



# Washington County

M A R Y L A N D

DEPARTMENT OF PLANNING & ZONING  
COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

## AGENDA

### WASHINGTON COUNTY PLANNING COMMISSION

#### REGULAR MEETING

October 5, 2015, 7:00 PM

WASHINGTON COUNTY ADMINISTRATION BUILDING

100 WEST WASHINGTON STREET

2<sup>ND</sup> FLOOR, ROOM 255

#### CALL TO ORDER AND ROLL CALL

#### MINUTES

1. September 14, 2015 regular Planning Commission meeting minutes \*

#### NEW BUSINESS

#### PRELIMINARY CONSULTATIONS

1. Chester Burkholder & Lawayne Martin (PC-15-003) Proposed construction of an animal waste storage facility to ensure compliance with Maryland Nutrient Management regulations; Property located along the west side of Burkholder Lane; Zoning: PI (Planned Industrial); Planner: Cody Shaw \*

#### SITE PLANS

1. Crosspoint Shopping Center (SP-15-031) Proposed commercial building located along the south side of Cole Road at the Valley Mall on 2.89 acres; Zoning: BG (Business General); Planner: Lisa Kelly \*
2. GTI (SP-15-033) Proposed manufacturing and cultivation plant to be located along the southeast side of Hopewell Road on 14.30 acres; Zoning: HI (Highway Interchange); Planner: Lisa Kelly \*

#### OTHER BUSINESS

1. Comprehensive Plan Update – Planner: Jill Baker
2. Update of Staff Approvals

#### ADJOURNMENT

#### UPCOMING MEETINGS

1. Monday, October 19, 2015, 7:00 p.m., Washington County Planning Commission public rezoning meeting, Washington County Administration Building, 100 West Washington Street, Room 255, Hagerstown, Maryland
2. Monday, November 2, 2015, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administration Building, 100 West Washington Street, Room 255, Hagerstown, Maryland

#### *\*a t t a c h m e n t s*

The Planning Commission reserves the right to vary the order in which the cases are called.

Individuals requiring special accommodations are requested to contact the Washington County Planning Department at 240-313-2435 Voice/TDD, to make arrangements no later than ten (10) days prior to the meeting. *Notice is given that the Planning Commission agenda may be amended at any time up to and including the Planning Commission meeting.*

120 West Washington Street, 2<sup>nd</sup> Floor | Hagerstown, MD 21740 | P: 240.313.2430 | F: 240.313.2431 | TDD: 7-1-1

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**WASHINGTON COUNTY PLANNING COMMISSION**  
**September 14, 2015**

The Washington County Planning Commission held its regular meeting on Monday, September 14, 2015 at 7:00 p.m. at the Washington County Administration Building, 100 West Washington Street, Room 255, 2nd Floor, Hagerstown, Maryland.

Commission members present were: Chairman Terry Reiber, Dennis Reeder, David Kline and Ex-officio Leroy E. Myers, Jr. Staff members present were: Washington County Department of Planning & Zoning - Stephen Goodrich, Director; Jill Baker, Chief Planner; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review - Tim Lung, Deputy Director; Lisa Kelly and Cody Shaw, Senior Planners.

**CALL TO ORDER**

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

The Chairman announced that the Initial Advice item will be moved to the third position under Other Business.

**MINUTES**

**Motion and Vote:** Mr. Reeder made a motion to approve the minutes of the July 6, 2015 meeting minutes as presented. The motion was seconded by Mr. Kline and unanimously approved.

**NEW BUSINESS**

**MODIFICATIONS**

**Cody Reed (SV-15-008)**

Mr. Shaw presented for review and approval a modification request from Sections 405.11.B and 405.11.B.1 of the Washington County Subdivision Ordinance for a proposed 3 acre lot located at 9912 National Pike (Tax Map 32, Parcel 43). The property is currently zoned EC (Environmental Conservation). The modification request is to allow the creation of a lot without public road frontage for an immediate family member. However, the existing lane to the proposed lot is not within the bounds of the original parcel and does not serve an existing house on the same property. The following justification statement was provided from the applicant to be considered with this request: 1) The land selected is wooded and does not take away from crop or pasture land and does not disrupt State and Federal programs currently used by the Reed family; 2) The land has an approved perc test; 3) The land selected is off of an existing lane; however, it does not cross other property. Both property owners are immediate family members of the applicant and have agreed to have a written and recorded ingress/egress easement as well as a joint use maintenance agreement placed on the lane for the protection of future owners; and 4) A driveway in another location would be very difficult and expensive to construct. All agency approvals have been received.

**Discussion and Comments:** Mr. Ed Schreiber of Frederick, Seibert & Associates, consultant for the applicant, was present at the meeting and reiterated that there will be a written and recorded ingress/egress easement as well as a joint use and maintenance agreement.

**Motion and Vote:** Mr. Reeder made a motion to approve the modification request contingent upon a written ingress/egress easement and joint use and maintenance agreement being recorded as well as the septic area being shown on the plat. The motion was seconded by Commissioner Myers and unanimously approved.

**Faye Downey (SV-15-009)**

Mr. Shaw presented for review and approval a modification request from Section 405.11.B.1 of the Washington County Subdivision Ordinance for property located at 4601 Mt. Briar Road (Tax Map 81, Parcel 4). The proposed lot is 3.98 acres in size and is currently zoned RV (Rural Village). The modification request is to allow the creation of a lot for an immediate family member without usable public road frontage. The following justification

statement was submitted by the applicant: "The irregular configuration of the existing property with an existing panhandle that accesses the portion of the desired area to be developed lends itself to being the primary access to the proposed lot". All agency approvals have been received.

**Discussion and Comments:** Mr. Ed Schreiber of Frederick, Seibert & Associates, the applicant's consultant, explained that the applicant wishes to use the existing driveway that crosses over her sister's and brother's properties and that a written document for joint use and maintenance will be recorded. Mr. Reiber expressed his concern regarding the length and width of the panhandle for emergency service vehicles. Mr. Lung explained that staff believes it would be better from a safety standpoint if the applicant uses the existing road access because it meets sight distance requirements.

**Motion and Vote:** Mr. Reeder made a motion to approve the modification request contingent upon the right-of-way documents and joint use and maintenance documents being recorded. The motion was seconded by Mr. Kline and unanimously approved.

## **SITE PLANS**

### **Tony Summers (SP-15-012)**

Ms. Kelly presented for review and approval a site plan for Tony Summers for property located along the southwest side of National Pike in Beaver Creek. The property is currently zoned HI (Highway Interchange). The owner/developer is proposing to construct a 5,000 square foot building at a height of 25 feet to be used for lawn mower retail sales on a 3.4 acre parcel. Twenty-five parking spaces are required and will be provided in front of the proposed building. The site will be served by individual well and septic. The hours of operation will be 8:30 a.m. to 5:30 p.m., five days per week. There will be two employees. Building mounted lights will be installed and signage will be building mounted. There will be an inside trash receptacle; no dumpster is proposed. Landscaping will be provided in the bio-retention ponds that are adjacent to the parking lot and on the left side of entrance to the site. This site meets the requirements for the express procedure as specified in the Forest Conservation Ordinance; therefore, the developer will be paying the payment-in-lieu fee in the amount of \$3,879.57. All agency approvals have been received.

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

### **Community Rescue Service (SP-15-027)**

Mr. Shaw presented for review and approval a site plan for Community Rescue Service for property located along the east side of Oliver Drive (Tax Map 24, Parcel 1165). The site is currently zoned HI (Highway Interchange). The owner is proposing to construct an ambulance rescue station on 1.42 acres. The number of employees will be two per shift and the hours of operation will be 24 hours/day, 7 days/week. Ten parking spaces are required and ten parking spaces will be provided. The site is served by public water and sewer. All landscaping and lighting requirements meet County standards. Forest Conservation requirements were addressed by paying a payment-in-lieu fee per recorded plat #5563. All agency approvals have been received.

Mr. Shaw explained that the Planning Commission previously approved a site plan (SP-13-029), which was appealed to the Board of Zoning Appeals who upheld the Planning Commission's approval of the subdivision plat. Another appeal was then filed in the Circuit Court where Judge Dwyer overturned the Board of Zoning Appeals' decision. Judge Dwyer made a ruling that an additional 75 foot buffer was required. The current plan shows the buffer as required by Judge Dwyer.

**Discussion and Comments:** Mr. Raj Patel, representing Diamond Development Corporation who owns the Microtel hotel located next to the CRS site, was present at the meeting and was given the opportunity by the Planning Commission to make the following comments. He stated that the I-81 off-ramps and Maugans Avenue are backed-up with or without the opticoms in place. He noted that the State Highway Administration has identified the site in question for storm water management; therefore, he believes the buffer requirements are inadequate and the building and parking lot are inadequate for this site. Mr. Patel expressed his opinion that the

proposed landscaping trees will block the view of the hotel from I-81. He believes that the sirens, air horns, and other related noise will be disturbing to him and his family as residents of the hotel as well as guests staying at the hotel. The glare and flashing lights will be a distraction to motorists on I-81. Mr. Patel stated that he has had a traffic study prepared for this area that shows traffic issues and he believes that the site plan should be disapproved.

Mr. Reiber noted that the courts did not make any ruling on the traffic issues, only on the buffering of the property. It was noted that both the State Highway Administration and the County's Engineering Department have approved the site plan without any concerns relative to traffic issues. Commissioner Myers expressed his concern with regard to the site being a designated storm water management area. Mr. Lung stated that the State Highway Administration, as part of its plans for widening and improvements to I-81, identified areas that may be needed to address storm water management. Mr. Shaw noted that SHA made that comment when the initial plan was submitted; however, they did not make that comment on the current plan. Commissioner Myers stated he would like this verified. Mr. Gordon Poffenberger of Fox & Associates, Inc., the consultant, stated that a long-term study identified this property as a potential storm water management site; however, no funds have been set aside to purchase these identified sites and SHA has given their approval on this site plan. Commissioner Myers expressed his concern that Mr. Patel's traffic study identifies a problem in this area that is not being acknowledged. He is also concerned that the screening ordered by the Court and its placement is not acceptable to Mr. Patel and would not be in the best interest of Mr. Patel's business.

Mr. Kline stated that he would not object to moving the location of the landscaping trees if Mr. Patel is dissatisfied. Mr. Reeder asked a representative of the Community Rescue Service, who was in attendance at the meeting, if there is a set protocol for the use of sirens and lights as the ambulance leaves the station. The representative stated that the station averages 4 calls per day, and of those 4 calls, 1/3 of them are dispatched as non-emergency calls which do not allow the acclamation of lights or audible devices on the vehicle. He noted that the State of Maryland will not allow CRS to issue an order to the operators that they can turn the lights on but cannot use the siren. However, Maryland law does not prohibit CRS from instructing their operators to use no audible devices or lights until they approach the intersection of Maugans Avenue and Oliver Drive. The representative also noted that every call that would be run from this location would use the same intersections that are currently used from their current location in Maugansville. Therefore, there would be net zero change in traffic flow if CRS moves to this location. The representative from CRS stated that they also have a completed traffic study in case an attempt was made to use traffic safety concerns to stop the site plan. He explained that in the original letter written by Sheriff Mullendore citing traffic and safety concerns, the Sheriff was unaware that opticoms were already in place and being utilized.

Mr. Reiber expressed his opinion that as long as the sirens and lights are used within the parameters of the State regulations this should not be an issue. Because traffic issues are not a concern of the State Highway Administration and County staff, he has no objections to this plan moving forward.

Commissioner Myers asked if the Planning Commission could waive the buffer requirement ordered by the Court. Mr. Lung stated that based on Section 19.8 of the Zoning Ordinance, the Planning Commission does not have the authority to waive the buffer requirement. The applicant would need to take that request to the Board of Zoning Appeals. Mr. Lung noted that in lieu of plantings, the Planning Commission could require a fence at a maximum height of 10 feet to be installed.

**Motion and Vote:** Mr. Kline made a motion to approve the site plan with the requirement that a vinyl fence be constructed 74 feet from the property line bordering the hotel with plantings on the outside of the fence that will not grow higher than 10 feet. The motion was seconded by Mr. Reeder and unanimously approved. Commissioner Myers requested that the record indicate that he voted "yes" in favor of the site plan approval; but, he still has concerns with regard to the traffic study and storm water management issues discussed during this meeting.

