

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING – May 7, 2007**

The Washington County Planning Commission held its regular meeting on Monday, May 7, 2007, in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.

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

CALL TO ORDER

Chairman George Anikis called the meeting to order at 7:00 p.m.

MINUTES

Mr. Kercheval made a motion to approve the minutes of the February 19, 2007 Planning Commission Workshop meeting as amended. Seconded by Mr. Moser. Unanimously approved.

Mr. Reiber made a motion to approve the minutes of the April 2, 2007 regular Planning Commission meeting as amendment. Seconded by Mr. Ecker. Unanimously approved.

OLD BUSINESS

Earl W., Jr. and Maria Brown (SV-07-001)

Ms. Henke provided for review and approval a variance from Section 405.11.B of the Subdivision Ordinance that does not allow lots without public road frontage. The property is a total of 71.77 acres and is zoned EC – Environmental Conservation. The applicant is proposing to create a total of 6 lots without public road frontage. There are two existing dwellings located along a right-of-way easement onto Weller Road and the four additional proposed lots would access a public road via an existing right-of-way across other lands owned by the Browns located in Pennsylvania. Thompson Township, the adjacent Pennsylvania Township, has given permission to use Dyer Road for ingress and egress. A proposed turnaround for emergency vehicles would be constructed at the end of the proposed lane.

Discussion: Ms. Henke stated that the first 1.1-mile of Weller Road is adequate and the remaining .6-mile portion of Weller Road is inadequate. She stated that the Engineering Department requires a width of 18-feet for adequate roadways. Mr. Anikis asked if the Hancock Fire Company has any objections regarding the use of Weller Road for emergency services. Mr. Brown, applicant, stated that the Fire Department has trouble using the access across Deerfield Lane onto Weller Road; therefore, the Fire Department would access all lots using Dyer Road and is requiring all lots to be given addresses on Dyer Road. The improved lane that accesses all lots would be used for emergency services and the existing home on Weller Road would need to change their address to Dyer Road. The six property owners would be responsible to maintain the proposed lane and turnaround in accordance with a Private Road Maintenance Agreement.

Mr. Kercheval made a motion to approve the variance based on the report from the Hancock Fire Company for the proposed 4 lots contingent upon the two existing houses obtaining new addresses on Dyer Road, the turnaround being constructed as proposed, and a private road maintenance agreement would be in effect for all six properties. Seconded by Mr. Reiber. The motion passed with Mr. Kercheval, Mr. Wiley, Mr. Reiber and Mr. Ecker voting “Aye” and Mr. Moser voting “Nay”.

NEW BUSINESS

- VARIANCES

Michael R. Ivosevich (SV-07-011)

Ms. Wagner-Grillo presented for review and approval a variance from Section 405.B.11 of the Subdivision Ordinance that does not allow lots without public road frontage. The property is located north of Route 494 and east of St. Paul Road and is zoned A – Agriculture. In August 2005 the Planning Commission granted Mr. Ivosevich a variance request for a stand-alone simplified parcel, known as Lot 19A, for future development. The applicant is requesting a variance for Lot 19A to create a panhandle through Lot 19, owned by the applicant, to access Fairview Road; however, due to the location of the applicant's garage, a portion of the panhandle would be reduced from the required 25-foot width to 17-feet wide. Currently, lots 18 and 19 share a driveway because the Washington County Highway Plan requires a 300-foot separation between driveways. Therefore, Lot 19 would lose their access to Lot 19A; thus Lot 19 cannot have their own access and would be considered a lot without road frontage and would have a deeded access easement over Lot 19A's panhandle.

Discussion: There was a brief discussion regarding lots 18, 19 and 19A sharing one access. Mr. Lung noted that the State Highway Administration has a maximum width requirement for an apron on a private entrance. There was a brief discussion regarding the width of the panhandle. Mr. Ivosevich stated that the panhandle width would be reduced only at one corner of the garage and remaining length of the panhandle would be the required 25-foot width.

Mr. Reiber made a motion to approve the variance to reduce the width of the panhandle from 25-feet to 17-feet at the garage with the remaining panhandle to be 25-feet wide and to allow a lot without public road frontage. Seconded by Mr. Ecker. Unanimously approved.

