

**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING – JANUARY 5, 2009**

The Washington County Planning Commission held its regular meeting on Monday, January 5, 2009, in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.

Members present were: Chairman George Anikis, Linda Parrish, Andrew Bowen, 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 Goodrich, Senior Planners Lisa Kelly and Misty Wagner-Grillo, Planner Cody Shaw, and Administrative Assistant Debra Eckard. Also present was Commissioner Terry Baker.

**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 November 12, 2008 Joint City and County Planning Commissions' meeting as amended. Seconded by Mr. Reiber. Unanimously approved. Ms. Parrish abstained.

Ms. Parrish made a motion to approve the minutes of the December 1, 2008 regular Planning Commission meeting as presented. Seconded by Mr. Kercheval. Unanimously approved.

**OLD BUSINESS**

**Re-adoption of By-laws**

Mr. Thompson presented the Planning Commission's By-laws for re-adoption at the December 1, 2008 meeting. He was asked to verify the number of regular meetings to be held each month. Mr. Thompson reported that the Maryland State statute requires the Planning Commission to hold one regular meeting per month.

**Motion and Vote:** Mr. Ecker made a motion to adopt the Washington County Planning Commission By-laws as presented. Seconded by Mr. Reiber. Unanimously approved.

**NEW BUSINESS**

**- VARIANCES**

**Carl and Michele Fuller (SV-08-017)**

Mr. Shaw presented for review and approval a variance request from Section 405.11.G.5 of the Washington County Subdivision Ordinance, which does not allow a panhandle length of more than 400-feet. The property is located along the west side of Woodmont Road and is zoned EC – Environmental Conservation. The applicant is proposing a two lot subdivision with remaining lands and requesting a panhandle of 696-feet to serve the remaining lands. The Washington County Engineering Department provided the following comments: 1) the driveway location will not be approved without an acceptable SSD worksheet showing the stopping sight distance meets the minimum per the posted speed limit; 2) the maximum acceptable driveway grade is 15%; and 3) storm water management will be required and must be made part of the subdivision submittal. The Division of Fire and Emergency Services noted that the lane must be wide enough to accommodate large fire and rescue vehicles and turnouts and turnarounds will be required. Additional written comments were provided by the Division of Fire and Emergency Services. Mr. Shaw stated that the Planning staff does not support the approval of this request unless the applicant can prove that each lot can support their own entrance location and that all Engineering comments have been addressed.

**Discussion:** Mr. Schreiber of Frederick, Seibert & Associates, consultant, presented a proposed grading plan for the entrance. He explained that currently there are two parcels of land. The larger parcel of land currently contains a garage owned by Mr. Fuller and has a deeded right-of-way across adjacent lands owned by others. Mr. Schreiber stated that the remaining lands will not use the proposed driveway. The Subdivision Ordinance requires each lot to have its own public road frontage. Lot 2, Lot 3 and the remaining lands have their own road frontage along Woodmont Road and also have access from the public road frontage. The proposed panhandle for the remaining lands is approximately 700-feet long due to the minimum lot size of 3 acres required in the EC zoning district. Mr. Schreiber stated that the applicant is proposing to create less road frontage onto Woodmont Road by creating one driveway with shared access to Lots 2 and 3. He noted that this scenario would be more environmentally friendly because it would save existing forest.

Mr. Reiber made an inquiry regarding the remaining lands that would be landlocked. Mr. Frederick of Frederick, Seibert & Associates, consultant, stated that the remaining lands would not be developed. Mr. Schreiber noted that the proposed panhandle would provide road frontage and access to Woodmont

Road; therefore, the property would not be landlocked. There was a brief discussion regarding additional subdivision of the remaining lands. Mr. Reiber made an inquiry regarding the stream buffer shown on the plans. Mr. Frederick noted this is a dry stream, however, the best management practices for sensitive areas will be used. Mr. Lung noted that based on conversations with the Washington County Soil Conservation District, special permits through the MDE (Maryland Department of the Environment) may be required following a sensitive area review of the site. Mr. Wiley asked how wide each of the driveways are that are shown on the proposed plan. Mr. Frederick stated that the driveways are a standard 10 to 12 feet wide; however, if Fire and Emergency Services would require a wider drive there is room to accommodate the requested width. Mr. Kercheval verified with the consultant that the standard maintenance agreements for the shared driveway would be completed. Mr. Frederick stated the agreement would be completed. Mr. Kercheval recommended that all Fire and Rescue Services' comments be addressed appropriately.