(Correction: Following the meeting, staff verified that the site plan had been routed to the State Highway Administration (SHA) for "Observation and Comment", not "Approval". SHA did not initially comment on the submittal; however, in response to an e-mail from staff following the Planning Commission meeting, SHA verified that they had no objection to the approval of the site plan.)

## **OTHER BUSINESS**

### **Kent and Wendy Thomas Subdivision**

Mr. Lung presented a request for Kent and Wendy Thomas to remove a condition from the original subdivision plat for Lot 2. He explained that on December 7, 1998, the Planning Commission approved a variance for Kenneth Thomas to create a new lot (Lot 2) with a panhandle exceeding 400 feet with a condition that there would be no further subdivision of this lot. After the lot was created, two dwellings were constructed on the lot, which was permitted at that time. Since then regulations have changed that allow only one dwelling to be permitted on a single lot, thus creating a non-conforming condition. The owner of Lot 2 now wishes to have each of the dwellings located on its own lot which would require a subdivision. One of the lots will not have public road frontage; however, there is a policy that allows the staff to approve a subdivision around an existing dwelling without public road frontage. A subdivision plat to create a new lot around the existing dwelling cannot be approved unless the Planning Commission removes the prior condition of approval.

**Discussion and Comments:** Mr. Reiber asked if the access to the lot is in compliance with County regulations. Mr. Lung stated that it is in compliance and the access was approved with the subdivision that was approved in 1998.

Mr. Lung explained that even if the note was not on the plat, the County would need to grant approval of a lot without road frontage, which the Planning Commission has granted staff the authority to do in cases of an existing dwelling such as this.

Mr. Reiber asked if these two dwellings each have their own wells and septic systems. Mr. Ed Schreiber of Frederick, Seibert & Associates, the consultant, stated that the dwellings share a well but each have their own septic systems. A new well will be proposed if the subdivision is granted.

**Motion and Vote:** Mr. Reeder made a motion to grant removal of the condition stating there would be no further subdivision as requested. The motion was seconded by Commissioner Myers.

**Comments before the vote:** Mr. Reeder asked if the Planning Commission needs to include a condition in the approval for a separate well. Mr. Lung stated that a well location is required to be shown on the plat for each lot. Mr. Reiber asked if the Planning Commission should assume that each lot will have a recorded plat showing its own well, septic and utilities. Mr. Lung stated that the Subdivision Ordinance requires these items and proposed locations be shown on the subdivision plat before approval can be granted. Mr. Schreiber stated that the Health Department may allow the two dwellings to share a well until such time there is a problem with the well. Mr. Reiber and Commissioner Myers expressed concern that the proposed well location would only be shown on the plat and would not actually exist at the time the subdivision plat is approved. They both believe that a well should be installed and working on the secondary home's lot prior to approval of the subdivision.

**Amended Motion and Vote:** Commissioner Myers made a motion to grant removal of the condition stating there would be no further subdivision contingent upon a working well and septic system being installed on the subdivided lot prior to approval of the subdivision plat. The motion was seconded by Mr. Kline and unanimously approved.

### **Emerald Pointe Planned Unit Development**

Mr. Goodrich reminded Commission members that as a result of an earlier proposal to amend the concept in a development plan for Emerald Pointe, the Circuit Court made a decision on an appeal of that amendment request. The Court overturned the County Commissioner's approval of the amendment to the development plan. In the Court's decision, the Court cited a defect in the Zoning Ordinance that the County has since corrected with a text amendment (RZ-15-003) to the Zoning Ordinance that addressed the PUD issue. The County Commissioners approved that amendment (a copy of which was distributed to Commission members). The Court determined that the County Commissioners did not have the authority to approve a major amendment to a PUD. The new text now gives the County Commissioners that authority and the process to be used.

Ms. Kelly presented a request to determine if a proposed change to the final development plan for the Emerald Pointe PUD is a major or minor change. The original final development plan that was approved in 2003 showed an assisted living facility. The proposed plan shows a two-story commercial complex replacing this facility and removing the commercial area from the interior of the development.

**Discussion and Comments:** Mr. Kline expressed his opinion that in deciding if a change is a minor change or a major change, it should be quantifiable with specific criteria dictating, not subjective. It is his subjective opinion that based on what the developer is proposing, this would be a minor change.

Mr. Jason Divelbiss, attorney for the developer, explained that in 2013 when the developer proposed a change to the final development plan it was determined that the change was a major change; and, therefore, required public hearings with the Planning Commission and County Commissioners. The change was approved; however, the decision was appealed and the Circuit Court reversed the County Commissioners' decision. The Circuit Court reversed the decision because they determined there was no procedure whereby the County Commissioners could make a major change. The text amendment now provides a clear process for a major change and a minor change. The proposed final development plan will show the previously proposed convenience store site being removed and replaced with another mixed use building.

Mr. Reiber expressed his opinion that the proposed change will be a major change, which should be subject to public review and comment.

**Motion and vote:** Mr. Kline made a motion that the Planning Commission determine that the proposed changes to the Emerald Pointe PUD be considered major changes. The motion was seconded by Commissioner Myers and unanimously approved.

#### **INITIAL ADVICE**

##### **Adkins Automotive (SP-15-024)**

Ms. Kelly reminded Commission members that a rezoning (RZ-14-005) was previously approved by both the Planning Commission and the Board of County Commissioners for this site, which is currently zoned RB-E (Rural Business Existing). Following the rezoning approval, the applicant met with the Development Advisory Committee, and subsequently a site plan was submitted for the property located at 9920 Crystal Falls Drive. The Zoning Ordinance requires, when the RB-E district is adjacent to residential uses, a perimeter screening 8 feet high to buffer a commercial use from residential uses.

Mr. Ed Schreiber of Frederick, Seibert & Associates, the consultant, stated that the applicant must go before the Board of Zoning Appeals to request a reduction in the side yard setback from 100 feet to 10 feet. Although the adjacent property, which is currently heavily wooded does not contain a dwelling, it is zoned for a residential use. In accordance with the Zoning Ordinance, landscape screening must be provided that is at least 8 feet high at on-set. Mr. Schreiber noted that Mr. Adkins has already planted 4 to 6 foot arborvitae around his property. The applicant is requesting that he be allowed to continue planting landscape screening not utilizing 8 foot stock, but smaller stock.

**Discussion and Comments:** Mr. Kline expressed his opinion that when the adjoining property owner [of the heavily wooded lot] decides to build on that property, he should be responsible for screening his property since the existing business is already there. He also believes that the existing woodlands should be able to regenerate itself without the use of expensive or exotic materials being planted. Ms. Kelly stated that the Zoning Ordinance requires the buffering of the vacant property.

**Consensus:** It is the consensus of Planning Commission members that the applicant plant landscaping screening that will grow to the minimum 8 foot height in the future and that native species can be used as well as foreign species.

## **OTHER BUSINESS – CONTINUED**

### **Plan Review Staff Approvals Update**

Mr. Lung explained organizational changes that have recently taken place in the County's Division of Engineering and Construction Management. He believes that the Planning Commission should be informed of notable projects that have been granted approvals by the staff. Mr. Lung stated that an expansion to the Holiday Inn Express near the Valley Mall is currently being reviewed by staff. Other projects include a site plan for GTI (a proposed medical cannabis growing and processing facility) located along Hopewell Road and a site plan for a proposed stand-alone retail store at Crosspoint Shopping Center. This report will be part of each regular Planning Commission agenda.

### **Comprehensive Plan Update**

Ms. Baker informed Commission members that there have been 7 stakeholder meetings conducted and one last stakeholder meeting scheduled for later in September. Total attendance for the stakeholder meetings has been approximately 30 people. Six general public meetings have also been held in Smithsburg, Boonsboro, Clear Spring, Hancock and two in Hagerstown. Approximately 45 people have attended those meetings. Meetings have also been held with the nine municipalities' Planning Commissions/Mayor and Council members. Following each of the stakeholder meetings, surveys have been developed and distributed to the stakeholder groups. Meeting summaries, when completed, and comments received will be forwarded to the Planning Commission. The next step will be Planning Commission workshops to review and discuss all information and comments received to date. Staff has been discussing plans to continue to educate the public and disseminate information. Staff will be making presentations to the local high schools and the Hagerstown Community College. More postcards are being printed to distribute to local businesses and the Chamber of Commerce. Mr. Reiber expressed his opinion that the Chamber of Commerce reaches large numbers of people and we should utilize their resources when trying to distribute information. He also believes we should try to make presentations to more civic groups such as the Rotary Club. There was a brief discussion regarding the update of the City of Hagerstown's Comprehensive Plan and a workshop with the City's planning staff.

### **Zoning Amendments Update**

Mr. Goodrich announced that the zoning amendments (RZ-14-002) for the Rural Business zoning district have been approved by the Board of County Commissioners. The map amendment application (RZ-15-001) for the Dollar General along Jefferson Boulevard was disapproved by the County Commissioners.

Mr. Goodrich informed members that the October 12<sup>th</sup> date for the upcoming Planning Commission public rezoning meeting is incorrect. The correct date is October 19<sup>th</sup>.

## **ADJOURNMENT**

Mr. Reeder made a motion to adjourn the meeting at 9:25 p.m. The motion was seconded by Commissioner Myers and so ordered by the Chairman.

### **UPCOMING MEETINGS**

1. Monday, October 5, 2015, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administration Building, 100 West Washington Street, Room 255, Hagerstown, Maryland
2. Monday, October 19, 2015, 7:00 p.m., Washington County Planning Commission public rezoning meeting; Location to be announced

Respectfully submitted,

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Terry Reiber, Chairman

## **PRELIMINARY CONSULTATION DISTRIBUTION**

**TO:** Washington County Health Dept.  
Washington County Plan Review-Engineering  
Washington County Soil Conservation

**FROM:** Cody Shaw

**DATE:** September 10, 2015

**RE:** Preliminary Consultation-PC-15-003-  
ChesterBurkholder/Lawayne Martin  
Animal Waste Storage Facility -12440 Burkholder Lane

**Please find attached the Preliminary Consultation for the above referenced project.**

**CLS/msb**

### **Attachments**

**Cc: Tim Lung, Deputy Director, Plan Review**  
**Aaron Stoner, Project Liaison**  
**Chester Burkholder, Owner**  
**Lawayne Martin, Operator**  
**Hans Kefauver, Natural Resource Conservation Service**



**PRELIMINARY CONSULTATION**  
**PC-15-003 – CHESTER BURKHOLDER / LAWAYNE MARTIN- ANIMAL WASTE**  
**STORAGE FACILITY- 12440 BURKHOLDER LANE**

A preliminary consultation was held on Thursday, September 10, 2015 at 1:30 p.m. in the offices of the Washington County Plan Review Department, 80 West Baltimore Street, Hagerstown, Maryland. A concept plan was presented for a proposed 997,850 gallon animal waste storage facility to be constructed on the Burkholder farm, located in the Hagerstown Urban Growth Area at 12440 Burkholder Lane. Present and participating in the consultation were: Cody Shaw, Senior Planner, Gail Abbott, Plan Reviewer, Rebecca Calimer, Plan Reviewer, Mark Stransky, Plan Reviewer & Flood Plain Manager, Misti Brandenburg, Sr. Office Associate, Washington County Dept. of Plan Review; Aaron Stoner, Project Liaison, Dept. of Public Relations & Community Affairs; Elmer Weibley, District Manager, Washington County Soil Conservation District; Hans Kefauver, Soil Conservationist, Natural Resource Conservation Service.

**OPENING COMMENTS**

Mr. Elmer Weibley explained that the current survey and design was completed through a private firm hired by Mr. Martin. However, the Soil Conservation District (SCD) reviews and concurs that the design meets Natural Resource Conservation Standards (NRCS) and Specifications. The barn is processed under an Agricultural Intent to Build. On the occasion that SCD reviews a barn it is processed under a Best Management Practice (BMP) and is referred to as a 'roof and cover'. This type of structure is utilized in a heavy use area and Federal Standards are required to be met. SCD acquires an As-Built ensuring that state and local ordinances are met, which provides the exemption required to meet the BMP. The latest draft submitted to SCD today requires updated Flood Plain information; however, the desire is to present the plan at the October Planning Commission meeting.

**WASHINGTON COUNTY HEALTH DEPARTMENT**

Mr. Shaw reported that the Health Department stated via e-mail, that they have "no comments" and have entered their approval in the Permits Plus system.

