

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING
July 10, 2017**

The Washington County Planning Commission held a regular meeting on Monday, July 10, 2017 at 7:00 p.m. at the Washington County Circuit Court House, Court Room #1, 24 Summit Avenue, Hagerstown, Maryland.

Commission members present were: Chairman Clint Wiley, Dennis Reeder, David Kline, B. J. Goetz, and Jeremiah Weddle. Andrew Bowen and Ex-Officio Commissioner Leroy Myers were absent. Staff members present were: Washington County Department of Planning & Zoning - Stephen Goodrich, Director, Jill Baker, Chief Planner, Travis Allen, Comprehensive Planner, and Debra Eckard, Administrative Assistant, Washington County Department of Plan Review & Permitting – Tim Lung, Director/Zoning Administrator, and Lisa Kelly, Senior Planner.

CALL TO ORDER

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

MINUTES

Motion and Vote: Mr. Reeder made a motion to approve the minutes of the June 5, 2017 regular meeting as presented. The motion was seconded by Mr. Kline and unanimously approved.

OLD BUSINESS

Bowman Cornfield (SP-16-005)

Ms. Kelly presented for review and approval a site plan for a proposed establishment with food sales, retail space, office space and fuel sales with gas pumps, a canopy, and a car wash on a 13.3 acre parcel located at the intersection of Lappans Road and Spielman Road. The property is currently zoned HI (Highway Interchange). There will be 16 gas pumps for cars located in front of the building and 6 pumps for truck fueling to the rear of the store. Four truck parking spaces will be provided behind the convenience store. Ms. Kelly noted that the proposed truck wash shown on the site plan last month has been removed. There will be two access points from Spielman Road. The site will be served by public water and public sewer. There will be 30 employees working 3 shifts. Hours of operation will be 7 days per week, 24 hours per day. Required parking is 95 spaces; 107 spaces will be provided. Lighting will be building mounted and pole mounted throughout the site. There will be a screened dumpster on the site adjacent to the store. Two stand-alone signs and building mounted signs are proposed. Landscaping will be located throughout the parking lot, around the building and dumpster, as well as plantings within the storm water management area. An existing storm water management facility is located on the site. Forest Conservation Ordinance requirements have been met by off-site retention of existing forest; an easement plat has been recorded. The State Highway Administration has reviewed and approved the site plan. SHA will require the following improvements to be finalized prior to the opening of the establishment: the existing truck entrance must be relocated for better sight distance; construction of a new car entrance; widening of Spielman Road, west of centerline along the entire project frontage; mill and overlay Spielman Road west of centerline along entire project frontage; drainage pipe extensions to accommodate road widening; reconfigure lane striping at Spielman and Lappans Road intersection; single pole and light modification. All agency approvals have been received.

Discussion and Comments: Mr. Weddle stated that he visited the site. He believes that sight distance would be improved if the trees on the opposite side of the street from the truck entrance would be removed. Mr. David Trostle of Frederick, Seibert & Associates, the consultant, stated that the developer intends to remove those trees.

Mr. Kline verified that the State Highway Administration will hold \$300,000 in reserve for traffic lights if needed in the future. He noted that he has spent a lot of time visiting the site and reviewing all the information given to the Commission members including all public comment that was received. He explained that the HI zoning district was created for this type of business and takes into consideration higher volumes of traffic that will leave the interstate to patronize this type of establishment. In his opinion there is not a better place along I-81 for this type of business. Mr. Kline noted that all agencies including the State Highway Administration have reviewed this site plan and have given their approval. He believes there is no reason to deny the proposal and the developer should be allowed to move forward with the project.

Mr. Reeder concurred with Mr. Kline's comments reiterating that the State Highway Administration has approved this site plan and that money will be held in reserve for traffic lights if they are needed in the future.

Mr. Wiley stated that the proposed use is a principally permitted use in the HI district. He believes the removal of the truck wash was a good idea. It is his opinion that the State Highway Administration has vetted the safety issues and the developer has addressed these issues on the site plan by meeting all SHA requirements.

Mr. Goetz commended the developer for removing the truck wash from the proposal. He believes this will reduce the amount of time that trucks will sit at the site. He noted there is already a lot of truck traffic in

this area from the warehouse and industrial facilities along Governor's Lane Boulevard. With the addition of the truck fueling facilities at this location, it is his opinion that truck traffic risks on I-81 may be reduced.

Motion and Vote: Mr. Kline made a motion to approve the site plan for Bowman Cornfield as presented. The motion was seconded by Mr. Goetz and unanimously approved.

NEW BUSINESS

SUBDIVISION

Westfields Section 6

Ms. Kelly presented for review and approval a proposed revision to the lot configuration within Section 6 of the Westfields development. The final plat for Section 6A was approved to create 23 single-family lots, 20 of which were 100 feet wide and the remaining 3 lots were 80 feet wide. The developer is proposing to reconfigure the lots in Section 6A to 40 semi-detached units and to eliminate 20 lots in Section 7.

Mr. Jonathan Pembroke of Ausherman Development, the developer, stated there are 773 lots approved for this cluster development. The proposed change would not change the total number of lots in the development. This proposal is being driven by market demand.

Motion and Vote: Mr. Kline made a motion to approve the revision to Westfields, Section 6 as presented. The motion was seconded by Mr. Weddle and unanimously approved.

