

Introduced 2/1/16
Public Hearing 2/16/16
Council Action 3/7/16
Executive Action N/A
Effective Date 2/7/16

County Council of Howard County, Maryland

2016 Legislative Session

Legislative Day No. 2

Resolution No. 28-2016

Introduced by: Greg Fox
at the request of
Friends of Haviland Mill Road

A RESOLUTION approving an amendment to the Howard County Inventory of Scenic Roads which adds Haviland Mill Road, a rural, historically significant road to the Inventory.

Introduced and read for the first time on February 1, 2016.

By order Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

Read for a second time and a public hearing held on February 16, 2016.

By order Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

This Resolution was read for the third time and was Adopted , Adopted with amendments , Failed , Withdrawn by the County Council on March 7, 2016.

Certified by Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

NOTE: [[text in brackets]] indicates deletions from existing language; TEXT IN ALL CAPITALS indicates additions to existing language. Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, the Howard County Scenic Roads Act was established by Council Bill 51-
2 1994 to protect the character of certain roads or road segments in the county that have
3 outstanding scenic or historic value and pass through areas of the county where forest,
4 agricultural or historic features are predominant; and
5

6 **WHEREAS**, Section 16.1403(a) of the Howard County Code provides for the County
7 Council to adopt, by Resolution, a scenic roads inventory, which designates certain roads or road
8 segments in the County as scenic roads and permits the inventory to be expanded, by Resolution,
9 periodically if a road has one or more of the characteristics of scenic roads listed in Section
10 16.1402(a) of the Code; and
11

12 **WHEREAS**, the County Council adopted the Scenic Roads Inventory by Resolution 102-
13 1994 in 1994, amended the Inventory in 2006 by Council Resolution 135-2006, and amended the
14 Inventory again in 2008 by Resolution 129-2008; and
15

16 **WHEREAS**, Haviland Mill Road passes through outstanding natural environmental
17 features and structures of historical value that provide scenic views and therefore meet the
18 criteria in the Scenic Roads Act in Section 16.1402(a)1 of the Code; and
19

20 **WHEREAS**, the designation of the Haviland Mill Road as a scenic road would ensure
21 that any development proposed along the road would be subject to the scenic road development
22 guidelines of the County's Subdivision and Land Development Regulations;
23

24 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
25 this 7th day of March, 2016, that the Howard County Scenic Roads Inventory is hereby
26 amended by inserting the attached pages into the Scenic Roads Inventory, hereto and
27 incorporated herein.

HAVILAND MILL ROAD

Scenic Road Designation — All of Haviland Mill Road from Brighten Dam Road to the Patuxent River (Montgomery County Boarder)

Road Characteristics — Pavement width: Approximately 20'
 — ROW width: Varies 30' 50'
 — Lanes: Two lanes striped, with some shoulders
 — Speed Limit: 35 miles per hour

Length — 1.65 miles from Brighten Dam Road to the Patuxent River

Road Classification — Minor Collector

Description

— Haviland Mill Road, from Brighten Dam Road to the Patuxent River, is a narrow, winding, rolling road that crosses into Montgomery County at the Patuxent River.

— The scenic character of Haviland Mill Road is created by views from the road are generally confined by the rolling terrain. Scenic features along the road include a forested area, rolling pastures, rows of trees or hedgerows, several picturesque barns, wooden fences and the Patuxent River. The road is also home to Historic Site #570 which is a historic burial site.

HAVILAND MILL ROAD

Scenic Road Designation All of Haviland Mill Road from Brighton Dam Road to the Patuxent River (Montgomery County Border)

Road Characteristics Pavement width: Approximately 20'
ROW width: Varies – 30'– 50'
Lanes: Two lanes striped, with some shoulders
Speed Limit: 35 miles per hour

Length 1.65 miles from Brighton Dam Road to the Patuxent River

Road Classification Minor Collector

Description

Haviland Mill Road, from Brighton Dam Road to the Patuxent River, is a narrow, winding, rolling road that crosses into Montgomery County at the Patuxent River.

The scenic character of Haviland Mill Road is created by views from the road's rolling terrain. Scenic features along the road include a forested area, rolling pastures, rows of trees or hedgerows, several picturesque barns, wooden fences and the Patuxent River. The road is also home to Historic Site #570 which is a historic burial site.

Amendment 1 to Council Resolution 28-2016

BY: Greg Fox

**Legislative Day No: 3
Date: March 7, 2016**

Amendment No. 1

1 *(This amendment would substitute the attached proposed road description with the attachment to*
2 *this amendment, which corrects typographical errors).*
3
4
5

6 Substitute the attached road description for the attachment attached to the
7 resolution.
8
9
10

ADOPTED 3/7/16
FAILED _____
SIGNATURE Jessica Feldman

HAVILAND MILL ROAD

Scenic Road Designation All of Haviland Mill Road from Brighton Dam Road to the Patuxent River (Montgomery County Border)

Road Characteristics Pavement width: Approximately 20'
ROW width: Varies – 30'– 50'
Lanes: Two lanes striped, with some shoulders
Speed Limit: 35 miles per hour

Length 1.65 miles from Brighton Dam Road to the Patuxent River

Road Classification Minor Collector

Description

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<i>Road Classification</i>	Minor Collector

Description

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Amendment / to Council Resolution 28-2016

BY: Greg Fox

Legislative Day No: 3
Date: March 7, 2016

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HAVILAND MILL ROAD

Scenic Road Designation All of Haviland Mill Road from Brighten Dam Road to the Patuxent River (Montgomery County Border)

Road Characteristics Pavement width: Approximately 20'
ROW width: Varies – 30' – 50'
Lanes: Two lanes striped, with some shoulders
Speed Limit: 35 miles per hour

Length 1.65 miles from Brighton Dam Road to the Patuxent River

Road Classification Minor Collector

Description

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CR 28-2016 Scenic Road Designation for Haviland Mill Road

Kathy Stowe [lknstowe@comcast.net]

Sent: Friday, February 26, 2016 7:10 AM**To:** CouncilMail**Attachments:** councilscenicroad.docx (17 KB)**FILE COPY**

Dear Howard County Council Members,

Thank you for the opportunity to present testimony concerning CR28-2016, a resolution adding Haviland Mill Road to the county inventory of scenic roads. We would particularly like to thank council member Greg Fox for introducing the resolution.

We believe it is very clear that Haviland Mill road meets the criteria laid out in Subtitle 14 – The Scenic Roads Act - to be designated a scenic road. The regulation lists four characteristics (Section 16.1402., Characteristics of scenic roads) for consideration as a scenic road and states that to be considered a scenic road, one or more of the characteristics must be met. Haviland Mill Road meets all four of the characteristics as described below:

1) Characteristic 1 – “Pass through an area of outstanding natural features providing views of scenic elements such as forests, steep topography, and stream or river valleys. “

Haviland Mill Road possesses all of these natural features. Approximately one third the length of the road is forest, steep topography is present, and the Patuxent River is a major feature in vistas from the road.

2) Characteristic 2 – “Provide outstanding views of rural, agricultural landscapes including scenic elements such as panoramic or distant second views, crop land, pastures, fields, streams, ponds, hedgerows, stone or wooden fence, farm buildings and farmsteads.”

Haviland Mill Road provides views of agricultural landscapes with one third the length of the road being agricultural. Rolling pastures, rows of trees, stretches of wooden fences, and several picturesque barns form an impressive agricultural panorama.

3) Characteristic 3 – “Follow historic road alignments and provide views of historic resources”

The historic association of the road is most evident in its very name – a saw mill was built on the banks of the river around 1840. The mill was purchased by Merritt Haviland in 1895 and converted into a grist mill.

