

**FINDINGS AND RECOMMENDATIONS
OFFICE OF PLANNING AND ZONING
ANNE ARUNDEL COUNTY, MARYLAND**

APPLICANT: CM FOXHAVEN LLC

TAX ASSESSMENT DISTRICT: 4

SUB. NAME: Foxhaven Farm

COUNCILMANIC DISTRICT: 6

SUB. NUMBER: S2021-019

PROJ. NUMBER: P2021-0065-00-NS

PAB DATE: July 24, 2024

**PREPARED BY: Adam Knubel
Planner I**

LOCATION AND DESCRIPTION OF SITE

The project is located at 1169 Tanager Drive, Millersville, MD (Tax Map 37, Grid 4, Parcel 214). The site is primarily zoned R1 (36.12 ac) but includes small areas of RLD zoning (1.95 ac) and R2 zoning (0.93 ac). The site consists of an existing farm with two (2) agricultural barns and a shed. The existing agricultural fields are located in the geographic center of the property and the existing forested areas are located along the periphery of the property. The forested areas are concentrated on the northern and north western portions of the property.

PROPOSAL

The applicant has submitted a Sketch Plan subdivision application for a total of 18 single family cluster lots. The average proposed lot size is 35,775 square feet with the smallest lot being 25,491 square feet and the largest lot being 51,315 square feet in size. Access to the property is from Tanager Drive, which will be extended to provide access to 17 of the proposed cluster lots, and will be a public road. Lot 18 is located along the northern property line and will be accessed from Kathy Anne Lane, an existing public road. These lots will be served by individual private well and private septic systems. The applicant is requesting a review of the Planning Advisory Board (PAB) in accordance with the 2012 Sustainable Growth and Agricultural Preservation Act (SB236), as the subject property is located in a Tier III classified area. Additionally, modifications have been approved for Forest Conservation (#16695), Specimen Tree Removal (#16696) and Road Design-Road Radius (#16697).

FINDINGS

SB 236 stipulates that residential major subdivisions in a Tier III area, served by an on-site sewage disposal systems, may not be approved until the Planning Advisory Board has reviewed and recommended the approval of the subdivision.

The PAB's review shall include the costs of providing local government services to the subdivision unless a local jurisdiction's adequate public facilities ordinance already requires a review of the governmental services. The PAB is also to review the potential environmental issues or a natural resources inventory related to the proposed subdivision.

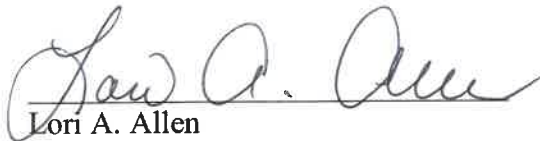
Article 17, Section 5 of the Anne Arundel County Code provides for a growth management process that requires proposed developments to pass an Adequacy of Public Facilities test for fire suppression, roads, schools, sewerage, storm drains and water supply. As part of the Sketch Plan review process, the applicant has demonstrated that the subdivision has passed the Adequacy of Public Facilities test as follows:

1. Fire Suppression: Adequacy of Fire Suppression has been demonstrated, as per the Fire Marshal's comments dated 03/07/2022.
2. Roads: Adequacy for Roads has been demonstrated, as per the Transportation comments dated 04/12/2024.
3. Schools: Adequacy for Schools has not been demonstrated. Schools are currently open at Millersville Elementary and Old Mill Middle South, and closed at Old Mill High School, as per the adopted APFO School Utilization Chart effective 07/03/2024. The impact on public school enrollment is 3 elementary school students, 1 middle school student, and 2 high school students. Adequacy for Schools can be met per 17-5-501(a)(5).
4. Sewerage and Water – Private sewerage and water facilities were approved with comments by the Health Department on 04/01/2024 (attached).
5. Storm Drains: Adequacy of facilities for storm drainage has been addressed, as per the Department of Inspections and Permits Engineering Review Team letter dated 06/06/2024.

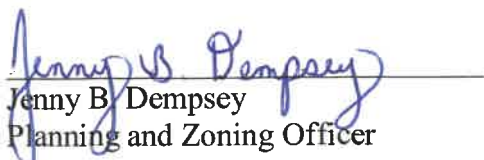
The approved Forest Stand Delineation, dated October 6, 2022, noted that the site contains 16.56 acres of forested area, including 92 specimen trees. The majority of the forest to be retained is located on the north and northwestern sides of the property, which is where the majority of the existing forest is located. The total forest that will remain, after construction, will be approximately 15.92 acres, and an additional 3.59 acres will be reforested. There are some isolated steep slopes (25%) located in the north and northwestern portions of the site, located in the forested area to be retained. Slopes on the remainder of the property range from 2-10%. It was also noted, within the Forest Stand Delineation, that no plant or animal species that are listed as rare, threatened or endangered by the Maryland Department of Natural Resource Wildlife were observed onsite.

RECOMMENDATIONS

Based upon the requirements of Article 17 and Article 18 of the Anne Arundel County Code and in accordance with the SB 236, this Office recommends that approval be granted for this subdivision's Sketch Plan application.


Lori A. Allen
Planning Administrator

7/17/24
Date


Jenny B. Dempsey
Planning and Zoning Officer

7/17/24
Date

ANNE ARUNDEL COUNTY HEALTH DEPARTMENT
DIVISION OF COMMUNITY AND ENVIRONMENTAL HEALTH

MEMORANDUM

DATE: April 1, 2024

TO: Judy Motta MS-6001
Office of Planning and Code Enforcement

FROM: Thomas Scalley, LEHS
Health Department

RE: Foxhaven Farm
Subdivision # S21-019
Project # P21-0065 00 NS
Tax Map 37 Block 4 Parcel 214

The Health Department has reviewed the sketch plan for the above referenced subdivision and is willing to grant sketch plan approval based upon maintaining the currently proposed lot lines and septic reserve areas.

However, prior to plat approval and signature, the following items must be addressed:

- 1.) Before final approval, a Maryland Department of the Environment Water Appropriation permit must be granted or an exemption must be granted. Contact the MDE Water Supply Program at (410) 537-3714 with questions.
- 2.) On lot #4, show 11' of separation between the trenches designed off perc #23.
- 3.) On lot #5, show three sets of 2 trenches at 87'x10'x3' with 11' separation.
- 4.) On lot #6 perc #24-1 requires 2 trenches at 65'x14'x3' with 13' of separation. Show two replacements at 65'x15'x3' with 18' of separation over perc #25.
- 5.) On lot #9, show 3 sets of 2 trenches at 61'x'12'x3' with 18' of separation over percs #31 and #32. Maintain as much distance as possible from perc #33.
- 6.) On lot #8, clarify what the perc number for the most eastern perc, inside the tree line. There is no record of a perc test here.
- 7.) The well on lots #4, 5, and 6 must be 15' from the right of way.
- 8.) The stormwater management inlet must be 25' from the SRA on lot #7 and the stormwater management drywell must be 25' from the septic tank on lot #16.
- 9.) The water well on lot #14 must be 50' from the SRA on lot #13.

The signing of the record plat constitutes Health Department final approval.

ANNE ARUNDEL COUNTY HEALTH DEPARTMENT
DIVISION OF COMMUNITY AND ENVIRONMENTAL HEALTH

DATE: July 24, 2024

FROM: Thomas Scalley, LEHS
Health Department

RE: Foxhaven Farm - March 15, 2024 Submission
Subdivision # S21-019
Project # P21-0065 00 NS
Tax Map 37 Block 4 Parcel 214

The subdivision is currently laid out with minimum setbacks required by code. This does not leave much of a buffer to adjust wells, stormwater management, or septic layout without impacting something else. With that said, the number of lots and the layout of those lots could be modified to receive future Health Department approval of the site plan.

- 1.) Before final approval, a Maryland Department of the Environment Water Appropriation permit must be granted or an exemption must be granted. Contact the MDE Water Supply Program at (410) 537-3714 with questions.

The requirement to either grant or exempt a Groundwater Appropriation permit will be determined by Maryland Department of the Environment.

- 2.) On lot #4, show 11' of separation between the trenches designed off perc #23.

Correct separation between trenches should be able to be shown with little impact.

- 3.) On lot #5, show three sets of 2 trenches at 87'x10'x3' with 11' separation.

There is mathematically enough room to show the correct system sizing and maintain setbacks.

- 4.) On lot #6 perc #24-1 requires 2 trenches at 65'x14'x3' with 13' of separation. Show two replacements at 65'x15'x3' with 18' of separation over perc #25.

There is mathematically enough room to show the correct system sizing and maintain setbacks.

- 5.) On lot #9, show 3 sets of 2 trenches at 61'x12'x3' with 18' of separation over percs #31 and #32. Maintain as much distance as possible from perc #33.

This requirement may be difficult to achieve and maintain the current SRA design.

- 6.) On lot #8, clarify what the perc number for the most eastern perc, inside the tree line. There is no record of a perc test here.

If the perc location was erroneously shown, it can just be removed from the plan.

- 7.) The well on lots #4, 5, and 6 must be 15' from the right of way.

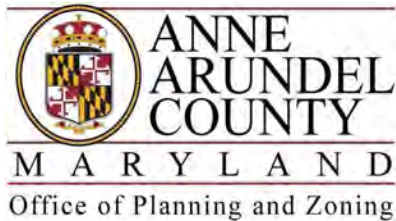
The wells can be moved to 15' off the right of way, but must maintain a 30' setback to the foundation of the house, which may require shrinking the proposed house envelope.

- 8.) The stormwater management inlet must be 25' from the SRA on lot #7 and the stormwater management drywell must be 25' from the septic tank on lot #16.

The stormwater inlet and the stormwater management drywell should be able to be moved to meet setbacks with little impact.

- 9.) The water well on lot #14 must be 50' from the SRA on lot #13.

The current house envelope location would not work while maintaining the currently proposed SRAs for lots #13 and #14. The house would need to be moved approximately 15' toward the front property line to allow the well to move approximately 17-18' toward the house in order to be 50' off both SRAs and 30' off the house foundation. It is mathematically possible, but the new house envelope location may not be ideal.



