

**WASHINGTON COUNTY PLANNING COMMISSION  
REZONING PUBLIC INPUT AND REGULAR MEETING  
April 6, 2026**

The Washington County Planning Commission held a rezoning public input meeting and its regular monthly meeting on Monday, April 6, 2026 at 6:00 p.m. at the Washington County Administrative Complex, 100 W. Washington Street, Room 2000, Hagerstown, MD.

**CALL TO ORDER AND ROLL CALL**

The Chairman called the rezoning public input meeting to order at 6:00 p.m.

Planning Commission members present were: Jeff Semler, Chairman, Jay Miller, Vice-Chairman, Terrie Shank, Laura Lane-Unsworth, Doug Wright, Jr. and Ex-officio County Commissioner Randy Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jennifer Kinzer, Interim Director; Travis Allen, Senior Planner; Scott Stotemyer and Misty Wagner-Grillo, Planners; and Debra Eckard, Office Manager.

**REZONING PUBLIC INPUT MEETING**

**2003 Mason Dixon LLC [WS-25-004]**

***Staff Presentation***

Mr. Allen presented a Water & Sewerage Plan amendment to change the priority classification from W-5/S-5 planned service to W-3/S-3 programmed service and to recognize the Antrim Township Municipal Authority as a provider for water and sewer services to eligible properties in Washington County. This application was submitted for property located at 17939 Mason Dixon Road. The property is located at the northern limit of Washington County's Urban Growth Area boundary at the MD/PA state line and is currently zoned PI (Planned Industrial). The property is currently being used for agricultural purposes and is improved by agricultural support buildings. Service classifications are defined in the Water & Sewerage Plan according to a general timeline of when public services shall be extended to potential properties. The W-5/S-5 planned service designation allows private well and septic systems without a required connection to public services within a one-year timeframe. The W-3/S-3 programmed service designation permits individual well and septic systems on an interim basis with a connection to public services within one year after it becomes available. Mr. Allen briefly explained the requirements to be met when applying and approving an amendment to the Water & Sewerage Plan. In this case, the applicant must meet all eligibility requirements for W-5/S-5 and W-3/S-3 designations and must demonstrate consistency with the Comprehensive Plan and the Water & Sewerage Plan.

Mr. Allen stated that the applicant has applied for and received confirmation of services from Antrim Township where there is available capacity to serve the properties. He noted that the creation of individual well and septic systems in this area of the County is inadvisable, because the property is located within a wellhead protection area designated by Maryland Department of the Environment due to the potential for contamination as a result of groundwater being under the direct influence of surface water. The property's location within the County's Urban Growth Area indicates a clear intent to connect it to public services when they become available. The property's location adjacent to the Pennsylvania state line enables the developer to seek more economical public water and sewer services from Antrim Township and thereby preserves allocation for neighboring properties and reduces the burden on the City of Hagerstown and Washington County facilities. Staff believe the request is consistent with the Comprehensive Plan and Water & Sewerage Plan. No public comments have been received either in favor or in opposition to the amendment.

***Applicant's Presentation***

Mr. Jason Divelbiss, PO Box 202, Greencastle, PA, legal counsel for the applicant, and Justin Doty of Frederick, Seibert & Associates, 128 S. Potomac Street, Hagerstown, MD, consultant for the applicant, were present at the meeting and spoke on behalf of the applicant. Mr. Divelbiss stated that the property is approximately 172 acres in size. Because the property is located on the MD/PA line, there have been a litany of unique circumstances surrounding the development of this property. The property is within the County's Urban Growth Area and a high development area surrounding the Hagerstown Regional Airport; however, public water and sewer services in Washington County are located a significant distance from the property. Public water and sewer services from Antrim Township are in close proximity (directly across the road from the property) thereby making it the most expedient option from a service and infrastructure standpoint. Antrim Township has agreed to service this property with both water and

wastewater services. Mr. Divelbiss then explained the process needed to amend the Water & Sewerage Plan and to acknowledge Antrim Township as the service provider.

