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C. POPULATION CHANGES: The Town has experienced a steady 2.4-2.5% growth increase since 1970 and the 2009 Comprehensive Plan projects a continued growth rate of 2.1% throughout 2030. As of 2017, the population of Boonsboro is estimated to be approximately 3,550 residents. Actual population in Boonsboro has not met the Population Projections set forth in the 2009 Comprehensive Plan (Table 2.1, Page 2.1), which projected a population of 3,909 residents by 2015 and 4,337 residents by 2020.

D. AVAILABILITY OF PUBLIC FACILITIES: Public Water & Sewer service have been extended to the subject property. Recent upgrades to public services in the area include the South End Pump Station. There is currently capacity available for both Water & Sewer. Required upgrades as a part of the Ostertag Pass project will include sidewalks along Old National Pike. The subject property is currently served by the Boonsboro Fire Department and Boonsboro Ambulance Company.

E. TRANSPORTATION PATTERNS: The subject property fronts Old National Pike at its intersection with Route 67. This is an important area in the regional transportation network. Required improvements at the site before commercial and then residential development are

REQUEST FOR MAP AMENDMENT: Old National Pike, Easterday Property

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allowed to occur include a roundabout at the intersection of Alt-40 and Route 67 and the construction of Ostertag Pass, a local road designed to facilitate the commercial development of the property.

F. COMPREHENSIVE PLAN: The 2009 Comprehensive Plan states the following:

- i. *Implementation for Land Use Recommendation:* Future land uses in the Town of Boonsboro will be consistent with the designations in Table 3.2 and the locations shown in Map 3.2 (shown on the previous page).
- ii. *Sensitive Areas:* Areas of forest, steep slopes, streams, and floodplains exist on the property (Page 9-2). The area subject to the map amendment request lies outside of 100 year flood plain (see map below).



- iii. Goal 1 of the Housing Element (Page 8-1) of the Comprehensive Plan states that the Town should look to facilitate a mix of housing that meets the needs of all Town residents. The Map Amendment request would create three different residential zoning districts on the parcels subject to the request, further diversifying the types of residential uses and densities that would be possible in the area.
- iv. Page 5-7 of the Comprehensive Plan states that, as the town grows, the distribution of its park land is an important consideration. Parks intended for passive recreation and open space are permitted in all of the zoning districts subject to this request (MR, TR, TC, GC). Parks intended for non-commercial active outdoor recreation are not permitted in TC or GC (permitted in MR and TR). TC(-R) limits this further by specifying Town Center Zoning for Residential Uses only (Zoning Ordinance 305.B.). The Future Land Use Plan Map (3.2) shows a park designated on this property in the future.

REQUEST FOR MAP AMENDMENT: Old National Pike, Easterday Property

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- v. Water System Capacity is always an important consideration (Page 4-3), and this request for a map amendment is no different. Any future development on this property, particularly for residential uses, which are a part of the map amendment request, will require an adequate land donation for a water tower, 50-80 gallon per minute well, a small well house, and a booster pump station on the property. The Washington County Water and Sewerage Plan states that the Boonsboro Utilities Commission adopted a policy requiring each developer (except minor subdivisions of 5 or less units) to provide a minimum new water supply of 108,000 gallons per day (70 gallons per minute) in the form of a new well to be connected to the existing distribution system.

- vi. The two Comprehensive Plan visions that are most applicable to this map amendment request, from a staff perspective, are Growth Areas and Community Design:
 - a. “Growth is concentrated in existing population and business centers, growth areas adjacent to these centers, or strategically selected new centers.”

 - b. “Compact, Mixed-use, walkable design consistent with existing community character and located near available of planned transit options is encouraged to ensure efficient use of land and transportation resources and preservation and enhancement of natural systems, open spaces, recreational areas, and historical, cultural, and archeological resources.”

- vii. The property subject to the request is within the Comprehensive Plan Future Land Use Plan proposed “Smart Neighborhood Overlay” zone (see Map 3.2), which has yet to be enacted. This proposed overlay zone would encourage development to adhere to the Smart Neighborhood principles described in this chapter, focusing particularly on development that encourages multiple modes of transportation and minimizes impact to sensitive environmental features. Smart Neighborhood Principles and Goals are listed on Page 3-7 of the Comprehensive Plan. This request represents a potential first step towards the realization of the Smart Neighborhood Overlay Zone envisioned in the Comprehensive Plan. However, more action in the eventual development of the property, particularly during development review, will be necessary for this request to move towards achieving the aforementioned goals.