**Motion and Vote:** Mr. Reiber made a motion to grant the variance request for a 696-foot panhandle contingent upon approval from the Washington County Engineering Department, the Division of Fire and Emergency Services, and MDE. The Planning Commission requested that the language "no further subdivision" be written in the deed for this property. Seconded by Mr. Ecker. Unanimously approved.

## **- PRELIMINARY CONSULTATIONS**

### **James Harp, Jr. (PC-08-006)**

Ms. Kelly presented for review and comment a preliminary consultation for James Harp, Jr. for property located along the northwest side of Paradise Church Road. The developer is proposing 82 single-family lots on 69 acres of land zoned RR – Residential Rural. During the consultation, the Washington County Engineering Department stated that they are not in favor of the long cul-de-sac and a connection to the westernmost street will be required. Paradise Church Road is inadequate for this development; therefore, a Traffic Impact Study with a full road adequacy determination will be required. The Traffic Impact Study will be reviewed prior to APFO requirements being issued for Paradise Church Road and the surrounding road network. The site must comply with storm water management requirements as they are updated and adopted. Storm water discharge easements will be required from adjacent property owners and downstream property owners. A mini roundabout will be required at the first intersection off of Paradise Church Road. Basements are not recommended on specific lots due to the close proximity of the flood plain. Accel/decel lanes will be required for access onto Paradise Church Road. The Washington County Environmental Management Engineering Division stated that the most desirable option for construction of a sewer system for this development would be the construction of a gravity line to the existing pump station, which would also require the construction of a new wet line. The City of Hagerstown Water Department indicated that most of this development is inside the City's Medium Range Growth Area and must comply with all City of Hagerstown requirements. Ms. Kelly stated that she informed the developer there are too many panhandles proposed for the development. The development is located within the Maugansville Elementary School district. Currently, school capacity is not an issue; however, capacity at the school would be determined during the final plat stage. Ms. Kelly informed the developer that there is a historic house located on the property. The historic structure is listed in the County's Historic Inventory Sites Survey. If the developer plans to remove the structure, the demolition permit application must be reviewed by the Historic District Commission. During the consultation, Forest Conservation Ordinance requirements were discussed including high priority areas on site, on-site forest retention and off-site planting.

**Discussion:** Mr. Fred Frederick of Frederick, Seibert & Associates, consultant, stated that there have been discussions regarding design issues within the development and the widening of Paradise Church Road with the Washington County Department of Public Works. He clarified that forestation will take place within the priority areas and the developer will save as much existing forest as possible. Off-site forestation, if necessary, will be accomplished in accordance with the Forest Conservation Ordinance requirements. Ms. Parrish believes there are additional lots not specified in the consultation summary that should not have homes with basements. Ms. Parrish made an inquiry regarding connectivity to the adjoining property on the west. Mr. Frederick stated that a right-of-way extension will be provided for future connectivity. Ms. Parrish asked what the plans are for the historic house on the property. Mr. James Harp, owner, stated that the house was contaminated with lead and subsequently gutted in the 1990's. The house has been unoccupied since that time. He plans to disassemble the existing barn and reconstruct it on property he owns in Clear Spring. The silos have already been moved. Mr. Kercheval recommended that the existing forest on the east side should be continued toward the existing houses. He recommended that the cul-de-sac should be shortened and the roads should be connected as recommended by staff to address road adequacy issues. Mr. Kercheval stated that the County's policy requires sidewalks within developments located within the UGA. There was a brief discussion between the developer, the consultant and Mr. Kercheval regarding sidewalks and "open section" and "closed section" streets. Mr. Kercheval stated that sidewalks would be required in this development. Mr. Crampton verified that sidewalks would be provided. Mr. Anikis made an inquiry regarding comments in the preliminary consultation summary about language pertaining to Allegheny Power. Mr. Frederick stated there is a large power line running across the property. Ms. Smith of the County's Engineering Department has requested verification that the County's public right-of-way will not be encumbered by other rights-of-way or easements of Allegheny Power.