**WASHINGTON COUNTY PLAN REVIEW- ENGINEERING**

Mr. Mark Stransky was present and provided the following comments. Written comments were also provided, a copy of which is attached to this summary.

County staff has reviewed the above-referenced project and is providing the following comments:

1. Soil boring log is not complete.
2. Show FEMA floodplain. LOMA Case No. 15-03-1460A should be referenced on plans.
3. County floodplain permit and MDE authorization may be required for any work in the FEMA floodplain.

Mr. Stransky elaborated on his written comments stating that the boring logs are present on the plans but no soil is shown. He suggested showing the FEMA delineation, which will differ from the FEMA map, and referencing the approved eLOMA which sets a base flood elevation. Mr. Stransky pointed out that the concept plan shows grading in the flood plain. If this remains, both a county and an MDE permit will be required. He suggested that the proposed grading only extend to 524.5 ft., to avoid the flood plain. Mr. Weibley responded that they are not interested in a delay due to permitting requirements, and will tell the engineer to retain the grading.

## **WASHINGTON COUNTY SOIL CONSERVATION DISTRICT**

Mr. Elmer Weibley was present and provided the following comments. Mr. Weibley stated that SCD has comments related to the design and water quality requirements that will need to be met prior to their approval. Their engineer will review the revised plans received today and comments regarding the flood plain and grading to within six inches of the flood plain line will be included.

Mr. Stransky inquired as to the functioning of the tank. Mr. Hans Kefauver explained that this system utilizes a separator. Initially the manure is routed into a main tank; from there the liquids and solids are pumped into a separator. Liquids are drain off into a tank and solids are stored at one end of the barn to be utilized for bedding. The tank is emptied through circulation and then applied to the fields. At this facility the cows spend 100% of the time in the barn where they are fed a diet conducive to increased milk production.

## **WASHINGTON COUNTY DEPARTMENT OF PLAN REVIEW**

Mr. Cody Shaw was present and provided the following comments. Written comments were also provided, a copy of which is attached to this summary. The written comments are as follows:

1. Add Election District to plan (13).
2. Provide North Arrow on Sheet 3.
3. Show Floodplain on the plan.
4. Show that the waste facility and the proposed barn are 500 ft. away from any house not on the Burkholder property.
5. Show on the plan, parcel outline and setbacks on proposed barn and waste storage facility, to the property lines and any adjacent dwellings.

Mr. Shaw inquired as to ownership of the house off of Burkholder Lane. Mr. Kefauver stated that he believes it is owned by a relative but is unsure. The Zoning Ordinance specifies a minimum setback of 300 ft. from the property line, 250 ft. from a public road right-of-way and 500 ft. from any dwelling, school, church or institution for human care that is not located on the same lot. Mr. Shaw stated that according to his measurements the requirements have been met. However, if the house is owned by an immediate family member or is being utilized as a tenant house, the 500 ft. distance requirement does not apply. He reiterated that the parcel outline and setbacks for the proposed barn and waste storage facility, to the property lines and adjacent dwellings, need to be shown on the plans. Mr. Kefauver responded that they will include the additional maps and information with the updated concept plan.

Mr. Weibley inquired if Mr. Stransky meant that the LOMA rather than the FEMA elevation needs to be shown on the plans. Mr. Stransky confirmed this to be correct. Mr. Shaw stated that he will place the concept plan on the October Planning Commission agenda and confirmed that he will need seven copies of the plan prior to the meeting. Mr. Weibley responded that they will make revisions to the concept plan per the comments received today and submit seven copies of the plan to Mr. Shaw on or before September 22nd.

### CLOSING COMMENTS

There being no further discussion, the consultation concluded. All agencies will receive a written summary of the meeting. If there are any discrepancies in the report, the Plan Review staff should be contacted. The written summary will be submitted to the Planning Commission and their comments shall also be incorporated within and be made a part of the record of comments and issues, which need to be addressed by the developer as he proceeds through the approval process.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cody Shaw', followed by a horizontal line extending to the right.

Cody Shaw  
Senior Planner

CLS/msb  
Attachments



Washington County

M A R Y L A N D

DIVISION OF  
ENGINEERING & CONSTRUCTION MANAGEMENT  
PLAN REVIEW & PERMITTING DEPARTMENT

**MEMORANDUM**

**TO:** AET Consulting, Inc.  
**FROM:** Mark Stransky, PE, CFM, Plan Reviewer (240.313.2406) *MS*  
**DATE:** September 9, 2015  
**RE:** Burkholder Martin PC-15-003

County staff has reviewed the above-referenced project and is providing the following comments:

1. Soil boring log is not complete.
2. Show FEMA floodplain. LOMA Case No. 15-03-1460A should be referenced on plans.
3. County floodplain permit and MDE authorization may be required for any work in the FEMA floodplain.

Copy(ies) to: Cody Shaw, Senior Planner  
Denise Price, SCD

## Brandenburg, Misti

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**From:** Shaw, Cody  
**Sent:** Thursday, September 10, 2015 3:16 PM  
**To:** hans.kefauver@md.usda.gov; elmer@conservationplace.com  
**Cc:** Brandenburg, Misti  
**Subject:** PC-15-003

Hey Hans/Elmer.....below are my comments for the project. Thanks!

PC-15-003 Comments

Reviewer: CLS

1. Add Election District to plan (13).
2. Provide North Arrow on Sheet 3.
3. Show Floodplain on the plan.
4. Show that the waste facility and the proposed barn are 500 ft away from any house not on the Burkholder property.
5. On the plan, show parcel outline and setbacks on proposed barn and waste storage facility to the property lines and any adjacent dwellings.

Thanks!

Cody

Cody L. Shaw  
Senior Planner  
Plan Review & Permitting  
80 West Baltimore Street  
Hagerstown, MD 21740  
240.313.2442

Deb

PC-15-003

RECEIVED

AUG 28 2015

**CONCEPT PLAN SUMMARY**

**CHESTER D. BURKHOLDER  
12427B BURKHOLDER LANE  
HAGERSTOWN, MD 21740**

**DIVISION OF PLAN  
REVIEW & PERMITTING**

**PROPOSED PROJECT DESCRIPTION:** Mr. Burkholder and his farm operator Lawayne Martin are going to construct an animal waste storage facility to ensure compliance with Maryland Nutrient Management Regulations. Specifically the waste storage facility is required to provide over winter storage of animal wastes by January 1, 2016 at which time a complete prohibition on winter spreading from November 15 through March 1 of each year will become mandatory. There is an outdated existing storage facility at the farm that is not adequate in size to meet this requirement.

The farm is located in the Hagerstown Urban Growth area and produces 3,770 tons of animal waste annually. Washington County Soil Conservation District (WCSCD) has approved the provided construction drawings certifying that the proposed structure meets current standards and specifications of the USDA, Natural Resources Conservation Service (NRCS). The local County Animal Husbandry Ordinance refers to the USDA Soil Conservation Service as the agencies whose standards must be met. Since the ordinance was written the name has changed to NRCS but it is the same organization. After construction WCSCD will certify that the construction meets applicable standards as well.

**The specifics of this project are below:**

**1. Site information:**

- a. Address- 12440 Burkholder Lane, Hagerstown MD, 21740
- b. Tax Account ID- 22-24-000583
- c. Tax Map 36, Grid 18, Parcel 13
- d. Election District 2a
- e. There are streams and floodplains on the subject property
- f. Soil types, topography, and locations of rock outcroppings are detailed on the provided maps

**2. Farm operation consists of:**

- a. 150 milk cows
- b. 30 heifers
- c. 28 dry cows
- d. 8 calves

**3. Current waste management:**

- a. Liquid Manure is collected/stored in existing earthen manure storage facility
- b. Wash water from milking operation is stored in existing earthen manure storage facility
- c. Bedpack manure is stored in the animal barns until it can be land applied
- d. Heifers self-apply manure to the available pasture acreage

**4. Planned waste management:**

- a. Existing earthen manure storage facility will be decommissioned.
- b. A 14' deep x 110' circular concrete tank will be installed. Capacity is 997, 850 gallons, (133, 047 cubic feet). A solid separator will be installed allowing for some of the manure

to be used for bedding, the remainder of the material will be stored in the circular concrete tank.

- c. The new storage facility will collect wash water, manure from barnyards, runoff from barnyards, and the heifer barn feed ally, the new storage facility will provide 6 months of manure storage and will be land applied in accordance with the approved Nutrient Management Plan.
- d. Solid waste from the heifer barns will be stacked or stored as bedpack and land applied in accordance with the approved Nutrient Management Plan.
- e. Existing barns will have roof guttering installed to exclude runoff from barnyard areas.
- f. A new 64'x296' barn will be constructed to house a dairy herd of approximately 150 dairy cows.
- g. All animal waste will be land applied in accordance with the approved Nutrient Management Plan.

# Chester Burkholder/ Lawayne Martin



August 18, 2015

□ Parcels

□ Growth Area Boundaries

1:12,000

0 0.1 0.2 0.3 0.4 mi

0 0.15 0.3 0.6 km

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, ME TI, Esri China (Hong Kong), Esri (Thailand),

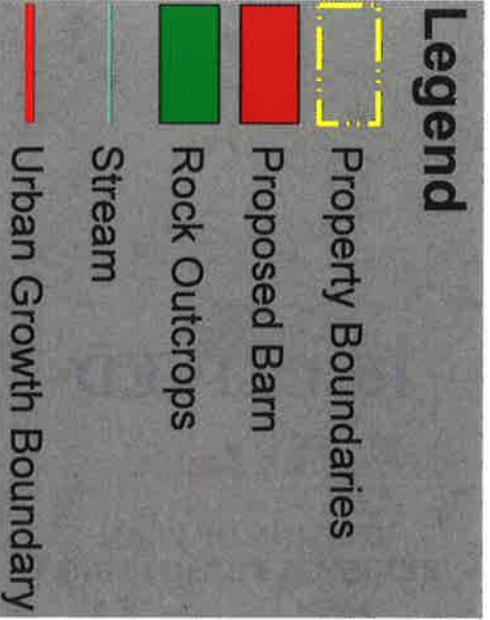
PC-15-003



Chester Burkholder/ Lawayne Martin-  
Proposed Barn Concept Plan



12440 Burkholder Lane  
Hagerstown, MD 21740  
Account Identifier: 22-24-000583  
Map 36 Grid 18 Parcel 13  
Election District: 2a  
Floodplain Present, Stream Present, No Ponds

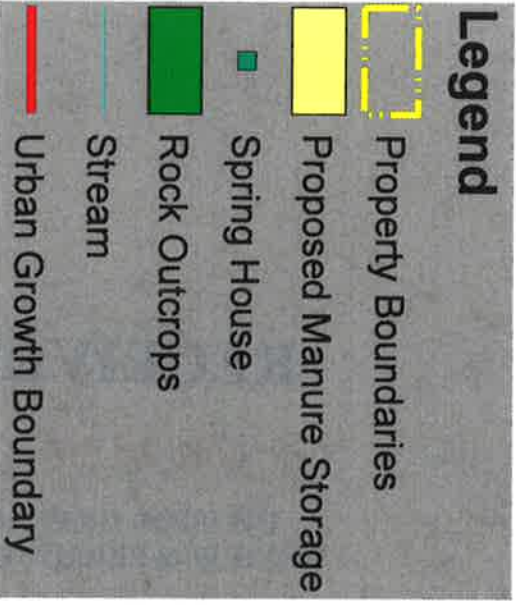
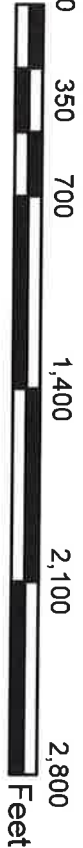




**Chester Burkholder/ Lawayne Martin-  
Proposed Manure Storage Facility Concept Plan**



12440 Burkholder Lane  
Hagerstown, MD 21740  
Account Identifier: 22-24-000583  
Map 36 Grid 18 Parcel 13  
Election District: 2a  
Floodplain Present, Stream Present, No Ponds



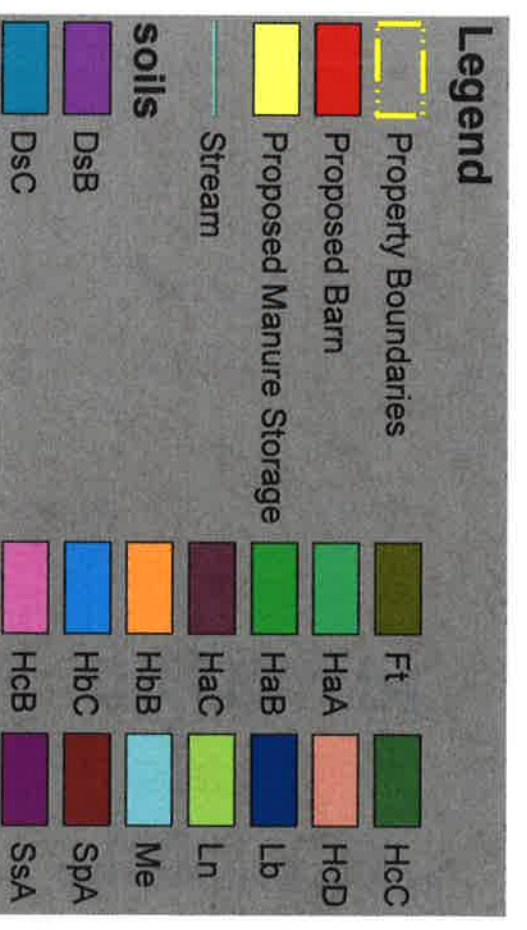
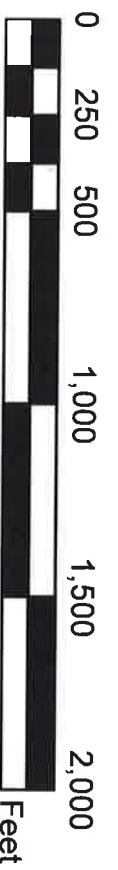
\*No well on property, house and barns serviced by spring.