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STAFF COMMENTS (In Response to Narrative in Application):

1. 1.1. Current Population Estimates for the Town of Boonsboro show 3,553 residents. The closest residential development to the subject property is the Sycamore Run neighborhood, 0.3 miles northwest of the property along Old National Pike. The development proposed in the Concept Plan represents approximately 100 new residential units and several commercial establishments.
2. 1.2. There is currently adequate water and sewer capacity in the Town to serve the development needs of this subject property. Specifically, there is available capacity with respect to our permitted withdrawal capacity for the Town's water system and available capacity with respect to permitted intake at the Town's wastewater treatment plant. However, this development, combined with the demand for development in other areas of the Town of Boonsboro, will stress this capacity.
3. 1.3. MD Alt 40 (Old National Pike), MD 67, and the future Ostertag Pass (currently under construction) will all serve the area and the subject property. A roundabout will be a prominent part of State Highway Improvements currently under construction at the property.
4. 1.4. This map amendment would increase the overall area with commercial zoning along MD Alt 40. The land being rezoned as commercial from residential would be contiguous with other commercial development in the immediate area. The proposed residential development in the area is located off of MD Alt 40. The commercially and residentially zoned areas of the property will remain contiguous. The overall amount of commercially zoned acreage would increase by 6.57 acres, while the overall amount of residentially zoned acreage would decrease from 70.99 acres to 64.42 acres. 23.56 of those 64.42 acres would be zoned at a higher residential density.
5. 2.0 The applicant states that the proposed rezoning conforms with the principles of the 2009 Comprehensive Plan. Specifically, the applicant states that the map amendment conforms with many of the following visions set forth in the plan: Growth Areas, Community Design, Infrastructure, Transportation, and Economic Development.
6. 2.0 The applicant specifically states that the map amendment will allow this property/area to be developed as a Smart Neighborhood in accordance with Chapter 3 of the 2009 Comprehensive Plan. The plan states, "...the Town should create a Smart Neighborhood floating zone for these properties (the 2006 annexed properties)." Smart Growth principles applied to neighborhood and community development result in a compact mix of residential and non-residential land uses and a range of housing choices with a layout that fosters pedestrian and bicycle activity, public safety, environmental protection, long-term investment, efficient use of infrastructure, and efficient provision of public services. The applicant argues that the map

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amendment will allow for the property to be developed in accordance with these principles, and that the fact that the Town never created a smart neighborhood floating zone provides support to their amendment request.

7. Staff feels that the map amendment request best conforms with the Community Design, Infrastructure, Transportation, and Economic Development Visions set forth by the Plan, and generally supports the applicant's recognition of a connection between the proposed map amendment and the Smart Neighborhoods section of Chapter 3 of the Comprehensive Plan.

Additional Staff Comments:

1. This Zoning Map Amendment Request must be compliant with all of the provisions within the property owner's original annexation agreement, dated December 28, 2006, the property owner's first amendment to annexation agreement, dated March 2, 2009, and the property owner's second amendment to annexation agreement, dated April 6, 2009.
2. To date, the property owner has purchased eight (8) sewer taps from the Town of Boonsboro, for a total price of \$92,880.59, as indicated in a letter dated July 18th, 2018. However, the developer is still past due on a significant portion of pre-paid sewer taps. The following spreadsheet should be updated to reflect current conditions:

TOWN OF BOONSBORO, MD
Sewer Tap Fee Installment Schedule
Assigned to Easterday Land Development, LLC