Jenny B. Dempsey
Planning and Zoning Officer

MEMORANDUM

TO: Jeffrey Torney, OPZ Development Division

FROM: Charlie Wang, Transportation Development Review Team, Office of Planning and Zoning

SUBJECT: Foxhaven Farm
Project Number: P2021-0065-00-NS
Sketch Plan Review

DATE: April 15, 2024

Project Scope/Description – The Applicant proposes 19 lots (one of them is the existing farm house) with a new subdivision road connecting to Tanager Drive in Millersville.

Traffic Review

The above-referenced project has been reviewed for Traffic issues and the following comments apply:

The developer has opted to address adequacy of public facilities at this stage of the development process. Adequacy of Public Facilities is being addressed as follows:

Adequate Public Facilities for Roads:

Adequacy of Public Facilities for Roads has been addressed for this development. The Traffic Impact Study (TIS) dated October 2021 has been reviewed. The study considered Single-Family Detached Housing (land use code 210). The study shows that the following portions of the surrounding road network will not operate at acceptable levels of service (in terms of CLV):

	Intersection	AM	PM	Critical Trip
1.	MD 3 @ Waugh Chapel Rd	1445(D)	1583(E)	+1 trip
2.	MD 3 NB @ "J" Turn	1381(D)	1507(E)	+1 trip
3.	MD 3 SB @ "J" Turn	1446(D)	1621(F)	0 trip
4.	MD 3 SB @ MD 175	1706(F)	1585(E)	0/+1 trip

The signalized intersections identified above are part of a coordinated signal system and therefore Synchro/SimTraffic analysis may be used in place of the Critical Lane Volume methodology for purposes of determining the level of service. The Applicant's additional HCM intersection analysis for the signalized intersections with a total critical volume of 1300 or more indicate that the intersections will operate at an acceptable level of service D or better.

The road link analysis identified that the following road sections will not operate at acceptable levels of service:

Road Link	Future Condition Road Rating
MD 3 NB from beginning of the two-lane Section to beginning of the three-lane Section	
AM peak	E
PM peak	E
MD 3 SB from beginning of the two-lane Section to beginning of the three-lane Section	
AM peak	E
PM peak	E
Millersville Road (Section 3) From 100' north of Waterbury Road to the eastern access of Millersville Elementary	61
Millersville Road (Section 4) From the eastern access of Millersville Elementary to the western access of Millersville Elementary	67
Millersville Road (Section 5) From the western access of Millersville Elementary to Kathy Anne Lane	67

The mitigation proposal dated February 18, 2022 was reviewed, and the following are our comments:

1. This office supports the finding for the Applicant to contribute a fee of \$3,711.00 to County Capital Improvement Project H581600 in order to mitigate their impact(\$1,237.00 x 3 trips added in both AM and PM peak) on the failing section of MD 3
2. In coordination with the Department of Public Works Infrastructure Management Division, it is recommended that the Applicant mill, patch and overlay pavement on Millersville Road (Sections 3, 4 and 5) per Chapter III/Section J of the County Design Manual address their impact.

The mitigation proposal was approved by the Planning and Zoning Officer on March 29, 2022.

The following are comments regarding the plans as submitted; only the comments indicated in the closing paragraph will require a point by point response upon resubmittal:

A. Plans

1. MOD 16697A is pending.

B. Street Tree, Lighting and Signing Plans

1. Please submit the Street Tree, Lighting and Signing Plans, which must be approved by the Department of Public Works Traffic Engineering Division and this office prior to approval of the Final Plan.
2. The following comments are made in coordination with the Department of Public Works Traffic Engineering Division on December 6, 2023:
 - i) Although we have no objection to sketch approval, street lighting and signing will be a requirement of this subdivision prior to Final approval. A Street Tree, Lighting and Signing Plan shall be submitted.
 - ii) The plan should be developed in accordance with the guidelines issued by Anne Arundel County. See the Design Manual, Chapter 3. Existing streetlights, signs and utility poles should be located and labeled on the plan.
 - iii) Our office will require the Street Tree, Lighting and signing plan to be submitted as a

separate digital file. (PDF-maximum size is 10 MB per file). The plan sheet itself still remains in the public road plan set. This separate digital file is needed for the BGE application process.

- iv) Any proposed lights must be 25 feet from any proposed street trees. Please refer to Figure 2 – Street Tree Placement Guidelines as found in the AA County Design Manual, Chapter 3, Appendix P.
- v) Please add the Traffic Engineering approval stamp (below) to the CAD drawings to generate the finalized plan for our approval and the generation of a cost estimate.

APPROVED BY: _____

SIGNATURE: _____

DATE: _____

**TRAFFIC ENGINEERING DIVISION
SIGNS & STREET LIGHTS ONLY**

Notes: stamp width is 3", height is 1.5"

C. Bicycle, Pedestrian, and Transit Assessment (BPTA):

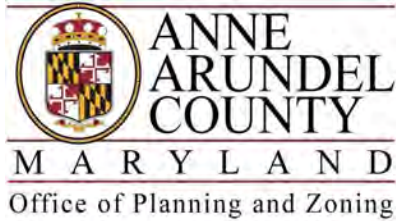
The Bicycle, Pedestrian, and Transit Assessment dated February 2022 was reviewed. The developer proposes to provide a 15' x 475' easement and a 6' x 510' trail connection to Kathy Ann Lane. The proposed BPTA improvement will ultimately connect Foxhaven Farm with the South Shore Trail. The cost cap is \$5,940.00 (\$330.00 x 18 units) and the cost estimate is \$6,800.00 for the proposed improvement. The developer does not seek additional funding from the County.

This office has the following comments on the BPTA and the proposed improvements:

1. This office supports the Applicant's proposal to provide the improvement listed above.
2. Please provide a sheet in the Final and on the public plans that identifies the BPTA improvement locations for review and approval.

D. Determination

We are unable to recommend Sketch Plan approval until comment A1 has been addressed. All other comments must be addressed prior to approval of the Final Plans for this project.



Jenny B. Dempsey
Planning and Zoning Officer

MEMORANDUM

TO: Jeffrey Torney, OPZ Development Division

FROM: Charlie Wang, Transportation Development Review Team, Office of Planning and Zoning

SUBJECT: Foxhaven Farm
Project Number: P2021-0065-00-NS
Sketch Plan Review (Resubmission)

DATE: May 23, 2024

Project Scope/Description – The Applicant proposes 19 lots (one of them is the existing farm house) with a new subdivision road connecting to Tanager Drive in Millersville.

Traffic Review

The above-referenced project has been reviewed for Traffic issues and the following comments apply:

The developer has opted to address adequacy of public facilities at this stage of the development process. Adequacy of Public Facilities is being addressed as follows:

Adequate Public Facilities for Roads:

Adequacy of Public Facilities for Roads has been addressed for this development. The Traffic Impact Study (TIS) dated October 2021 has been reviewed. The study considered Single-Family Detached Housing (land use code 210). The study shows that the following portions of the surrounding road network will not operate at acceptable levels of service (in terms of CLV):

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1. MOD 16697A was approved on April 24, 2024.

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APPROVED BY: _____

SIGNATURE: _____

DATE: _____

**TRAFFIC ENGINEERING DIVISION
SIGNS & STREET LIGHTS ONLY**

Notes: stamp width is 3", height is 1.5"

C. Bicycle, Pedestrian, and Transit Assessment (BPTA):

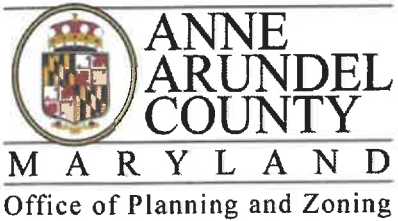
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This office has the following comments on the BPTA and the proposed improvements:

1. This office supports the Applicant's proposal to provide the improvement listed above.
2. Please provide a sheet in the Final and on the public plans that identifies the BPTA improvement locations for review and approval.

D. Determination

We recommend Sketch Plan approval. All other comments must be addressed prior to approval of the Final Plans for this project.



2664 Riva Road, P.O. Box 6675
Annapolis, MD 21401
410-222-7450

Jenny B. Dempsey
Planning and Zoning Officer

March 27, 2024

Kevin Wingate, Project Manager
Messick & Associates
7 Old Solomons Island Road, Suite 202
Annapolis, MD 21401

Re: Modification 16695A (Conservation Threshold)
Foxhaven Farm
Subdivision No. 2021-019; Project No. 2021-0065-00-NS

Dear Mr. Wingate:

This letter is in response to your Modification request dated 12/20/2023 and received 12/26/2023 regarding Article 17-6-303(d)(1); Conservation Threshold.

Development/Property Description

The subject property is located at 1169 Tanager Drive in Millersville, Maryland. The site is zoned R-1, is a total of 39.01 acres, is currently vacant, and will be served by private water and septic. The proposed development is the subdivision of 1169 Tanager Drive into 18 single family residential lots.

Requested modification

The applicant is requesting a modification to Section 17-6-303(d)(1) to allow for the developer to retain less of the existing forest than the forest conservation threshold.

As specified in Article 17-2-108(a) of County Code, Modification requests may be approved if the request satisfies each of the five criteria stated therein. This Office has evaluated this application for compliance with the five criteria listed in Article 17-2-108(a)(1-5) and offers the following:

- (1) *Practical difficulties or unnecessary hardship will result from strict application of Article 17 or, for a modification relating to forest conservation, unwarranted hardship will result from strict application of Article 17, Title 6 due to special features of the site or other circumstances.*

The applicant states "Due to the site being extensively farmed for over 40 years, the majority of the site has been cleared and leaving the forested areas fragmented along the eastern boundary that cannot be placed in an easement since they do not meet the bulk area

and minimum width requirement. This condition has created un-necessary hardship in that strict compliance with the conservation threshold will prevent the owner from connecting to the existing drainage facilities in the adjacent subdivision that was specifically installed for this property, prevent access in accordance with current county requirements, and prohibit the construction and access to utility (septic) facilities. As described above and based on the sketch plan prepared, the intent of the Code has been met by placing 92% of reforestation on the site only requiring 8% of requirement to be acquired within an offsite approved bank.”

- (2) *Minimization and mitigation of environmental impacts through the use of clustering or other available design alternatives to preserve the character of the impacted area, will be served by an alternative proposal.*

The applicant states “The proposed layout utilized the clustering provision permitted as well as alternative design measures to minimize environmental impacts and meet intent of the Code. Through the clustering provision and implementation of alternative design measures, overall site disturbance as well as forested areas required to be cleared for infrastructure, utility installation and access have been minimized achieving a scenario where post development conditions provide for an increase in on-site forested areas.”