# Chester Burkholder/ Lawayne Martin- Site Soil Map



12440 Burkholder Lane  
Hagerstown, MD 21740  
Account Identifier: 22-24-000583  
Map 36 Grid 18 Parcel 13  
Election District: 2a  
Floodplain Present, Stream Present, No Ponds

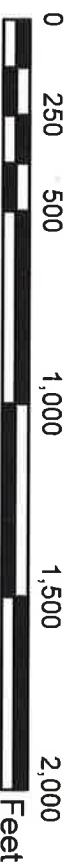




# Chester Burkholder/ Lawayne Martin Site Topography



12440 Burkholder Lane  
Hagerstown, MD 21740  
Account Identifier: 22-24-000583  
Map 36 Grid 18 Parcel 13  
Election District: 2a  
Floodplain Present, Stream Present, No Ponds







**PC-15-003**

**Federal Emergency Management Agency**  
Washington, D.C. 20472

**August 13, 2015**

MS. KRISTIN BARMOY  
HANOVER LAND SERVICES, INC.  
2001 MEADOW DRIVE  
WESTMINSTER, MD 21158

**CASE NO.: 15-03-1460A**  
**COMMUNITY: WASHINGTON COUNTY,**  
**MARYLAND**  
**(UNINCORPORATED AREAS)**  
**COMMUNITY NO.: 240070**

DEAR MS. BARMOY:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Amendment (LOMA) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMAs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Attn: North Wind Resource Partners (NWRP) eLOMA Coordinator, NWRP eLOMA Coordinator, 3601 Eisenhower Ave., Alexandria, VA 22304-6439, Fax: 703-751-7415.

Sincerely,

Luis Rodriguez, P.E., Chief  
Engineering Management Branch  
Federal Insurance and Mitigation Administration

**LIST OF ENCLOSURES:**

LOMA DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator  
Community Map Repository  
Region

**RECEIVED**

**AUG 28 2015**

**DIVISION OF PLAN  
REVIEW & PERMITTING**



# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	WASHINGTON COUNTY, MARYLAND (Unincorporated Areas)	A portion of land, as described in General Warranty Deed, recorded as Liber 749, Folio 344, 345, and 346, in the Office of the Recorder, Washington County, Maryland  The portion of property is more particularly described by the following metes and bounds:  BEGINNING for a point on the southern line of the aforementioned area to be removed, which said point is located North 21 degrees, 54 minutes, 29 seconds East, 478.14
	COMMUNITY NO: 240070	
AFFECTED MAP PANEL	NUMBER: 2400700070A	APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 39.657500, -77.778889 SOURCE OF LAT & LONG: GPS DATUM: NAD 83
	DATE: 5/1/1978	
FLOODING SOURCE: TRIBUTARY 29 TO CONOCOCHIEAGUE CREEK		

### DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
--	--	--	12440 Burkholder Lane	Portion of Property	C	--	--	524.5 feet

**Special Flood Hazard Area (SFHA)** - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

**ADDITIONAL CONSIDERATIONS** (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION	STUDY UNDERWAY	COASTAL BARRIER RESOURCE SYSTEM
eLOMA DETERMINATION	EXTRATERRITORIAL JURISDICTION	
PORTIONS REMAIN IN THE SFHA	GREAT LAKES	
PORTIONS REMAIN IN THE FLOODWAY	STATE LOCAL CONSIDERATIONS	

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. If there are any errors on this eLOMA Determination Letter that cause FEMA to rescind and/or nullify the determination the property owner should consult the Licensed Professional that submitted this eLOMA. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Attn: North Wind Resource Partners (NWRP) eLOMA Coordinator, 3601 Eisenhower Avenue, Alexandria, VA 22304-4605, Fax: 703-751-7415.

Luis Rodriguez, P.E., Chief  
Engineering Management Branch  
Federal Insurance and Mitigation Administration

eLOMA



# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

### ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

#### Portion of Property Removal:

The following considerations may or may not apply to the determination for your Portion of Property:

**PORTIONS OF THE PROPERTY REMAIN IN THE FLOODWAY** - A portion of this property is located within the National Flood Insurance Program (NFIP) regulatory floodway for the flooding source indicated on the Determination Document while the subject of this determination is not. The NFIP regulatory floodway is the area that must remain unobstructed in order to prevent unacceptable increases in base flood elevations. Therefore, no construction may take place in a NFIP regulatory floodway that may cause an increase in the base flood elevation. The NFIP regulatory floodway is provided to the community as a tool to regulate floodplain development. Modifications to the NFIP regulatory floodway must be accepted by both the Federal Emergency Management Agency (FEMA) and the community involved. Appropriate community actions are defined in Paragraph 60.3(d) of the NFIP regulations. Any proposed revision to the NFIP regulatory floodway must be submitted to FEMA by community officials. The community should contact either the Regional Director (for those communities in Regions I-IV), or the Regional Engineer (Region V) for guidance on the data which must be submitted for a revision to the NFIP regulatory floodway.

**PORTIONS OF THE PROPERTY REMAIN IN THE SFHA** -This Determination Document has removed the subject of the determination from the Special Flood Hazard Area (SFHA). However, portions of the property may remain in the SFHA. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

**ZONE A** - The National Flood Insurance Program map affecting this property depicts a Special Flood Hazard Area that was determined using the best flood hazard data available to FEMA, but without performing a detailed engineering analysis. The flood elevation used to make this determination is based on approximate methods and has not been formalized through the standard process for establishing base flood elevations published in the Flood Insurance Study. This flood elevation is subject to change.

**STUDY UNDERWAY** - This determination is based on the flood data presently available. However, the Federal Emergency Management Agency is currently revising the National Flood Insurance Program (NFIP) map for the community. New flood data could be generated that may affect this property. When the new NFIP map is issued it will supersede this determination. The Federal requirement for the purchase of flood insurance will then be based on the newly revised NFIP map.

**EXTRATERRITORIAL JURISDICTION** - The subject of the determination is shown on the National Flood Insurance Program map as being located in an Extraterritorial Jurisdiction area for the community indicated on the Determination Document.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Attn: North Wind Resource Partners (NWRP) eLOMA Coordinator, NWRP eLOMA Coordinator, 3601 Eisenhower Ave., Alexandria, VA 22304-6439, Fax: 703-751-7415

Luis Rodriguez, P.E., Chief  
Engineering Management Branch  
Federal Insurance and Mitigation Administration

eLOMA



# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

### ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

#### LEGAL PROPERTY DESCRIPTION (CONTINUED)

feet from an iron pin and cap heretofore set for the end of the 1st or North 35 degrees, 23 minutes, 00 seconds East, 95.56 feet line of land in a conveyance from Chester D. and Lois M. Burkholder, unto Dale L. and Barbara J. Horst, dated January 12, 2004, as recorded among the Land Records of Washington County, Maryland in Liber 2233, Page 0083; thence following the area to be removed from FEMA Flood Zone A the following 7 lines; (1) North 26 degrees, 10 minutes, 56 seconds West, 256.56 feet to a point; thence (2) North 34 degrees, 06 minutes, 59 seconds East, 126.02 feet to a point; thence (3) North 59 degrees, 01 minutes, 34 seconds East, 294.29 feet to a point; thence (4) South 77 degrees, 09 minutes, 22 seconds East, 270.58 feet to a point; thence (5) South 55 degrees, 53 minutes, 01 seconds East, 239.44 feet to a point; thence (6) South 34 degrees, 06 minutes, 59 seconds West, 575.23 feet to a point; thence (7) North 62 degrees, 07 minutes, 54 seconds West, 395.02 feet to a point, the place of beginning, containing a gross area of 7.2737 acres of land, all as shown on Plan prepared by Hanover Land Services, Inc.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Attn: North Wind Resource Partners (NWRP) eLOMA Coordinator, NWRP eLOMA Coordinator, 3601 Eisenhower Ave., Alexandria, VA 22304-6439, Fax: 703-751-7415

Luis Rodriguez, P.E., Chief  
Engineering Management Branch  
Federal Insurance and Mitigation Administration

eLOMA





# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

### ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

**GREAT LAKES** - The Federal Emergency Management Agency (FEMA) has based this determination on elevation data which is published in the current Flood Insurance Study for the community. However, the elevations established in the U.S. Army Corps of Engineers (USACE) reports on the Great Lakes are the best available data known to us. If in the future there are any subsequent map revisions to the National Flood Insurance Program map and the USACE reports remain the best available data known, FEMA will use those elevations for any such revisions. Consequently, all new structures or substantially improved structures should be above the elevation stated in the applicable USACE report (copy enclosed).

**STATE AND LOCAL CONSIDERATIONS** - Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

**COASTAL BARRIER RESOURCE SYSTEM** - The subject of this Determination Document is located within the Coastal Barrier Resource System (CBRS). Federal financial assistance, including Federal flood insurance, is not available in CBRS areas for new construction or substantial improvements occurring after the date on which the area was declared by Congress to be part of the CBRS or otherwise protected area as required by the Coastal Barrier Resources Act (Public Law 97-348) and the Coastal Barrier Improvement Act 1990 (Public Law 101-591). This date is indicated on the National Flood Insurance Program map. For further information on this property and the CBRS or otherwise protected area designation, contact the U.S. Department of the Interior.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Attn: North Wind Resource Partners (NWRP) eLOMA Coordinator, NWRP eLOMA Coordinator, 3601 Eisenhower Ave., Alexandria, VA 22304-6439, Fax: 703-751-7415

Luis Rodriguez, P.E., Chief  
Engineering Management Branch  
Federal Insurance and Mitigation Administration

eLOMA



# Federal Emergency Management Agency

Washington, D.C. 20472

## ADDITIONAL INFORMATION REGARDING LETTERS OF MAP AMENDMENT

When making determinations on requests for Letters of Map Amendment (LOMAs), the Department of Homeland Security's Federal Emergency Management Agency (FEMA) bases its determination on the flood hazard information available at the time of the determination. Requesters should be aware that flood conditions may change or new information may be generated that would supersede FEMA's determination. In such cases, the community will be informed by letter.

Requesters also should be aware that removal of a property (parcel of land or structure) from the Special Flood Hazard Area (SFHA) means FEMA has determined the property is not subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This does not mean the property is not subject to other flood hazards. The property could be inundated by a flood with a magnitude greater than the base flood or by localized flooding not shown on the effective National Flood Insurance Program (NFIP) map.

The effect of a LOMA is it removes the Federal requirement for the lender to require flood insurance coverage for the property described. The LOMA *is not* a waiver of the condition that the property owner maintain flood insurance coverage for the property. *Only* the lender can waive the flood insurance purchase requirement because the lender imposed the requirement. *The property owner must request and receive a written waiver from the lender before canceling the policy.* The lender may determine, on its own as a business decision that it wishes to continue the flood insurance requirement to protect its financial risk on the loan.

