

**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING – April 7, 2008**

The Washington County Planning Commission held its regular meeting on Monday, April 7, 2008, in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown, Maryland.

Members present were: Chairman George Anikis, Linda Parrish, Terry Reiber, Clint Wiley, Sam Ecker, and Ex-Officio James F. Kercheval. Staff members present were: Planning Director Michael C. Thompson, Chief Planner Tim Lung, Senior Planners Lisa Kelly and Misty Wagner-Grillo 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 18, 2008 Planning Commission Workshop meeting as amended. Seconded by Mr. Reiber. Unanimously approved. Ms. Parrish abstained.

Mr. Reiber made a motion to approve the minutes of the March 3, 2008 Regular Planning Commission meeting as presented. Seconded by Mr. Ecker. Unanimously approved.

**NEW BUSINESS**

**- VARIANCES**

**Dale Hamilton, Lot 1 (SV-08-004)**

Ms. Kelly presented for review and approval a variance from Section 403 of the Subdivision Ordinance, which requires that all plats conform to the right-of-way width as specified in the County Highway Plan, for Dale Hamilton, Lot 1. The property is located along the east side of San Mar Road and is zoned RV – Rural Village. San Mar Road is a local road, which requires a future dedicated right-of-way from center line of 25-feet. The applicant is requesting a reduction in the future right-of-way from 25-feet to 12.5-feet. The applicant indicates that the reduction would allow the septic reserve area to be moved forward to allow the proposed dwelling to be located closer to the road and would eliminate the need for a sewage pumping system. The Washington County Engineering Department has reviewed the variance request. They expressed their opposition to the request by providing the following written comments: “1) The site is directly opposite the Greenbrier Elementary School entrance, which increases the probability of needing additional right-of-way in the future; 2) Any future development greater than five lots would require the road to be widened to 18-feet plus drainage considerations which would be greatly impacted by this approval; 3) They believe the site can be developed without impacting the right-of-way requirements considering the building size and location; 4) The existing right-of-way is 25-feet. The proposal to dedicate 12.5-feet yields no additional right-of-way; and 5) Placing a septic reserve this close to the roadway would only encumber the County’s ability to obtain right-of-way in the future.” The Washington County Health Department stated that the applicant is encumbered because of the distance required between existing septic reserve areas and the well locations of adjoining properties; however, Mr. Hamilton could rearrange the location of the proposed house on the lot.

**Discussion and Comments:** Mr. Ecker asked if the elevation of the house could be raised to avoid using the sewage pumping system. Mr. Hamilton stated that the location of the house needs to remain as shown in order to alleviate the need for the septic pumping system. The septic reserve area needs to be extended approximately 12.5-feet, which allows for the shortening of the width of the septic reserve area. This would allow an additional 1.5 feet in elevation and would thereby allow for the use of a gravity flow septic system. Mr. Hamilton expressed his opinion that the County owns property on the opposite side of the road that could be used to widen the road, if necessary.

Mr. Anikis asked if there are setback requirements from the property line to the septic reserve area. Ms. Kelly stated that the reserve area must be 10-feet from the property line. Mr. Anikis expressed his opinion that a precedent should not be set to allow a waiver from the required right-of-way. He believes a waiver should be requested from the Health Department to reduce the setbacks from the septic reserve area to the property line. Mr. Wiley also expressed his opinion that a precedent should not be set to allow this type of variance.

(Commissioner Jim Kercheval arrived at 7:22 p.m.)

Mr. Kercheval expressed his opposition to the request and believes there are other options to be considered before the County gives up any right-of-way for future use. Mr. Anikis concurred. Mr. Kercheval stated he would discuss the plat and septic reserve area issues with Mr. Stoner of the Health Department to try to resolve the issue of the septic reserve area setback requirements.

**Motion and Vote:** Mr. Ecker made a motion to deny the variance request. Seconded by Mr. Wiley.

**Discussion:** Mr. Reiber recommended that the Planning Commission should encourage the Health Department to consider a waiver of the septic reserve area setback requirements.

**Motion and Vote:** Mr. Ecker amended his motion to include Mr. Reiber's recommendation. Seconded by Mr. Wiley. Unanimously approved.