Four historic homes, dating back hundreds of years, are visible from the road. In addition, two historic cemeteries are located in the vicinity of the road. One (the Nichols family cemetery) is preserved by the Maryland Department of Natural Resources and contains plaques and a monument giving the history of the family and the cemetery.

4) Characteristic 4 – “A large proportion of the road provides frontage for properties that are in a historic district or subject to perpetual or long-term agricultural, environmental or historic easements.

There are a total of four agricultural and or conservation easements along the road. There is also land owned by the Maryland Department of Natural Resources and county property which provides one of the only trout fisheries in the Washington area.

We would also like to point out that the section of Haviland Mill Road located in Montgomery County has been designated a Rustic Road –their equivalent of our Scenic Roads. The Montgomery County's Rustic Roads Advisory Committee supports the designation of Haviland Mill Road in Howard County a scenic road. A copy of their letter is attached in case you have not had an opportunity to review it.

We are aware that the Department of Planning and Zoning has provided a memorandum recommending denial of the designation of Haviland Mill Road as a scenic road. Frankly, we disagree with their assessment and find that there is much more material in their memorandum supporting the scenic road designation than refuting it. They describe the road itself as "...narrow, winding, and rolling..." and scenic features are described as "...a forested area, rolling pastures, rows of trees or hedgerows, several picturesque barns, wooden fences, and the Patuxent River."

The memorandum states that Haviland Mill Road is predominately residential in character. However, one mile of the one and six tenths total mileage of the road (65%) is either agricultural or forested. There are only a total of 28 homes along the road– four of which are historic and contribute greatly to the scenic nature of the road. Finally, the memorandum itself describes the structures as "...homes on large lots with mature trees and substantial setback." This hardly seems a description of structures that ruin scenic vistas.

The memorandum also describes certain features—an eroding stream, utility lines, a partially visible transmission line, and metal guard rails—as weighing against designation of the road as scenic. There is a periodically flowing stream along a stretch of the road. We believe that this stream adds scenic value rather than detracts from the views. Utility lines are present, but that is simply a necessary fact of modern life, and common to all roads that have been designated as scenic. The transmission line is only visible when there is no foliage on trees and even then only in the distance. Only 0.5% of the road has safety guard rails, not enough to make a significant visual impact.

We would like to conclude by thanking the council members for their service to Howard County and by urging them to vote yes on CR28-2016. Let's make Haviland Mill Road a scenic road!

Friends of Haviland Mill Road

Victor Bullen, Brooke Farquhar, Martha Mann, Jenny Marrow, Theresa Marrow, Kathy Stowe, and Lloyd Stowe

FILE COPY

Dear Mr. Kittleman,

We are writing to ask you to please support the designation of Haviland Mill Road as a scenic road in Howard County.

Ample reason for this designation is provided by the changing elevation and winding nature of the road, the State of Maryland Department of Natural Resources area, the existing land in preservation, the few residential houses set back from the road, the number of old and original houses, the Montgomery County rustic road designation, the county parkland, and the presence of varied wildlife. This road is part of Howard County's history and makes a significant contribution to the unique character, charm and attraction of Howard County.

There are outstanding, sweeping views along Haviland Mill Road. Typical views include pastures, fields, forests, streams, wooden fences, farm buildings; and old homes. Haviland Mill Road conforms to the changing topography as it winds its way up and then down hills. These twists and turns and the simple construction – a ribbon of asphalt, contribute to the road's scenic nature. Eagles and hawks soar above the highest point of the road. The road crosses into Montgomery County at the Patuxent River. Neighboring Montgomery County has designated their 1.35 miles of Haviland Mill Road as a Rustic Road.

There is an established great blue heron rookery along the Patuxent River near the Haviland Mill Road Bridge. This area of the river is a favorite of anglers and is a catch-and-release area for fly-fishermen. The remains of the old mill for which the road is named are visible along the river. There are a number of pieces of land already protected by DNR, WSSC, and Howard County along the road. The immediate area also has significant cultural resources including cemeteries and old barns and farmhouses. There are also former residences and a cemetery that represent African-American agricultural history after the Civil War.

If the scenic road designation cannot be supported under the criteria created in 1994, it is time to update those criteria to ensure Howard County maintains what remains of its unique attractiveness and character. We must do whatever we can to preserve the ecological integrity, existing history and scenic nature of this part of Howard County for all its citizens and their children to enjoy for generations to come.

Kathy and Lloyd Stowe
13905 Wayside Drive
Clarksville, Maryland 21029

CR28 - 2010

Testimony from Friends of Haviland Mill Road

February 16, 2016

Good Evening.

My name is Brooke Farquhar and I live at 6883 Haviland Mill Road, Clarksville, in a house that was owned by freed slaves, the Roberts/Dorseys, in the mid to late 1800's, according the HISTORIC AMERICAN BUILDINGS SURVEY, HABS No. MD-1427, the HARDY-ROBERTS HOUSE. I am telling you this because it is one of four historic homes on our road, and this is an important criterion for scenic roads. I am handing out a printout of a powerpoint if you would please follow along.

Slide 1:

I represent the group Friends of Haviland Mill Road. Friends of Haviland Mill Road request the Council to support CR28-2016 A RESOLUTION approving an amendment to the Howard County Inventory of Scenic Roads which adds Haviland Mill Road, a rural, historically significant road to the Inventory, sponsored by Councilmember Greg Fox. Thank you very much, Mr. Fox.

We see there are several letters in your packet and posted online about the Cluster development proposed on our road and want to clarify that we are not testifying about that tonight. We realize that the designation would not impact the development proposal.

We also appreciate that both Preservation Howard County and the Montgomery County Rustic Roads Committee have expressed support for the designation of Haviland Mill Road as a Scenic Road, which you will see in the packet I have handed out. ([See Page 1](#)).

Slide 2:

We also applaud the County for establishing the Scenic Roads legislation in 1994, because decision makers then, and you today, recognize the need to protect those aspects of our history and our rural character that make our County special.

“The scenic roads act is established to protect the character of certain roads or road segments in the county which have **outstanding scenic or historic value** and pass through areas of the county where **forest, agricultural or historic features are predominant.**” Our road meets this description.

Slide 3:

“Scenic roads are public roads in the county which have **one or more** of the following characteristics:

(1) Pass through an area of outstanding natural environmental features providing views of scenic elements such as forests, steep topography, and stream or river valleys;”

On Haviland Mill Road we have stretches of forest, such as this frontage of State parkland, steep sloping pastures, and of course, the Patuxent River, also with a stretch of parkland along it.

Slide 4:

“Scenic roads are public roads in the county which have **one or more** of the following characteristics:

(2) Provide outstanding views of rural, agricultural landscapes including scenic elements such as panoramic or distant views, cropland, pastures, fields, streams, ponds, hedgerows, stone or wooden fences, farm buildings and farmsteads;”

On Haviland Mill Road we have quite a lot of these views. About one third of our 1.6 mile road has such views.

Slide 5:

“(3) Follow historic road alignments and provide views of historic resources; or”

We have four historic homes in view of the road, two of them were occupied by the Roberts/Dorsey family.

Slide 6:

“(4) A large proportion of the road provides frontage for properties that are in a historic district or subject to perpetual or long-term agricultural, environmental or historic easements.”

We have two properties with environmental easements on them, and five properties owned by the State DNR or the HoCo Rec and Parks Department.

Slide 7:

In order to see how our road compared to others already designated, we picked the closest road to ours, Trotter Road. Here is a view of them with our road on the left.