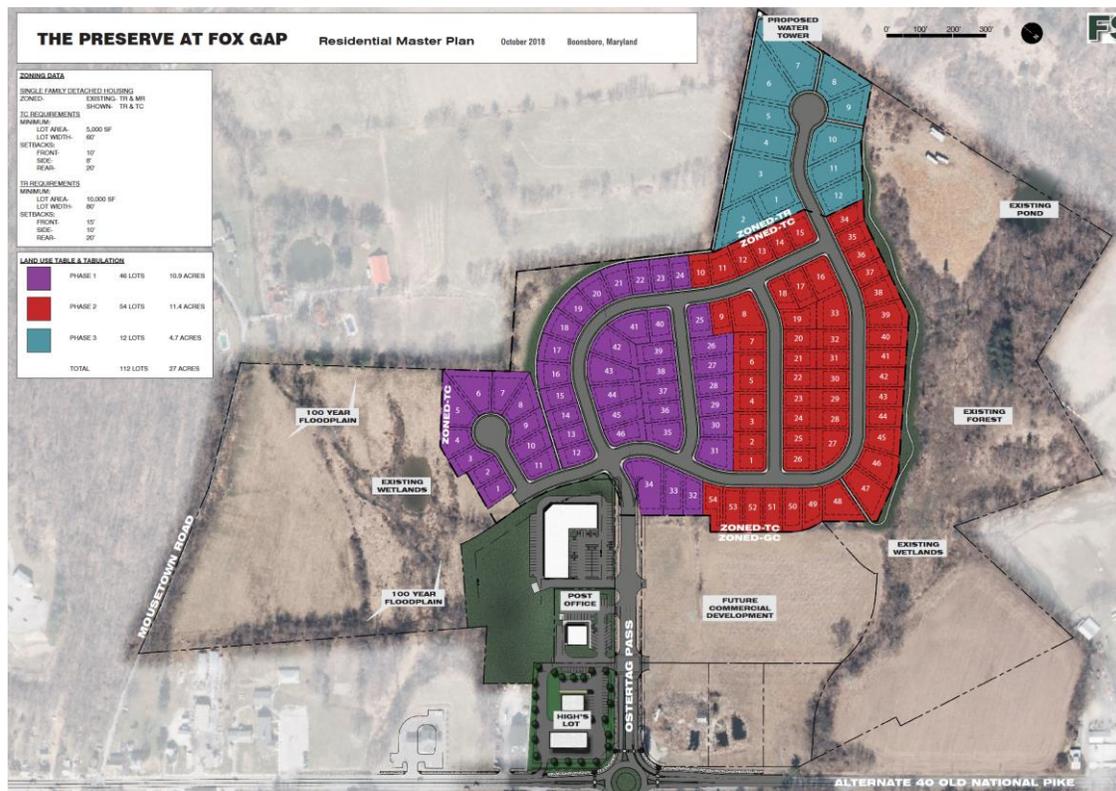
DEVELOPER	March 2009 Amendment		April 2009 2nd Amendment		Revised Payments	
	Payment	Status	Payment	Status	Payment	Status
01/01/09	\$5,487.07	paid	\$5,364.92	paid	\$10,851.99	paid
02/01/09	\$1,745.85	paid	\$1,706.98	paid	\$3,452.83	paid
03/01/09	\$1,895.20	paid	\$1,853.01	paid	\$3,748.21	paid
04/01/09	\$1,352.80	paid	\$1,322.69	paid	\$2,675.49	paid
05/01/09	\$2,179.93	paid	\$2,131.40	paid	\$4,311.33	paid
06/01/09	\$2,291.27	paid	\$2,240.26	due	\$4,531.53	2nd amend due
07/01/09	\$11,370.35	paid	\$11,117.22	due	\$22,487.57	2nd amend due
08/01/09	\$2,497.55	paid	\$2,441.95	due	\$4,939.50	2nd amend due
10/01/09	\$7,448.07	paid	\$7,282.26	due	\$14,730.33	2nd amend due
01/01/10	\$19,184.14	paid	\$18,757.05	due	\$37,941.19	2nd amend due
04/01/10	\$7,448.07	paid	\$7,282.26	due	\$14,730.33	2nd amend due
07/01/10	\$10,153.22	paid	\$9,927.18	due	\$20,080.40	2nd amend due
10/01/10	\$7,448.07	paid	\$7,282.26	due	\$14,730.33	2nd amend due
01/01/11	\$20,057.04	due	\$19,610.52	due	\$39,667.56	TOTAL DUE
04/01/11	\$7,448.07	due	\$7,282.26	due	\$14,730.33	TOTAL DUE
07/01/11	\$10,063.55	due	\$9,839.51	due	\$19,903.06	TOTAL DUE
10/01/11	\$7,448.07	due	\$7,282.26	due	\$14,730.33	TOTAL DUE
01/01/12	\$20,057.04	due	\$19,610.52	due	\$39,667.56	TOTAL DUE
04/01/12	\$7,448.07	due	\$7,282.26	due	\$14,730.33	TOTAL DUE
07/01/12	\$9,971.83	due	\$9,749.83	due	\$19,721.66	TOTAL DUE
10/01/12	\$7,448.07	due	\$7,282.26	due	\$14,730.33	TOTAL DUE
01/01/13	\$20,057.04	due	\$19,610.52	due	\$39,667.56	TOTAL DUE
04/01/13	\$7,448.07	due	\$7,282.26	due	\$14,730.33	
07/01/13	\$9,877.99	due	\$9,658.08	due	\$19,536.07	
10/01/13	\$7,448.07	due	\$7,282.26	due	\$14,730.33	
01/01/14	\$20,057.04	due	\$19,610.52	due	\$39,667.56	
PD to Date	\$80,501.59		\$12,379.00		\$92,880.59	
Delinquent	\$109,998.78		\$173,880.38		\$283,879.16	TOTAL DUE
Loan Balance	\$44,831.17		\$43,833.12		\$88,664.29	
Total	\$235,331.54		\$230,092.50		\$465,424.04	
Taps	20		20		40	