The LOMA provides FEMA's comment on the mandatory flood insurance requirements of the NFIP as they apply to a particular property. A LOMA is not a building permit, nor should it be construed as such. Any development, new construction, or substantial improvement of a property impacted by a LOMA must comply with all applicable State and local criteria and other Federal criteria.

If a lender releases a property owner from the flood insurance requirement, and the property owner decides to cancel the policy and seek a refund, the NFIP will refund the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy during the current policy year. The property owner must provide a written waiver of the insurance requirement from the lender to the property insurance agent or company servicing his or her policy. The agent or company will then process the refund request.

Even though structures are not located in an SFHA, as mentioned above, they could be flooded by a flooding event with a greater magnitude than the base flood. In fact, more than 25 percent of all claims paid by the NFIP are for policies for structures located outside the SFHA in Zones B, C, X (shaded), or X (unshaded). More than one-fourth of all policies purchased under the NFIP protect structures located in these zones. The risk to structures located outside SFHAs is just not as great as the risk to structures located in SFHAs. Finally, approximately 90 percent of all federally declared disasters are caused by flooding, and homeowners insurance does not provide financial protection from this flooding. Therefore, FEMA encourages the widest possible coverage under the NFIP.



PC-15-003

# NUTRIENT MANAGEMENT PLAN

*developed by:*

**AET Consulting, Inc.**

**December 2, 2014**

**2015**

**Washington County**

*prepared for:*

**Lawayne Martin  
12440 Burkholder Lane  
Hagerstown, MD 21740**

**Plan Type:** NMP – Dairy

**Plan Period:** January 2015 to December 2015

The following recommendations, contained in the **SUMMARY SECTION** of this plan, should be followed and adhered to based on fertilizer blend availability. Alternative crop scenarios have been listed in the Field Specific Information, they include nutrient recommendations at the maximum nutrient tolerances (withstanding certain exceptions) handed down by the University based on the soil test results for the prescribed crop



**Agricultural Consulting**  
[www.aetagconsulting.com](http://www.aetagconsulting.com)

**RECEIVED**

**AUG 28 2015**

**DIVISION OF PLAN  
REVIEW & PERMITTING**

## TABLE OF CONTENTS

### **SECTION 1**

**Farm Plan Identification**

### **SECTION 2**

**Animal Information &  
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### **SECTION 3**

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&  
Analysis of Results**

### **SECTION 4**

**2015 Field Specific Information  
w/ corresponding Farm Map(s)  
including the UM maximum nutrient  
recommendation allowances based  
on soil test results**

### **SECTION 5**

**Summary of Nutrient Recommendations**

Appendix

Record Keeping

## Farm Plan Identification

## **PLAN IDENTIFICATION**

**This nutrient management plan will expire in December 2015. The plan will need revised on or before the expiration date. Any substantial changes, before this expiration date will need to be documented and revisions made by a certified consultant. A copy of this revision must be kept with your nutrient management records.**

**A Nutrient Management Annual Implementation Report must be submitted, each year, to the Maryland Department of Agriculture on or before March 1<sup>st</sup>.**

**Operator information:**

Lawayne Martin  
12440 Burkholder Lane  
Hagerstown, MD 21740

240-675-9679

**Consultant information:**

David D. Kann  
PO Box 275  
Thomasville, PA 17364  
(717) 792-1274  
Certification #: PA-134  
License Number: 2175

**Date Nutrient Management Plan Developed:**

December 2, 2014

**Nutrient Management Plan Narrative:**

This Plan was meant to cover the 2015 growing season. Over the next year, three phases of construction will occur at the headquarters of the home property. Phase 1, a 14' x 110' concrete circular tank will be constructed to handle 5-6 months of manure and waste water generation. The structure will be an out-of-ground concrete tank with supporting pumps and delivery systems.

In phase 2, the existing lagoon will be decommissioned and in its place, a reception pit and small circular tank will be built for waste transfer from the proposed phase 3 new housing facility and existing barnlot to a separation facility attached to the proposed free stall building. The existing in-ground manure reception pit will be decommissioned and properly removed. A push-in ramp will be constructed at the southwest end of the existing barnlot, which will direct manure and runoff into this transfer or reception storage.

In phase 3, the construction of a new housing facility (324' x 64') will be built perpendicular to the existing barns and barnlot. The new waste management systems will work in tandem to properly handle and manage the manure produced in the new housing and on the barnlot. Commercial fertilizer supplements the manure in order to meet the nutrient needs of the crops.

**County Location:** Washington

CODE: 0125 WS CODE: 02140504 (Conococheague)

Property ID	Acct ID Acres	Farm Name	Acres	County	Watershed
2224000583 2224000613	239.87 10.47	Home	207.7	Washington	0125
2224000000	58	Heifer	49.9	Washington	0125

2224001423	203	U P Associates	20.1	Washington	0125
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**TOTAL ACRES UNDER PLAN      277.7**

**Crop Acreage Summary:**

Hay	36.9	ac
Sm grain	17.1	ac
Corn /Sm Gr silage	131.8	ac
Pasture	91.9	ac
Total	277.7	ac

**NUTRIENT APPLICATION SETBACKS FROM SURFACE WATER:**

A minimum of a 10' vegetative setback must be in place next to surface water. The chart below indicates if surface water is present that requires a setback on any farm/operation and identifies the fields that are required to have a nutrient application setback. **An application of crop nutrients using a broadcast method either with or without incorporation requires a 35' setback. A directed spray application or the injection of crop nutrients only requires a 10' setback.** Excepting perennial forage crops grown for hay and pasture, vegetation in the 10' setback area may not include plants that would be considered part of the crop grown in the field (i.e. row crops). Pastures and hayfields are subject to a 10' and/or a 35' nutrient application setback depending on application methods. Nutrients may not be applied within the 10' setback.

***Livestock on pasture are required to meet the minimum 10' setback by means of fencing*** unless a Best Management Practice (BMP) is approved by MDA or a Soil Conservation and Water Quality Plan is developed and implemented that prescribes an alternative to fencing animals 10' from surface water. Alternative BMP's may include stream crossings, watering facilities, pasture management, or other practices that are equally protective of water quality. Sacrifice lots for livestock require a 35' setback from surface water.

***If nutrients are custom-applied, it is the operator's responsibility to inform the applicator of the setback distance based on the method of application.***

Water Resources - Farm Location and Type of Setback				
Farm	Field	Water Resource	Setback Distance (ft.)	Type of Nutrient Application
Home	Pasture	Stream	35'	Manure/Fertilizer

**See more details on the Nutrient Application Setback Requirements found in the Manure Management and Field Information Sections of this Nutrient Management Plan.**



## **PLAN MAINTENANCE**

This nutrient management plan was written for the 2015 growing season and will need updated for the Spring of 2016-growing season. In addition, if any of the following events occur the plan will need to be updated before the 2016-growing season.

1. A change in crop rotation or field acres.
2. Modification of the sidedress application of Nitrogen based on PSNT results.
3. Adjustments to the nutrients applied or manure additions.
4. Changes in animal unit numbers or changes in housing of animals on the farm.
5. New manure analysis taken (minimum of once every 2 years).
6. New soil analysis taken.

If high P levels exist, BMPs should be applied and nutrient rates should be reduced.

Each spring the planter should be calibrated to ensure the correct rate of starter is applied.

Crop rotation is important to prevent soil borne diseases and to use soil nutrients efficiently. Split applications of nitrogen on environmentally sensitive sites reduce potential for runoff and leaching. Utilization of a Pre-Sidedress Nitrogen Test (PSNT) or tissue test can help determine additional N requirements during the growing season.

Application of nutrients should be timed as close as possible to crop growth or uptake and placed near the root zone for efficient crop use. Application to saturated, frozen or snow-covered ground should be avoided unless a crop covers the ground.

## **OPERATOR RECORD KEEPING REQUIREMENTS:**

1. All nutrient management plans and updates for the last 3 years.
2. A record of crops and actual yields for the last 5 years.
3. Analysis of nutrients (all forms) applied to plants and/or crop acreage.
4. Soil analysis results for the entire agricultural operation.
5. Record of timing, location, and amounts of all nutrient applications.
6. Receipts related to the purchase of nutrients.
7. Documentation to justify any changes from the Nutrient Management Plan as written.
8. **If operator is an applicator of nutrients to 10 acres or more;** operator must hold a current Maryland Nutrient Applicator's Voucher.

**The operator has the primary responsibility for plan implementation, installation of the agreed upon Best Management Practices outlined in the plan and required by the Water Quality Improvement Act (WQIA). The operator also has the responsibility of maintaining all practices associated with the nutrient management plan and all record keeping associated with the WQIA Regulations.**

**Animal Information &  
Manure Management**

## **MANURE MANAGEMENT**

**Dairy Operation:** The manure produced, while unconfined and managed on grass, is animal self applied to pastures, as the animals graze. There are 216 dairy animals on this operation; which includes the replacements. A new housing facility is in the planning stages, along with supporting infrastructure to support manure handling.

A 14' x 110' manure storage will be constructed to handle manure generated at the farm. Manure will be scraped out of the alleys, on a daily basis, from a new housing facility (268'x73'). The manure will be directed into a concrete reception tank and pumped to the larger manure storage. No manure is exported or imported to or from the farm operation.

Refer to the Animal Waste Quantity Worksheet for specific information.

<b>Animal Information</b>					
<b>Animal Type</b>	<b>Start</b>	<b>End</b>	<b>Weight lbs.</b>	<b>Number</b>	<b>Manure Generation*</b>
Milk Cow	01/01/15	12/31/15	1300	150	1,414,782 gallons
Heifer	01/01/15	12/31/15	600-900	30	120 tons collected 238 tons (pasture)
Calf	01/01/15	12/31/15	250	8	44 tons collected
Dry Cow	01/01/15	12/31/15	1350	28	See above gallons 161 tons collected 187 tons (pasture)

\* See Animal Waste Management Plan Report. A copy of this report is in the plan.

<b>Manure Storage, Usage, and Handling</b>			
<b>Manure Type</b>	<b>Manure Used in the Farm Operation</b>	<b>Storage, Handling &amp; Application</b>	<b>Manure Exported</b>
Future Manure Pit	1,414,782 gallons	<ul style="list-style-type: none"> <li>The existing in-ground storage will be removed and replaced with a reception pit that will be pumped to a large concrete circular tank. Proposed size of tank is 14'X110'</li> <li>Manure storage capacity between the reception pit and tank will be at ~780,000 gallon.</li> <li>Reception pit collects wash-water and run-off water from the barn lot</li> <li>Manure is applied at a rate of 6500 gal/ac</li> </ul>	0
Dairy Pen-pack	325 ton	<ul style="list-style-type: none"> <li>Manure produced by heifers and dry cows on the existing barnlot will be scraped to reception pit.</li> <li>Remaining manure from Heifer barn and calf hutches are handled as a solid pen pack</li> <li>Pen Pack is applied at a rate of 10 ton/ac</li> </ul>	0
Pasture	425 ton	Manure is animal self applied to pasture acreage.	0

**Approximate acres receiving manure under this plan is 258 acres.** This acreage figure includes pasture acres.

Manure application equipment should be calibrated to better gage the current output per acre. A manure analysis should be taken at the time manure is being removed from the buildings. Manure will be sampled at least twice a year until a base line of nutrients is established.

Application of nutrients should be timed as close as possible to crop growth or uptake and placed near the root zone for efficient crop use. See Field Information Section for incorporation details. Application to saturated, frozen or snow-covered ground should be avoided unless a crop covers the ground.

Manure stockpiles should be stored in an appropriate roofed structure or covered with an impermeable cover. If no structure is available, manure should be in a 6-foot conical pile.

When choosing a site to stockpile manure, wetlands and low lying areas should be avoided, as should any site that would allow runoff from stockpile to enter into any ditch, stream, or other surface water body.

### **Application setback requirements:**

1. An application of crop nutrients using a broadcast method (e.g., spinners, splashers) either with or without incorporation requires a 35-foot setback.
2. A directed spray application or the injection of crop nutrients requires a 10-foot setback.
3. Excepting perennial forage crops grown for hay or pasture, vegetation in the 10-foot setback area may not include plants that would be considered part of the crop grown in the field.
4. Pastures and hayfields are subject to a 10-foot nutrient application setback.
5. Nutrients may not be applied mechanically within the setback. Except as provided in subsection II.B.6, livestock shall be excluded from the setback to prevent direct deposition of nutrients within the setback.