Slide 8:

When you look at all the points in the legislation and rank them, Haviland Mill Road measures up just as well, if not better than Trotter Road.

Slide 9:

For example, Trotter Road has more non-historic houses in view of the road, per mile, than Haviland Mill and no agricultural views.

Slide 10:

While Trotter Road has more views of forest, Haviland Mill Road has more agricultural views.

Slide 11:

And when we looked at the total of agricultural plus forest views, we found that Haviland Mill has a greater total than Trotter, of about 65% vs 50%.

Slide 12:

Haviland Mill Road has both agricultural and forest views, and Trotter Road does not.

Slide 13:

Conclusion: Haviland Mill Road is equally, if not more, qualified than Trotter Road as a scenic road.

Slide 14:

We hope you will see that our road meets or exceeds what the legislation describes as the purpose and the definition of a Scenic Road. Thank You! Visit us online at Havilandmill.com, and on Facebook at Friends and Family of Haviland Mill Road

October 7, 2015

Councilman Fox,

Preservation Howard County supports the Haviland Mills Road residents, July 24 request, for Haviland Mills Road to be designated as a Scenic Road. The road is located between Brighton Dam Road and New Hampshire Avenue in Montgomery County. The Montgomery County section of the road has been designated as a Rustic Road.

Their letter of request is quite compelling and presents information concerning the road that meets Sub Title 14 Scenic Road criteria required to be designated a Scenic Road.

Preservation Howard County asks that your response to their request be advising them that you will be taking the appropriate steps with support of the other Council Members to introduce legislation to designate Haviland Mill Road as a Scenic Road joining the other 74 Scenic Roads in Howard County.

Respectfully,

Fred Dorsey
President

Enclosure

CC Council Member Sigaty
Council Member Ball
Council Member Terrasa
Council Member Weinstein

Request to Council

- ▶ Friends of Haviland Mill Road request the Council to support CR28-2016
- ▶ A RESOLUTION approving an amendment to the Howard County Inventory of Scenic Roads which adds, historically significant road to the Inventory Haviland Mill Road, a rural

Photo on this page is of Haviland Mill Road

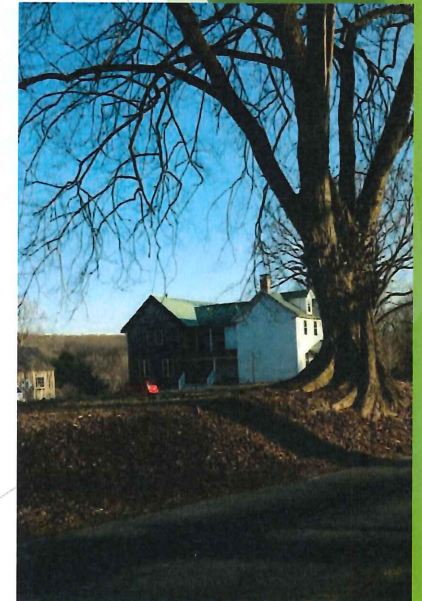


Subtitle 14 Scenic Roads

Section 16.1401 Purpose

“The scenic roads act is established to protect the character of certain roads or road segments in the county which have **outstanding scenic or historic value** and pass through areas of the county where **forest, agricultural or historic features are predominant.**”

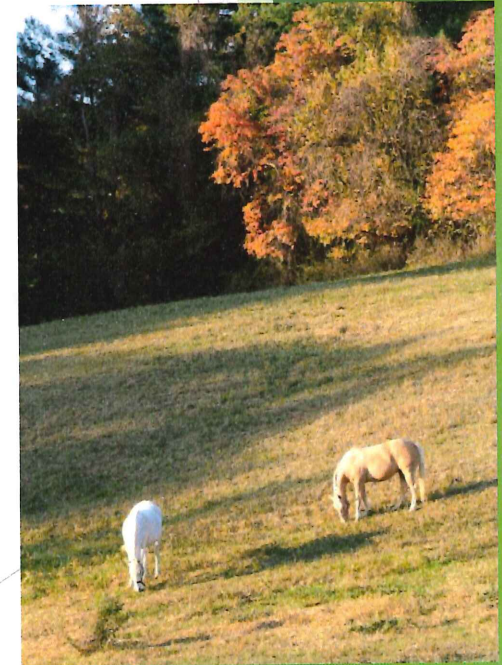
All photos on this page are from Haviland Mill Road



Section 16.1402

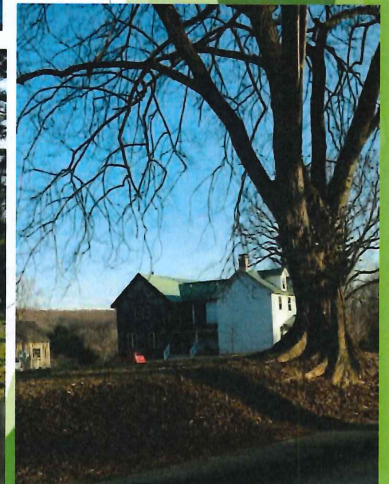
“Scenic roads are public roads in the county which have **one or more** of the following characteristics:

Pass through an area of outstanding natural environmental features providing views of scenic elements such as forests, steep topography, and stream or river valleys;...”



All photos on this page are from Haviland Mill Road

“...Provide outstanding views of rural, agricultural landscapes including scenic elements such as panoramic or distant views, cropland, pastures, fields, streams, ponds, hedgerows, stone or wooden fences, farm buildings and farmsteads;...”



All photos on this page are views from Haviland Mill Road

“Follow historic road alignments and provide views of historic resources; or...”

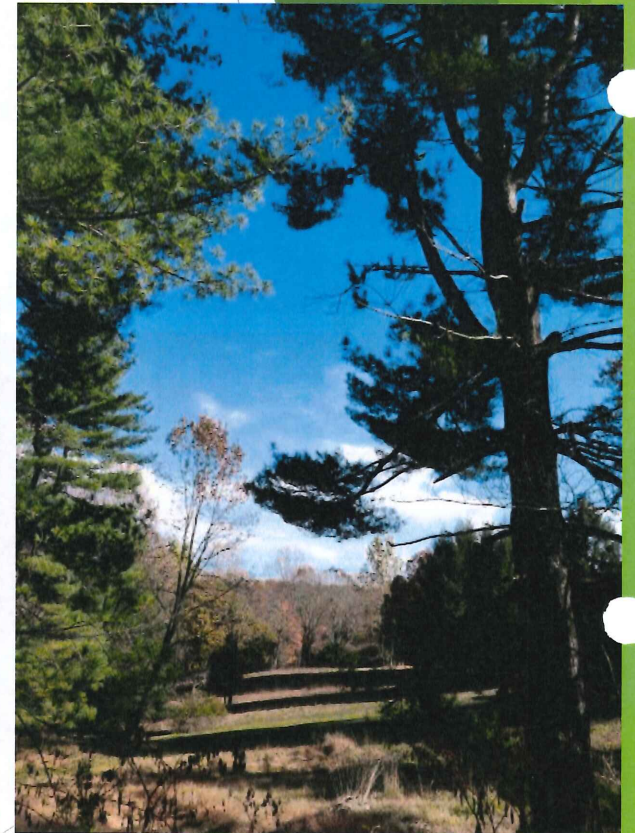


*All photos on this page are from
Haviland Mill Road*

“A large proportion of the road provides frontage for properties that are in a historic district or subject to perpetual or long-term agricultural, environmental or historic easements.”