## **- SITE PLANS**

### **Wireless Communication Support Facility – Liberty Tower (SP-08-050)**

Ms. Kelly presented for review and approval a site plan for a proposed monopole cell tower at Fort Ritchie LLC. The subject site is located along the north side of Pen Mar Road and is zoned SED – Special Economic Development. The total acreage of the Ft. Ritchie parcel is 498-acres. Liberty Towers is proposing to lease a 100' x 100' piece of property to construct a 164-foot monopole cell tower with an equipment shelter pad. A 7-foot galvanized steel chainlink fence will surround the leased area and an identification sign will be attached to the fence. An existing paved drive connecting the site with Pen Mar will be maintained by the developer. A storm water management pond will be located adjacent to the leased site for run-off control. A land lease agreement between the developer and property owners has been submitted to the County Planning Department, as well as a signed affidavit stating that the tower will be available to future carriers. The agreements were also submitted to the Board of Zoning Appeals. Photographs simulating the tower's appearance against the sky line were also submitted to the Planning Department. In September 2008, the Board of Zoning Appeals granted a special exception to erect the monopole on the site. A variance was granted for the west side yard setback from 164-feet to 150-feet. All other setbacks of 164-feet have been met. A Forest Conservation Easement plat was submitted to the County's Planning Department showing a retention area of 148-acres of existing forest that is located on other lands owned by Ft. Ritchie LLC. The Forest Conservation Easement plat has been approved and recorded in the land records of Washington County. All agency approvals have been received.

**Discussion:** Mr. Reiber asked if the site plan fits in with the overall concept for Ft. Ritchie. Mr. Lung stated that the cell tower was not part of the original concept plan for the Ft. Ritchie development. Mr. Reiber expressed his concern that a master plan has not been approved for the Ft. Ritchie redevelopment as previously requested and the Planning Commission is reviewing "bits and pieces". Mr. Anikis asked if there would be space reserved on the cell tower for the County's Emergency Services. A representative from Ft. Ritchie LLC stated that the County has requested space for the sewer department.

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

### **Update on Ft. Ritchie Master Plan**

Mr. Lung stated that a meeting was held between the County Planning Department, County Engineering Department, COPT and their engineer to discuss outstanding issues that must be addressed prior to the Planning Commission granting Staff the authority to approve site plans for this development. COPT is refining the original concept plan (that looked like an artist's rendering) on which to label building locations, roads, etc. They are also preparing a more detailed concept plan for the historic district, the North Lake residential district, and the secure district. An overall Forest Conservation Plan will be prepared in order to set up one large Forest Conservation easement to meet the requirements of the Forest Conservation Ordinance and the traffic study will be updated. COPT will be working with the Engineering Department to determine milestones, which will be used to determine when specific items must be completed. COPT will also work with the Engineering Department and other agencies to determine issues related to storm water management, such as who will own the various facilities and where they will be located, determining ownership of private and public roadways, and implementing a plan for turning over water and sewer facilities to the County. Mr. William Hoffman, a representative from COPT, stated that all plans should be ready for the Planning Commission in approximately 4 or 5 months.

### **John Stoy (SP-08-041)**

Ms. Wagner-Grillo presented for review and approval a site plan for John Stoy for property located along the east side of Route 65 in the Tilghmanton area. The developer is proposing to construct an ice cream parlor and a flooring shop on 0.97-acres currently zoned RB-E (Rural Business Existing). Private water and septic will serve the site. Storm water management requirements will be met through the use of a rain garden on-site. Parking required is 5 spaces and parking provided is 11 spaces. Solid waste disposal will be handled by a private hauler and dumpster. The ice cream parlor will be located in an existing building with a drive-thru and an 80-square foot addition. There will be 3 delivery trucks weekly. There will be 2 employees. No new signage or lighting is proposed. The flooring shop will be located in an existing 737 square foot garage with a 578 square foot addition. The hours of operation for both businesses will be 7:00 a.m. to 10:00 p.m., Monday through Saturday and 2:00 p.m. to 10:00 p.m. on Sunday. The flooring shop will employ 1 person and anticipates 1 tractor trailer delivery per week. No new signage or lighting is proposed. The property is exempt from Forest Conservation Ordinance requirements. Landscaping will be provided using White Spruce trees. It was noted that building mounted signs will be used; therefore, a change will be required to the site plan. Health Department approval is pending. All other agency approvals have been received.