6. As an alternative to fencing livestock from the setback area, a person shall work with the soil conservation district to develop and implement a Soil Conservation and Water Quality Plan. The plan shall include Best Management Practices (BMPs) such as stream crossings, alternative watering facilities, pasture management or other MDA-approved BMPs that are considered to be equally protective of water quality and stream health.
7. As an alternative to a nutrient application setback, MDA may approve other BMPs that it finds equally protective of water quality and stream health. Alternative BMPs may be approved based on established USDA, NRCS practice standards or research and demonstration by the University of Maryland, College of Agriculture and Natural Resources establishing the effectiveness of these practices.
8. Sacrifice lots (less than 75% grass or grass legume mix) shall maintain a 35-foot setback.

### **BMP RECOMMENDATION**

Manure Storage and housing.

**Soils Information  
&  
Analysis of Results**

## **ANALYSIS OF SOIL TEST RESULTS**

Soil tests were taken by Linford Weber and AET Consulting. Spectrum Analytic was the laboratory used to analyze the soil sampled. A copy of the test results are enclosed.

The soil testing revealed 1 crop fields with **Phosphorus levels above a FIV 150.**

FIELDS w/ Phosphorus FIV Levels >150						
FARM	FIELD	ACRES	FIV LEVEL	PMT RESULT	P Based Plan	Total Applicable P (lbs/ac)
Home	5A	8.4	160	Medium (71)	P	90

Low: 0-50 PMT result- total phosphorus applications should be limited to no more than a three-year crop P removal rate applied over a three year period

Med: 51-100 PMT result- Phosphorus applications should be limited to the amount of P expected to be removed from the field by the crop harvest immediately following P application or soil-test based P application recommendations.

High: > 100 PMT result- No phosphorus should be applied to this site

## **The Phosphorus Management Tool**

The Objective of the University of Maryland Phosphorus Management Tool was to develop a phosphorus site index (PSI) that uses readily available information to evaluate the relative risk of P transport from agricultural fields, including vegetable and row crop production and pasture based systems where P may be applied either as inorganic or organic fertilizer. Furthermore, the PSI should be applicable within all physiographic provinces present in Maryland. Phosphorus transport is controlled by site characteristics (e.g. hydrology and slope), climate, and P sources (e.g. manure, inorganic fertilizer, and soil P). The revised PSI, or the University of Maryland – Phosphorus Management Tool (UM-PMT), seeks to include new science relative to site and source factors and highlight management decisions so that the learning opportunities associated with performing a P index are more pronounced. The overall objective is to identify critical areas where there is a high P loss potential due to both a high transport potential and a large source of P, and also to encourage the use of management practices in those critical source areas that protect water quality.

## **Soil Test**

The nutrient status of the soil is one of the most important components of a nutrient management plan. A soil test is a laboratory procedure that measures the plant-available portion of soil nutrients. This measurement is used to predict the amount of nutrient or nutrients that will be available during the growing season. Soil test results form the basis for nutrient recommendations. Traditional soil tests include tests for pH, phosphorus, potassium, nitrogen, soil organic matter, and electrical conductivity. You should sample each field area where animal waste nutrients are to be applied. If different field areas have different soil types, past cropping histories, or different production potentials, you should sample and manage these areas separately. You can use soil test results to characterize soil conditions and to determine the agronomic nutrient application rate for animal waste application.

## **Description**

Soil sampling determines the average nutrient concentration in a field, and allows you to measure nutrient variability in the field. When you know the variability, you can adjust the fertilizer application rates to more closely meet the supplemental nutrient needs of a crop, which can increase crop yield, reduce commercial fertilizer costs, and reduce environmental risk.

Send all samples to an accredited laboratory for analyses. An accredited laboratory is one that has been accepted in one or more of the following programs:

- State-certified programs;
- The North American Proficiency Testing Program (Soil Science Society of America); and
- Laboratories participating in other programs whose tests are accepted by the Land Grant University in the state in which the tests are used as the basis for nutrient application.

The analytical results from a soil test extraction are relatively meaningless by themselves. You and/or your Certified Nutrient Management Specialist must interpret soil nutrient levels in terms of the soil's ability to supply the nutrients to crops. Most soil test laboratories use qualitative terms such as "low," "medium or optimum," and "high or very high," which are related to quantities of nutrients extracted, to label the results.

Soil testing is a chemical evaluation of the nutrient-supplying capability of a soil at the time of sampling. Poor soil-sampling procedures account for more than 90% of all errors in fertilizer recommendations based on soil tests. The test is only as good as the sample, so you must handle the sample properly for it to remain a good sample. A testing program can be divided into four steps: 1) taking the sample, 2) analyzing the sample, 3) interpreting the sample analyses, and 4) making the fertilizer recommendations.

Take samples as close as possible to planting or to the time of crop need for the nutrient, approximately two to four weeks before planting or fertilizing the crop. It usually takes one to three weeks from the time you sample for you to receive the results. Very wet, very dry, or frozen soils will not affect results, but obtaining samples during these climatic conditions is very difficult. Do not sample snow-covered fields because the snow makes it difficult to recognize. Avoid unusual areas in the field because your sample may not be representative.

You may need to sample once every year and fertilize for the potential yield of the intended crop, especially for mobile nutrients. Whether you need an analysis of a nutrient depends on such things as mobility in the soil and the nutrient requirements of the crop.

**See the actual soil test results which follow this page, along with the soil test conversions to the Fertility Index Value (FIV).**



**2015 Field Specific Information  
w/ corresponding Farm Map(s)  
including the UM maximum nutrient  
recommendation allowances based on soil test results**

## **FIELD OR MANAGEMENT UNIT SPECIFIC INFORMATION**

A soil conservation plan should be implemented as time and resources allow. The conservation plan helps to minimize soil erosion which translates into reducing the amount of phosphorus lost with movement of soil and/or sediment.

All crop yield determinations were based on the records and information provided by the operator.

### **Nutrients - On Farm Sources (available for crop production):**

<b>Nutrient Source</b>	<b>Amount Available</b>	<b>Rate of Application</b>	<b>Nutrients Supplied N - P<sub>2</sub>O<sub>5</sub> - K<sub>2</sub>O (lbs/acre)</b>
Manure Pit	1,414,782	6500 gal/ac	63-40-153 (48 hour incorporation)
Manure Pit	---	6500 gal/ac + 6500 gal/ac	126-80-306 (48 hour incorporation)
Pen Pack	325 ton	10 ton/ac	25-54-100 (48 hour incorporation)

Split applications of nitrogen on environmentally sensitive sites reduce potential for runoff and leaching. Utilization of a Pre-Sidedress Nitrogen Test (PSNT) or tissue test can help determine additional N requirements during the growing season.

Application of nutrients should be timed as close as possible to crop growth or uptake and placed near the root zone for efficient crop use. Application to saturated, frozen or snow-covered ground should be avoided unless a crop covers the ground.

**PSNTs** are excellent for evaluating nitrogen application on corn later in the season. The results of these tests can confirm the need for additional nitrogen at sidedress time.

### **FSNTs (Fall Soil Nitrate Test)**

Recent research has demonstrated that winter wheat and barley grain yields and economic return to fertilizer application are not reliably improved by fall nitrogen application when an adequate amount of nitrate already exists in the soil.

The Fall Soil Nitrate Test (FSNT) is a test that measures the concentration of nitrate in the soil as an indicator of whether a fall nitrogen application is needed at the time of planting wheat and barley.

**Wheat:** if FSNT is greater than or equal to 8 ppm, no fall N application is recommended

**Barley:** if FSNT is greater than or equal to 11 ppm, no fall N application is recommended

### **Fall Application:** (September 10 thru November 15th)

When applying or recommending nutrients in the fall, the consultant and operator, or the certified farm operator, shall use the following management guidelines. The guidelines address chemical fertilizer and natural organic fertilizer use separately.

Chemical Fertilizer Use:

1. Chemical fertilizer may be recommended and applied as a starter fertilizer, provided rates and subsequent applications are made in accordance with recommendations for small grains and fall seeded crops.
2. The application of liming materials without nitrogen may be recommended in the fall or winter.

**Nutrient Applicators Vouchers** are required by the State of Maryland for anyone who applies nutrients of any type to 10 acres or more. This includes manure and commercial fertilizer such as starter used in the planter. If certification has not already been obtained please note it is required.

**Application setback requirements:**

1. An application of crop nutrients using a broadcast method (*e.g.*, spinners, splashers) either with or without incorporation requires a 35-foot setback.
2. A directed spray application or the injection of crop nutrients requires a 10-foot setback.
3. Excepting perennial forage crops grown for hay or pasture, vegetation in the 10-foot setback area may not include plants that would be considered part of the crop grown in the field.
4. Pastures and hayfields are subject to a 10-foot nutrient application setback.
5. Nutrients may not be applied mechanically within the setback. Except as provided in subsection II.B.6, livestock shall be excluded from the setback to prevent direct deposition of nutrients within the setback.
6. As an alternative to fencing livestock from the setback area, a person shall work with the soil conservation district to develop and implement a Soil Conservation and Water Quality Plan. The plan shall include Best Management Practices (BMPs) such as stream crossings, alternative watering facilities, pasture management or other MDA-approved BMPs that are considered to be equally protective of water quality and stream health.
7. As an alternative to a nutrient application setback, MDA may approve other BMPs that it finds equally protective of water quality and stream health. Alternative BMPs may be approved based on established USDA, NRCS practice standards or research and demonstration by the University of Maryland, College of Agriculture and Natural Resources establishing the effectiveness of these practices.
8. Sacrifice lots (less than 75% grass or grass legume mix) shall maintain a 35-foot setback.

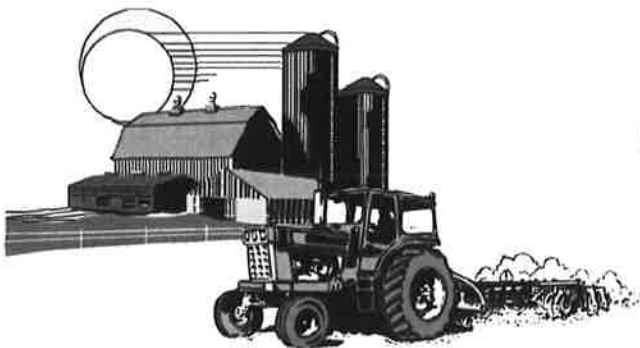
**The attached recommendations, in this Field Information Section, follow the guidance of the University of Maryland.** These recommendations are to be **used only** when planting and fertilization differs from those outlined in the Summary of Recommendations found in this plan and labeled as such. The following recommendations are the maximum nutrient tolerances (withstanding certain exceptions) handed down by the University based on the soil test results for the prescribed crop.

## **Summary of Nutrient Recommendations**

- multiple crop scenarios were produced to help with crop selection and recommendations

## **ITEMS Farmer Needs For Nutrient Mgmt Inspections**

ITEM	“ √ ”
All nutrient management plans and updates for the last 3 years.	
A record of crops and actual yields for the last 5 years.	
Analysis of nutrients (all forms) applied to plants and/or crop acreage.	
Soil analysis results for the entire agricultural operation.	
Receipts related to the purchase of nutrients.	
Documentation of when and where nutrients were applied to specified fields; in reference to amounts, farm, and field location.	
Documentation to justify any changes from the Nutrient Management Plan as written.	
Documentation of manure spreader calibrations; how and when each spreader was calibrated.	
A current Annual Implementation Report (AIR) filed with the Department of Agriculture.	
If operator is an applicator of nutrients to 10 acres or more; operator must hold a current Maryland Nutrient Applicator's Voucher.	