All photos on this page are from Haviland Mill Road

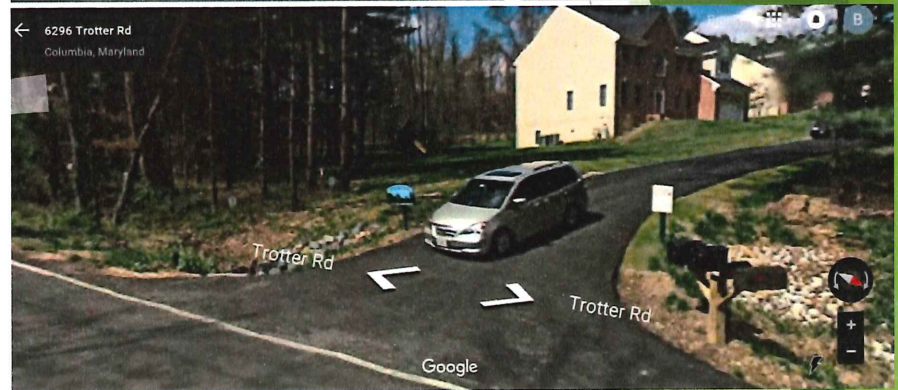
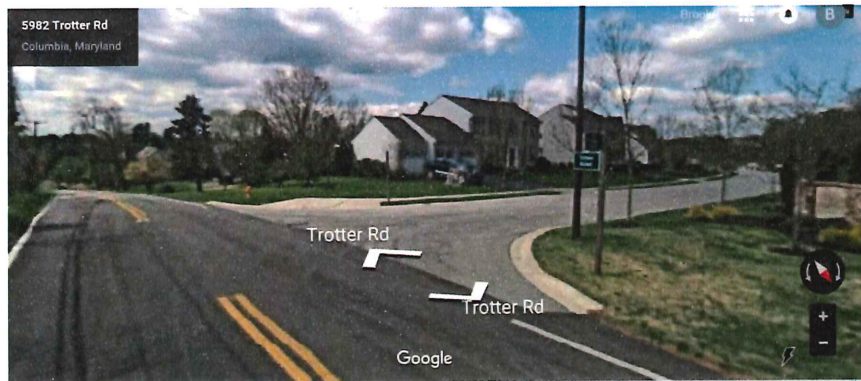


A Comparison of Haviland Mill Rd and Trotter Rd



Comparison of Haviland Mill Road & a Designated Scenic Road, Trotter Road		
	Haviland Mill Road	Trotter Road
Length of Road	1.6 mile	2.0 mile
Views/Visible from the Road		
Total Houses (Historic and Non-Historic)	28	36
Historic Houses	4	1
Total Non-Historic Houses Per Mile	15	17
Agricultural - Length of Road	.5 mile (approx.)	0
Forest - Length of Road	.5 mile (approx.)	1 mile (approx.)
Percent of Road with Agricultural or Forest	65%	50%
Agricultural or Conservation Easements	4	Not Available
Stream/River	yes	yes
Steep Topography	yes	yes
Panoramic or Distant	yes	yes
Cropland, Pastures, Fields	yes	no
Streams, Ponds	yes	yes
Hedgerows, Stone or Wooden Fences	yes	yes
Farm Buildings and Farmsteads	yes	no

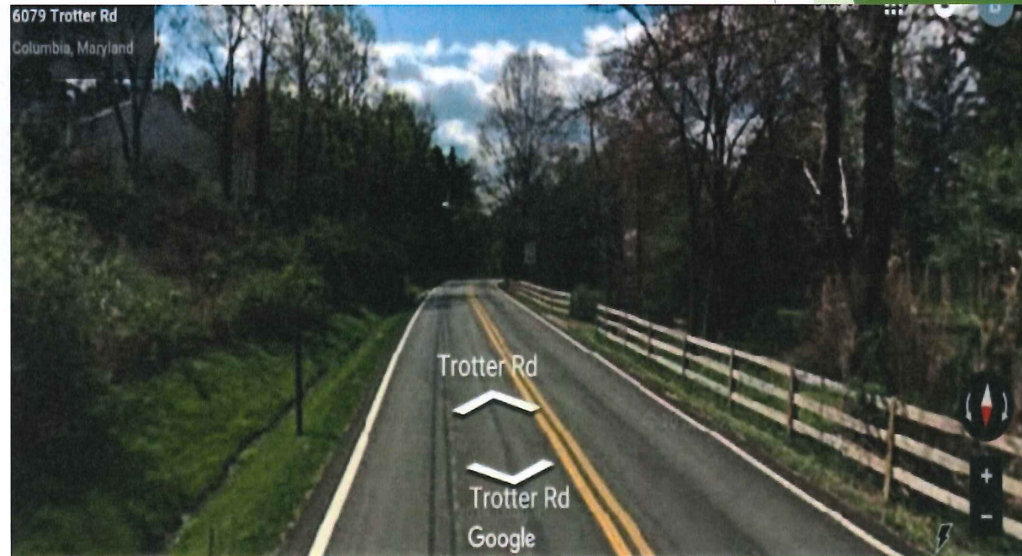
Trotter Road has more houses per mile than Haviland Mill Road and no agricultural views.



Trotter Road has more views of forest, but Haviland Mill Road has more agricultural views.



O'Keefe Farm, Haviland Mill Road



Comparison of Haviland Mill Road & a Designated Scenic Road, Trotter Road		
	Haviland Mill Road	Trotter Road
Length of Road	1.6 mile	2.0 mile
Views/Visible from the Road		
Total Houses (Historic and Non-Historic)	28	36
Historic Houses	4	1
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Forest - Length of Road	.5 mile (approx.)	1 mile (approx.)
Percent of Road with Agricultural or Forest	65%	50%
Agricultural or Conservation Easements	4	Not Available
Stream/River	yes	yes
Steep Topography	yes	yes
Panoramic or Distant	yes	yes
Cropland, Pastures, Fields	yes	no
Streams, Ponds	yes	yes
Hedgerows, Stone or Wooden Fences	yes	yes
Farm Buildings and Farmsteads	yes	no

Haviland Mill Road has both agricultural and forest views, and Trotter Road does not



All photos on this page are from Haviland Mill Road

Haviland Mill Road is
equally, if not more,
qualified than Trotter Road.



Friends and Family of Haviland Mill Road
Community

Timeline About Photos Likes Videos

Liked Message

Thank You! Visit us online at Havilandmill.com, and on Facebook at Friends and Family of Haviland Mill Road




Howard County

Internal Memorandum

Subject: Scenic Roads Inventory

To: Greg Fox, Councilman
County Council

From:  Valdis Lazdins, Director
Department of Planning and Zoning

Date: November 23, 2015

This memo responds to your request for input from the Department of Planning and Zoning on your proposal to add Haviland Mill Road to the Howard County Scenic Roads Inventory.

The purpose of the Scenic Roads Act is to “protect the character of certain roads or road segments in the County, which have outstanding scenic or historic value, and pass through areas of the County where environmental (forests, steep topography, stream or river valleys), agricultural or historic features are **predominant.**” Howard County has many attractive roads where frequent residential development is interspersed with agricultural or forested landscapes. The Scenic Roads Act was intended to recognize those roads that offer unique or scarce resources. Roads that have a scenic vista or short scenic sections but are primarily residential, generally do not meet the criteria for scenic road designation.

In 1994 the full length of Haviland Mill Road was evaluated, from Brighton Dam Road to the Montgomery County border, from which the survey results are attached. On November 6, 2015, DPZ re-evaluated the same road length for potential addition to the Scenic Roads Inventory and found that the description of the road from the original 1994 survey is still applicable:

Haviland Mill Road is a narrow, winding, rolling road that crosses into Montgomery County at the Patuxent River. Views from the road are generally confined by the rolling terrain.