- SUBDIVISIONS

Westfields Section 5, Preliminary Plat (PP-07-001)

Ms. Kelly presented for review and approval the Preliminary Plat for Section 5, Westfields located along the west side of Sharpsburg Pike. The developer is proposing to create 69 single-family residential lots on a total of 25.6 acres. The property is zoned A – Agriculture with an approved cluster development. The site average is approximately 2.7 lots per acre with 209-acres of remaining lands. Public water and sewer will serve the site. Section 5 will have newly constructed public streets. Storm water management ponds are located to the rear of the lots. Forest conservation requirements would be met by planting approximately 2-acres of trees and retention of 4.9-acres of existing forest for a total of 6.95-acres of on-site forest. All agency verbal approvals have been received.

Discussion: Mr. Anikis made an inquiry regarding the phasing schedule for the proposed amenities within Westfields. Mr. Jeremy Holder, developer representing Ausherman Homes, presented a phasing schedule to the Commission members. The following amenities have been completed: the community entrance garden, the gazebo, the passive recreational area comprised of walkways and open space, improvements to the Westenberger cemetery area, and the tot lot facility located on the 6.2-acre community recreational area. Since the school mitigation agreement has been resolved with the County, 346 lots will be allowed to be recorded at the end of 2007 and a phasing schedule for construction has been established, as follows: a maximum of 100 units in 2008, a maximum of 100 units in 2009, and beginning in 2010 a maximum of 60 units per year will be permitted until the project is completed. The following amenities are located on the 6.2-acre Community Recreational Area and will be completed prior to the issuance of the 250th building permit: one unlit tennis court/multi-purpose court, one unlit basketball court, pool site grading, parking and landscaping that will not interfere with the pool and bathhouse construction, and approximately 1,300 linear feet of pathway that connects Westenberger Cemetery through the amenities area and into the front of the community. The following amenities located on the 6.2-acre Community Recreational Area will be completed so that a U & O is obtained by May 31st of the year following the issuance of the 300th building permit: a 58' x 84' pool with bathhouse and community meeting space including completion of the remaining landscaping and pathways. The remaining amenities will be constructed when adjacent roadway and home construction has sufficiently progressed to allow for the intended use and for routine maintenance of the amenity without potential damages resulting from adjacent construction activity as follows: the tot lot facility located in Section 4, the tot lot facility located in future lots on the south end of the property and approximately 3,000 linear feet of 5-foot asphalt pathway providing access to open spaces and connecting the community and school site from east to west.

Mr. Reiber made a motion to approve the Preliminary Plat for Section 5, Westfields with the Amenities Phasing Schedule as presented and approval of the Forest Conservation requirements as presented. Seconded by Mr. Ecker. Unanimously approved.

- PRELIMINARY CONSULTATIONS

Williamsview – Britner Property (PC-06-012)

Mr. Lung presented for review and comment the Preliminary Consultation for Williamsview (Britner) located within the Urban Growth Area along the south side of Sterling Road and east side of Edward Doub Road. The property is zoned A – Agriculture. The developer is proposing 294 single-family residential lots on 193.46-acres and is requesting the use of the cluster subdivision provisions of Division VIII, Section 22.81 of the Zoning Ordinance. By using the clustering provisions, the minimum lot size would be 14,000-square feet. A Forest Stand Delineation was completed on the property and shows existing forest on the site in the southeast and northeast corners and on the opposite side of Edward Doub Road totaling 14.8-acres. Public water and sewer would serve the site. A total of 46-acres of open space area is proposed primarily at the rear of the lots with provisions for pedestrian access between the open space areas. A single access is proposed off of Sterling Road. All proposed lots would be served by an internal, serpentine road network with three cul-de-sacs and two mini-roundabouts for traffic calming. The road network is designed to tie into the adjoining section of Williamsview on the Ebersole property. The lots located near the entrance of Sterling Road have been reconfigured to address the Washington County Engineering Department's comments regarding driveways close to the entrance. According to the site data on the concept plan, 32.1-acres of Forest Conservation planting is required and is proposed within the open space areas and along the east and west property lines for buffering to address concerns noted by the Historic District Commission for historic sites located within close proximity to the proposed development. The Planning and Engineering Departments recommended linking the road network to adjoining properties via right-of-ways, where appropriate. The Engineering Department recommended a second access onto Edward Doub Road and reiterated the need for a traffic impact study to determine the impact on the existing road network serving this development. During the consultation, the developer introduced a plan for channelizing traffic coming out of the development at Sterling Road that would restrict access to Bower Avenue. Representatives from approving agencies were not aware of this proposal prior to the consultation and were not prepared to comment. However, the initial response from the Engineering Department and the Halfway Volunteer Fire Department was negative. Further review of this proposal is needed prior to any recommendations. The Planning Staff does not believe that the open space area shown on the west side of Edward Doub Road should be used in calculating lot averages for clustering because it has no direct benefit to the development; however, it

could be used for calculating Forest Conservation requirements. The Engineering Department recommended consolidating the two storm water management areas between the Ebersole portion and the Britner portion of the development, where appropriate. According to information received from the Washington County Board of Education and calculations by the Planning Department, all schools that serve the proposed development are over capacity. The Planning Staff recommended sidewalks and connectivity within the open space area.