## Additional Plan Notes

Farmer/Operator: Lawayne Martin

1.	To satisfy TOTAL recommendation for many crops, it may be necessary to adjust SUGGESTED TIMING AND METHODS of application, (i.e. broadcast, topdress, sidedress, row, etc.) to be compatible with available equipment and materials.
2.	These recommendations assume that the highest level of N management will be utilized and that N losses due to leaching, volatilization and denitrification are minimized due to best management practices.
3.	For conventional tillage, ag-lime recommendations are based upon the amount of oxides required for the surface 8" of soil. Lime should be thoroughly mixed with the soil by plowing and disking. If recommended amount of oxides exceeds 1.5 tons of lime per acre (assuming 50% total oxides), ½ should be plowed down and the remainder applied after plowing and disking in thoroughly.
4.	If topdressing ag-lime without tillage, reduce the total amount of oxides recommended by 50 percent. When topdressing ag-lime, and soil mixing is not possible, do not apply more than 1500 lbs per acre of oxides in any one application. The balance can be applied the next year. It would be best to do a soil test before making the second application.
5.	Split-application of nitrogen is required for optimal production and nitrogen use efficiency of small grain crops and canola and for the protection of ground water resources.
6.	Split-application of nitrogen is required for optimal production and nitrogen use efficiency of established pasture and hay land and for the protection of ground water resources.
7.	When applying organic nutrient sources such as manures and sewage sludge/biosolids on alfalfa and clover, the optimal split- application is ½ the total rate in early spring (March) and ½ after the first cutting. If wet spring conditions eliminate the early spring application, apply ½ the total rate after the first cutting and 1/4 the total rate after both the third and fourth cuttings.
8.	A starter fertilizer is normally suggested for corn, even on those soils testing high to very high in phosphate and/or potash, and where little to no total P2O5 & K2O is recommended by a soil test. A starter is often beneficial in stimulating early plant growth, especially on cold, wet soil. A good starter fertilizer should supply 15-30 lbs/A of N, P2O5, and K2O.
9.	Proper timing of nutrient applications is important. Apply nutrient sources as close to planting or nutrient demand as possible so that nutrients are absorbed by plants quickly and not allowed to runoff into surface water or leach into ground water.
10.	When applying liquid wastes, application rate should not exceed the soil's infiltration rate.
11.	When potash recommendations for alfalfa/alfalfa-grass mixes and clover/clover-grass mixes are 300 lbs per acre or more, apply half after the first cutting and half after the 4th cutting (late August or early September).
12.	For the maintenance of cool-season grasses (4 tons per acre yield goal), such as orchardgrass, bromegrass, tall fescue, reed canary grass and perennial ryegrass, the TOTAL N recommendation ranges from 150-160 lbs per acre. Fifty to 60 lbs per acre should be topdressed in February or March and additional 50 lbs per acre topdressed after the first cutting or grazing cycle and again in August.
13.	For the maintenance of cool-season grasses, such as orchardgrass, bromegrass, tall fescue, reed canary grass and perennial ryegrass (5 tons per acre yield goal), the TOTAL N recommendation ranges from 195-205 lbs per acre. Sixty five to 75 lbs per acre should be topdressed in February or March and additional 65 lbs per acre topdressed after the first cutting or grazing cycle and again in August.
14.	For the maintenance of cool-season grasses, orchardgrass, bromegrass, tall fescue, reed canary grass and perennial ryegrass (6 tons per acre yield goal) the TOTAL N recommendation ranges from 240-250 lbs per acre. Eighty to 90 lbs per acre should be topdressed in February or March and additional 80 lbs per acre topdressed after the first cutting or grazing cycle and again in August.
15.	Split application of nitrogen is required for optimal production and nitrogen use efficiency of summer annual forages, like forage-type sorghums, sudangrass, sorghum-sudangrass hybrids and millet, and for the protection of ground water resources.

16. To avoid possible boron toxicity damage to crops, apply boron in the broadcast fertilizer rather than in bands or as a sidedressing. Boron may be broadcast pre-plant as a soluble spray alone or with other compatible soluble chemicals.
17. The late summer topdress application for fescue, orchardgrass, reed canarygrass, bromegrass, timothy and perennial ryegrass, should be applied between mid-August and early September, depending on the sufficient rainfall to move the N into the soil.
18. Late fall nitrogen application (mid to late October in the mountains of western Maryland and late October to mid November elsewhere in Maryland (approximately the killing frost date)) stimulates root growth and leads to a more vigorous stand. This application must be a commercial nitrogen source where all N is readily available, manure or other organic sources of nitrogen are not recommended for the late fall application. If late fall application is not made, add 40-50 lb.N/ac to the greenup application
19. For wheat, barley; and wheat and barley double cropped with soybeans, the fall nitrogen rate depends on the residual soil nitrate concentration. Consult University of Maryland Extension Brief, EBR-15 for more details. If the Fall Soil Nitrate Test indicates nitrogen insufficiency, up to 30 pounds of nitrogen may be applied.
20. When surface applying the following nitrogen fertilizers, adjust rates as follows: if UAN is surface broadcast, increase rate by 15-20%; if UAN is dribbled or streamed, increase rate by 5-10%; if granulated urea is broadcast, increase rate by 25%.

# ANIMAL WASTE MANAGEMENT SYSTEM PLAN

Prepared by:  
Washington County SCD  
1260 Maryland Avenue, Suite 101  
Hagerstown, MD 21740

For: Lawayne Martin  
Address: 12440 Burkholder Lane  
Hagerstown, MD 21740

**RECEIVED**

AUG 28 2015

**DIVISION OF PLAN  
REVIEW & PERMITTING**



This Agricultural Waste Management System Plan for Lawayne Martin was prepared at the request of and with the involvement of Mr. Martin. The plan was based on recommendations contained in his Nutrient Management Plan (required by Maryland State Law) and decisions and choices made by Mr. Martin. The agricultural waste management system is planned to manage waste generated by the Dairy operation on the farm in a manner that prevents or minimizes degradation of soil, water, air, plant, and animal resources, and protects public health and safety.

I. SITUATION:

A. Location: 12440 Burkholder Lane, Hagerstown, MD 21740

B. Enterprise: Dairy operation

1. Type of facilities: Barn with separate circular concrete manure tank with a liquid/solid manure separator.
2. Type of bedding: Sand and straw
3. Current manure handling: There is currently an earthen manure holding area. This does not meet the minimum state requirement for preventing runoff or 6 month storage.
4. Percent time animals are confined: Cows and calves 100%, dry cows and heifers approximately 20%

C. Animal Type and Number: 150 milk cows, 28 dry cows, 30 heifers, and 8 calves.

D. Acreage available for manure application: 258 acres.

II. CURRENT CONDITIONS: Milking cows and calves are confined 100% of the time, while dry cows and heifers are only confined 20% of the time. Manure and wash water is collected in the current earthen manure storage.

III. PLANNED SOLUTION: Plan to construct a 14'x 110' circular concrete manure tank with a solid separator. The separator will allow for some of the manure to be used for bedding while the remainder of the material will be stored in the circular concrete tank. The structure will allow for 6 months of manure storage. A new 64'x296' barn will also be constructed to house a dairy herd of approximately 150 dairy cows.

IV. GEOGRAPHIC AREA:

A. Soils at storage area are:

Hagerstown silt loam (HaB)

B. Soils in waste application areas:

Duffield silt loam (DsB and DsC); Funkstown silt loam (Ft); Hagerstown silt loam (HaA, HaB, HaC); Hagerstown silty clay loam (HbB, HbC);

Hagerstown-Rock outcrop complex (HcB, HcC, HcD); Lappans (marl) loam (Lb); Lindsides silt loam (Ln); Melvin silt loam (Me); Swanpond silt loam (SpA); Swanpond-Funkstown silt loams (SsA).

(See Soil Conservation and Water Quality Plan for non-technical soil descriptions and land-use acres for farm.)

C. Watershed Information

1. Watershed name/code: Conococheague / 0125
2. Stream name/class: Huyetts Crossroad/ IV
3. Urban growth area: YES

V. NUTRIENT MANAGEMENT

- A. Test all manure for nutrient value. Use all manure sources before commercial fertilizer. Soil test regularly. Follow test results.
- B. Follow the Nutrient Management Plan developed by the Maryland Cooperative Extension Service attached to this plan.

C. Labs available for testing manure:

1. Spectrum Analytic, Inc.  
P.O. Box 639  
Washington Court House, OH 43160  
Phone: 1-800-321-1562
2. A&L Eastern Agriculture Labs, Inc.  
7621 Whitepine Road Richmond, Va. 23234  
Phone (804)743-9401
3. Waters Agricultural Laboratories  
2101 Calhoun Rd.  
Highway 81  
Owensboro, KY 42301  
Phone: 270-685-4039
4. Area fertilizer companies

D. Application:

1. For maximum nutrient value, manure should be injected or spread and disked into the soil.

2. Rate of manure application should be based on realistic yield goals and not exceed the nutrient recommendations from the Nutrient Management Plan provided by the local extension service. Application rates should be reduced on ground where incorporation is not feasible.
3. Application equipment should be calibrated annually. This service can be provided by The U of MD Cooperative Extension Service.
4. Also refer to "Timing of Nutrient Application" section of the Nutrient Management Plan.

#### VI. SYSTEM COMPONENTS:

- A. Existing Components: Earthen manure storage facility.
- B. Planned Components: Plan to construct a 14' x 110' circular concrete manure tank with a solid separator. The separator will allow for some of the manure to be used for bedding while the remainder of the material will be stored in the circular concrete tank. The structure will allow for 6 months of manure storage. A new 64' x 296' barn will also be constructed to house a dairy herd of approximately 150 dairy cows.

#### VII. COMPONENT DETAILS: See design

#### VIII. WASTE UTILIZATION

- A. Days of storage: Approximately 180 days (Varies according to management, actual waste production, and changes in climate.)
- B. Storage period: Manure will be scraped into a storage structure and stored there until used according to the Nutrient Management Plan. Spreading period:

#### APPROXIMATE DATES TO EMPTY STORAGE STRUCTURE

April 15 - Nutrients to be applied before planting of spring seeded crops\*  
 October 15 - Nutrients to be applied before planting small grain, and on hay, pasture\*

\*See Nutrient Management Plan for detailed guidance on application rates for specific fields.

- C. Do not spread manure on snow covered or frozen ground.
- D. Do not spread manure within 100 feet of a flowing stream and within 50 feet of a watercourse.

E. The guidelines for manure testing, spreading, and odor control shall apply to all land that receives manure from structure or structures covered by this plan.

F. The critical periods for storage are: November 15 to March 1

- Winter and spring months when the ground is very wet, snow covered, or frozen and crops cannot utilize the nutrients.
- Summer months when fields are unavailable for spreading manure.
- Empty facility completely during application period. **NEVER ALLOW STRUCTURE TO OVERFLOW.**
- Keep good records of waste being utilized in each field and timing of application.

## X. OPERATION & MAINTENANCE:

### A. Safety \*

1. Fencing should be provided to prevent livestock and people from entering the ag waste facility.
2. All waste storage structures must be posted with a ~caution~ sign  
Example, DANGER - Keep Out If you do not have a sign, one can be provided
3. Manure produces gases - caution should be taken so as not to be overcome by such gases \*(Gas masks are not adequate protection)

### B. To reduce odor problems during spreading:

1. Avoid spreading when wind will blow towards populated areas.
2. Avoid spreading just before weekends and holidays when people are more likely to be outdoors.
3. Spread in the morning when the air is warming and rising, rather than in the afternoon.
4. Animal wastes applied to the soil surface should be incorporated within 24 hours of application to reduce odor, minimize surface runoff and maximize nutrient availability to the subsequent crop Optimum incorporation time is 12 hours.
5. Injection of animal wastes beneath the soil surface is the preferred method of application

### C. Structure Maintenance \*

1. Check backfill areas around structure (concrete, steel, timber, etc) often for excessive settlement. Determine if the settlement is caused by backfill consolidation, piping, or failure of the structure walls or floor. Necessary repairs must be made Refer to safety items.
2. Check walls and floor often - minimum of 2 times a year when facility is empty - for cracks and/or separations. Make needed repairs immediately. Refer to safety items in section IX, part a.
3. Outlets of foundations and sub-drains should be checked frequently and kept open. The outflow from these drains should be checked when the facility is being used to determine if there is leakage from the storage structure into these drains. Leakage may be detected by the color and smell of the out-flowing liquid, by lush dark-green growth of vegetation around the outlet, by the growth of algae in the surface ditch, or by the vegetation being killed by the out-flowing liquid. If leakage is detected, repairs should be planned and made to prevent the possible contamination of groundwater. Refer to safety items in section IX, part a when planning and making repairs.
4. To prevent erosion, a good vegetative cover should be established and maintained on berms and embankments. Plantings should be clipped 3 times a year to kill noxious weeds and encourage vigorous growth. If the vegetative cover is damaged, berms and embankments will be re-vegetated as soon as possible.
5. Fences should be inspected and maintained in order to exclude livestock from the berms and embankments and to exclude unauthorized entry by people.
6. Check the channels and berms of the clean water diversions around the barnyard, buildings and storage structure frequently. Channels must be protected from erosion and berms must be maintained at the proper height to ensure adequate capacity. These channels and berms should not be used as haul roads unless they are designed and constructed for this purpose.
7. Check frequently for burrowing animals around buildings, structures, and in the berms and embankments. Remove them when they are found and repair any damage.
8. Inspect haul roads and approaches to and from the storage facility frequently to determine the need for stone, gravel or other stabilizing material.
9. Do not allow runoff from loading areas and from spills to flow into streams or road ditches.
10. Examine and repair all warning and hazard signs as needed.
11. Install and maintain a marking gauge post, which clearly shows the design one-half and full levels for manure storage pits, ponds, and lagoons.