Residential development is continuous along Haviland Mill Road. The dominant character of the landscape viewed from the road is a rural residential neighborhood consisting of homes on large lots with mature trees and substantial setbacks. Scenic features along the road include a forested area, rolling pastures, rows of trees or hedgerows, several picturesque barns, wooden fences and the Patuxent River.

Negative features include an eroding stream (previously referred to as a drainage swale), utility lines, a transmission line partially visible in the one distant view from the road, and metal guard rails.

The original survey also indicates Historic Site #570 is located along the road. This reference actually pertains to a burial site located in the general area.

Consistent with the original evaluation, DPZ does not consider Haviland Mill Road to meet the criteria for designation of a scenic road due to the fact that it is predominately residential in character. No changes have occurred in the evaluation criteria or the landscape of the road to suggest addition to the inventory would be appropriate.

However, both the Scenic Road Survey and the designation criteria have not been updated in over twenty years. PlanHoward2030 acknowledges that “Since the original scenic roads survey and guidelines were adopted in 1994, there has been additional development in the County. The current guidelines apply to development adjacent to the scenic road, but nearby development that is not subject to the guidelines may occur within the viewshed of the scenic road and impact the quality of scenic road.”

Guidelines to preserve the scenic character of designated roads are contained within Section 16.125 of the Howard County Subdivision Regulations- Protection of Scenic Roads. These guidelines address lot orientation, grading, slope retention, use of cluster subdivisions, protection of environmentally sensitive features, location of parking, and various other entrance and sign design criteria. As proposed, the current development under review at 6780, 6930 and 6940 Haviland Mill Road conforms to the requirements under Section 16.125 even though the road is not designated as a scenic resource. Therefore, according to the current standards, designation of Haviland Mill Road as a scenic resource would not impact or alter the adjacent proposed development.

Policy 4.11 of PlanHoward 2030 recommends that the County review current conditions and regulations related to the County’s designated scenic roads to determine whether the existing inventory continues to qualify and to determine whether amendments to the Code or Design Manual could enhance protection for scenic roads.

cc: Beth Burgess, Chief, Resource Conservation Division

T:\Shared\RCD\Scenic Roads\Scenic Roads Inventory_Haviland Mill Rd Addn_Nov 2015.doc

HAVILAND MILL ROAD

Road Characteristics	Pavement width: varies ROW width: 30' Lanes: 2 lanes striped, no shoulders, some sections have curbs with swales. Speed limit: 30 miles per hour
Length	Entire road is candidate scenic road; 1.65 miles from Montgomery Co. line to Brighton Dam Road.
Road Classification	Minor Collector
Traffic Volume (ADT) 7/92:	812 S of Brighton Dam Rd
Accident History (for entire road)	Number of accidents 1990-1992: 1 Accident Rate (accidents per million vehicle miles): 3.6
Adjacent Zoning	RR-DEO
Adjacent Land Uses	Mixture of rural residential and undeveloped land; one parcel of WSSC land
Historic Sites	#570

Description

Haviland Mill Road is a narrow, winding, rolling road that crosses into Montgomery County at the Patuxent River. Views from the road are generally confined by the rolling terrain.

Residential development is continuous along Haviland Mill Road. The dominant character of the landscape viewed from the road is a rural residential neighborhood consisting of homes on large lots with mature trees and substantial setbacks. Scenic features along Haviland Mill Road include forest areas, rolling pastures, rows of trees or hedgerows, several picturesque barns, wooden fences, and the Patuxent River.

Negative features include an eroding drainage swale, utility lines, a transmission line visible in the one distant view from the road, and metal guard rails.

Recommendation: Do not designate as a scenic road.

SP-15-015

Kate [katems2004@yahoo.com]

Sent: Tuesday, January 26, 2016 10:07 PM**To:** Fox, Greg; Sigaty, Mary Kay; Ball, Calvin B; iterrasa@howardcountymd.gov; Weinstein, Jon; Kittleman, Allan; CouncilMail; PlanningBoard**FILE COPY**

To whom it might be of interest,

A brief introduction: My name is Kate Marcy Santorineos, and have been and continue to be a teacher for the last 32 years. Working for our future through education has been a life goal.

I have been a Maryland (Montgomery County) resident for the last 40 or so years and am pleased to call the state my home. However, discouraged by irresponsible and massive growth, cheap house farms, and crowded traffic, 10 years ago I started to search for a home in a more peaceful environment. I was searching for beauty and quiet while also wanting to be close to the city and all it offers. I settled on Howard County and found a perfect home in the Haviland Mill area. It is nestled in the woods, visited frequently by woodland animals, soaring hawks and eagles, and is wonderfully quiet protected by wooded watersheds. I was happy to pay the higher tax rates for a county that seemed more responsible to its land and citizens.

I was unfortunately introduced to new home ownership by having the well run dry a week after I bought the house. After the great expense and hassle of digging a new one, I then happily settled into Howard County hoping that I had made a good choice. I relished in the balance of nature, open spaces, and protected woods, and enjoyed the fact that nearby homes had a minimum of 2+ acres in my neighborhood. I love the cows and goats on nearby farms, the fact that a neighbor welcomes scouts to come camp on the river's edge, that kids happily fish in the river, watching horse riders walk through the fields, and enjoying the deer and fox that come visit.

Now my own quiet way of life is in jeopardy, as well as for my grandchildren, as possible profit holds more sway over quality or even logic. Zoning laws are being bent to wiggle boundary rules, adjust density expectations, while ignoring logical traffic line of sight, abusing conservation and jeopardizing our natural resources. While respecting the need and right of the landowners to benefit from their property, protection of the land should hold importance. Destroying it just for additional taxes seems counter productive for the future as well as for Howard County. There has to be a way to find balance.

Building a cluster development, setting aside acreage that can not be used for agricultural purposes and calling it land protection, building only on usable fields, is damaging. The fish, birds, and wildlife will disappear. The run off from the new asphalt acres will kill the river, as much as you say it will be safe. It won't be, but it will be our children who will discover this. The added traffic will only cause crowded conditions, as well as the fact that the entrance line of sight is dangerous, even though legal. Go drive the swell, and use logic. The horse and bike riders, walkers, campers, deer, eagles and the majestic quiet will be a

thing of the past. And then the water...my well has already dried up once. My neighbor says her well is currently drying up. I dealt with contaminated waters for the first two years I lived here. Add in many new houses, people, sewage fields, pools, hot tubs, gardens, and few words can reassure my trust that the additional stuffed residents will not have an impact. Use up the water table and we will start to resemble Las Vegas or California...good examples of shameful and illogical American greed. Yes I agree, not this specific development maybe, but a pivotal example that if government officials do not start to take heed, that is our future. We should set an example rather than following a careless past.

The Haviland Mill parcel is a prime location to be designated as a park. Have our affluent county buy the land from the landowners, and transform the prime natural habitat into bike paths, park benches, running paths, and take advantage of the rich fishing opportunities. Make wildlife viewing areas and protect eagle nesting sites. Don't cut down the majority of the trees to build houses and pour cement. Have horse riding paths, camping opportunities, and possibly recoup some costs by the rental of covered picnic areas. While not designated a scenic route as it should be, protect the road and the area.