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- The applicant submitted a concept map to accompany the Revised Zoning Map Amendment Request Map, titled, “The Preserve at Fox Gap Residential Master Plan (October 2018).” The Residential Master Plan Concept plan depicts 3 developed commercial lots (including High’s and the Post Office), 4 undeveloped commercial lots labeled “future commercial development,” and 112 residential lots in 3 phases spread over 27 acres on the site. The concept also denotes existing wetlands, forests, ponds, and 100-year floodplain, while showing a proposed water tower at the property’s highest point.



- The same applicant, Todd Easterday, had a Minor Subdivision Application (Lot 6) approved by the Planning Commission in January of 2018. The Boonsboro Planning Commission signed their final approval on the plan in May of 2018, and the plat was recorded on July 23, 2018 as Plat#10850 (Washington County, MD). The zoning map amendment requests within this overall request relating to general commercial align with the new lot boundaries depicted by this approved and recorded plat.
- The same applicant, Todd Easterday, had two rezoning requests approved by the Mayor & Council at their Monday, April 6, 2015 regular meeting. The Mayor & Council



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motioned to approve the applicant's request to rezone 6 acres from Multi-Family Residential (MR) and Town Residential (TR) to General Commercial (GC) based upon the changing character of the area AND to rezone approximately 8 acres of property along Route 67 from Multi-Family Residential (MR) to General Commercial (GC) based upon the changing character in the area. Both motions carried. These decisions were preceded by Planning Commission review in February of 2015, a public hearing in March of 2015, and a Planning Commission recommendation in March of 2015.

Staff recommends conditional approval of the request for map amendment only if the applicant is able to sufficiently demonstrate the request is justified based upon either a substantial change in the character of the neighborhood where the property is located or a mistake in the existing zoning classification.

Respectfully Submitted,

Ethan Strickler
Town Planner / Zoning Administrator



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**CONCEPT PLAN: FLETCHER'S GROVE PHASE 3 BNCP18-02(Rev)
STAFF REPORT
December 18th, 2018**

PROJECT: Fletcher's Grove, Phase 3 Concept Plan (BNCP18-02(Rev))

APPLICANT: Dean 8486, LLC
c/o Jim Draper
11611 Harp Hill Road
Myersville, MD 21773

ENGINEER: B&R Design Group
300 W. Patrick St
Frederick, MD 21701

PROPERTY INFORMATION: TM0068/P0058 (0068-0017-0058), 20.1 acres, Zoned MR

LOCATION: North and South of Burton Way and Chase Six Boulevard, West of Maple Avenue (MD 66)

PROPOSAL: 65 Total Lots, 12 Age-Targeted, Two-Family, Single-Story semi-detached dwellings south of Chase Six Boulevard on 2.58 acres, 53 Single Family Homes north of Chase Six Boulevard and Burton Way on 16.0283 acres.

PROJECT NOTES:

1. The project proposes 12 age-targeted, two-family, semi-detached dwellings and 53 single family homes on approximately 20.1 acres. The project represents the entirety of Dean North (53 lots) and 2.58 acres of Dean South.
2. All of the property in question is subject to the property owners' Annexation Agreement, dated December 28th, 2006, the Developer Agreement, dated March 2nd, 2009, and the Amendment to Developer Agreement, dated April 6th, 2009. The total property subject to the annexation agreement consists of 35.8062 acres of land.
3. Per a letter from the Town dated January 12th, 2010, there are 91 sewer taps available (allocated, apportioned, etc.) for the developer to use for the properties within "Fletcher's Grove," the undeveloped areas that were a part of, and subject to, the 2006 Annexation and Annexation Agreement. The developer has prepaid for 18 sewer taps.
4. The Concept Plan shows single family detached dwellings on the area of the property known as Dean North. Single Family Detached Dwellings have been approved as a concept on Dean North twice previously, the first time being at the September 2008 Planning Commission Meeting, where the Planning Commission recommended approval of the concept plan, which showed 61 single family units on 16.65 acres, contingent upon the completion of the extension of Chase Six Boulevard prior to any homes being built. The second time that single family detached dwellings were approved as a concept on Dean North was at the June 2018 Planning Commission meeting, where the Planning Commission recommended approval of the preliminary concept plan of 53 lots for single family detached dwellings contingent upon the inclusion of Chase Six Boulevard (the construction of) and addressing staff and engineering comments.
5. This Concept Plan includes the development of the northern 2.58 acres of Dean South, zoned MR. The last Concept Plan approval for Dean South occurred at the October 2008 Planning Commission Meeting, where the Planning Commission recommended approval of the revised concept plan, which showed 48 single story age-qualified housing units on 12.3 acres, contingent upon



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plantings and fencing being included within the buffer zone. The comprehensive plan also notes that a concept plan for 48 townhouses, single story for senior citizens, was approved on this property prior to the aforementioned approval, in January of 2008 (page 2-3).

6. North End Sewer Segment: At the Boonsboro Municipal Utilities Commission's September 2014 meeting, the BMUC voted to require \$3,000 additional per EDU for new development that flows through the terra cotta sewer main that runs from manhole 26N (behind AC&T) to manhole 32N across Main Street (approximately 1,220 linear feet). In 2011, the BMUC voted to accept fee-in-lieu payment for the cast-in-place pipe repair method to replace the terra cotta sewer main previously referenced. Any new development on Dean North would connect into this portion of the Town's wastewater system (the North End Sewer Segment), and therefore an additional \$3,000 per EDU for the wastewater connection permit and benefit charge would apply, taking the price of the wastewater benefit charge from \$11,000 to \$14,000 per EDU. This additional \$3,000 per EDU charge may or may not apply to new development on Dean South, depending on where future development on Dean South would connect into the Town's wastewater system.
7. In order to be in compliance with the Zoning Ordinance, this concept would require a special exception to allow for both Two Family Semi-Detached Dwellings and Single Family Detached Dwellings in the MR zoning district (Article 3. Section 305.B.5. and 305.B.7.).
8. The applicant stated on their application that the property has been subject to a rezoning, special exception, or variance. The Mayor & Council, on September 4th, 2018, voted to **Deny** the applicant's only recent request, which was a request to amend their annexation agreement. The only known modification on the property pertaining to Dean North or Dean South was the following, approved by the Planning Commission in January of 2014: Motion by Member Ambrose, seconded by Secretary Koerting, "to approve the request for modification to modify the local street standard for Fletcher's Grove Phase III to have two 9 foot travel lanes and 7 foot parking lanes on each side of the street with a 5 foot grass strip between the curb and sidewalk in a 50 foot right-of-way." Motion carried unanimously.
9. The concept plan proposes 8 inch water and sewer lines (all gravity sewer and water mains in street right-of-way).
10. The concept plan indicates that 2.89 acres of forest conservation are required, and proposes 0.31 acres onsite with the rest offsite. Staff would like to know more about the plans for offsite forest conservation, including whether there is a need for offsite afforestation. Offsite afforestation by the developer within the Town's Municipal Boundary to satisfy the Forest Conservation Ordinance could potentially contribute to the Town's MS4 permit requirements.
11. 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 site plan for this Concept Plan (the next step in the Development Review Process) will need to conform with the following Town Ordinances:
 - 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)