- (3) *The Modification is not detrimental to the public health, safety, or welfare or injurious to other properties.*

The applicant states “The modification request is not detrimental to the public health, safety, welfare or injurious to other properties. The proposed development is consistent with the surrounding neighborhoods and in accordance with the designated zoning. The approval of this request will allow the site to meet the design requirements of the code, meet the 92% of forest conservation requirements on-site and provide an increase in forested areas overall within the project boundary, thereby benefiting the public health, safety & welfare as well as the environment.”

- (4) *The Modification does not have the effect of nullifying the intent and purpose of Article 17, the General Development Plan (GDP) or Article 18 of the Anne Arundel County Code.*

The applicant states “Granting approval of this modification will be in keeping with the spirit and intent of the code and will not have an effect on the GDP or Article 18 since the proposed density under the sketch plan is much less, as described above, than permitted by the Code and the site will increase in forest cover in the proposed condition.”

Additionally, this modification request is the relief prescribed by the County Code in Articles 17 and 18.

- (5) Verification that all owners of property located within 300 feet of the affected property and the president of any community or homeowners’ association of any subdivision that is located within 300 feet of the affected property subject to the application that are on the list of community associations, persons, and organizations maintained in the

Modification # 16695A
Foxhaven Farm
P2021-0065-00-NS
03/27/2024

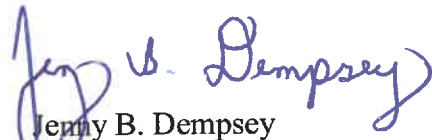
Office of the County Executive were mailed a notice explaining the reason for the modification, along with a copy of the request for modification. Verification that this notice was sent was received by this Office on 12/26/2023.

Summary/Decision

The above Modification has been evaluated by staff for compliance with the five criteria listed in Article 17-2-108 as being the basis for modification approvals. Development Division staff have determined that the requests satisfy those criteria and are in keeping with the intent and purpose of Article 17 and the GDP and I agree with staff findings. Therefore, the above Modification is hereby approved.

The date of the decision, the Modification number and a brief note regarding the decision must be placed on the Final Plans and Plat. Should you have any questions regarding this decision, please contact Adam Knubel at pzknub23@aacounty.org or by phone at 410-222-7458.

Sincerely,


Jenny B. Dempsey
Planning and Zoning Officer

Attachments

cc:

Lori Allen, OPZ
Mary Wilkinson, OPZ
Adam Knubel, OPZ
Judy Motta, PC
Raghavenderrao Badami, I&P
Patrick Coppage, I&P
Mr. Cox, Owner
Allison Valliant, OPZ
Rick Fisher, OPZ
File
FY24/Modifications



Mark R. Wedemeyer, Director

Memorandum

TO: Connor Cottrell, Planner I, Office of Planning and Zoning, Development Division

FROM: Pat Copping, PE, Engineering Division, Department of Inspections and Permits

SUBJECT: Foxhaven Farm
Subdivision Number: S21-019
Project Number: P21-0065-00-NS
Modification #16695A

DATE: March 21, 2024

Project Scope/Description

The project is located at 1169 Tanager Drive, Millersville (Tax Map 37, Grid 4, Parcel 214). The site is zoned R1, Residential and is not located in the Critical Area. The subdivision is being designed as a Cluster Subdivision. The site consists of an existing farm with supporting buildings. The proposed development will consist of a total of 18 (formerly 19) single family clustered lots and will retain the existing farm house, raze other buildings and the future of the existing tobacco barn is still unknown. A Historical Preservation Area has been added to the property near the northeast corner. The lots are proposed to be served by individual private well and private septic. Additional modifications have been submitted for Specimen Tree Removal (#16696) and Sight Distance Requirements (#16697). This modification request involves forest conservation (#16695).

Modification Request

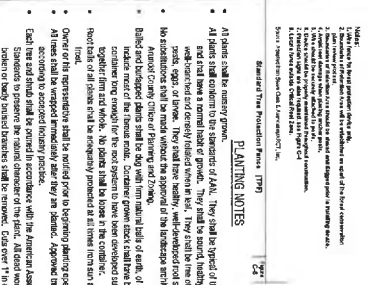
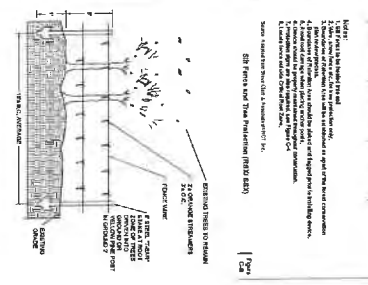
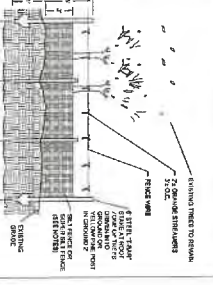
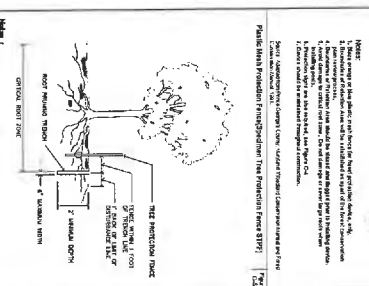
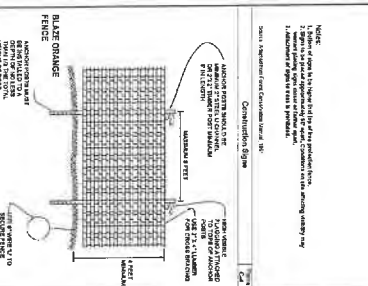
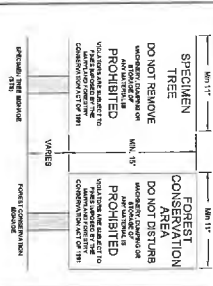
The purpose of this request is to seek modification approval to Article 17-6-303(d)(1) of the Anne Arundel County Code to retain less of the existing forest than required by the forest conservation threshold.

Engineering and Utility Review

The above-referenced modification request has been reviewed for Engineering and Utility issues and the following comments apply:

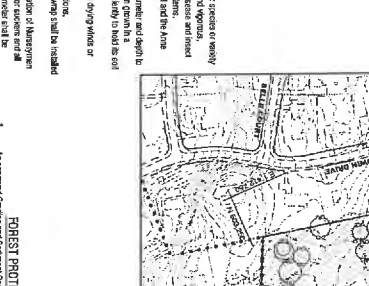
1. Per applicant, the modification is requested to allow for the development of the property. Due to the location of the farmed portion of the property, the request for modification seems reasonable given the fragmented portions of the forest currently on site.

Determination - There is no I&P Engineering objection to the requested modification. We defer to other County reviewers for consideration of approval.



BENCHMARK DATA

DATE	TIME	LOCATION	WEATHER	SOIL	MOISTURE	WIND	TEMPERATURE
12/30/23	10:00 AM	1115 N. KENT	Partly Cloudy	Loam	15%	10 mph	50°F

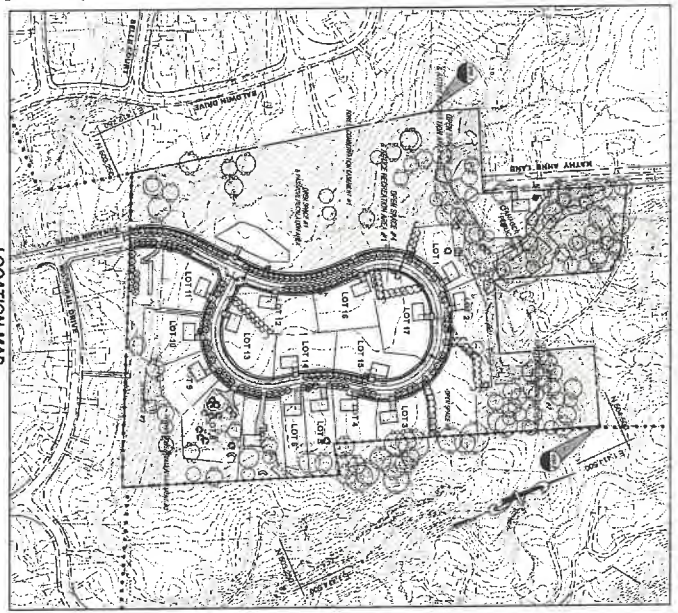


REVISION DESCRIPTION

NO.	DESCRIPTION	BY	DATE
1	Initial Design	ES	12/30/23
2	Revisions to Tree Placement	ES	12/30/23
3	Revisions to Planting Specifications	ES	12/30/23

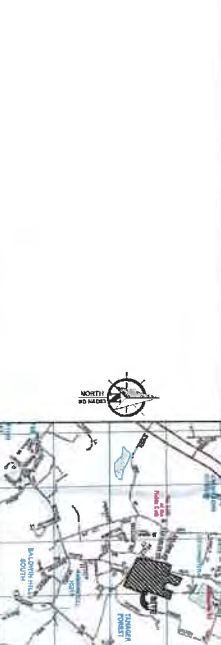
FOXHAVEN FARM 1169 TANGER DRIVE FOREST CONSERVATION PLANS 18 LOT CLUSTER SUBDIVISION

LOCATION MAP SCALE: 1" = 200'



- FOREST PROTECTION MEASURES**
1. An approved Ordinance and design contract form will be obtained prior to construction of the subdivision.
 2. All trees in the subdivision shall be protected by a 2-foot diameter protective ring or other means to be determined by the contractor and approved by the Director of Planning and Zoning prior to any disturbance.
 3. No trees shall be removed or cut down without the approval of the Director of Planning and Zoning.
 4. No trees shall be removed or cut down without the approval of the Director of Planning and Zoning.
 5. No trees shall be removed or cut down without the approval of the Director of Planning and Zoning.
 6. No trees shall be removed or cut down without the approval of the Director of Planning and Zoning.