Look past the benefits of aggressive development and instead towards protection of the land and our future. Make decisions your grandchildren, and mine, can be proud of. Please take seriously your responsibility as an elected guardian of the county, rather than being swayed by developers, tax revenue, and profit. More "McMansions" are not needed. The housing market is not bereft of available homes. The water table is not so lucky, nor are the eagles, trout, nor the peaceful quiet environment. The scenic views, rambling fences, misty tree line, and melodic animal calls will be a thing of the past. Is that what you want as the legacy we leave behind?

I certainly hope that a search for a new home is not in my future. I trusted that I had found a county I could be proud of and a place my family could call home for generations.

Kate M. Santorineos
13842 Wayside Ct.,
Clarksville, Md., 21029

Concerns on Proposed Development for Haviland Mill Road

Kathy Stowe [kinstowe@comcast.net]

Sent: Monday, January 25, 2016 7:14 AM

To: CouncilMail

Howard County Government

Ellicott City, MD 21043

Dear Council Members,

We have serious concerns about the proposed cluster housing development on Haviland Mill Road (Crawford/O'Keefe properties). While it may meet the "letter of the law," it does not meet the *intent* of the goals of the Cluster Option for Rural Residential Zoning. Section 105.0 states "Cluster development is permitted in order to protect environmental and landscape resources and to preserve agricultural land." This planned cluster development does NOT protect environmental resources. The parcel includes wetlands, streams, valleys, forests, floodplains, a spring and steep slopes and is a wildlife habitat. Under existing environmental regulations, the wetlands, streams, valleys and floodplains would have to be protected and therefore, there is no reason to implement cluster development.

"Cluster Development" is being requested in this instance to maximize the number of houses which can be placed on the available *buildable* land. Houses cannot be constructed on the areas designated as preservation parcels, because these pieces are steep slopes, wetlands, and flood plains. Additionally, no agricultural land is being preserved.

The proposed plan also does not achieve the Department of Planning and Zoning policy that states "DPZ discourages the location of clusters of one-acre lots abutting existing neighborhoods of three acre or larger lots, without a perimeter setback or a wooded/landscaped buffer." The proposed development includes only sparse landscaping which cannot provide a buffer given that the new homes will be located at a higher elevation than the existing houses.

The proposed plan also does not meet the intent of the Howard County 2030 General Plan, titled PlanHoward 2030. Plan Howard 2030 states "A new Green Infrastructure Network Plan is proposed; the land and character of the Rural West will be protected through strategies to enhance the farm economy and to balance agricultural, residential and commercial uses; and expanded historic preservation initiatives are proposed." The plan also states that "The county will encourage well designed, context sensitive redevelopment in revitalization areas, as well as selective infill in existing neighborhoods to create more complete communities. Community Plans, updates to zoning regulations, and other mechanisms will implement these goals." PlanHoward 2030 also says that "the objectives in PlanMaryland also identify opportunities for the State and local governments to implement programs and policies in support of the plan. These include identifying and promoting centers of development that are well designed, compact, and support high quality of life; protecting natural resource areas by limiting growth outside of development centers; reducing energy consumption and greenhouse gas emissions; and improving opportunities for low income populations. Howard County shares these goals." This proposal is maximum infill in the middle of a rural residential area instead of protecting natural resource areas.

PlanHoward 2030 recognizes the value of interconnected networks of natural systems. The Crawford/O'Keefe property is within what the State of Maryland has designated a Target Ecological area. The proposed development would permanently eliminate the opportunity to provide an important ecological hub with the corridor along the Patuxent River. The sensitive nature of this area, adjacent to the Patuxent River and

a natural greenway connecting to the WSSC's Brighton Dam property and land owned by the State Department of Natural Resources, provides an outstanding opportunity for Howard County to identify, promote and protect a vital natural resource area.

I strongly urge you to not approve this proposed cluster development. Rural Residential zoning is a much more appropriate use of this site. The intent of the zoning laws should be upheld. Thank you for your consideration of this matter and your efforts to maintain Howard County as a desirable location to raise a family. We can be reached at lknstowe@comcast.net.

Sincerely,

Kathy and Lloyd Stowe

13905 Wayside Drive

Clarksville, MD 21029

Haviland Mill Road

Theresa Marrow [tmarrow@hotmail.com]

Sent: Wednesday, January 20, 2016 1:27 PM**To:** CouncilMail**Cc:** brookefarquhar@yahoo.com; notlaw111@icloud.com; john.newhagen@gmail.com; martha.mann@usdoj.gov; marrow@umbc.edu; envoy1@hotmail.com; victorbullen@yahoo.com; lknstowe@comcast.net

Howard County Council
Howard County Government
Ellicott City, MD 21043

Dear Howard County Council,

I am writing to you about my concerns over the proposed cluster housing development on Haviland Mill Road – the Crawford/O’Keefe land. I believe the planned development does not meet the intent of zoning code’s Rural Residential Zone, with the Cluster Option. Section 105.0 “Cluster development is permitted in order to protect environmental and landscape resources and to preserve agricultural land.” This planned cluster development does NOT protect environmental resources. On the land in question there are wetlands, streams, valleys, forests, floodplains, a spring and steep slopes. This land is also a habitat for numerous wildlife which includes herons, bald eagles, woodcocks, fox, deer, wild turkeys, peacocks, etc. Under environmental regulation, the wetlands, streams, valleys and floodplains would have to be protected even if the cluster option were not being used here.

If you look at a map of the “non-buildable preservation parcels” most of the acreage are so remotely located from the future houses, there is no way the future Homeowners Association will manage them properly to protect them and steward them. Much of these areas are either along the river on the far side of the O’Keefe’s remaining property or on thin strips of steeply sloping land. How can this situation be construed as protecting environmental resources?

This development will ruin the existing rural views from the road’s highest point as well as views from adjacent properties. Clustered rooftops will be seen from several locations along the road. At night, lights from 23 homes together will create dramatic light pollution that doesn’t exist on our road today. Even if the developer plants new trees, the views will not be screened from the road. All the Crawford property will be occupied by densely clustered houses so no farmland will be left. The 123.38 acres of O’Keefe land that isn’t part of the application isn’t guaranteed to remain in an agricultural use. It can be developed in the future. This doesn’t constitute preservation!

The plan does not achieve the Department of Planning and Zoning policy that states “DPZ discourages the location of clusters of one-acre lots abutting existing neighborhoods of three acre or larger lots, without a perimeter setback or a wooded/landscaped buffer.” The proposed development includes only sparse landscaping which cannot provide a buffer given that the new homes will be located much higher than the existing adjacent and confronting houses.

The plan does not meet the intent of the Howard County 2030 General Plan, PlanHoward 2030. Key to this plan includes Resource Conservation and Community Design. Plan Howard 2030 states “A new Green Infrastructure Network Plan is proposed; the land and character of the Rural West will be protected through strategies to enhance the farm economy and the balance agricultural, residential and commercial uses; and expanded historic preservation initiatives are proposed.” The proposed development will not protect the land and character of the Rural West. Clustered houses on 1 acre lots so close to the road will ruin the rural views from Haviland Mill Road.

Plan Howard 2030 concerns Community Design. The plan states that “The County will encourage well designed, context sensitive redevelopment in revitalization areas, as well as selective infill in existing neighborhoods to create more complete communities. Community Plans, updates to zoning regulations, and other mechanisms will implement these goals.” The proposed development is not the kind of infill that will do this. It will simply stand out in stark contrast to the rural character of the large lots around it.

Howard County 2030 plan places high value on Interconnected networks of natural systems. The Crawford/O’Keefe property is within what the State has designated a Target Ecological area. The proposed development would take away a huge opportunity to provide an important hub with the corridor along the Patuxent River.