Mr. Anikis recommended that Mr. Hamilton investigate the costs involved with the sewage pumping system and contact the Health Department with that information.

## **- SITE PLANS**

### **Shepherd's Spring (Heifer Global Village) (SP-08-008)**

Ms. Kelly presented for review and approval the site plan for Shepherd's Spring (Heifer Global Village) located south of Taylor's Landing Road. The property is approximately 219-acres in size and is zoned EC – Environmental Conservation. Shepherd's Spring is a church-related outdoor ministry center with existing improvements that include a swimming pool, camping village, trails and greenhouse. The proposed expansion consists of a village (which is "an educational experience designed to acquaint visitors with living conditions in other countries"). Proposed villages will represent the following countries: Guatemala, Appalachia, Mozambique, Kenya, Thailand, and China/Tibet. There is a future site planned that would include a community center. The Heifer Village will be 4.1-acres in size. The proposed use was determined to be non-conforming and the Board of Zoning Appeals granted an expansion of the non-conforming use on January 11, 2008. The camp will have individual wells and septic. No additional private facilities are proposed for the Heifer Village. The existing sign is located at the entrance to the camp and no new signs are proposed. The developer is proposing no lighting for this area because they want to keep the villages as natural as possible. The trash collection is provided by an existing dumpster at the maintenance building. There will be inside trash receptacles at the village structures. The hours of operation will be 24 hours/day, 7 days/week during the peak season, which runs from March through October or November. The hours of operation for the lodge office will be 7:30 a.m. to 3:30 p.m., Monday through Friday during the peak seasons. There will be five full-time and 10 part-time employees. Parking spaces required is 23 spaces and 30 parking spaces exist with one handicapped space proposed. No fencing is proposed. The existing woods will provide the necessary landscaping. Forest Conservation requirements will be met by establishing an easement consisting of 2.6-acres of forest. All agency approvals have been received.

**Discussion and Comments:** Ms. Parrish made an inquiry with regard to water serving the village and restrooms. A representative from Shepherd's Spring stated there would be no water in the village and restrooms would consist of two self-composting toilets.

Mr. Reiber expressed his concern with regard to the lack of lighting in the village area due to safety issues.

Representatives from Shepherd's Spring provided a brief demonstration to show the type of experiences visitors to the village may be exposed to. Visitors would learn about many different cultures and how they live throughout the world. Representatives also explained there are several different programs available for visitors ranging from a 4-hour to an overnight program.

Mr. Anikis asked how an emergency situation would be handled without lighting in the villages. A representative stated a system already exists whereby the emergency vehicles and personnel are met by employees to guide them to the area where emergency services are needed.

**Motion and Vote:** Ms. Parrish made a motion to approve the site plan as presented. Seconded by Mr. Ecker. Unanimously approved.

### **Redland Brick, Inc., Cushwa Plant (SP-08-007)**

Ms. Kelly presented for review and approval the site plan for Redland Brick, Inc., formerly Cushwa Brick, located along the north side of Clear Spring Road. The total parcel area is 267-acres and is currently zoned IM – Industrial Mineral. The owner is proposing a future mining area that encompasses approximately 31 acres. Mining operations will be to obtain materials for manufacturing brick. The basic timetable for the proposed 31 acres would begin in the northern portion of the property in the next 1 to 3 years and Phase 2 (lower portion of the property) would begin in 3 to 6 years. The hours of operation will be Monday through Friday 6:00 a.m. to 7:00 p.m. and Saturday 8:00 a.m. to 7:00 p.m., which are hours that are specified in the Zoning Ordinance for mining operations. The total number of employees is 150. There will be no new lighting or signage proposed. No quarrying will take place within 100-feet of Route 68, 100-feet of the exterior property line along the Conococheague Creek and will be 200-feet from all residences. Hauling from the pit and excavation in the pit shall be restricted to daylight hours and will not be conducted on Sundays, which is a requirement of the IM zoning district. The maximum area to be mined without vegetation or forest shall be approximately 15-acres and strip overburden will be used for reclamation afterwards. All traffic movements will be on-site and will not involve the use of Route 68. There is no blasting proposed; however, if blasting does occur, the company must file a permit and plans must be submitted to meet MDE requirements. An eight-foot high security fence will be placed along the portion of the mining area adjacent to Route 68. The owner is proposing to plant 6-foot high pines along the entire length of the fence. The site is exempt from Forest Conservation requirements due to the mining area. Redland Brick has provided all required Information to MDE. MDE has reviewed the information and has no objection to the approval because it is a continuation of a single mining operation. All agency approvals have been received.