MESSICK & ASSOCIATES
CONSULTING ENGINEERS,
PLANNERS AND SURVEYORS
7 OLD SLOCOMB ISLAND ROAD, SUITE 202
ANNAPOLIS, MARYLAND 21401
(410) 286-5912 • FAX (410) 286-5002
email: info@messickandassociates.com



FOREST AREA (SUMMARY)

FOREST PRESERVATION AREA	AREA (S.F.)	AREA (AC)
A	270,750 S.F.	6.23 AC
B	284,715 S.F.	6.50 AC
C	60,770 S.F.	1.39 AC
D	16,484 S.F.	0.37 AC
TOTAL FCE	632,719 S.F.	14.50 AC
TOTAL FCE (PREFORESTATION AREA)	804,269 S.F.	18.45 AC
PERCENTAGE PRESERVED	78.7%	78.7%

SITE DATA

PROPERTY	VALUE
TOTAL AREA (S.F.)	1,117,488 S.F.
TOTAL AREA (AC)	25.43 AC
NET AREA (S.F.)	1,117,488 S.F.
NET AREA (AC)	25.43 AC
TOTAL FCE (S.F.)	632,719 S.F.
TOTAL FCE (AC)	14.50 AC
PERCENTAGE PRESERVED	78.7%

FOREST CONSERVATION COVER SHEET

FOXHAVEN FARM
1169 TANGER DRIVE
18 LOT CLUSTER SUBDIVISION
SKETCH PLANS
P2021-0085-00-048
82021-015
JANUARY 27, 2024
SCALE: 1" = 200'

DESIGNER ARCHITECT
MESSICK & ASSOCIATES
1385 BRISTOL ROAD, SUITE 200
ANNAPOLIS, MD 21401
PHONE: 410-286-5912

OWNER
WARREN M. FOWELL, III &
HELEN R. FOWELL
MILLSVILLE, MD 21085-2233
EMAIL: info@messickandassociates.com
PHONE: 301-590-2660



M A R Y L A N D

Office of Planning and Zoning

2664 Riva Road, P.O. Box 6675
Annapolis, MD 21401
410-222-7450

Jenny B. Dempsey
Planning and Zoning Officer

April 3, 2024

Kevin Wingate, Project Manager
Messick & Associates
7 Old Solomons Island Road, Suite 202
Annapolis, MD 21401

Re: Modification 16696A (Specimen Tree Removal)
Foxhaven Farm
Subdivision No. 2021-019; Project No. 2021-0065-00-NS

Dear Mr. Wingate:

This letter is in response to your Modification request dated 12/20/2023 and received 12/26/2023 regarding Article 17-6-303(b)(5); a tree that has a diameter measured at 4.5 feet above the ground of 30 inches or more or that is 75% or more of the diameter of the current State champion tree of that species (Removal of three specimen trees).

Development/Property Description

The subject property is located at 1169 Tanager Drive in Millersville, Maryland. The site is zoned R-1, is a total of 39.01 acres, is currently vacant, and will be served by private water and septic. The proposed development is the subdivision of 1169 Tanager Drive into 18 single family residential lots.

Requested modification

The applicant is requesting a modification to Section 17-6-303(b)(5) to allow the removal of three specimen trees from the subject parcel. These trees are identified as ST-1, ST-18 and ST-19 in the Forest Stand Delineation Report. Specimen Tree 1 is described as a 32.5" black cherry in poor condition, Tree 18 is described as a 38" tulip poplar in good condition and Tree 19 as a 30" red maple in good condition. These trees are located near the entrance to the parcel along the existing driveway.

As specified in Article 17-2-108(a) of County Code, Modification requests may be approved if the request satisfies each of the five criteria stated therein. This Office has evaluated this application for compliance with the five criteria listed in Article 17-2-108(a)(1-5) and offers the following:

- (1) *Practical difficulties or unnecessary hardship will result from strict application of Article 17 or, for a modification relating to forest conservation, unwarranted hardship will result from strict application of Article 17, Title 6 due to special features of the site or other circumstances.*

Access for the proposed development will be obtained by extending Tanager Drive, a public road. The specimen trees identified as ST-1, ST-18 and ST-19 are all located near the Tanager Drive access to the property and there is not sufficient space to move the road to avoid them. Additionally, if the parcel was accessed from Kathy Anne Lane, it would require the removal of four specimen trees and would impact the forested area of the parcel.

- (2) *Minimization and mitigation of environmental impacts through the use of clustering or other available design alternatives to preserve the character of the impacted area, will be served by an alternative proposal.*

The proposed design of the access and internal road system will cause the least impact to the forested area and the least number of specimen trees that would need to be removed. Approval of the proposed modification would result in a minimal environmental impact and this impact will be mitigated by providing additional plantings.

- (3) *The Modification is not detrimental to the public health, safety, or welfare or injurious to other properties.*

The removal of three specimen for the access and internal road system will cause the least impact to the forested area and the least number of specimen trees that would need to be removed. Approving the modification, therefore, will cause the least impact to the public health, safety, welfare nor will be injurious to other properties and will be mitigated through the requirement to providing additional onsite plantings.

- (4) *The Modification does not have the effect of nullifying the intent and purpose of Article 17, the General Development Plan (GDP) or Article 18 of the Anne Arundel County Code.*

The specimen trees identified as ST-1, ST-18 and ST-19 are all located near the Tanager Drive access to the property and there is not sufficient space to move the road to avoid them. Additionally, if the parcel was accessed from Kathy Anne Lane, it would require the removal of four specimen trees and would impact the forested area of the parcel. This modification request is the relief prescribed by the County Code in Articles 17 and 18, therefore does not have a nullifying effect on the County Code and development requirements

- (5) Verification that all owners of property located within 300 feet of the affected property and the president of any community or homeowners' association of any subdivision that is located within 300 feet of the affected property subject to the application that are on the list of community associations, persons, and organizations maintained in the Office of the County Executive were mailed a notice explaining the reason for the

Modification # 16696A
Foxhaven Farm
P2021-0065-00-NS
04/03/2024

modification, along with a copy of the request for modification. Verification that this notice was sent was received by this Office on 12/26/2023.

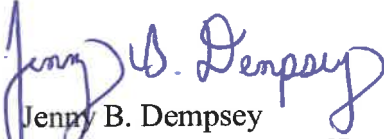
Summary/Decision

The above Modification has been evaluated by staff for compliance with the five criteria listed in Article 17-2-108 as being the basis for modification approvals. Development Division staff have determined that the requests satisfy those criteria and are in keeping with the intent and purpose of Article 17 and the GDP and I agree with staff findings. Therefore, the above Modification is hereby approved with the following conditions:

1. Onsite replanting shall be completed consisting of native trees equal to 217.8 square feet for each inch of diameter at breast height, (specimen tree DBH removed x 217.8 feet/ DBH removed), or
2. Offsite replanting shall be completed consisting of native trees equal to 435.6 square feet for each inch of diameter at breast height, (specimen tree DBH removed x 435.6 square feet/ DBH removed), or
3. Alternative mitigation approvable by the Office of Planning and Zoning.

The date of the decision, the Modification number and a brief note regarding the decision must be placed on the Final Plans and Plat. Should you have any questions regarding this decision, please contact Adam Knubel at pzkhub23@aacounty.org or by phone at 410-222-7458.

Sincerely,


Jenny B. Dempsey
Planning and Zoning Officer

Attachment

cc:

Lori Allen, OPZ
Adam Knubel, OPZ
Mary Wilkinson, OPZ
Allison Valliant, OPZ
Rick Fisher, OPZ
Judy Motta, PC
Raghavenderrao Badami, I&P
Pat Coppage, I&P
Mr. Cox, Owner
File
FY24/Modifications



Mark R. Wedemeyer, Director

Memorandum

TO: Connor Cottrell, Planner I, Office of Planning and Zoning, Development Division

FROM: Pat Coppage, PE, Engineering Division, Department of Inspections and Permits

SUBJECT: Foxhaven Farm
Subdivision Number: S21-019
Project Number: P21-0065-00-NS
Modification #16696A

DATE: March 21, 2024

Project Scope/Description

The project is located at 1169 Tanager Drive, Millersville (Tax Map 37, Grid 4, Parcel 214). The site is zoned R1, Residential and is not located in the Critical Area. The subdivision is being designed as a Cluster Subdivision. The site consists of an existing farm with supporting buildings. The proposed development will consist of a total of 18 (formerly 19) single family clustered lots and will retain the existing farm house, raze other buildings and the future of the existing tobacco barn is still unknown. A Historical Preservation Area has been added to the property near the northeast corner. The lots are proposed to be served by individual private well and private septic. Additional modifications have been submitted for Forest Conservation (#16695) and Sight Distance Requirements (#16697). This modification is for the removal of specimen trees (#16696).

Modification Request

The purpose of this request is to seek modification approval to Article 17-6-303(b)(5) of the Anne Arundel County Code to remove three specimen trees for connection of the Foxhaven Farm access road to the existing public road at the southwestern boundary of the parcel.

Engineering and Utility Review

The above-referenced modification request has been reviewed for Engineering and Utility issues and the following comments apply:

1. Per applicant, the platted right-of-way (2006) would have impacted significantly more specimen trees (9). Through the subdivision design process, impacts have been minimized and three specimen trees are now impacted.

Determination - There is no I&P Engineering objection to the requested modification. We defer to other County reviewers for consideration of approval.

NOTICE

Issued by:

Office of Planning & Zoning

Notice #:

OPZ-20-01-Rev

Release Date

Original: 1/10/20
Revised: 11/1/21

Contact:

pzalle00@aacounty.org

Phone #:

410-222-7458

Preserving Priority Forest Retention Areas

Anne Arundel County Bill 68-19 became law on January 9, 2020. The bill includes expanded protections for priority forests. The purpose of this notice is to provide the general public, reviewing agencies, and the development community with:

- 1) a description of priority forest retention areas that shall be left undisturbed unless a modification is granted;
- 2) criteria the applicant must satisfy in writing for a modification; and
- 3) minimum conditions that the Planning and Zoning Officer shall consider if a modification is granted.

Any questions regarding this notice should be forwarded to Lori Allen, Planning Administrator, at pzalle00@aacounty.org and 410-222-7458.