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- 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
 - k. The Town Charter (more generally)
 - l. Town Water Specifications
 - m. Town Sewer Specifications
12. Preliminary Ordinance Review (for consistency with Town Ordinances listed above, Town Ordinance Review below is not complete)
- a. Zoning Ordinance Section 401 Building Setbacks: The building setbacks for Dean North (Sheet 2) correctly reflect the zoning ordinance requirements (10' front, 8' side, 20' rear, 60' minimum lot width, 7,500 sq. ft. minimum lot size). The proposed building setbacks (note 7) for the 2.58 acres of Dean South (Sheet 1) are as follows: 20' front, 8' side, 20' rear, 50' minimum lot width, 4,000 sq. ft. minimum lot size. As noted on the plan, this proposal will require a special exception. The zoning ordinance does not define the MR requirements for Two-Family semi-detached dwellings, and therefore we should rely on 401.A.1. (single family detached dwellings) and 401.A.3 (single family attached (“townhouse”) dwellings as our guide. The setbacks, widths, and sizes above a combination of the MR requirements for both single family detached and single family attached residential uses.
 - b. Zoning Ordinance section 513 (required Open Space): 0.26 acres of open space are required for the 2.58 acre section of Dean South being developed, while 1.6 acres of open space are required for Dean North (10% required in the MR Zone). The open space requirement for Dean North is met through outlots and stormwater management areas (shown as 2.2067 acres and 2.8481 acres in notes 11 and 12 (Sheet 2) respectively). Further guidance from the developer and engineer is needed to determine why these figures are different from one another. Note 10 on Sheet 1 states that this section of Dean South provides for 1.03 acres of open space. However, the plan shows this 1.03 acres of open space as provided outside of the 2.58 acres area, more specifically to the north of the area within the existing Potomac Edison Transmission Line Easement and along the existing and proposed extension of Chase Six Boulevard, and therefore cannot count towards the open space requirement for the 2.58 acre area to be developed. There is open space shown on the plan in this area, labeled as 0.31 acres of FRO area and an area titled “undetermined use.” These areas are sufficient to cover the 2.58 acre area’s open space requirement, and should be labeled on the plans accordingly. In addition, the concept plan does not indicate if the stormwater management areas serving the proposed development will be the responsibility of the Town or not. It also does not indicate whether the 1.60 acres of proposed and required open space (10%) include the stormwater management features, which is allowed by the Ordinance (although it is assumed because stormwater facilities must be on open space parcels, not private property).
 - c. Zoning Ordinance section 514 (maximum density): Both the 2.58 acre section of Dean South and Dean North meet the maximum density requirements for the MR zone, which is 8.0 units per acre (they are 4.7 units per acre and 3.3 units per acre). The overall density is 3.493 units



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per acre (65 units / 18.6083 acres), which is similar to the maximum density for the SR zoning district (3.5).

- d. 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. Number 17 on Sheet 2 (Dean North) needs to be revised to say that *Street Trees will be provided in accordance with Section 719. I. Section 719. K. of Ordinance 2009-04 and will be provided by the Developer*. 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.).
- e. Street Standards (2010-01): Sheet 1 notes that the public road in the 2.58 acre section of Dean South is designed to the road standard Detail 1.0. No mention of the design of the extension of Chase Six Boulevard is given. The future extension of Chase Six Boulevard should be built to Detail 2.0 "Typical Minor Collector Road," because this most closely resembles the design and existing condition of the existing portion of Chase Six Boulevard. The only staff recommended modification to Detail 2.0 for Chase Six Boulevard would be to increase the planting area for Street Trees from 5' to 6', to accommodate larger trees planted along the this minor collector resulting in a 60' right-of-way that includes the following: 4' sidewalk, 6' planting strip for street trees, 8' parking lane, 12' travel lane, 12' travel lane, 8' parking lane, 6' planting strip for street trees, 4' sidewalk. With 10' Utility/Drainage Easements dedicated on either side of the road, the total right of way, combining the road and easements, would be 80'. No mention of the design or road standard is noted on Sheet 2 for Dean North. However, please refer to number 8 in Project Notes, which details the modification that the developer had approved for the "typical local street" standard (Detail 1.0). The approved modification is approximately summarized as follows: 4' sidewalk, 5' grass strip between the curb and sidewalk (ample room for required street trees), 7' parking lane, 9' travel lane, 9' travel lane, 7' parking lane, 5' grass strip between the curb and sidewalk (ample room for required street trees), 4' sidewalk. In total, this equals a 50' right-of-way, which is consistent with the "typical local street" standard (Detail 1.0). For Dean North, the area of total proposed road dedication, as noted on the plan (12. Sheet 2) is 3.4922 acres. For the 2.58 acres of Dean South, roundabouts should be considered for the network of proposed local roads. Roundabouts, in general, facilitate traffic calming and disincentive large, commercial vehicular travel on local, residential streets. Additional engineering review at the site plan stage will be needed to determine if the developer will be asking for relief with horizontal curve radius (or will need a variance).
- f. Parking (2012-01) – The plan for Dean North (Sheet 2) notes that 2 parking spaces per unit are required. The Total number of parking spaces provided is 130 (106 and 24), which meets this ordinance requirement. In addition, number 18 on Sheet 2 notes that the minimum driveway parking space length shall be 20ft from the right-of-way line. Our Street Standards ordinance in Detail 8.0 requires a minimum width of 12' and a maximum width of 30' for driveway entrances for single family dwellings off of local streets. Therefore, the minimum driveway overall size for one of the single family homes conceptually proposed in Dean North would be 240 square feet (12' in width by 20' in length).