**Discussion:** Mr. Wright asked if County water and sewer services were extended in the future, would the applicant then connect to those lines instead. Mr. Divelbiss said there were preliminary discussions with the former Director of Water Quality regarding this issue, but there is no agreement at this time. He also stated there would be no objection to such an arrangement.

There was no public comment.

**Danielle Eyler Durning [RZ-26-001]**

***Staff Presentation***

Mr. Allen presented a proposed text amendment to amend sections of the Zoning Ordinance to define the term “small box variety store” and to restrict the location of these types of stores within 1,000 feet of properties with a historic designation or subject to a historic trust easement in the rural districts of the County. This newly defined land use would only be allowed in a Rural Business zoning district. The Rural Business (RB) zone, which is a floating zone, is established only through the rezoning process and may be applied only to parcels in the A(R) (Agricultural Rural), EC (Environmental Conservation), P (Preservation) and RV (Rural Village) zoning districts. Mr. Allen gave a brief history of the circumstances surrounding the reason for this proposed text amendment.

Mr. Allen highlighted several major concerns uncovered during Staff’s research of the proposed amendment. The first concern is the use of historic resources as a tool to prohibit new construction that may be undesirable to some people. The Historic District Commission’s (HDC) review, at present, does not determine what type of land use is permitted in any given zoning district. The HDC’s authority is limited to architectural review of structures located within a fully surveyed and adopted historic Rural Village. The HDC review is limited to approval of exterior changes that require a building permit or applications for local tax credit purposes. The proposed amendments would expand the scope of historic reviews in rural zoning districts well beyond what it is today, particularly in the Rural Villages.

The second concern is the proposed ambiguous language with respect to the 1,000-foot restriction of a property with a historic designation or a historic trust easement. Mr. Allen pointed out that a property can be historic without having any legal recognition of its historic qualities. The inclusion on the Maryland Inventory of Historic Properties is for informational and planning purposes only and has no bearing on regulation for financial incentives. Staff believe that the ambiguity in this language could lead to confusion or overreach in administering these amendments of the proposed zoning standards. The HDC does not recommend the proposed language “with historic designation” nor does it recommend impacting adjacent property owners when they are not included in the documentation of historic resources.

Mr. Allen stated that the third concern deals with the proposed distance requirement. The 1000-foot distance requirement is equivalent to or exceeds the most intensive land uses identified in the current Zoning Ordinance for rural area land uses. He noted that trap, skeet, rifle and archery ranges including gun clubs and various adult entertainment facilities are the only land uses that currently require a 1,000-foot setback. Other uses, such as mining operations, landfills, and racetracks have smaller setback requirements in the rural areas. Staff have not uncovered convincing evidence in BZA opinions or elsewhere in the application, that a Dollar General type store would be more impactful to neighboring properties than the uses previously listed. Historic resources located in the A(R), EC and P zoning districts may also be affected by the distance requirement because the RB zoning district can be applied to those districts.

Mr. Allen noted that the next concern is the proposed size limitation. The 16,000 or less square footage limitation could severely impact smaller variety stores that could fit onto smaller parcels particularly in the RV zoning district. Staff believe the proposed amendment conflicts with the purpose of the Rural Village zoning district. Even though the RV zoning district is sensitive to infrastructure concerns, it does not exclude all commercial opportunities for development. The RV zoning district encourages compatible development of a similar density, scale and use type.

In conclusion, Staff believe that it would be impossible to open a variety store under the proposed amendments and restricting the range of services available to rural communities without traveling to a distant population center. Properties with historic resources in A(R), EC and P would also be affected by the distance requirement proposed. It is staff’s opinion that a variety store can fit into the context of a Rural Village with the proper project design. Development review pertaining to historic resources should be focused on the design of the exterior portion of the project not prohibiting land uses that are otherwise permitted in the zoning district currently. The Rural Business zoning process as well as the BZA special exception process already allows public comment on applications for most new commercial development

in rural areas. The proposed amendments would preclude the public comment ability that is invested in those special exception and rezoning processes. Staff does not recommend approval of these proposed amendments.

Mr. Allen stated that one written public comment was received prior to this evening's meeting in favor of the proposed amendments.