12. Clear blockages from roof gutters and outlets as needed.
13. Follow all provided O&M guidelines for HUA and roof guttering as they are important components of the system.

D. Fly Control \*

1. If a fly problem occurs, owner/operator will consult an ag. chemical company and use a larvicide.

E. Miscellaneous \*

1. A Soil Conservation District representative may make periodical inspections.
2. Owner/operator has reviewed the Office of Environmental Programs (OEP) permit letter.
3. Owner/operator fully understands that cost-share agencies can ask for a refund of money received, if an operation and maintenance plan is not followed by the owner/operator.
4. If any part of the ag. waste system should show signs of imminent failure, or if it would fail, immediately contact the Washington County Soil Conservation District at 301-797-6821 for guidance in reducing and/or preventing damage to property and the environment.

The farm operator is responsible for the proper installation, operation, and maintenance of the waste management system. The system was designed by the Natural Resources Conservation Service and the Washington County Soil Conservation District using the best available current technology. The system will be inspected, properly maintained, and operated in a safe manner if it is to function as planned and designed.



**DIVISION OF ENGINEERING & CONSTRUCTION MANAGEMENT  
PLAN REVIEW DEPARTMENT**

Washington County Administrative Annex  
80 West Baltimore Street  
Hagerstown, Maryland 21740-6003  
Telephone/TDD 240-313-2460  
Fax: 240-313-2461

Hearing Impaired CALL 7-1-1 for Maryland Relay

**S I T E   P L A N   S T A F F   R E P O R T**

**BASE INFORMATION**

SITE NAME...: CROSSPOINT SHOPPING CENTER - P/O LOT 4  
NUMBER.....: SP-15-031

OWNER.....: HAGERSTOWN SOUTHSIDE, LLC  
LOCATION.....: SOUTHSIDE OF COLE ROAD AT THE VALLEY MAL  
DESCRIPTION..: PROPOSED COMMERCIAL BUILDING REV 1

ZONING.....: BG BUSINESS GENERAL  
COMP PLAN...: CM Commercial  
PARCEL.....: 04818070100000  
SECTOR.....: 1  
DISTRICT....: 26

TYPE.....: CM  
GROSS ACRES.: 2.89  
DWEL UNITS..: 0  
TOTAL LOTS..: 0  
DENSITY.....: 0 UNITS PER ACRE

PLANNER.....: LISA KELLY  
SURVEYOR....: FREDERICK SEIBERT & ASSOCIATES  
RECEIVED....: 08/12/2015

FOREST REVIEW FEE.....:\$0.00  
DEVELOPMENT REVIEW FEE...:\$894.50

**SITE ENGINEERING**

	WATER	SEWER
METHOD.....:	PUBLIC	PUBLIC
SERVICE AREA.....:	HN	HN
PRIORITY.....:	1	1
NEW HYDRANTS.....:	0	
GALLONS PER DAY SEWAGE...:	0	
SEWER PLANT.....:	Conococheague	

STORM WATER MANAGMT TYPE.: POND  
DRAIN DIRECTION.....:  
FLOOD ZONE.....: C  
WETLANDS.....: N  
TOPOGRAPHY.....:  
BEDROCK.....:  
VEGETATION.....:

**SITE DESIGN**

IMPERVIOUS SURFACE PLANNED...: 75%      BUFFER DESIGN MEETS REQUIREMENTS.: Y  
 IMPERVIOUS MAXIMUM ALLOWED...: 0%      LANDSCAPING MEETS REQUIREMENTS...: Y  
 LIGHTING PLAN MEETS REQUIREMENTS.: Y  
 OPEN SPACE AREA PLANNED-AC...: 0      PEDESTRIAN ACCESS IS ADEQUATE....: Y  
 OPEN SPACE MINIMUM ALLOWED...: 0      BUS ROUTE WITHIN WALKING DIST....:  
 TOTAL PARKING SPACES PLANNED.: 133      LOADING AREAS MEET REQUIREMENTS...: Y  
 PARKING SPACES-MINIMUM REQD.: 125  
 PARKING SPACES/DWELLING UNIT.: 0  
 RECREATIONAL VEHICLE PARKING.: N

RESIDENTIAL AMENITY PLANS....: N/A

SOLID WASTE DISPOSAL PLANS....: DUMPSTER  
 MATERIALS STORED ON SITE.....: NO

**COMMUNITY FACILITIES**

	ELEM	MID	HI
SCHOOL NUMBER CODE	0	0	0
PUPIL YIELD	0	0	0
CURRENT ENROLLMENT	0	0	0
MAXIMUM CAPACITY	0	0	0

PROPOSED NEW ROAD NAMES

1  
 2  
 3  
 4  
 5  
 6  
 7  
 8  
 9  
 10

NUMBER OF ACCESS POINTS:0  
 COUNTY HISTORIC INVENTORY SITE #: I429  
 ON NATIONAL HISTORIC REGISTER : N

FIRE DISTRICT: 26      MILES TO STATION: 0  
 AMBULANCE DIST: 26      MILES TO STATION: 0

COMMENTS:  
 PROPOSED COMMERCIAL BUILDING REV 1





**DIVISION OF ENGINEERING & CONSTRUCTION MANAGEMENT**  
**PLAN REVIEW DEPARTMENT**

Washington County Administrative Annex  
80 West Baltimore Street  
Hagerstown, Maryland 21740-6003  
Telephone/TDD 240-313-2460  
Fax: 240-313-2461

Hearing Impaired CALL 7-1-1 for Maryland Relay

**S I T E   P L A N   S T A F F   R E P O R T**

**BASE INFORMATION**

SITE NAME....: GTI  
NUMBER.....: SP-15-033  
  
OWNER.....: FREDERICK SEIBERT & ASSOCIATES  
LOCATION.....: SOUTHEAST SIDE OF HOPEWELL ROAD  
DESCRIPTION..: MANUFACTURING AND CULTIVATION OF PLANT  
  
ZONING.....: HI HIGHWAY INTERCHANGE  
COMP PLAN...: IF Industrial Flex  
PARCEL.....: 04811057200000  
SECTOR.....: 1  
DISTRICT....: 24  
  
TYPE.....: CM  
GROSS ACRES.: 14.3  
DWEL UNITS..: 0  
TOTAL LOTS..: 1  
DENSITY.....: 0 UNITS PER ACRE  
  
PLANNER.....: LISA KELLY  
SURVEYOR....: FREDERICK SEIBERT & ASSOCIATES  
RECEIVED....: 09/01/2015  
  
FOREST REVIEW FEE.....:\$0.00  
DEVELOPMENT REVIEW FEE...:\$1,465.00

**SITE ENGINEERING**

	WATER	SEWER
METHOD.....:	PUBLIC	PUBLIC
SERVICE AREA.....:	HN	CN
PRIORITY.....:	1	1
NEW HYDRANTS.....:	0	
GALLONS PER DAY SEWAGE...:	0	
SEWER PLANT.....:		

STORM WATER MANAGMT TYPE.: bio retention pond  
DRAIN DIRECTION.....:  
FLOOD ZONE....: C  
WETLANDS.....: N  
TOPOGRAPHY....:  
BEDROCK.....:  
VEGETATION....:

**SITE DESIGN**

IMPERVIOUS SURFACE PLANNED....: 34%      BUFFER DESIGN MEETS REQUIREMENTS.: Y  
 IMPERVIOUS MAXIMUM ALLOWED....: 0%      LANDSCAPING MEETS REQUIREMENTS...: Y  
 LIGHTING PLAN MEETS REQUIREMENTS.: Y  
 OPEN SPACE AREA PLANNED-AC....: 0      PEDESTRIAN ACCESS IS ADEQUATE.....: Y  
 OPEN SPACE MINIMUM ALLOWED....: 0      BUS ROUTE WITHIN WALKING DIST.....:  
 TOTAL PARKING SPACES PLANNED.: 124      LOADING AREAS MEET REQUIREMENTS...: Y  
 PARKING SPACES-MINIMUM REQD.: 107  
 PARKING SPACES/DWELLING UNIT.: 0  
 RECREATIONAL VEHICLE PARKING.: N

RESIDENTIAL AMENITY PLANS.....: n/a

SOLID WASTE DISPOSAL PLANS....: DUMPSTER  
 MATERIALS STORED ON SITE.....: N/A

**COMMUNITY FACILITIES**

	ELEM	MID	HI
SCHOOL NUMBER CODE	0	0	0
PUPIL YIELD	0	0	0
CURRENT ENROLLMENT	0	0	0
MAXIMUM CAPACITY	0	0	0

## PROPOSED NEW ROAD NAMES

1  
 2  
 3  
 4  
 5  
 6  
 7  
 8  
 9  
 10

NUMBER OF ACCESS POINTS:0  
 COUNTY HISTORIC INVENTORY SITE #: NOT HIST  
 ON NATIONAL HISTORIC REGISTER : N

FIRE DISTRICT: 26      MILES TO STATION: 0  
 AMBULANCE DIST: 26      MILES TO STATION: 0

COMMENTS:  
 MANUFACTURING AND CULTIVATION OF PLANT



DIVISION OF  
ENGINEERING & CONSTRUCTION MANAGEMENT  
PLAN REVIEW & PERMITTING | ENGINEERING | CONSTRUCTION

July 15, 2015

Jason M. Divelbiss, Esquire  
DIVELBISS & WILKINSON  
13424 Pennsylvania Avenue  
Suite 302  
Hagerstown, Maryland 21742

RE: Current Owner: Hagerstown Washington County Industrial Foundation  
Location: Map: 48, Grid: 11, Parcel: 865 – Account No.: 24-005240  
Map: 48, Grid: 11, Parcel: 572 – Account No.: 24-000400

Dear Mr. Divelbiss:

In response to your request for zoning confirmation for the above referenced properties, please be advised as follows:

- Parcel 865 and Parcel 527 are adjacent, unimproved parcels consisting of 11.46 +/- acres and 8.22 +/- acres respectively.
- The parcels are zoned Highway Interchange (HI) which district is governed under Article 19 of the Washington County Zoning Ordinance.
- Principal permitted uses in the HI district are obtained by cross-reference in Article 19A.2 of which include principal permitted uses in the Industrial Restricted (IR) district (Article 13). Specifically, Section 13.1(a) allows *Manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals and food products, except fish and meat products, sauerkraut, vinegar, and the rendering or refining of fats and oil.*
- Consistent with the above and House Bill 490, "Manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals and food products...", to include medical cannabis, would be a principal permitted use in the HI zoning district.

Should you have any questions or need for additional information, please contact me at 240-313-2418.

Sincerely,

Robert Slocum,  
Director

**Kelly, Lisa**

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**From:** Mullendore, Doug  
**Sent:** Tuesday, September 08, 2015 8:30 AM  
**To:** Kelly, Lisa  
**Subject:** SP-15-033

Lisa,

I have reviewed the plans for GTI Maryland's Marijuana Grow Facility on Hopewell Rd, SP-15-033. I do not see any issues with their site plan from a traffic or criminal perspective. Thank you for the opportunity to review and comment on these plans.

**Sheriff Doug Mullendore**  
**Washington County Sheriff's Office**  
**500 Western Maryland Parkway**  
**Hagerstown, Maryland 21740**  
**Email: [dmullendore@washco-md.net](mailto:dmullendore@washco-md.net)**  
**Phone: 240-313-2101**  
**Fax: 240-313-2105**