**Discussion and Comments:** Mr. Kercheval asked about the stockpiling of trees for wildlife refuge. Mr. Barry Miller, a representative from Redland Brick, stated that MDE recommended the stockpiling of trees disturbed during the mining operation to help protect wildlife. Mr. Kercheval also asked about the replanting of trees and vegetation in the reclamation area after the mining operation is completed. Mr. Miller stated that a substantial bond is posted with the State of Maryland for reclamation. After the mining operation is completed, the company will bring in topsoil and plant grasses and the trees will return naturally after a few years due to the large number of trees around the site. Approximately 30,000 trees have been planted throughout the years for buffering purposes. Ms. Parrish expressed her concern with the stream buffer shown on the plat. Mr. Holmes, representative of Frederick, Seibert & Associates, stated that the stream is dry, but it is shown on the plat as a requirement of the Soil Conservation District based on the type of soils in the area.

**Motion and Vote:** Mr. Reiber made a motion to approve the site plan as presented. Seconded by Ms. Parrish. Unanimously approved.

#### **Milton Stamper (SP-07-057)**

Ms. Wagner-Grillo presented for review and approval a site plan for Milton Stamper located along the east side of Dual Highway, south of Day Road. The property consists of approximately 0.952-acres and is zoned HI-1 – Highway Interchange 1. The developer is proposing a retail and office building. Public water and sewer services would be provided by the City of Hagerstown. Storm water management requirements would be met by the use of a bio-retention area and rain garden. Solid waste disposal would be met by use of trash containers and a private hauler. The proposed building will be approximately 8,000-square feet in size, 30-feet in height and will be used for an office, retail and medical facility. The proposed medical use is an optometrist's office and lab. The existing house and accessory use will be removed. Parking required is 22 spaces and 47 spaces will be provided. A freestanding sign 1.5-feet deep x 25-feet high and 10-feet long is proposed. The proposed lighting will be five pole-mounted lights and 4 wall mounted lights. A photometric plan was provided, which shows 0 light trespass onto adjacent residential properties. The hours of operation will be Monday through Saturday, 7:00 a.m. to 8:00 p.m. A 25-foot buffer yard is required to the west and southwest, which will be planted with Colorado Spruce, Norway Maple and other evergreens. Additional landscaping is proposed around the building. Forest Conservation Ordinance requirements will be met using the "express procedure" and the owner will make a payment-in-lieu in the amount of \$1,761.20. Ms. Wagner-Grillo noted that the owner has applied for annexation into the City of Hagerstown. Mr. Steve Bockmiller of the City of Hagerstown has requested that the County continue their review of the project. He requested that the developer revise the plan to include a sidewalk and street trees. All agency approvals have been received. Mr. Bockmiller stated that the City requires street trees in the right-of-way (1 tree every 40-feet). The City also requested the installation of the sidewalk in case the City applies for grants from the State Highway Administration to construct sidewalks, which are required by the SHA.

**Discussion and Comments:** Mr. Kercheval made an inquiry with regard to the type of trees the developer is proposing to use as a buffer. He expressed his concern with regard to how long it will take the trees to grow to make a screen. After a brief discussion, members believe the 7-foot trees will be adequate.

**Motion and Vote:** Mr. Reiber made a motion to approve the site plan contingent upon the developer constructing the sidewalk and planting the street trees as requested by the City of Hagerstown. Seconded by Ms. Parrish. Unanimously approved.

#### **UPCOMING MEETINGS**

1. Planning Commission Public Meeting, Monday, April 21, 2008, 7:00 p.m., Washington County Court House, 95 West Washington Street, Court Room 1, Hagerstown
2. Regular Planning Commission Meeting, Monday, May 5, 2008, 7:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street, Conference Room 1, Hagerstown

#### **ADJOURNMENT**

Ms. Parrish made a motion to adjourn the meeting at 8:15 p.m. So ordered.

Respectfully submitted,

---

George Anikis, Chairman