Mr. Lung stated that the developer is requesting that the Planning Commission grant approval of the use of the clustering provisions of the Zoning Ordinance with a minimum permitted lot size of 14,000-square feet and minimum building setbacks of 30-foot front yard, 10-foot side yard, and 40-foot rear yard. The standard requirements in the Agricultural zoning district with public utilities are 20,000-square foot minimum lot area with a 40-foot front yard, 15-foot side yard and 50-foot rear yard setbacks. This request falls between Residential Suburban and Residential Rural standards and Staff has no objection to the request for clustering contingent upon the following caveats: the property on the west side of Edward Doub Road should not be used for lot density averaging purposes, and, depending upon the type of street section to be used within the development, the developer should provide adequate off-street parking to eliminate the need for on-street parking that could create problems for fire and rescue services.

Comments: Mr. Moser expressed his concern regarding the placement of the storm water management pond on the west side of Doub Road that it should be adequately screened from adjoining properties. He also expressed his opinion that open section streets with swales would not be appropriate in this type of development and adequate off-street parking should be provided to address safety issues for emergency services. Mr. Lung stated that in a similar development that used the clustering provisions, Staff recommended that the developer reduce the rear yard setback and increase the front yard setback in order to allow for longer driveways and more off-street parking areas. Mr. Moser expressed his opinion that streetlights should be considered in a development of this density.

Mr. Anikis expressed his concern regarding the Engineering Department's comment that Bower Avenue would be considered a "main road" connecting Sterling Road and Route 11. Mr. Thompson stated that Bower Avenue has been designated as a major collector on the County's Transportation Plan for several years. Mr. Moser expressed his opinion that the proposed left-turn only from Sterling Road to Bower Avenue is not feasible.

Mr. Thompson stated that the Storm Water Act of 2007 passed by the Legislature strongly discourages closed section streets and regulations are being developed for open section streets.

Mr. Kercheval expressed his support regarding Staff's comments concerning off-street parking and the use of closed section streets to address safety issues for emergency vehicular access specifically on main streets. He also stated his opinion that a traffic study should be done. A study would indicate the areas where traffic is being generated and if a community-wide solution were recommended, the cost could be paid for by multiple developments.

Mr. Reiber made an inquiry regarding possible problems caused by the location of the storm water management ponds. Mr. Lung stated that there was a brief discussion during the consultation regarding the size of pipe that should be used. The developer's representative stated that the placement of the pond is at the lowest point on the site and water would naturally drain to that area to collect all of the water. There would be specific regulations that would need to be followed.

Mr. Moser made an inquiry regarding any sensitive areas on the site. Mr. Renn, developer's engineer, stated that there are no defined channels on the property. Mr. Lung stated that a sensitive area analysis would be required with the submittal of the Preliminary Plat to be reviewed by the Washington County Soil Conservation District. Additional information would also be required such as soil types and vegetation in the area.

Mr. Moser made a motion to approve the clustering provision as requested, to exclude the property on the west side of Edward Doub Road from the open space calculations, to provide adequate off-street parking and to address Staff's comments as set forth in the Preliminary Consultation summary. Seconded by Mr. Wiley. Unanimously approved.

- FOREST CONSERVATION

Packaging Services, Inc.

Mr. Lung presented for review and approval the request from Packaging Services, Inc. to remove a forest conservation/forest retention area and mitigate the difference with payment-in-lieu. Mr. Lung briefly reviewed the history associated with this request. Packaging Services, Inc. is located on Elliott Parkway in the 70/81 Industrial Park north of Williamsport. Following the adoption of the Forest Conservation Ordinance, CHIEF developed the industrial park. CHIEF developed a master Forest Conservation Plan to meet all Forest Conservation Ordinance requirements for their properties throughout the County. Forest Conservation areas were established on this property and modified throughout the years and include a 1.2-acre area and a 2.9-acre area on an adjoining lot. Packaging Services made a request to remove the Forest Conservation area at which time Staff requested background information relative to the effect of the overall Forest Conservation Plan. At that time, PSI was in the process of a factory expansion and the development of a site plan for a larger truck parking area behind the expansion. During the fall of 2006, Staff visited the site and noticed a large dirt stockpile area that appeared to be encroaching the Forest Conservation Area that was not fenced or had any signage to indicate the easement. Staff requested PSI to stake out the Forest Conservation Area that clearly showed an encroachment in two