Steve Kaii-Ziegler,
AICP

*Planning & Zoning
Officer*





M A R Y L A N D

Office of Planning and Zoning

Steve Kaii-Ziegler AICP, Planning and Zoning Officer

MEMORANDUM

TO: MBIA, Review Agencies and the General Public

FROM: Steve Kaii-Ziegler AICP, Planning and Zoning Officer

SUBJECT: Preserving Priority Forest Retention Areas through the Modification Process

DATE: January 10, 2020

Anne Arundel County Bill 68-19 becomes law on January 9, 2020. This bill provides both an amended list of priority forest retention areas that shall be left undisturbed unless the Planning and Zoning Officer approves a modification to this requirement, and an amended list of criteria the applicant must satisfy to receive a modification. Additionally, County Executive Stuart Pittman's May 14, 2019, memo to the Planning and Zoning Officer titled, *Minimizing Environmental Impacts through the Modification Review Process* states that modifications "that would result in adverse environmental impacts will not be approved – even if accompanied by appropriate documentation – unless: 1) there is a clear and definitive showing that the alternate proposal will mitigate and minimize environmental impacts through the use of site design alternatives; or 2) the requestor agrees to the conditions set forth by the Planning and Zoning Officer to secure mitigation of adverse environmental impacts."

The purpose of this policy is to provide:

- 1) a description of priority forest retention areas that shall be left undisturbed unless a modification is granted;
- 2) criteria the applicant must satisfy in writing for a modification; and
- 3) minimum conditions that the Planning and Zoning Officer shall consider if a modification is granted.

The following areas are considered priority retention and shall be left undisturbed unless the Planning and Zoning Officer approves a modification:

- 1) Sensitive Natural Features and Potential Forest Interior Dwelling Species Habitat - trees, shrubs, and plants located in sensitive areas, including the 100-year floodplain, intermittent and perennial streams and their 100-ft buffers, slopes of greater than 25 percent, non-tidal wetlands and their 25-ft buffers, and critical habitats as defined in § 5-1601 of the Natural Resources Article of the State Code; or habitats with a minimum of 75 acres of contiguous forest with 10 or more acres of contiguous forest located more than 300 feet from the nearest forest edge, or riparian habitats with a minimum of 75 acres of contiguous forest along a perennial stream with an average width of at least 300 feet;
- 2) Rare, Threatened or Endangered Plants - trees, shrubs, or plants determined to be rare, threatened, or endangered under the Federal Endangered Species Act of 1973 set forth in 16 U.S.C. §§ 1531 - 1544 and in 50 CFR Part 17; the Maryland Nongame and Endangered Species Conservation Act set forth in the Natural Resources Article, §§ 10-2A-01 et seq., of the State Code; and COMAR, Title 08;

- 3) Specimen Trees - trees that are champion trees, part of a historic site, or associated with a historic structure; or a tree that has a diameter measured at 4.5 feet above the ground of 30 inches or more or that is 75% or more of the diameter of the current State champion tree of that species;
- 4) Connecting Forests - contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site; and
- 5) Forests in General - forested areas at least 35 feet wide with a total area of 10,000 square feet.

An applicant proposing to clear vegetation in any of the priority retention areas listed above must submit, in writing to the Office of Planning and Zoning, justification that the modification and additional actions (conditions) that will mitigate adverse environmental impacts satisfies each of the following criteria:

- 1) unwarranted hardship will result due to special features of the site or other circumstances;
- 2) the purposes of Article 17 of the Anne Arundel County Code, including minimization and mitigation of environmental impacts through the use of clustering or other available design alternatives to preserve the character of the impacted area, will be served by an alternative proposal;
- 3) granting the modification would not adversely affect water quality;
- 4) the modification does not have the effect of nullifying the intent and purpose of Article 17 of the Anne Arundel County Code, the Anne Arundel County General Development Plan, or Article 18 of the Anne Arundel County Code; and
- 5) the applicant has submitted written verification to the Office of Planning and Zoning that:
 - a) the requested modification was disclosed and discussed at a community meeting; or
 - b) all owners of property located within 300 feet of the affected property were mailed a notice explaining the reason for the modification, along with a copy of the request for modification.

If it is determined the modification request satisfies all criteria listed above, the Planning and Zoning Officer shall consider the following, minimum conditions for any modification to priority retention areas in addition to any other afforestation or reforestation requirements on the site:

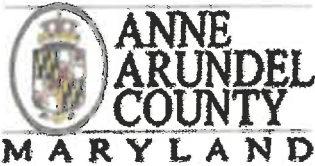
- 1) For Sensitive Natural Features and Potential Forest Interior Dwelling Species Habitat -
 - a) onsite replanting of native trees equal to two times the cumulative square footage of trees removed from these areas; or
 - b) offsite replanting of native trees equal to four times the cumulative square footage of trees removed from these areas;
- 2) For Rare, Threatened or Endangered Plants -
 - a) there shall be no disturbance of rare, threatened or endangered plants authorized by the County; and
 - b) the locations of any documented rare, threatened or endangered plants shall be submitted to the Maryland Department of Natural Resources Wildlife and Heritage Services;
- 3) For Specimen Trees -
 - a) onsite replanting of native trees equal to 217.8 square feet for each inch of diameter at breast height (DBH) removed as described in Example 1 below;
 - i) *Example 1. Onsite Minimum Replanting Requirement for 1 30-Inch DBH Tree Removed (30 Inches of Total Specimen Tree DBH Removed) X (217.8 Square Feet/DBH Removed) = 6,534 Square Feet Replanting Required; or*
 - b) offsite replanting of native trees equal to 435.6 square feet for for each inch of diameter at breast height (DBH) removed as described in Example 2 below;
 - i) *Example 2. Offsite Minimum Replanting Requirement for 1 30-Inch DBH Tree Removed (30 Inches of Specimen Trees Removed) X (2) X (217.8 Square Feet/Inch DBH Removed) = 13,068 Square Feet Replanting Required*
- 4) For Connecting Forests -
 - a) any afforestation or reforestation requirements shall first be met onsite using contiguous plantings of native trees to reconnect the largest, undeveloped, or most vegetated tracts of land within and adjacent to the site; or

5) For Forests in General -

- a) no additional conditions will apply, however applicant shall be encouraged to exhaust all potential onsite opportunities to fulfill any afforestation or reforestation requirements.

For any replanting requirements specified in a conditional approval, the Planning and Zoning Officer shall use discretion as to which replanting methods found in Anne Arundel County Code §§ 17-6-303(d) and 17-6-304 will adequately mitigate environmental impacts to the site, and all replanting activities shall be subject to all State and local requirements.

This policy is not to be interpreted as implying that modifications will be automatically approved if the minimum conditions described herein are satisfied. Additionally, applicants may propose alternative conditions and provide justification for why the alternative conditions are equally beneficial to the environment. Finally, flexibility in this policy may be exercised in instances where the need for disturbance of priority retention areas is triggered by institutional projects, private or public stormwater projects, water quality improvement projects, utility infrastructure, or transportation infrastructure.



Office of County Executive
STEUART PITTMAN

MEMORANDUM

TO: Phil Hager, Director of Planning and Zoning

FROM: Stewart Pittman, County Executive *SP*

SUBJECT: Minimizing Environmental Impacts through the Modification Review Process

DATE: May 14, 2019

Protection of the environment is vital to the quality of life, health and economic vitality of Anne Arundel County residents, and is a foundational tenant of this Administration. Article 17 of the Anne Arundel County Code includes significant provisions to protect environmental resources through the development review process. However, the same article also provides relief from strict adherence to the County Code through the mechanism of a "modification."

In some past instances, the practice of granting modifications has resulted in adverse environmental impacts and has run counter to the goals of effective planning. This Administration will not facilitate such outcomes enabled through the modification process.

Accordingly, all modification requests related to environmental resources will be carefully and deliberately scrutinized by the Office of Planning and Zoning Development Review staff to identify potential, adverse environmental impacts. All such modification requests, whether major or minor, must be accompanied by detailed and defensible justification in accordance with Article 17.¹ Absent such justification, a modification request will be denied and returned. Further, modification requests that would result in adverse environmental impacts will not be approved – even if accompanied by appropriate documentation – unless:

- 1) there is a clear and definitive showing that the alternate proposal will mitigate and minimize environmental impacts through the use of design alternatives; or
- 2) the requestor agrees to the conditions set forth by the Planning and Zoning Officer to secure mitigation of adverse environmental impacts.

Flexibility may be exercised in instances where the need for a modification is triggered by private or public stormwater projects, water quality improvement projects, utility infrastructure, or transportation infrastructure.

Thank you for your continued efforts making Anne Arundel County "The Best Place."

¹ At the time of signing, §17-02-208(a) specifically described five criteria that must be satisfied.



M A R Y L A N D

Office of Planning and Zoning

2664 Riva Road, P.O. Box 6675
Annapolis, MD 21401
410-222-7450

Jenny B. Dempsey
Planning and Zoning Officer

April 24, 2024

Kevin Wingate, Project Manager
Messick & Associates
7 Old Solomons Island Road, Suite 202
Annapolis, MD 21401

Re: Modification 16697A (Road Design)
Foxhaven Farm
Subdivision No. 2021-0019; Project No. 2021-0065-00-NS

Dear Mr. Wingate:

This letter is in response to your Modification request dated 12/21/2023 and received 02/23/2024 regarding Article 17-2-103 of the Anne Arundel County Code with respect to full compliance with the Anne Arundel County Design Manual.

Development/Property Description

The subject property is located at 1169 Tanager Drive in Millersville, Maryland. The site is zoned R-1, is a total of 39.01 acres, is currently vacant, and will be served by private water and septic. The proposed development is the subdivision of 1169 Tanager Drive into 18 single family residential lots.

Requested modification

The purpose of this request is to seek modification approval to Article 17-2-103 of the Anne Arundel County Code with respect to full compliance with the Anne Arundel County Design Manual. Specifically to reduce the center line road radii from 286' to 200' and to provide a sight distance easement area to meet sight distance requirements in areas where the roadway radius is tighter than required for a local roadway with a design speed of 30 MPH.