**Discussion:** Mr. Kercheval asked Mr. Schreiber of Frederick, Seibert & Associates, consultant, if there has been any discussions regarding stacking of vehicles along the roadway with the State Highway Administration. Mr. Schreiber stated that discussions have been held with SHA and they have requested a new entrance with new paving and a by-pass lane. Mr. Schreiber stated that an entrance large enough to accommodate two vehicles entering at the same time is proposed. Ms. Wagner-Grillo stated that the site plan allows for the stacking of 8 cars.

**Motion and Vote:** Mr. Reiber made a motion to approve the site plan contingent upon Health Department approval. Seconded by Ms. Parrish. Unanimously approved.

**Jeff Crampton (SP-08-049)**

Ms. Wagner-Grillo presented for review and approval a site plan for a proposed self-service warehouse and railroad construction repair facility located along the east side of Route 65. The property is 7.61 acres in size and is zoned IG – Industrial General. The site will be served by public water provided by the City of Hagerstown and individual septic. Storm water management requirements will be handled through an existing pond, which will be upgraded. Parking required is 15 spaces and parking provided is 21 spaces. Solid waste disposal will be handled by use of a dumpster and a private hauler. The self-service warehouse will consist of 3 – 24 hour storage units (each unit will be 13,530 square feet in size). An accessory dwelling associated with the business is also proposed. UPS deliveries are anticipated on a weekly basis. Signage and lighting will be building mounted. An existing office and garage will be used by the railroad construction contractor's office as well as a 40 x 60-foot proposed addition to be used as a maintenance building and a proposed 2,400 square foot pole barn. The hours of operation are 7:00 a.m. to 7:00 p.m., Monday through Friday. UPS deliveries will be made daily and one tractor trailer delivery is anticipated weekly. There will be 9 employees. No signage is proposed and lighting will be building mounted. This site qualifies for use of the "express procedure" to meet Forest Conservation Ordinance requirements; therefore, the owner will make a payment-in-lieu in the amount of \$2,787.84. Landscaping will be provided using six (6) Pin Oak trees along Route 65 in front of the proposed warehouse buildings. Staff has requested additional landscaping due to the proximity of the Westfields subdivision entrance, the approach to the Antietam Battlefield, and a historic stone house listed on the Washington County Historic sites Survey located on property adjacent to the proposed warehouses. Mr. Adam Hager of Frederick, Seibert & Associates, consultant, has communicated to Staff that the owner wants to keep landscaping to a minimum to provide visibility from Route 65 and to discourage vandalism and theft. Ms. Wagner-Grillo noted there appears to be a commercial use on a property assessed for residential use located on an adjoining parcel, which is located back a long drive. She stated that the Washington County Department of Permits and Inspections will be investigating this issue further. Depending upon their findings, the setbacks on this site may need to be adjusted. Ms. Wagner-Grillo distributed a letter received by the Planning Department from The Ausherman Group (the developer of Westfields subdivision) recommending additional buffering on this site.

**Discussion:** Mr. Reiber expressed his opinion that additional landscaping should be provided as recommended by Staff. Mr. Ecker made an inquiry regarding the architecture of the storage warehouses. Mr. Schreiber provided photographs showing examples of other warehouses constructed by the developer. Mr. Bowen made an inquiry regarding the use of the accessory building and the pole barn that is proposed. Ms. Wagner-Grillo stated the buildings would be used for storage of equipment being repaired. Ms. Parrish and Mr. Wiley supported Staff's recommendations for additional landscaping. Mr. Kercheval stated that he understands the owner's concern for safety and vandalism of the storage warehouses; however, he supports Staff's recommendation for additional landscaping. He suggested that the developer consider some of the landscaping suggestions detailed in the letter from The Ausherman Group. Mr. Wiley recommended additional buffering along the side of the warehouses adjacent to the historic stone house. Mr. Anikis concurred with Mr. Wiley's recommendation and Staff's recommendation for additional buffering. He made an inquiry regarding lighting on the buildings and spillover onto adjacent properties. Mr. Anikis recommended that the developer work with Staff to provide appropriate lighting. Mr. Crampton stated that a fence might have to be used as a screen along the side yard because there is limited space. Mr. Lung noted that the Planning Commission and Staff do not support the use of chain link fencing with vinyl slats for screening and that he could provide the developer with examples of screen fencing that has been approved on other sites. Mr. Anikis made an inquiry regarding the height of the buildings. Mr. Crampton stated the buildings will be approximately 16-feet high. Ms. Wagner-Grillo noted that the height will need to be changed on the site plan from 25-feet to 16-feet. Mr. Anikis made an inquiry regarding the entrance to the site when a traffic light is installed at the intersection. Mr. Crampton stated that the consultant has made the necessary provisions at the entrance for a light when designing this site.