areas of the Forest Conservation Area. A notice of violation and correction was sent to the developer who promptly responded to Staff. PSI understands they are responsible for paying the non-compliance fee of \$.30 per square foot for the encroachment in the previously designated area (totaling \$1,254.00). They are requesting to remove the existing forest retention area and mitigate by payment-in-lieu at \$.10 per square foot for 1.2 acres (totaling \$5,228.00). The remainder of the site is used for the existing business and the developer believes that off-site planting in sensitive areas would better serve the environment.

Discussion: There was a brief discussion with regard to when and why the stockpile was placed in the Forest Conservation Area. Mr. Merle Saville, Keller Engineers, stated that the stockpile is much larger than anticipated due to bad soils encountered during the construction of the expansion. Mr. Jason Slocum, Keller Engineers, stated that the Washington County Soil Conservation District reviewed and approved the placement of the stockpile on June 6, 2006. Mr. Moser expressed his concern that the Forest Conservation Area was not appropriately marked and does not want the same mistake to occur on the forest area that is being retained. In a letter to PSI dated March 28, 2007, the corrective measures needed were stated as follows: "Within 10 days, removal of material from the forest easement and installation of Retention signs along the area boundary". Mr. Anikis asked if the stockpile has been removed. Mr. Saville stated that nothing has been done at this time because they are awaiting a resolution to the request before the Planning Commission this evening. Mr. Thompson stated that Packaging Services was immediately in contact with the Planning Department following receipt of the letter to begin working on a resolution to the problem.

Mr. Reiber made a motion to grant Packaging Services Inc.'s request for payment-in-lieu in the amount of \$5,228.00 and that the non-compliance fee in the amount of \$1,254.00 be paid in full. Seconded by Mr. Ecker.

Comment before the vote: Mr. Moser believes that the motion should include a ten-day deadline for removal of the stockpile and marking the Forest Retention Area. Mr. Reiber believes that Staff should be responsible for the enforcement of the corrective measures needed to resolve compliance issues.

Mr. Reiber's motion was unanimously approved.

William Price Subdivision (S-06-181)

Ms. Henke presented for comments and recommendation a request from the local Agricultural Land Preservation Advisory Board for the William Price subdivision. The property is located at 14722 Broadfording Road near Clear Spring. Mr. Price is proposing to subdivide three parcels of land that are not included in Agricultural Preservation District area. Mr. Price is proposing to place an easement on 1.02-acres of forestland that is located within the Agricultural District to meet the Forest Conservation Ordinance requirement for the proposed subdivision. Mr. Price entered into the 10-year Agricultural Preservation District on October 11, 1990 and signed a 10-year commitment for no development for any purposes other than those beneficial to the farm operation. Mr. Price has completed the 10-year commitment and wishes to remain in the Agricultural Preservation District.

Mr. Reiber made a motion to recommend approval of the request to the local Agricultural Land Preservation Advisory Board for the William Price subdivision. Seconded by Mr. Kercheval. Unanimously approved.

Washington County Public Schools

Mr. Thompson presented for review and approval a request from the Washington County Public Schools for a waiver from the requirement under the Forest Resource Ordinance to post a bond for the installation and maintenance for planting at the new Maugansville Elementary School project. Staff has reviewed the contracts between the WCPS and their contractor to ensure the contractor's responsibilities are met and comply with the requirements of the Forest Conservation Ordinance. Staff is recommending the waiver for this project only and should not be considered a blanket waiver for future projects.

Discussion: Mr. Reiber expressed his opinion that the County government is allowing County agencies not to comply with the same regulations that private citizens or businesses must comply with. Mr. Kercheval stated that the County must follow the same procedures, codes, inspections, and criteria as everyone else. However, in this case, the County would essentially be bonding themselves and going back to themselves to get the money; therefore, a surety bond does not seem appropriate.

Mr. Wiley made a motion to grant the waiver as presented. Seconded by Mr. Ecker. The motion passed with Mr. Wiley, Mr. Ecker and Mr. Moser voting "Aye" and Mr. Kercheval and Mr. Reiber abstained.

