

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING – APRIL 2, 2007**

The Washington County Planning Commission held its regular meeting on Monday, April 2, 2007, in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.

Members present were: Chairman George Anikis, Linda Parrish, Bernard Moser, Sam Ecker, Terry Reiber, Clint Wiley and Ex-Officio James F. Kercheval. Staff members present were: Planning Director Michael C. Thompson, Chief Planners Timothy A. Lung and Stephen T. Goodrich, Senior Planner Lisa Kelly Pietro, Associate Planner Sara Henke, and Administrative Assistant Debra Eckard.

CALL TO ORDER

Chairman George Anikis called the meeting to order at 5:00 p.m.

MINUTES

Mr. Moser made a motion to approve the minutes of the March 5, 2007 Regular Planning Commission meeting as presented. Seconded by Mr. Reiber. Unanimously approved.

NEW BUSINESS

- VARIANCES

George Lashley (SV-07-007)

Ms. Henke presented for review and approval a variance request from Section 405.11.G.5 of the Subdivision Ordinance to allow a panhandle length of 1250-feet. The property is located on Broadfording Church Road and is zoned A(R) – Agricultural Rural. Mr. Lashley currently owns two parcels of land that were created prior to the adoption of regulations for stand alone simplified parcels and panhandle lengths. The 20-acre parcel was created with a panhandle of 1250-foot long and 60-foot wide right-of-way. The existing 10-acre parcel was created without road frontage. Both lots were previously approved “not for development”. A Development Plan is required and must be submitted to the Planning Commission, as required by the Subdivision Ordinance, when developing the simplified lot. In order to provide public road frontage to the both parcels, the owner is proposing to split the existing 60-foot panhandle into two panhandles to serve each lot. Due to limited road frontage, no further subdivision would be allowed unless the owner would build a street within the 60-foot panhandle.

Discussion: Mr. Moser asked what the owner’s claim of hardship is for approval of the variance. Ms. Henke stated that the owner’s claim for hardship is that he cannot do anything with the parcels because they are designated “not for development”. Mr. Moser expressed his opinion that a monetary gain from the sale of the property does not constitute a hardship and the lots were created “not for development”. He also expressed his concern regarding the length of the panhandle with regard to safety issues. Mr. Reiber concurred with Mr. Moser’s opinions. Mr. Kercheval expressed his opinion that a mistake was made when the lots were originally designated “not for development” and that the parcel has road frontage and the owner should be allowed to develop the property. Ms. Parrish concurred with Mr. Moser and Mr. Reiber’s comments.

Mr. Moser made a motion to deny the variance request. Seconded by Ms. Parrish. The motion passed with Mr. Moser, Ms. Parrish, Mr. Reiber and Mr. Wiley voting “Aye” and Mr. Ecker and Mr. Kercheval voting “Nay”.

- SITE PLANS

Agape Pet Service (SP-07-004)

Ms. Pietro presented for review and approval a site plan for Agape Pet Service. The property is located along the west side of Shepherdstown Pike between Keedysville and Boonsboro and is zoned P – Preservation. The developer is proposing to construct a 3,300-square foot pet crematory and a 1,800-square foot dwelling on approximately 41-acres of property. Individual well and septic would serve the site. The number of employees would be four. Parking spaces required and provided is 5 spaces. The parking area would be paved and one handicapped space would be provided. Lighting will be building mounted. Solid waste will be collected inside and picked up by a private hauler. A special exception was granted by the Board of Zoning Appeals in May 2006 to allow for the establishment of the animal crematory with the following conditions: the building shall be screened and have a 300-foot setback from the road, the Forest Conservation requirements shall be met on-site, and any signs identifying the business shall not be illuminated. The developer has complied with all of the conditions. The site has existing forest that will be retained to screen the site and to meet Forest Conservation Ordinance requirements. Approval from the State Highway Administration is pending. All other agency approvals have been received.

Discussion: Mr. Moser asked how the owner proposes to dispose of the ashes from the pet crematory. Mr. Peter Anderson, owner, was present and stated that the remains would be spread throughout the 41-acre parcel.

Mr. Moser made a motion to approve the site plan as presented. Seconded by Mr. Reiber. Unanimously approved.

Public Safety Communications System Tower (SP-07-010)

Mr. Lung presented for review and approval a site plan for a proposed emergency services communication tower and equipment shelter located on property owned by Washington County in the 70/81 Industrial Park. The property is located along the north side of Elliott Parkway on lands of the Department of Water Quality and is zoned IG – Industrial General. Since this is a government project, it is not required to go through the standard review and approval process; however, it is County policy that all County projects follow the same review and approval process as private projects. This project is part of the Countywide public safety communication system. There will be several towers and facilities located throughout the County. The tower is considered an essential public utility use and is not being reviewed under the zoning provisions for commercial communications equipment. The proposed self-supporting lattice type tower would be 330-foot high. Several equipment pads are proposed for the equipment shelters. The entire facility would be fenced and would tie-in with the existing fencing. The area around the tower and the equipment shelters would be gravel. An entrance for maintenance would be provided at the back and would tie into the existing parking lot for the Department of Water Quality. An area for future expansion has been reserved on the site. Evergreen plantings will provide a buffer of the equipment shelters off of Elliott Parkway. There would be no employees on-site. The tower will be lit as required by the FAA. All agency approvals have been received.