**Motion and Vote:** Mr. Kercheval made a motion to approve the site plan contingent upon adequate buffering along Maryland Route 65 and the historic structure, which will be approved by Staff, and Staff's verification of required setbacks for the adjoining property depending upon the use of the property. Seconded by Mr. Reiber. Unanimously approved.

**OTHER BUSINESS**

**Harry and Carrie Gouff**

Mr. Goodrich presented for review and recommendation Demolition Permit #2008-06286 for property located at 21524 Leitersburg-Smithsburg Road in the Leitersburg Rural Village zone. Mr. Goodrich stated that the Leitersburg Rural Village is listed in the National Register of Historic Places and the subject home is listed as a contributing structure (WA-I-174) within the District boundary. The property is also within the Rural Village zoning district. The Historic District Commission reviewed the demolition application at their December 3, 2008 meeting and were opposed to the demolition. The HDC expressed opposition to the demolition for the following reasons: lack of sufficient information on the condition of the structure and the need for demolition and the structure is a contributing structure within the Leitersburg Rural Village zone.

**Discussion:** Mr. Bowen asked the applicant to state their reasons for demolition of the structure. Mr. Gouff, owner, stated that the structure was condemned by the Washington County Health Department

and the Washington County Department of Permits and Inspections. Mr. Bowen asked the owner if they have any interest in restoring the structure and the owner replied they do not. Mr. Ecker stated that he has not seen the house and would not oppose the demolition if the house is beyond saving; however, he favors the rehabilitation and reuse of historic structures whenever possible. Mr. Reiber expressed his concern for safety issues since the property has been condemned. Mr. Kercheval noted that the Historic District Commission will have architectural review of a new house because the property is within a Rural Village. He believes that the choice to demolish or to rehabilitate an historic structure should be the owner's decision. Mr. Wiley stated that he is in favor of restoring and rehabilitating historic structures. However, he expressed his opinion that there are occasions when historic structures should be demolished and he believes this is one of those occasions. Mr. Anikis concurred with Mr. Wiley's comments and stated he is not opposed to the demolition of this structure. He clarified that plans for the new house must be approved by the Historic District Commission. Mr. Goodrich briefly explained the HDC's review procedures and guidelines used to ensure that new structures are compatible with existing structures within the Rural Village. Mr. Anikis and Mr. Kercheval recommended that the owners discuss their plans with the Chairman of the HDC (who is also an architect) prior to submitting their plans.

**Motion and Vote:** Mr. Reiber made a motion to recommend approval of the demolition permit. Seconded by Mr. Bowen. Unanimously approved.

### **Workshop Meeting**

Mr. Thompson announced that a Workshop meeting is scheduled for Monday, February 16, 2009. He asked the Commission for any suggested topics of discussion. Mr. Kercheval suggested discussing new policies and standards for streets. Mr. Reiber suggested discussing alternatives to traditional sidewalks.

### **Announcements**

Mr. Thompson informed Commission members that the deadline for filing rezoning cases is Monday, January 12, 2009. There are several text amendments proposed for the Zoning and Subdivision Ordinances. The Planning Commission rezoning meeting is currently scheduled for March 16, 2009.

Mr. Anikis stated he has asked staff to prepare a map indicating the location of all cell towers in the County.

### **UPCOMING MEETINGS**

1. Planning Commission Regular meeting, Monday, February 2, 2009, 7:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown
2. Planning Commission Workshop meeting, Monday, February 16, 2009, 1:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown

### **ADJOURNMENT**

Mr. Ecker made a motion to adjourn the meeting at 9:16 p.m. Seconded by Ms. Parrish. So ordered.

Respectfully submitted,

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George Anikis, Chairman