### ***Applicant's Presentation***

Ms. Durning, 25212 Cascade Road, Cascade, MD was present at the meeting and represented herself. She briefly spoke of the uniqueness of living in the Cascade Rural Village, which is also home to the former Fort Ritchie military base that is currently being revitalized. She expressed her opinion that the proposed text amendments would protect the rural and historic villages across the County. The proposed amendment would prohibit small box variety stores within a very limited 1,000-foot radius of a historically protected area such as Fort Ritchie. Rural Villages are definable on the landscape and contribute to the unique character of Washington County. The proposed amendment would aid in promoting a balanced and diversified economy which aligns with Comprehensive Plan goals. The proposed amendment would protect historically important areas and clarify the purpose and scope of the Rural Village zone. The amendment is needed to clarify the confusion surrounding the Zoning Ordinance that has thus far resulted in two Board of Appeals decisions, two circuit court decisions, and a pending Appellate Court hearing.

### ***Public Comment***

- Tory Fitzgerald, 14351 Pen Mar High Rock Road, Cascade – Ms. Fitzgerald is in favor of the proposed text amendment to protect Cascade and other areas of the County. She believes the proposed amendment will help areas outside the limits of Hagerstown.
- Taj Smith, 1358 Salem Avenue, Hagerstown – Ms. Smith stated that the residents of Cascade want to protect their homes and local businesses and maintain its rural nature. The County's 2040 Comprehensive Plan promises to protect the County's rural villages, viewsheds and integrity. She believes the proposed amendment defining "small box stores" and where they can be located will protect the rural areas. She expressed her opinion that the community wants to grow in a way that respects Fort Ritchie and keeps their community as a Rural Village.
- Carmen Fox, 24843 Pen Mar Road, Cascade – Ms. Fox is in favor of the proposed amendments and wants to protect Rural Villages. She expressed her opinion that Cascade does not want or need a Dollar General store.
- Joyce Johnson, 25009 Lake Wastler Drive, Cascade – Ms. Johnson stated there are a lot of small businesses trying to operate in Cascade and believes that big box stores will affect the growth and prosperity of these types of businesses. She also wants to protect the views inside and outside of Fort Ritchie.
- Shirley Burch, 9834 Crossfield Road, Hagerstown – Ms. Burch expressed her opinion that development that is occurring in small towns and Rural Villages where there are historic value is not good. Washington County is known for its history, historic buildings and historic battlefields. The County, including all Rural Villages, need to remain historic. She believes the proposed amendments will help Washington County retain its historic designation and help keep the look and feel of Rural Villages.
- Eric van Buren, 1106 Fry Avenue, Hagerstown – Mr. van Buren stated that he likes the small town charm of the Rural Villages and believes expansion of the small towns will contribute to the County's loss of historic identity.
- Dixie Myers, 12657 Old Germantown Road, Waynesboro, PA – Ms. Myers believes the County needs to save the sacred ground at Fort Ritchie. Small variety stores could include toy stores, candy stores, book stores, etc. She stated that residents are not trying to eliminate businesses, but she does not believe that a big box store is needed in the Rural Village when there is one already located 1.5 miles away.
- Robert "Bo" Myers, 12657 Old Germantown Road, Waynesboro, PA – Mr. Myers expressed his opinion that Fort Ritchie is hallowed ground. He believes there are plenty of stores in close proximity to Cascade and another one is not needed.
- John Krumpotich, 25009 Lake Wastler Drive, Cascade – Mr. Krumpotich stated that the purpose of the Rural Village zoning is to protect the historic charm of small towns. Small towns like Cascade are very unique and he has made a promise to the residents of Cascade that Fort Ritchie will not allow big box stores.
- Dena Leibman, 6628 Harbaugh Road, Sabillasville, MD – Ms. Leibman stated that she chose to locate her farm based retreat center in Sabillasville, because of its rural setting. She often sends visitors to Fort Ritchie for its unique shops and historic charm. Ms. Leibman believes more should be done to protect the historic significance of Washington County and Fort Ritchie.
- Laura Apfelbaum, 24812 Linden Avenue, Cascade – Ms. Apfelbaum submitted written comments prior to the meeting. She stated that historic Fort Ritchie is coming back to life with small businesses and new residents. The Rural Village designation highlights the historic character,