I strongly urge you to not approve this proposed development as a cluster option. I recognize the landowners’ right to sell their land, but in the case, cluster development does NOT WORK!! This land should be developed on 4.25 acre lots (which would be more realistic to our road) OR purchased by Howard County as a park. The land is in a prime location for such a venue. It is set on land surrounded by protected land – land already in preservation. The only park on this side of Howard County is Schooley Mill Park. Most of the land in Howard County has been lost to development. We can’t afford to lose this opportunity to create a park.

Please deny cluster development option for the proposed housing development on Haviland Mill road.

Thank you for taking your valuable time in reading my letter/email. If you need to contact me my email is tmarrow@hotmail.com and my cell phone is 443-798-4822 and my home phone is 301-854-2885.

Sincerely,
Theresa Marrow
Haviland Mill Road Steering Committee

Crawford-O'Keefe property for conservation

Victor Bullen [victorbullen@yahoo.com]

Sent: Monday, December 21, 2015 3:48 PM**To:** CouncilMail; Kittleman, Allan

Dear Dear Mr. Kittleman, and Councilmembers,

I'm writing to encourage the Howard County government, along with the cooperation of State of Maryland counterparts, to acquire lands between Haviland Mill Road (Clarksville, MD) and the Patuxent River for conservation purposes. This area of approximately 100 acres is currently being proposed for development by its private owners (Crawford-O'Keefe).

The Howard County Green Infrastructure Network Plan (2012) considers this area along the Middle Patuxent River to be "hub" in its network. The State of Maryland also considers this area to be a Targeted Ecological Area (TEA) and as such a priority for preservation in the State. The TEA is a large block of forest and wetlands, with rare species, habitats, aquatic biodiversity hotspots and areas important for protecting water. The Howard County plan also considers the tributary of the Patuxent River directly adjacent to the proposed Crawford-O'Keefe development to be a "corridor" to connect adjacent priority watersheds and hubs. The water quality of these streams is significantly better than that required by water quality standards. These are the only "Tier II" designated streams in Howard County (along with several other adjacent western Howard County streams) and merit protection. The proposed housing development would degrade both the water quality and ecological value of the area.

I have personally observed bald eagles perching in sycamores along or flying over this section of the Patuxent river. This area also has an established great blue heron rookery, and I have also recently seen an American woodcock in the area. These observations attest to the ecological integrity of this part of Howard County, I encourage the county government to seriously consider this area for acquisition as a protected area. The protected area would complete the plans already in place, and set aside important areas for the County's and State's natural heritage for all its citizens and their children to enjoy for generations to come.

In addition to the area's biological and ecological value, it is important for recreational and scenic qualities. The property has a high point with a spectacular, sweeping view of the Patuxent River valley. Its trails are also attractive to hikers, horseback riders, mountain bikers, and bird watchers from around the region. This section of the Patuxent River is also favored by anglers, and is a catch-and-release river segment for fly-fishers. The area lies at the core of existing fragmented pieces of protected areas from DNR, WSSC, and Howard County – but it is unprotected. Adding this 100-acre parcel that is proposed for development to adjacent conservation units will significantly increase their value far beyond its acreage. The immediate area also has significant cultural resources, including cemeteries and historic farmhouses, attesting to its active African-American agricultural history after the Civil War and through the Prohibition period. I would be happy to support the County and State in further consolidating its important ecological, scenic, recreational and cultural resources in this area for all its citizens.

Best regards,

Victor Bullen
Howard County Resident
Haviland Mill Rd

Crawford/O'Keefe Property Acquisition for Parkland

Brooke Farquhar [brookefarquhar@yahoo.com]

Sent: Monday, December 21, 2015 8:26 AM**To:** Kittleman, Allan; CouncilMail**Cc:** Byrd, John; Delerme, Raul; Lazdins, Valdis; Emily H. Wilson -DNR- [emilyh.wilson@maryland.gov]; Shawn Clotworthy -DNR- [shawn.clotworthy@maryland.gov]; John Turgeon -DNR- [john.turgeon@maryland.gov]**Attachments:** FullSizeRender.jpg (466 KB)

Dear Mr. Kittleman, and Councilmembers,
Here is some important, detailed background on the property along Haviland Mill Road which currently has a proposal for 23 homes on 1-acre lots along an overlength cul-de-sac at the height of land.

This property is indisputably suited for public acquisition. The only obstacle, according to DNR acquisition specialists, has been the lack of convincing the landowners to be willing sellers. We've been told by Emily Wilson that "should current plans change for these properties we would be happy to engage in further detailed discussions with the landowners".

There are several acres already owned by the State on three sides of the property, as well as across Haviland Mill Rd to the south, forming a potentially significant contiguous area of parkland. The fact that these lands are in a Target Ecological Area and are nearly surrounded by State and County land make them prime candidates.

We appreciate that you are committed to fostering stewardship by providing opportunities for our citizens to be immersed in natural areas, especially in the Target Ecological Areas, considered by the State to be the "best of the best."

We were pleased to learn from DNR staff that these two properties rank highly on the Ecological Value Scores, at 80 out of 100 for O'Keefe, and 74 out of 100 for Crawford. The bottom line of the evaluation is that these properties would be desirable to pursue for acquisition. (Being in close proximity to a State Park was an important factor. Being close to County land should add points to the score).

The portions of the site that the current proposal designates for preservation/open space are fragmented, inaccessible/unusable for the public, and undoubtedly difficult to manage. It is comprised primarily of steep slopes, wetlands, floodplains, and stream buffers. (see attached image: all in orange is environmentally constrained, and striped is non-buildable "preservation"). Should our tax dollars really be spent either enforcing the maintenance of these by the HOA or paying the County to maintain these fragments? It would be much better for the environment and for the taxpayers to have one big park to enjoy, managed as one contiguous piece of property.

Conserving the entire property of the Crawfords now, and portions of the O'Keefe property not being farmed, would allow public access for walking, fishing, nature observation as well as resource conservation and management in this Target

Ecological Area. This would be a win-win for all -- a unique park perched above the Patuxent, with views, space for field sports and parking on the ridge by the road, and trails for nature lovers, equestrians, hikers, and mountain bikers.

Several State DNR-Wide Objectives would be fulfilled by this addition to the State Park system:

Sustainable Populations of Living Resources and Aquatic Habitat

Healthy Maryland Watershed Lands, Streams and Non-Tidal Rivers

Natural Resources Stewardship Opportunities for Maryland's Urban and Rural Citizens

Conserved and Managed Statewide Network of Ecologically Valuable Private and Public Lands

I'm sure there are many County objectives that would be met as well.