As specified in Article 17-2-108(a) of County Code, Modification requests may be approved if the request satisfies each of the five criteria stated therein. This Office has evaluated this application for compliance with the five criteria listed in Article 17-2-108(a)(1-5) and offers the following:

- (1) *Practical difficulties or unnecessary hardship will result from strict application of Article 17 or, for a modification relating to forest conservation, unwarranted hardship will result from strict application of Article 17, Title 6 due to special features of the site or other circumstances.*

The development consists of only 18 lots and the proposed road will not provide access to any additional lots. Based on this, the consultant anticipates that the speeds will be less than 30 miles per hour, however, the site distance criteria for the local road classification is based on 30 miles per hour. This creates the practical difficulty of designing a road with longer sight distances than will probably be needed. In addition the I&P Engineering reviewer states: "The applicant clearly discussed the consequences of modifying the roadway layout to flatten the curves. It has a negative impact on forest retention, specimen trees, open space allotment, and reforestation opportunity. The applicant provided an exhibit that shows the sight distance lines required for drivers as they maneuver the turns. Profiles were also provided for these lines of sight. There were no vertical obstructions within the profile view. Since the curves are tight enough to have the sight line cross into the residential parcels, a sight distance easement was drawn within the exhibits. The applicant has demonstrated that the design can meet requirements through the use of the sight distance easement."

- (2) *Minimization and mitigation of environmental impacts through the use of clustering or other available design alternatives to preserve the character of the impacted area, will be served by an alternative proposal.*

The applicant states "The reduction in road radius will greatly reduce impacts to the environment by allowing for greater tree retention, reduction in removal of specimen trees, greater open space preservation and additional tree planting area to be placed in easement. Based on the sketch layout and incorporating the above design considerations, forested areas which include reforestation, will be greater in area post development than exist today. This is our goal and meets the intent of the County Code."

- (3) *The Modification is not detrimental to the public health, safety, or welfare or injurious to other properties.*

The applicant states "The reduction in road radii is not detrimental to the public health, safety, or welfare or injurious to other properties. The sketch plan shows a site distance easement adjacent to the right-of-way that provides for the distance noted in the Anne Arundel County Design Manual to be met. In addition to the site easement, the road loop proposed for Foxhaven Farm will only handle traffic, 17 single family detached lots, from within the community. There are no external connections nor will the road loop promote through traffic."

- (4) *The Modification does not have the effect of nullifying the intent and purpose of Article 17, the General Development Plan (GDP) or Article 18 of the Anne Arundel County Code.*

The existing parcel's access point was approved and previously constructed to provide access for this site. Additionally, the new proposed alternative design will minimize the need for additional clearing of forest. Furthermore, this modification request is the relief prescribed by the County Code in Article 17.

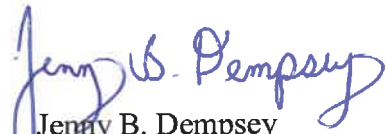
- (5) Verification that all owners of property located within 300 feet of the affected property and the president of any community or homeowners' association of any subdivision that is located within 300 feet of the affected property subject to the application that are on the list of community associations, persons, and organizations maintained in the Office of the County Executive were mailed a notice explaining the reason for the modification, along with a copy of the request for modification. Verification that this notice was sent was received by this Office on 02/23/2024.

Summary/Decision

The above Modification has been evaluated by staff for compliance with the five criteria listed in Article 17-2-108 as being the basis for modification approvals. Development Division staff have determined that the requests satisfy those criteria and are in keeping with the intent and purpose of Article 17 and the GDP and I agree with staff findings. Therefore, the above Modification is hereby approved.

The date of the decision, the Modification number and a brief note regarding the decision must be placed on the Final Plans and Plat. Should you have any questions regarding this decision, please contact Adam Knubel at pzknub23@aacounty.org or by phone at 410-222-7458.

Sincerely,


Jenny B. Dempsey
Planning and Zoning Officer

Attachments

cc:

Lori Allen, OPZ
Adam Knubel, OPZ
Charlie Wang, OPZ/Transportation
Judy Motta, PC
Raghavenderrao Badami, I&P
Pat Coppage, I&P
Desirae Williams, OPZ
Mary Wilkinson, OPZ
Thomas Scalley, Health Dept.
Anastasia Poulos, Cultural Resources
Mr. Cox, Owner
Allison Valliant, OPZ
Rick Fisher, OPZ
Beth O'Connell, DPW
File
FY24/Modifications



Mark R. Wedemeyer, Director

Memorandum

TO: Connor Cottrell, Planner I, Office of Planning and Zoning, Development Division

FROM: Pat Coppage, PE, Engineering Division, Department of Inspections and Permits

SUBJECT: Foxhaven Farm
Subdivision Number: S21-019
Project Number: P21-0065-00-NS
Modification #16697

DATE: February 6, 2024

Project Scope/Description

The project is located at 1169 Tanager Drive, Millersville (Tax Map 37, Grid 4, Parcel 214). The site is zoned R1, Residential and is not located in the Critical Area. The subdivision is being designed as a Cluster Subdivision. The site consists of an existing farm with supporting buildings. The proposed development will consist of a total of 18 (formerly 19) single family clustered lots and will retain the existing farm house, raze other buildings and the future of the existing tobacco barn is still unknown. A Historical Preservation Area has been added to the property near the northeast corner. The lots are proposed to be served by individual private well and private septic. Additional modifications have been submitted for Forest Conservation (#16695) and Specimen Tree Removal (#16696). This modification handles the roadway radius and sight distance requirements (#16697).

Modification Request

The purpose of this request is to seek modification approval to Article 17-2-103 of the Anne Arundel County Code with respect to full compliance with the Anne Arundel County Design Manual. Specifically to provide a sight distance easement area to meet sight distance requirements in areas where the roadway radius is tighter than typically applied for a Local roadway with a design speed of 30 MPH.

Engineering and Utility Review Comments

The applicant has submitted stopping sight distance exhibits for multiple portions of Tanager Drive with sharp curvature. The exhibits show the sight lines and provide profile views of the lines of sight. The exhibits also define the sight distance easement needed to meet the design requirements.

Per the Green Notice OPZ-20-10 Design Manual Criteria, the following seven criteria were evaluated by I&P Engineering.

1- A narrative indicating the design objective and the justification for the request.

The design objective is to provide a development that is clustered and minimizes overall impacts to the environment. The applicant has made it clear that the site's previous farming operations have developed a certain amount of already cleared space. The current roadway layout was developed to allow for a reasonable level of development without greatly impacting specimen trees and existing tree stands. The clustering of the lots provides for an increase in forest retention, additional area available for tree planting, and an overall increase in platted open space. Based on current sketch design, there will be more forest post-development than there exists today.

2- The reason for the exception

The reason for the exception is to promote cluster development that minimizes environmental impact, promotes forest retention, increases reforestation opportunities, greatly reduces specimen tree removal, and maximizes open space area.

3- A statement of hardships caused by adherence to the contents of the Design Manual

The applicant has demonstrated the following hardships. 1- Adherence to manual results in additional tree clearing including removal of specimen trees 2- Provides development with less platted open space 3- Presents difficulties in maintaining a cluster development which reduces overall disturbance and impervious area.

4- A presentation of the proposed alternative(s) for exceptions to recommended procedure, equipment, or materials

The applicant clearly discussed the consequences of modifying the roadway layout to flatten the curves. It has a negative impact on forest retention, specimen trees, open space allotment, and reforestation opportunity. The applicant provided an exhibit that shows the sight distance lines required for drivers as they maneuver the turns. Profiles were also provided for these lines of sight. There were no vertical obstructions within the profile view. Since the curves are tight enough to have the sight line cross into the residential parcels, a sight distance easement was drawn within the exhibits. The applicant has demonstrated that the design can meet requirements through the use of the sight distance easement.

5- A comparison of the service life, replacement cost, and maintenance costs of the alternative to the standard

This reduced roadway radii leads to less materials used overall. Therefore, there is less roadway maintenance required. There is no change in service life because the materials being considered are the same regardless of layout options. Replacement costs are lower with the current design due less overall materials being used.

6- A performance history of proposed alternate procedure, equipment or material(s)

The modification request will not impact performance of final buildout. The request is related to roadway geometrics and does not involve differences in equipment or materials.

7- History of usage of proposed alternate methods, standards or criteria

Reductions for roadway radii have been considered and done before. With sight distance easements and appropriate vertical alignment design, the sight distance requirements can be met.

The modification request has been reviewed for Engineering and Utility issues and the following comments apply:

1. The sight distance easement needed to meet the stopping sight distance standards shall be clearly delineated on the plat(s), when developed.
2. Notation shown within the exhibits labeling sight distance easements on the outside of the curve should be removed. There is no need to resubmit these exhibits, but if these areas require other types of easement(s), the proper notation should be added on the plat(s).
3. As noted in the modification request, parking shall be restricted on the inside of the sharp curves. This requires signing to be shown within future submissions.
4. As noted in the modification request, plantings within the sight distance easement areas shall be limited to low-level SWM plantings.

Recommendation/Determination

This office has reviewed this request for Engineering Utility issues and Traffic issues; based on the above comments and information provided, this office recommends approval of the request at this time. This office does defer to DPW for final determination.



Karen Henry, Director

MEMORANDUM

TO: Adam Knubel, Office of Planning and Zoning, Planner I

FROM: Beth O'Connell, Deputy Director, Bureau of Engineering

A handwritten signature in blue ink, appearing to read "Beth O'Connell".

SUBJECT: **MOD 16697 Foxhaven Farm**

DATE: April 15, 2024

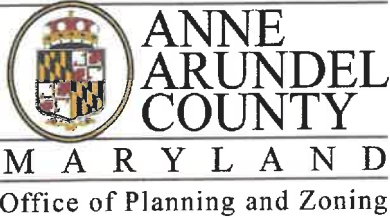
Project Scope: The project location is 1169 Tanager Drive, Millersville. 18 single-family clustered lots are proposed.

Modification Request: The purpose of this request is to request modification approval to the AACo Design Manual Compliance 17-2-103 to

- a. Centerline radius (to allow a reduced centerline radius)
- b. Sight distance easement

After review of the I&P-Engineering memo dated February 6, 2024, we concur with their findings and support the four conditions as noted;

1. The sight distance easement needed to meet the stopping sight distance standards shall be clearly delineated on the plat(s), when developed.
2. Notation shown within the exhibits labeling sight distance easements on the outside of the curve should be removed. There is no need to resubmit these exhibits, but if these areas require other types of easement(s), the proper notation should be added on the plat(s).
3. As noted in the modification request, parking shall be restricted on the inside of the sharp curves. This requires signing to be shown within future submissions.
4. As noted in the modification request, plantings within the sight distance easement areas shall be limited to low-level SWM plantings.