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- g. 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 shown on Sheet 2 of the plan for Dean North. Sidewalks are not shown on Sheet 1, for neither the proposed local street nor Chase Six Boulevard.
- h. Washington County Stormwater Management Ordinance: No stormwater management is shown on the Concept Plan for the 2.58 acre portion of Dean South (Sheet 1) being developed. Conceptual stormwater management is shown on the Dean North Concept page (Sheet 2). The concept for Dean North shows one (1) SWM-Pond and fourteen (14) SWM-BIO bioretention or micro-bioretention structures. This infrastructure and design is similar to the SWM features in King Road Associates Sycamore Run neighborhood, and is a preferable stormwater management build out than one or two large ponds or detention structures. Because of steep slopes on the site, it may be advisable to have more stormwater management spread out even further north as you go through the proposed Dean North subdivision than is currently shown. The largest SWM Pond shown on the plan is located in, and outlets to, an area that has experienced significant flooding events in recent years. Evidence of this flooding, in the Burton Way area, will be shown to the Planning Commission via a PowerPoint presentation at the meeting.

STAFF COMMENTS (Comprehensive Plan Review):

1. This revised concept plan was reviewed by Staff on November 19th, 2018 and December 5th, 2018. 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). A well has been drilled in the Fletcher's Grove neighborhood, but the well is not connected to the existing distribution system and there is not enough space to build a well house or water treatment facility in the location where the well exists. Page 4-4 of the comprehensive plan notes that the well in Fletcher's Grove was not (at the time) put into production due to a lack of sufficient recharge area. Recharge area is what MDE defines as the amount of recharge provided by the land area covered by the Boonsboro/Keedysville water service area.
3. The concept plan does propose the connection of Chase Six Boulevard to Maple Avenue (MD Rt. 66). This connection is a requirement of the developer, per the developer's Annexation Agreement, which states that, "*The owners shall be responsible to construct Chase Six Boulevard (to include a completed intersection at Maryland Route 66). The owners will bond the estimated cost of such construction upon recordation of the first final subdivision plat for the property.*" Past Concept approvals by the Planning Commission mention the need for the developer to complete the construction of Chase Six Boulevard prior to homes being built. The Comprehensive Plan mentions the importance of the completion of Chase Six Boulevard, including on Page 6-7, where the plan states, "This completed route will provide additional radial connections among the state highways that



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intersect in Boonsboro.” As it was in 2009 when our last Comprehensive Plan update was completed, Chase Six Boulevard is currently 600 feet (approximately) from MD Route 66.

4. Assuming an average household size of 2.4 people (per page 2-1 of the Comprehensive Plan), this conceptual development would add approximately 156 people to the Town’s population. However, with 53 single family dwellings targeted towards families, that number could be higher.
5. 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 4.5 acres of open space with 2.25 acres available for active recreation. While open spaces are shown on the plan (approximately 2.5 to 4.5 acres), there are no open spaces meant for active recreation shown on the plan. The closest open space recreation area for residents of this part of town is at the Boonsboro School Complex, which can only be accessed by crossing a busy state highway (MD Route 66). 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. Staff also recommends working with the developer and the state highway to facilitate pedestrian connectivity to the closest current park to the site, which is the Boonsboro School Complex. This can be achieved by making a connection between the current sidewalk networks on Campus Avenue and the existing Chase Six Boulevard via the future extension of Chase Six Boulevard and Maple Avenue (MD Route 66). Furthermore, the proximity of Burton Court (Sheet 2, Dean North) to Maple Avenue means that a pedestrian connection should be explored between Burton Court and Chase Six Boulevard along Maple Avenue (MD Route 66).
6. Within the proposed Dean North subdivision (Sheet 2), a pedestrian path along the northern or southern edge of the proposed SWM-BIO 8, 10, and 11 (which all exist on internal outlots) should be installed to create a direct pedestrian connection between the eastern and western sides of the proposed subdivision. The trail or path would be installed on the outlots, and after construction would be handed over to the community or Town to maintain. The trail or path can utilize pervious pavement, similar to the new trails in Shafer Park, in order to avoid stormwater management requirements. This pedestrian or bike path would provide a small area of recreational space (similar to a “pocket park”) within the neighborhood, while providing greater connectivity for neighborhood residents and children.
7. To further expand on Comment 5 above, a gravel access road for emergency vehicular access only (fire, ambulance, police, etc.) should connect Burton Court (Dean North, Sheet 2) to Maple Avenue between lots 4 and 5. This will provide an additional quick access for emergency personnel to the proposed subdivision via Maple Avenue (MD Route 66). This emergency access right-of-way can also include the extension of the sidewalk network mentioned previously, connecting Burton Court to Maple Avenue to Chase Six Boulevard to (eventually) Campus Avenue.
8. 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. Developing Dean North before developing Dean South seems to be in conflict with the “Rural Buffers and Transition Areas” section of the Comprehensive