scenic vistas and small scale, locally based businesses. These attributes are what make Rural Villages attractive to residents and visitors. It is important to preserve these distinct pockets of quickly vanishing rural characteristics and beauty. The introduction of small box stores into the Rural Village presents a compatibility issue and will erode the very quality that the designation of Rural Village is intended to protect. The proposed amendment reinforces, not changes, the County's long-standing policy direction. Ms. Apfelbaum believes the proposed amendments support the stewardship of the villages which will continue to attract residents, small businesses and visitors that are seeking unspoiled, beautiful and authentically unique places in Washington County.

- Geraldine Otremba, 5824 Roland Hill Road, Cascade – Ms. Otremba submitted written comments during the meeting. She briefly discussed why she and her husband moved to Cascade and why she believes others are now moving into this rural area. Ms. Otremba expressed her gratitude for the revitalization of Fort Ritchie.
- Michele Rosenfeld Esq., 1 Resource Court, Suite 450, Rockville, MD – Ms. Rosenfeld stated that she represents Ms. Durning and others in the Appellate Court case. She noted that the definition of "small box variety stores" mimics other jurisdictions' definitions. With regard to the comparison in the Staff Report to the Lappans Road project, it is inappropriate and erroneous as a justification for why this text amendment should not be passed. There are no design standards to protect Rural Villages. The purpose clause of historic Rural Village zone is to protect the rural character and the historic characteristics of the Rural Village.
- Molly Love, 14108 Cushman Avenue, Cascade – Ms. Love stated she is a realtor and helps people buy homes in small towns like Cascade. She believes people choose these areas because of the character and integrity of a small town. If the Rural Villages throughout the County become compromised by big box stores or small variety stores, people will choose other areas to live.

**Discussion and Comments:** Mr. Wright asked if Ms. Rosenfeld could expand on how the definition of a "small box variety store" was formulated and what jurisdictions use this definition. Members asked Ms. Rosenfeld to provide, in writing, the sources she used in preparing this definition.

**Motion and Vote:** Mr. Wright made a motion to adjourn the rezoning public input meeting at 7:15 p.m. The motion was seconded by Ms. Lane-Unsworth and so ordered by the Chairman.

## **NEW BUSINESS**

### **MINUTES**

**Motion and Vote:** Ms. Shank made a motion to approve the minutes of the March 2, 2026 Planning Commission meeting as presented. The motion was seconded by Ms. Lane-Unsworth and unanimously approved.

### **SITE PLAN**

#### **Terminal Building Expansion [SP-25-021]**

Ms. Wagner-Grillo presented a site plan for a proposed 4,800 square foot expansion east of the existing 23,910 sq. ft. terminal at the Hagerstown Regional Airport located at 18434 Showalter Road. The property is currently zoned AP (Airport) and is 25.85 acres in size. No change in parking is proposed. Water service is provided by the City of Hagerstown and sewer service is provided by Washington County. This project is exempt from Forest Conservation requirements. All agency approvals have been received.

**Motion and Vote:** Mr. Miller made a motion to approve the site plan as presented. The motion was seconded by Ms. Lane-Unsworth and unanimously approved.

#### **Take 5 Oil Change [SP-25-025]**

Ms. Wagner-Grillo presented a site plan for the redevelopment of a 3,154 square foot existing car wash that will be demolished and replaced with a new 1,978 square foot Take 5 Oil Change facility located at 10414 Sharpsburg Pike. The property is currently zoned HI (Highway Interchange). Parking required is 12 spaces; 12 spaces will be provided. There will be 5 employees. Hours of operation will be Monday thru Sunday, 7 am to 7 pm. Lighting will be pole and building mounted; a photometric plan was provided. Signage will be building mounted and freestanding. A privacy fence and plantings have been provided along the property line to screen the adjoining residential structure. There are existing storm water management areas where additional plantings will be provided. This project is exempt from Forest Conservation requirements. All agency approvals have been received.