Discussion: Mr. Kercheval asked if the location of the future equipment expansion site could be relocated. Mr. Kroboth, Director of Public Works, stated that the County has entered into a Memorandum of Understanding with the State of Maryland who operates several radio systems for agencies such as the DNR, Maryland State Police, SHA and EMS. By entering into the MOU, the State will pay 60 to 75% of the site development costs for all projects in the County, thereby saving the County approximately \$2 million. As a condition of the MOU, the State requested sufficient space at this particular site for a 12' x 18' shelter that must be located within 30-feet of the tower and building setback lines must be observed. Mr. Kercheval expressed his concern for future expansion of the Department of Water Quality's building. Mr. Kroboth stated that a future building expansion area is provided and it is unlikely, based on the design of the building, that any future expansion would occur in the area of the equipment pad.

Mr. Reiber made a motion to approve the site plan as presented. Seconded by Mr. Moser. Unanimously approved.

OTHER BUSINESS

Mr. Lung provided the following comments regarding the update of the Water and Sewerage Plan. The County's Comprehensive Plan update and the Water and Sewer Task Force findings have been completed. Staff has met several times with MDE to discuss the progress and how to address the State's new guidelines regarding capacity management, etc. The Maryland Department of Planning has not been able to provide an example of an updated Plan that has met with their approval. Many of the municipalities are updating their Comprehensive Plans which has also delayed progress. However, Staff is continuing to work on the Plan and believes the update should be completed by the end of this year knowing that House Bill 1141 requirements are pending and further updates would be required after all provisions of the Bill become effective.

- WS-07-001 Town of Smithsburg

Mr. Lung presented for review and recommendation a Text Amendment to the Water and Sewerage Plan for the Town of Smithsburg. Mr. Lung stated that the main objective of the Amendment was to increase the capacity of a proposed water storage tank. The Town provided additional information for the Water and Sewerage Plan update which is noted in the Staff Report. The Town made changes to the sewer element and referenced changes that need to be provided by the County; however, the County made their changes in a Text Amendment last year. Mr. Lung recommended to the Town that the sewer element should be eliminated from their request and the Town has agreed to do so. Additional information will be needed to complete the Town's portion of the update.

Mr. Moser made a motion to recommend approval of the Text Amendment to the Board of County Commissioners based on consistency with the County's Comprehensive Plan as it applies to the stand pipe or storage. Seconded by Mr. Ecker. Unanimously approved. Mr. Kercheval abstained.

- WS-07-002 City of Hagerstown

Mr. Lung presented for review and recommendation a Text Amendment to the Water and Sewerage Plan for the City of Hagerstown Department of Utilities. Mr. Lung stated that the City of Hagerstown wanted to incorporate their new Comprehensive Plan by reference; however, the

Maryland Department of Planning objected to this and the City has agreed to eliminate this language. The Amendment consists of a listing of the City's Capital projects that need to be included in the Plan in order to receive funding and permits from the State of Maryland. Additional update information will be needed to complete the City's portion of the Plan.

Mr. Moser made a motion to recommend approval of the Text Amendment to the Board of County Commissioners to include the Capital Improvement Projects based on consistency with the County's Comprehensive Plan. Seconded by Mr. Reiber. Unanimously approved. Mr. Kercheval abstained.

- Demolition Permit #2007-00885

Mr. Goodrich presented for review and recommendation Demolition Permit #2007-00885 for property located at 7505 Old National Pike. The property is identified in the Washington County Historic Sites Survey as WA-II-049 and is zoned A – Agriculture. The Historic District Commission reviewed the demolition application at its meeting on March 14, 2007. The HDC voted unanimously to oppose the demolition and it is their opinion that the structure is much older than the engineer's 100-year estimate. The barn is an intact and representative example of Washington County's disappearing mid-19th century architecture and local building traditions. Retention and reuse of the existing barn with its related dwelling on the same site would retain a visible and tangible link to the community's history and agricultural traditions for current and future residents.

Discussion: There was a discrepancy as to the location of the property being within the Town of Boonsboro or within the County. Mr. Anikis expressed his opinion that the engineer's report should have recommended ways to stabilize the barn and his concern that the report stated, "the barn has no value for adaptive reuse or any use or occupancy". Mr. Reiber asked if the materials would be reused. Mr. Goodrich stated that the owner has not made any arrangements for someone to take the materials, but he believes the owner would consider letting someone have them. Mr. Anikis recommended that the owner should contact the Antietam Battlefield for reuse of the materials.

Mr. Reiber made a motion to recommend in favor of the demolition based on the Engineer's report. Seconded by Mr. Kercheval. The demolition application will move forward with no recommendation from the Planning Commission due to a tie vote as follows: Mr. Reiber, Mr. Ecker and Mr. Kercheval voting "Aye", Ms. Parrish, Mr. Wiley and Mr. Anikis voting "Nay" and Mr. Moser abstained.

Note: The location of the parcel with relation to the Town/County boundary will be investigated.

UPCOMING MEETINGS

1. Regular Planning Commission meeting, Monday, May 7, 2007, 7:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street
2. Maryland Dept. of Planning – Mr. Thompson will try to schedule a presentation on Rural Villages with the Maryland Dept. of Planning for the next Workshop scheduled on May 21, 2007.

ADJOURNMENT

Mr. Moser made a motion to adjourn the meeting at 7:10 p.m. Seconded by Ms. Parrish. So ordered.

Respectfully submitted,

George Anikis, Chairman