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Plan (page 2-12 and page 2-13). This is something the Planning Commission should consider before giving approval to any development on Dean North before Dean South.

9. 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 Maple Avenue) (Page 5-8). Furthermore, page 6-6 of our Comprehensive Plan notes that, at the time of the Plan's adoption, the state was thinking about installing sidewalks along Maple Avenue from North Main Street to 500 feet north of Campus Drive (Page 6-6). Staff recommends working with the developer and the state highway administration to establish the sidewalk network along Maple Avenue where it fronts the developer's property. Page 6-9 of the Comprehensive plan again states the need for pedestrian linkages, pointing out that there is a need for a more complete sidewalk network in this part of town.
10. While the property in the Concept Plan does not have any slopes greater than 25%, there are some steeper slopes that could create erosion and sediment control issues, particularly in the area of the proposed Dean North subdivision. The developer should take extra care in these sensitive area, particularly between lots 11 and 18, 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).
11. 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, pedestrian and bicycle activity, and the connectivity of pedestrian and open space networks.
12. Page 8-2 of the Comprehensive Plan discusses the need in Boonsboro for more senior housing options. Fletcher's Grove is even mentioned on this page as an area of town where senior housing will be built. The age-targeted two-family semi-detached dwellings proposed on Sheet 1 in Dean South represent a type of senior housing. The housing section of the comprehensive plan also 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 for Dean North. A considerable market exists in Boonsboro for affordably priced units (page 8-3).
13. 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). The amount of impervious surfaces for Dean North was (potentially) already decreased through the approved modification of the street standards ordinance (see project notes 8 and 12.e.). Staff recommends working with the developer to minimize the amount of impervious surfaces in both Dean South and Dean North.



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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, including solutions for the existing well on the Fletcher's Grove property. 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.
15. With respect to the ongoing Traffic Study and dialogue taking place between the developer and the state highway administration, no development can take place until the developer is able to get an access permit off of Maple Avenue from the state highway administration. The Town is currently working with State Highway and the Developer to facilitate a meeting here in Boonsboro.
16. As a reminder, all property boundaries should be accurately labeled from a deed description or survey (Article 6, Section 600.2.).
17. As previously stated, an emergency ingress/egress should be considered to and from Maple Avenue to facilitate emergency personnel and first responders. The most likely location is the point where Burton Court and Maple Avenue are closest to each other.
18. 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.
19. The project will be forwarded to the Boonsboro Volunteer Fire Department for their input and review. The project will also likely be forwarded to the agency responsible for reviewing school demands.
20. In order to be consistent with prior concept approvals, Town Staff recommends that Chase Six Boulevard be completed either prior to any building permits being issued (particularly for Dean North) or in strict concurrence with the conditions set forth in the annexation agreement (see Staff Comment 3 for the developer's requirement for Chase Six Boulevard in the Annexation Agreement).
21. Staff recommends that the Planning Commission consider the condition that Dean South be built before Dean North, to better align with the Town's Comprehensive Plan and to ensure that Senior Housing is a component of what gets built first (a requirement of the annexation agreement, which states, "...the owners shall provide for senior level housing in the form of single story duplexes (for example, as exists in the SouthPoint subdivision development in the City of Hagerstown) as part of the first site plan submitted to the Town for development of the Property."). Staff recommends, at a minimum, that the Planning Commission ensure that the developer is held to this provision of the annexation agreement, no matter what the phasing of development may turn out to be.

Respectfully Submitted,

Ethan Strickler
Town Planner/Zoning Administrator