Jenny B. Dempsey

Planning and Zoning Officer

Memorandum

TO: Jeffrey Torney, Development Division, Office of Planning and Zoning

FROM: Charlie Wang, Transportation Development Review Team, Office of Planning and Zoning

SUBJECT: **Foxhaven Farm
Modification #16697A
P2021-0065-00-NS**

DATE: March 21, 2024

Traffic Review

The Applicant requests a modification to Article 17-2-103 to full compliance with the Design Manual with the center line road radii to be reduced from 286' to 200'. The above-referenced modification request has been reviewed for Traffic engineering and/or road improvement issues and the following comments apply:

- **Road Design (Road Radius)** - There is no Traffic objection to the request to reduce the center line road radii from 286' to 200' as the sight line analysis shows adequate sight distances with sight distance easement.



Office of the Fire Marshal
Subdivision & Development Review

TO: Planning & Zoning

CC: SUBCOMMENTS@aacounty.org

FROM: Lt. Robert D. Flynn, Fire Marshal Division

DATE: February 27, 2024

SUBJECT: Modification #16697A
Foxhaven Farm
P2021-0065-00-NS
Tax Map 37 Block 4 Parcel 214

The following modifications have been reviewed by the Office of the Fire Marshal:

Modifications:

Road Design –Center line road Radius - Sight Distance– Defer to OPZ and Inspection and Permits Engineering Division.

ANNE ARUNDEL COUNTY
Office of Finance

To: Jenny Dempsey, Director Office of Planning and Zoning

From: Billie Penley, Controller



Date: May 7, 2024

Subject: Impact Fees Schedule of Fees with Increases

Attached is the revised schedule of impact fees that should take effect July 1, 2024, as required by Article 17, section 11-212 of the County Code. The fees previously shown in the Code have been adjusted as required, based on the changes to the (ENR) Engineering News Record's most recent 20-city annual national average construction cost index.

Please contact Mark Greco if you have any questions about these fees at 410-222-2384.

IMPACT FEE SCHEDULE ON AND AFTER

July 1, 2024 to June 30, 2025

FROM BILL 71-08

ENR Indicators:		
Orig Table 3 used as base table - Base Year	Jan-08	8,090
Current Year	Jan-24	13,515
Current Multiplication factor		1.670583436

RESIDENTIAL				
	ROADS	SCHOOLS	SAFETY	TOTAL
(BY SQUARE FOOT):				
UNDER 500 FEET	2,103	3,179	142	5,424
500-999 FEET	3,450	5,850	231	9,531
1000-1499 FEET	4,479	8,022	301	12,802
1500-1999 FEET	5,197	9,450	347	14,994
2000-2499 FEET	5,735	10,518	383	16,636
2500-2999 FEET	6,151	11,372	411	17,934
3000-3499 FEET	6,468	12,082	433	18,983
3500-3999 FEET	6,766	12,690	453	19,909
4000-4499 FEET	7,035	13,223	471	20,729
4500-4999 FEET	7,275	13,694	486	21,455
5000-5499 FEET	7,483	14,120	500	22,103
5500-5999 FEET	7,656	14,506	513	22,675
6000 FEET AND OVER	7,746	14,686	518	22,950
	77,544	143,392	5,189	226,125
NON- RESIDENTIAL				
	ROADS	SCHOOLS	SAFETY	TOTAL
AMUSEMENT, RECREATION AND PLACE OF ASSEMBLY PER REQUIRED PARKING SPACE	1,480	0	58	1,538
HOTEL/MOTEL ROOM	7,127	0	182	7,309
INDUSTRIAL PER 1,000 SQ FT	6,148	0	227	6,375
MINI-WAREHOUSE PER 1,000 SQ FT	1,012	0	50	1,062
FOR PROFIT HOSPITAL PER BED	8,020	0	241	8,261
FOR PROFIT NURSING HOME PER BED	1,784	0	195	1,979
MARINAS PER BERTH	2,021	0	72	2,093
OFFICE PER 1,000 SQ FT				
UNDER 100,000 SQ FT	9,942	0	543	10,485
100,000 -199,999 SQ FT	8,610	0	484	9,094
200,000 SQ FT AND OVER	7,666	0	444	8,110
MERCANTILE PER 1,000 SQ FT	10,358	0	1,382	11,740

Source: Engineering News Record: Most recent 20-City annual national average Construction cost index.

ENR Indicators: Base year	History	
	Jan-08	8,090
	Jan-09	8,549
	Jan-10	8,660
	Jan-11	8,938
	Jan-12	9,176
	Jan-13	9,437
	Jan-14	9,664
	Jan-15	9,972
	Jan-16	10,133
	Jan-17	10,532
	Jan-18	10,878
	Jan-19	11,206
	Jan-20	11,392
	Jan-21	11,628
	Jan-22	12,556
	Jan-23	13,175
	Jan-24	13,515

CONSTRUCTION ECONOMICS

ENR's 20-city average cost indexes, wages and materials prices.
 Historical data for ENR's 20 cities can be found at [ENR.com/economics](https://enr.com/economics)

Construction Cost Index

+2.6%

ANNUAL INFLATION RATE

JAN. 2024

1913=100	INDEX VALUE	MONTH	YEAR
CONSTRUCTION COST	13515.02	0.0%	+2.6%
COMMON LABOR	25080.22	0.0%	+1.8%
WAGE \$/HR.	48.30	0.0%	+1.8%

The Construction Cost Index's annual escalation rose 2.6%, while the monthly component held steady.

Building Cost Index

+3.8%

ANNUAL INFLATION RATE

JAN. 2024

1913=100	INDEX VALUE	MONTH	YEAR
BUILDING COST	8277.69	+0.1%	+3.8%
SKILLED LABOR	11709.40	+0.1%	+3.3%
WAGE \$/HR.	64.67	+0.1%	+3.3%

The Building Cost Index was up 3.8% on an annual basis, while the monthly component rose 0.1%.

Materials Cost Index

0.0%

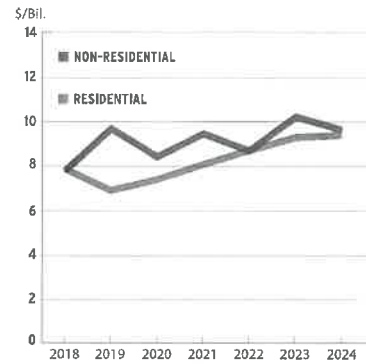
MONTHLY INFLATION RATE

JAN. 2024

1913=100	INDEX VALUE	MONTH	YEAR
MATERIALS COST	6150.97	0.0%	+4.5%
CEMENT \$/TON	223.03	+5.3%	+23.6%
STEEL \$/CWT	100.50	+1.3%	+9.0%
LUMBER \$/MBF	1030.83	-3.9%	-1.5%

The Materials Cost Index held steady this month, while the annual escalation rate increased 4.5%.

Construction starts in the Los Angeles metro area are expected to fall 2.5% in 2024, to \$19.2 billion, according to Dodge Construction Network. Dodge predicts a 5.8% decrease in non-residential starts, while residential is expected to rise 1.1%. Hotel and warehouse starts are expected to increase, while hotel work is predicted to drop.



SOURCE: DODGE CONSTRUCTION NETWORK

ENR's Cost Indexes by City

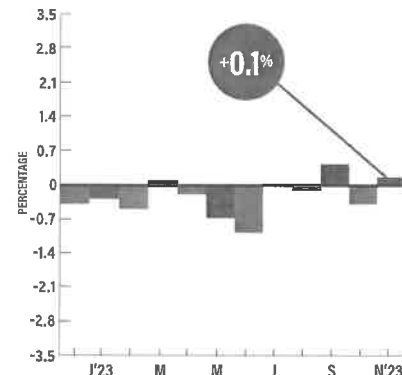
1913=100
 1967=100
 R=REVISED

	CONSTRUCTION COST		BUILDING COST		COMMON LABOR		SKILLED LABOR		MATERIALS	
	JAN '24:1967	% CHG. YEAR	JAN '24:1967	% CHG. YEAR	JAN '24:1967	% CHG. YEAR	JAN '24:1967	% CHG. YEAR	JAN '24:1967	% CHG. YEAR
ATLANTA	8254.67	-2.0	6310.06	-2.1	825.83	0.0	770.13	+1.4	1393.93	-4.4
BALTIMORE	10545.34	-6.3	7198.04	-8.4	1214.52	0.0	980.21	+1.3	1301.94	-15.7
BIRMINGHAM	8668.91	-0.5	6033.33	-0.3	978.68	0.0	868.43	+0.9	1156.77	-1.2
BOSTON	17643.40	-0.6	10100.77	+0.4	1756.25	0.0	1609.60	+2.6	1287.47	-2.8
CHICAGO	20122.98	+10.4	10192.62	+6.6	1859.31	+10.0	1536.02	+3.2	1177.74	+12.4
CINCINNATI	12388.13	+6.7	7393.83	+12.4	1077.82	0.0	953.18	+1.0	1358.75	+24.5
CLEVELAND	14184.20	+4.7	7837.70	+8.8	1095.01	0.0	972.70	0.0	1280.56	+19.6
DALLAS	7779.47	+2.7	6389.83	+3.3	742.23	0.0	738.52	0.0	1327.66	+5.4
DENVER	9169.81	+6.4	7184.92	+10.2	818.18	0.0	972.24	+3.5	1271.39	+17.2
DETROIT	13736.78	-0.1	8294.08	+3.4	1078.49	0.0	1104.00	+6.5	1138.97	-0.2
KANSAS CITY	14033.75	+3.3	8345.38	+2.4	1390.03	+3.7	1300.95	+2.6	1276.67	+2.1
LOS ANGELES	15299.68	+9.4	8583.39	+3.6	1287.67	+15.8	1193.11	+13.2	1288.36	-6.4
MINNEAPOLIS	14605.24	+2.1	8565.63	+4.2	1339.26	0.0	1371.67	+0.8	1204.82	+8.8
NEW ORLEANS	7737.30	-2.4	6345.01	-2.5	749.82	0.0	848.69	+1.1	1270.77	-5.1
NEW YORK CITY	22436.07	+2.0	11780.39	+5.5	1663.39	0.0	1547.48	+2.3	1352.50	+13.0
PHILADELPHIA	15951.66	+2.5	9307.82	+5.2	1637.07	0.0	1421.38	+1.3	1330.46	+11.7
PITTSBURGH	12934.72	+4.2	8187.85	+9.0	1178.28	0.0	1099.94	+3.5	1154.15	+16.2
ST. LOUIS	13971.45	+2.5	7997.19	+5.2	1112.34	0.0	1082.07	+1.3	1301.61	+10.2
SAN FRANCISCO	15525.00	+0.2	10777.24	+5.6	1076.13	+2.8	1277.98	+17.1	1707.74	-4.9
SEATTLE	15311.86	+1.2	8728.76	+2.1	1314.48	0.0	1302.87	0.0	1497.11	+4.9

CONSTRUCTION ECONOMICS

Prices for PVC pipe products rose 0.1% in November, after falling 0.4% in October, according to the Bureau of Labor Statistics' producer price index for plastic construction products, which consists largely of PVC pipe. The annual escalation sits at -3.7%, up from -4.8% the previous month. ENR's 20-city average price for both types of copper water tubing experienced yearly increases in January. Monthly prices for 6-in. ductile-iron pipe fell 0.5%, while yearly prices increased 24.3%.