- OTHER BUSINESS

City of Hagerstown – Norfolk Southern Railway Property Annexation (A07-02)

Mr. Thompson presented for review and recommendation to the Board of County Commissioners the proposed annexation of the Norfolk Southern Railway property on the west side of Downsville Pike into the City of Hagerstown. The site is approximately 95-acres. The applicant is proposing to develop the property for the off-loading and storage of new motor vehicles, a rail to truck transfer point. The proposed property is to be zoned IG – Industrial General, upon annexation into the City, and is designated as PI - Planned Industrial under the County Zoning Ordinance. The proposed facility is a permitted use under the proposed City zoning classification. Staff believes the requested zoning is consistent with the existing

County zoning; however, there are several issues that should be directed to the Board of County Commissioners and the City. The adopted 2002 Washington County Comprehensive Plan has designated the property for industrial development; however, the adjacent land to the west is designated for low-density residential development and is currently zoned RU – Residential Urban. Access to the property will be via Oak Ridge Drive across from a residential neighborhood. Therefore, Staff recommends that the following issues should be addressed as part of the approval process: 1) Screening should be provided along the western and southern boundaries of the property to protect the integrity of the residential neighborhoods; 2) Lighting should be directed within the facility and not spill over in the adjoining properties not designated for industrial use; and 3) A traffic study should be required as well as the access to the property and approved by the County Engineer.

Comments: Mr. Kercheval stated that he would like a note added to the plans that states, “Any necessary improvements to existing municipal public roads shall be completed at the direction of the City Engineer at the developer’s expense. Any necessary improvements to County roads will require coordination with the County and would be at the developer’s expense”. Mr. Kercheval requested a comparison of the City versus County setback requirements for this zoning designation. Mr. Anikis made an inquiry regarding fencing and a buffer along the residential properties on Moller Avenue and the hours of operation. He recommended a limitation on the hours of operation due to the close proximity to the residential properties.

Mr. Reiber made a motion to recommend to the Board of County Commissioners “express approval” for the annexation request with the recommendations from Staff and as discussed during the Planning Commission meeting. Seconded by Mr. Ecker. Unanimously approved. Mr. Kercheval abstained.

Proposed Six Year Capital Improvements Plan (2008-2013)

Mr. Thompson presented for review and recommendation to the Board of County Commissioners the proposed Six Year Capital Improvements Plan for FY 2008-2013. Mr. Thompson briefly discussed several important items that are included in the CIP such as: funding for Maugansville, Westfields and Pangborn elementary schools as well as the construction of five additional new schools and upgrades to existing schools; major roads improvement projects that include Edgewood/Route 40 and Massey/Halfway intersections and improvements to Maugans Avenue, Longmeadow Road and Robinwood Drive; and the institution of a ranking system for the review of projects and set the priorities.

Mr. Moser made a motion to recommend approval of the proposed Six Year Capital Improvements Plan as presented based on consistency with the adopted Comprehensive Plan. Seconded by Mr. Reiber. Unanimously approved. Mr. Kercheval abstained.

Mr. Thompson introduced new staff member Chris Cochrane who will be working with the long-term planning section of the Planning Department.

There was a brief discussion regarding public comments during Planning Commission meetings on different types of plats. It was recommended that comments should be submitted in writing prior to the meetings and a time limit for each person’s comments should be established. This may be a future item for a Planning Commission Workshop meeting.

George Lashley (SV-07-007)

Mr. Thompson presented a request from Mr. Bill Wantz, attorney for Mr. George Lashley, to reconsider a variance request to allow a panhandle length of 1250-feet that was presented to the Planning Commission on April 2, 2007. The Planning Commission denied the request by a 4-2 vote. By consensus, the Planning Commission made their decision not to reconsider the request and the applicant can proceed to the Board of Zoning Appeals.

UPCOMING MEETINGS

1. Regular Planning Commission meeting, Monday, June 4, 2007, 7:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street, Conference Room 1
2. Joint Rezoning Hearing, Monday, June 11, 2007, 7:00 p.m., Washington County Courthouse, 95 West Washington Street, Court Room #1, Hagerstown
3. Joint Meeting with the City of Hagerstown Planning Commission, Wednesday, May 30, 2007, 7:00 p.m., City Hall
4. After a brief discussion, by consensus, the Planning Commission will reschedule their Workshop meeting to Wednesday, May 30, 2007, 4:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street, Conference Room 1, Hagerstown

- ADJOURNMENT

Mr. Moser made a motion to adjourn the meeting at 9:45 p.m. Seconded by Mr. Reiber. So ordered.

Respectfully submitted,

George Anikis, Chairman