**Motion and Vote:** Commissioner Wagner made a motion to approve the site plan as presented. The motion was seconded by Mr. Miller and unanimously approved.

#### **Conservit Inc. North Yard [SP-25-042]**

Mr. Stotemyer presented a site plan for a proposed large metal building to house a shear motor on property located at 18604 Leslie Drive. The property is currently zoned IG (Industrial General). Access to the property will be provided from Leslie Drive. Hours of operation will be Monday thru Friday, 7 am to 4 pm. No lighting or signage is proposed for the site; no water or sewer services will be provided. The applicant is seeking approval contingent upon approval of the Forest Conservation request to use the payment-in-lieu option.

**Motion and Vote:** Mr. Miller made a motion to approve the site plan as presented contingent upon approval of the Forest Conservation requirement. The motion was seconded by Ms. Lane-Unsworth and unanimously approved.

#### **FOREST CONSERVATION**

#### **Conservit Inc. North Yard [SP-25-042]**

Mr. Allen presented a request to use the payment-in-lieu of planting option to meet a portion of the 2.92-acre planting requirement that is a result of 9.41-acres of disturbance. This is an industrial site with limited forest available on-site. The applicant is proposing a payment-in-lieu of planting for .42 acres; 2.5 acres of forest will be retained as well as an on-site wetland area.

**Motion and Vote:** Mr. Miller made a motion to approve the payment-in-lieu of planting option for .42 acres. The motion was seconded by Ms. Shank and unanimously approved.

#### **OTHER BUSINESS**

#### **21223 Twin Springs Drive**

Mr. Allen presented a request to change the permitted land use in an existing Rural Business zoning district on property located at 21223 Twin Springs Drive. The applicant is requesting to change the previous use from a retail plant nursery to a landscaping contractor business with associated services. Section 5E of the Zoning Ordinance specifies the criteria needed for a change in land use. The Planning Commission is charged with determining if the proposed change in land use would constitute a significant change in the use and intensity of the property from the existing land use previously authorized at the time the RB zoning district was established.

Mr. Adam Hager of Frederick, Seibert & Associates, the consultant, and Mr. Joel Reynolds of JR Services, the property owner, were present at the meeting. Mr. Hager stated that the latest use of the property was a plant nursery with several greenhouses, mulch bins, and retail sales on site. The previous business also had three landscaping crews, dump trucks, skid loaders, etc. that were used as part of the business. Mr. Hager believes the new business would be a less intensive use of the property. There will be some mulch bins for the landscaping business; however, there will be no retail sales on site. The existing barn would be used for repair and maintenance of the landscaping equipment for the business. The majority of equipment will go from job site to job site; the equipment will not be stored on site every night. Mr. Reynolds stated that research shows the barn was constructed in the late 1700s and is being retained and restored to preserve some of the history of the Rural Village.

**Motion and Vote:** Mr. Miller made a motion that the proposed use is a minor change. The motion was seconded by Ms. Shank and unanimously approved.

#### **Eldridge Frazier, Jr. [S-24-012]**

Mr. Stotemyer presented a one-year extension request for the preliminary/final plat of Eldridge Frazier, Jr. for property located at 24111 Raven Rock Road. The property is currently zoned EC (Environmental Conservation). This project was accepted and routed for review on April 11, 2024, is currently under review, and will expire on April 11, 2026. The justification for the extension is due to costs associated with the construction of a bridge that is necessary to access the property.

**Motion and Vote:** Mr. Wright made a motion to approve the one-year extension as presented. The motion was seconded by Mr. Miller and unanimously approved.

#### **Update of Projects Initialized**

Ms. Kinzer provided a written report for land development plan review projects initialized during the month of February including four one lot subdivisions.

**ADJOURNMENT**

Mr. Miller made a motion to adjourn the meeting at 7:35 p.m. The motion was seconded by Ms. Lane-Unsworth and so ordered by the Chairman.

**UPCOMING MEETINGS**

1. May 4, 2026, 6:00 p.m. – Washington County Planning Commission regular meeting

Respectfully submitted,

  
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Jeff Semler, Chairman