PRODUCER PRICE INDEX PVC PIPE Monthly Percent Change

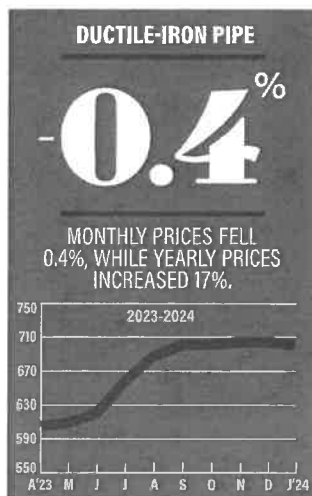


SOURCE: BUREAU OF LABOR STATISTICS

ENR's Materials Prices For January 2024



1992=100



1992=100



1992=100



1992=100

20-CITY AVERAGE

ITEM	UNIT	\$PRICE	%MONTH	%YEAR
REINFORCED-CONCRETE PIPE (RCP)				
12"	FT	32.79	+3.1	+29.5
24"	FT	59.02	0.0	+13.9
36"	FT	124.25	0.0	+13.5
48"	FT	189.33	0.0	+6.3

CORRUGATED-STEEL PIPE (CSP)				
12"	FT	22.20	-1.4	+64.1
36"	FT	53.38	+0.8	+23.8
60"	FT	109.56	+2.0	+19.3

POLYETHYLENE PIPE (PE): UNDERDRAIN				
4"	FT	1.18	0.0	+22.4

POLYVINYL-CHLORIDE PIPE (PVC)				
Sewer, 46"	FT	3.28	-2.0	+14.3
8"	FT	12.18	+1.2	+27.9
Water, 6"	FT	12.32	+1.1	+16.5
8"	FT	19.45	+1.5	+45.4
12"	FT	30.85	-0.6	+34.5

DUCTILE-IRON PIPE (DIP)				
6"	FT	31.73	-0.5	+24.3
8"	FT	42.86	-0.4	+17.0
12"	FT	64.40	-0.8	+15.0

COPPER WATER TUBING: TYPE L				
1/2"	FT	3.11	+1.0	+35.1
1 1/2"	FT	12.32	+2.8	+29.5

SOURCE: ENR

CONSTRUCTION ECONOMICS

Sewer, Water and Drain Pipe For January 2024

City prices reflect quotes from single sources and can be volatile. They are not meant to be the prevailing price for a city. Data are a mix of list and transaction prices and may include ENR estimates. Do not compare prices between locations. Use city information to analyze national trends.

ITEM	UNIT	ATLANTA	BALTIMORE	BIRMINGHAM	BOSTON	CHICAGO	CINCINNATI	CLEVELAND	DALLAS	DENVER	DETROIT
REINFORCED-CONCRETE PIPE (RCP)											
12"	FT	24.58	29.52	42.37	12.94	31.6	30.56	30.56	35.5	36	23.95
24"	FT	46.31	66.30	58.25	31.28	83.9	55.55	55.55	54	60	55.55
36"	FT	93.44	83.22	131.58	67.47	212.3	165.18	165.18	117	113	121.6
48"	FT	142.9	135.58	231.96	112.92	168.84	197.50	197.50	202	184	197.50
CORRUGATED-STEEL PIPE (CSP)											
12"	FT	17.02	30	12.70	12.55	21	27.59	12.95	23.6	25	18.4
36"	FT	62.64	38.75	40.02	44.51	75	40.5	40	39.68	45.87	61.9
60"	FT	136.08	78.50	89.54	101.62	170	76.40	76.20	84.61	90.38	85.55
POLYETHYLENE PIPE (PE): UNDERDRAIN											
4"	FT	1.54	1.2	0.9	1.27	1.16	0.68	0.68	-1.29	0.98	0.70
POLYVINYL-CHLORIDE PIPE (PVC)											
SEWER, 4"	FT	2.65	2.15	2.64	-3.5	+2.99	-3.62	-3.62	-3.18	2.56	3.3
8"	FT	8.40	+15.9	11.06	-14	+12.47	-10.72	13.60	-13.12	8.92	12.25
WATER, 6"	FT	8.02	12.85	6.08	-7.5	+15.35	7.29	-7.29	+10.4	23	25.49
8"	FT	20.42	17.72	11.06	-14	+26.33	13.26	13.26	+16.65	37	14.5
12"	FT	38.07	18.24	24.73	-30	21.81	24.73	24.73	+35.88	22.15	22.66
DUCTILE-IRON PIPE (DIP)											
6"	FT	27	27.90	36.49	-35.4	+41.79	33.62	33.62	36	30	26.20
8"	FT	35	38.40	48.66	-48.5	+53.73	44.28	44.28	49.22	40	34.5
12"	FT	53.07	63.20	73.62	-80	76.1	67.85	67.85	68.34	60	52.9
COPPER WATER TUBING: TYPE L											
½"	FT	2.78	2.05	3.47	-2	+4.3	+2.79	+2.79	+3.16	4.15	2.17
1½"	FT	11.25	9.24	14.76	-8.1	+16.53	+11.33	+11.33	+12.75	14	9.78
ITEM	UNIT	KANSAS CITY	LOS ANGELES	MINNEAPOLIS	NEW ORLEANS	NEW YORK	PHILADELPHIA	PITTSBURGH	ST. LOUIS	SAN FRANCISCO	SEATTLE
REINFORCED-CONCRETE PIPE (RCP)											
12"	FT	14.25	30	31.6	57	47.63	+46.46	21.5	18.95	53.33	37.54
24"	FT	33.56	41	59.6	82	97.46	49.51	66.25	32.55	76.66	75.08
36"	FT	75.32	84	121	114	199.1	107.10	126.65	125.1	112.50	150.16
48"	FT	114.98	135	209.6	159	311.33	176.97	266.6	193	176.25	273.14
CORRUGATED-STEEL PIPE (CSP)											
12"	FT	27	17.34	25.33	24.50	30.64	-22.09	25.13	17.65	17.06	25.42
36"	FT	44.50	61.64	41.10	71.19	43.41	76.59	65.33	65.1	63.68	42.26
60"	FT	79.70	152.20	92.18	92.10	91.05	90.78	155.78	153.05	165.1	86.64
POLYETHYLENE PIPE (PE): UNDERDRAIN											
4"	FT	-1.41	1.59	0.76	+1.78	1.13	1.22	1.05	1.57	1.16	1.44
POLYVINYL-CHLORIDE PIPE (PVC)											
SEWER, 4"	FT	2.6	4.14	+2.85	+4	3.86	-3.15	2.80	2.42	6.10	+3.49
8"	FT	+13	9.95	+11.88	+10.05	+15.5	8.31	10.08	+11.64	21.00	+14.57
WATER, 6"	FT	+9	9.32	+14.62	+16.21	+13.11	-9.55	10.19	13.75	15.99	-11.31
8"	FT	+17.5	14.49	+25.08	+25.3	-20.45	23.18	15.5	21.56	23.41	-18.22
12"	FT	38.2	25.7	+53.08	+37.46	19.88	-35.5	27.05	27.43	54.64	-35.09
DUCTILE-IRON PIPE (DIP)											
6"	FT	25.88	28.04	+39.88	-36	25.12	28.55	35.18	25.88	30.75	31.38
8"	FT	34.08	36.93	+52.51	-46.6	37.95	42.90	52.81	34.08	40.51	42.2
12"	FT	52.25	55.63	76.1	-61.15	55.76	51.89	89.36	52.25	61.00	69.6
COPPER WATER TUBING: TYPE L											
½"	FT	3.91	2.5	+4.1	+3	-2.06	+2.64	2.16	5.26	3.2	+3.21
1½"	FT	12.8	10.5	+15.75	+11.94	14.48	13.66	11.15	11.87	12.85	+13.01

+ OR - DENOTES PRICE HAS RISEN OR FALLEN SINCE PREVIOUS REPORT; QUOTES ARE DELIVERED PRICES. SOME PRICES MAY INCLUDE TAXES OR DISCOUNTS. PRODUCT SPECIFICATION MAY VARY, DEPENDING ON WHAT IS MOST COMMONLY USED OR MOST ACCESSIBLE IN A CITY. QUANTITIES ARE GENERALLY TRUCKLOADS. RCP PIPE IS ASTM C76; 12 IN. AND 24 IN. ARE RUBBER-GASKET JOINTED, OTHERS ARE NON-CORRUGATED. CORRUGATED STEEL PIPE IS PLAIN GALVANIZED; 12 IN. IS 16 GAUGE, 36 IN. IS 14 GAUGE, 60 IN. IS 12 GAUGE. PE PIPE IS M252, PERFORATED AND CORRUGATED. PVC SEWER PIPE IS ASTM D-3034, SDR-35. PVC WATER PIPE IS C900, CL 150. DIP PIPE IS CL 150 WITH A PUSH-ON JOINT. COPPER WATER TUBING PIPE IS HARD AND INTERIOR DIAMETER, TYPE L.