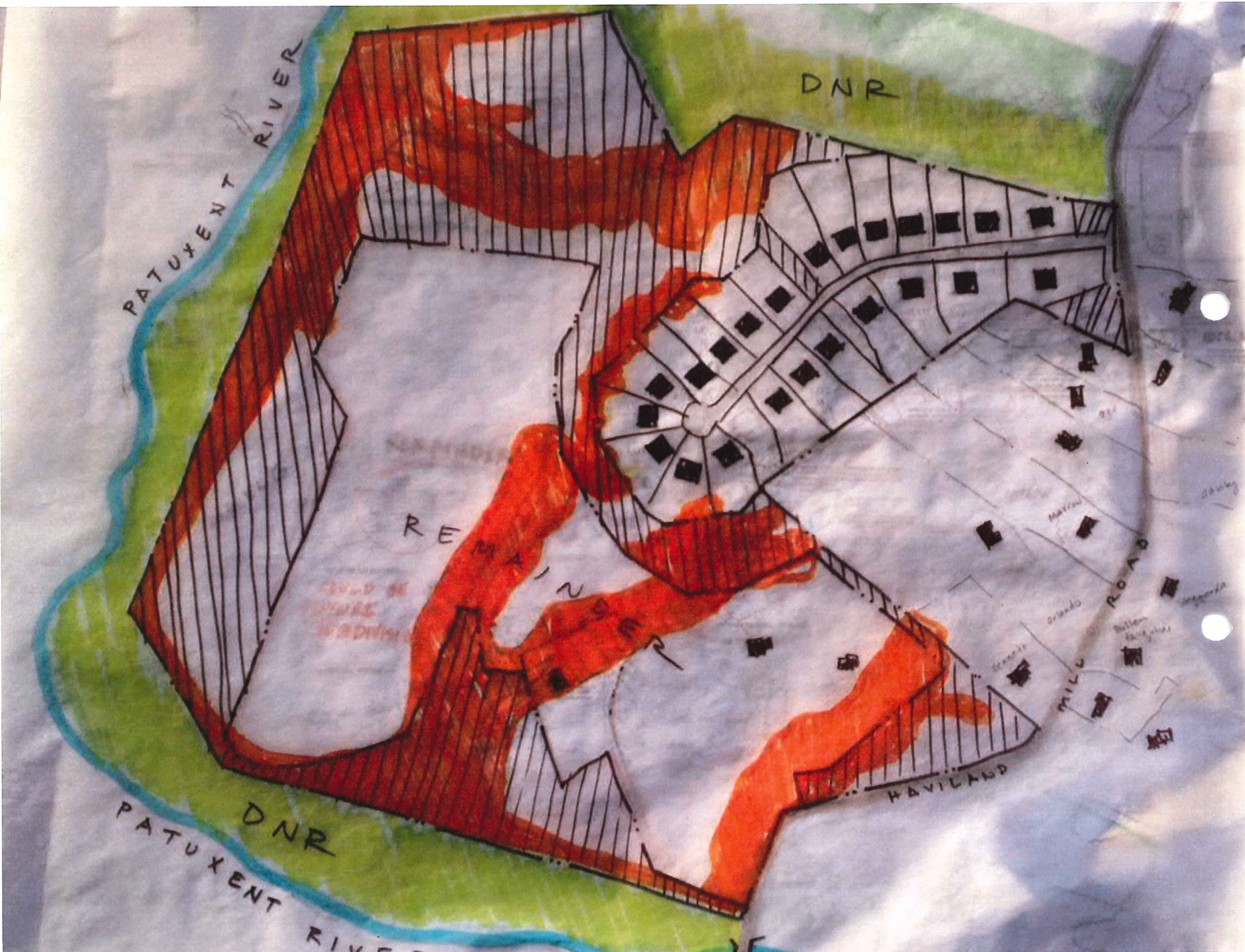
We've been told it takes a willing seller. While we ourselves are reaching out to the Crawfords and the O'Keefes, we want to know what you will do to advance this potential acquisition. We believe the landowners may not realize some of the cost-saving benefits of selling to the government such as avoiding land transfer taxes and not having to wait for uncertain final development approvals.

We ask that you make concerted efforts to talk with the O'Keefes and the Crawfords or to the contract purchaser, Elm Street Development, about this matter in some detail as soon as possible. Now may be the most opportune time to approach these landowners, since it will take time and money for them and the developer to address the comments.

Thank you for your attention to this.

Sincerely,

Brooke Farquhar, 6883 Haviland Mill Rd, and the Steering Committee for Friends of Haviland Mill



PATUXENT RIVER

DNR

REMAINDER

COULD BE
PURCHASE
BY DIVISION

HAVILAND

MILL ROAD

PATUXENT RIVER

DNR

Marrow

Granks

Billion

Sandy

Candy

Scenic Road Support Letter for Haviland Mill Road

Theresa Marrow [tmarrow@hotmail.com]

Sent: Monday, November 23, 2015 10:26 AM

To: CouncilMail; Fox, Greg

Cc: brookefarquhar@yahoo.com; notlaw111@icloud.com; john.newhagen@gmail.com; martha.mann@usdoj.gov; marrow@umbc.edu; envoy1@hotmail.com

Attachments: Support Letter for Havila~1.docx (41 KB)

Good Morning,

The Friends of Haviland Mill Road of Clarksville, Maryland, thanks the Howard County Council for looking into our request to designate Haviland Mill Road as a Scenic Road. Attached you will find a letter of support from the Rustic Roads Advisory Committee of Montgomery County.

A special Thank You to our district Councilman Greg Fox not only for his support but for keeping us up-to-date on the process.

We look forward to the next step in the process.

Happy Thanksgiving!

Theresa Marrow
Friends of Haviland Mill Road
Steering Committee



RUSTIC ROADS ADVISORY COMMITTEE

November 20th, 2015

The Friends of Haviland Mill Road
Attn: Jenny Marrow

RE: Scenic Road support of Haviland Mill Road

Dear Ms. Marrow,

The Rustic Roads Advisory Committee of Montgomery County is grateful for the opportunity to provide support for other jurisdictions and their desire to promote and preserve the character of these scenic roads.

In order for a road to be classified as rustic in Montgomery County, it must meet the following criteria: be narrow and intended for local use, plus have low traffic volume, outstanding natural features and views, historic value and little accident history.

Haviland Mill Road met these requirements, and was designated as a Rustic Road in Montgomery County in the 1998 Sandy Spring Master Plan. The road features views of the meandering Hawlings River and its floodplain, a rural landscape with steep hills and flat pastures, and access to historic sites such as Woodside Cemetery and vernacular farm houses. These same features continue into Howard County and include wooded areas under preserve by DNR and the county, views of the Patuxent River, numerous wildlife and old farmhouses full of history.

The Rustic Roads Advisory Committee supports the designation of Haviland Mill Road as a Scenic Road in Howard County and appreciates the desire to preserve these key features. Having the road be designated as rustic/scenic in both counties would help to maintain its current condition and scenic beauty.

If you have any questions, you can reach the committee through our staff coordinator, Chris Myers, at 240-777-6304 or Christopher.Myers@montgomerycountymd.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ch H Marston".

Christopher H. Marston, Chair

Rustic Roads Advisory Committee

Committee Members: Greg Deaver, Thomas Hartsock, Audrey Patton, Robert Tworkowski, Jane Thompson, Todd Greenstone

Cc: Leslie Saville, M-NCPPC

Haviland Mill Road

Thomas Canby [thomascanby@gmail.com]

Sent: Tuesday, November 03, 2015 1:49 PM**To:** CouncilMail**Cc:** friends@havilandmill.com; Brooke Farquhar [brookefarquhar@yahoo.com]

Dear Council Members,

We live at 6855 Haviland Mill, across from the proposed O'Keefe-Crawford subdivision, and we strongly oppose the current building plan. Housing of that density will totally and forever alter the road's rural character and charm.

Of greater concern, the plan affects us specifically, and in an extremely negative way.

Because of the Crawford land's contours, all of the easterly drainage flows beneath Haviland Mill Road and across our front lawn, depositing whatever material washes from those many Crawford acres. At present, those acres are pasture, which minimizes erosion; even so, with each passing year Crawford runoff deposits additional silt on our lawn, adding to its elevation, and often strewing small stones and other debris. Should the Crawford pasture be torn into for housing construction, serious erosion becomes inevitable, and our lawn frontage will be destroyed. And, of course, silts washing past our property will lodge in Rocky Gorge Reservoir.

The proposed construction meets no real need, it creates many problems and uncertainties, and it should be denied. Respectfully, Tom and Susan Fifer Canby