-FOREST CONSERVATION

Freedom Hills, Section B

Ms. Kelly presented for review and approval a request to change the forest conservation mitigation for property located along Garden View Road. In 2001, the first section of Freedom Hills was approved and the Planning Commission, as part of its approval, allowed the developer to mitigate 4.72 acres of the total 9.36 acres required, using a payment-in-lieu in the amount of \$20,256.32. The remaining 4.64 acres of mitigation was to be addressed by planting on the Freedom Hills site; a surety was posted in 2003 in the amount of \$20,211.84. Freedom Hills Section B, Lots 26-99 were approved by the Planning Commission in October 2005. Part of the approved plat included a Forest Conservation Easement Plan which showed an afforestation easement on Lots 65 thru 77 and Lots 96 thru 99 for a total mitigation of 1.06 acres. In 2017, a field inspection of this easement by County staff showed that the trees were not planted and therefore, was in violation of the approved 2005 Final Plat for Section B. The developer, Farhad Memarsadeghi, was contacted regarding this issue and has been working with the County to remedy the situation. He has proposed addressing this issue by removing the easement from Lots 65 thru 77 and 96 thru 99 and paying the fee-in-lieu for the 1.06 acres. Staff is recommending that the developer plant trees on a portion of Section C that does not have final plat approval.

Discussion and Comments: Mr. Weddle questioned why the trees were not planted before the lots were sold. Mr. Memarsadeghi explained that he purchased the property from another developer whose responsibility it was to plant the trees. Mr. Goodrich expressed Staff's opinion that when Mr. Memarsadeghi purchased the development, he purchased all obligations that went with it. There was a discussion regarding the obligation of the developer and alternatives to address this issue. Mr. Weddle expressed his opinion that the payment-in-lieu relieves the developer of his responsibility and he is not in favor of this option.

Motion and Vote: Mr. Reeder made a motion to approve the payment-in-lieu for 1.06 acres of mitigation. The motion was seconded by Mr. Kline and approved with a 4-1 vote; Mr. Weddle was opposed.

-OTHER BUSINESS

Linac Automobile

Mr. Lung presented a request for the change of use/intensity of property located at 20410 Leifersburg Pike, at the intersection of Leifersburg Pike and Miller's Church Road. The property is currently zoned RB (Rural Business). The property owner would like use this property for a gasoline station and a used car lot. Mr. Lung noted that the property has been used for a variety of businesses over the years, the most recent being a sales lot for storage sheds. In accordance with Section 5E.7 of the Washington County Zoning Ordinance, when an applicant requests a change of use/intensity in the approved RB floating district, the Planning Commission must determine if the change is significant and warrants the needs for a new public hearing. Staff has no objection to the request and believes that a public hearing should not be required.

Discussion and Comments: Mr. Reeder verified that the existing building would be removed and a new 1,200 square foot structure built in its place. Mr. Randy Dick of RMD Consulting, consultant, stated that during a Board of Zoning Appeals hearing for a canopy, neighbors were concerned with trash blowing onto their property. The developer has agreed to install a six foot vinyl fence along the property line to address this issue. The neighbors had no other concerns with the proposal according to Mr. Dick.

Motion and Vote: Mr. Reeder made a motion that based on review of the proposal, this is not a significant change in the use/intensity of the property and a public hearing will not be required. The motion also gives staff the authority to approve the site plan pending all agency approvals. The motion was seconded by Mr. Weddle and unanimously approved.

Update of Staff Approvals

Mr. Lung reported the following for the month of June: Land Development/Permit review – 33 entrance permits; 1 floodplain permits; 20 grading permits; 1 utility permits; Land Development Plan Review – 1 Forest State Delineation; 2 simplified subdivision plats; 1 subdivision replat; 1 final subdivision plat for an additional section to Elmwood Farm; 7 site plans including Hopewell Station Apartment expansion, Merkle Response Parking Area Addition, Brooks House, Long Meadow Volunteer Fire Company building expansion, Falcon Air Services hangar at Hagerstown Regional Airport, Patriot Federal Credit Union along Robinwood Drive, and A C & T (additional parking area); Engineering review – 3 site specific grading plans; 3 standard grading plans; 1 standard storm water management plan, and 1 storm water concept plan; Land Development approved plans – 2 Forest Stand Delineations, 2 simplified subdivision plats, 1 Forest Conservation Plan, 1 minor subdivision replat, 2 minor subdivision plats, preliminary plat/site plan for Rosewood, Section II-B, Lots 71 thru 105, 2 site plans including NTB Tire Center and Daley Drive Auto Sales, 2 site plan red-line revisions including the Mennonite Home and 2012 Western Maryland LLC warehouse.

Demolition Permit #2017-02234

Mr. Goodrich presented a request for review and recommendation on Demolition Permit #2017-02234 for property located at 20463 Beaver Creek Road. The 2-story stone house is listed in the Washington County Historical Site Inventory, #WA-II-088. Mr. Goodrich briefly reviewed the procedures followed for demolition permit review on properties listed in the County's Inventory and the materials included in the agenda packets. The Historic District Commission has reviewed this application and is opposed to the demolition. The HDC provided alternatives to the applicant in lieu of demolition.

Discussion and comments: Mrs. Janet Stiles Fulton gave a brief history of the property, which is located in a floodplain. She noted that the house has been rented for several years. Mrs. Fulton briefly described the condition of the house and repairs that would need to be made. She has spoken to several potential purchasers for the property; however, none want to restore or rehabilitate the house. Mrs. Fulton explained that she has obtained an estimate for a basic renovation of the house, which would not be financially possible or feasible.

There was a brief discussion regarding the challenges of restoring the house, selling materials from the house for re-use and the cost of flood insurance.

Motion and Vote: Mr. Reeder made a motion to recommend that the Planning Commission is not opposed to the demolition of the house located at 20463 Beaver Creek Road. The motion was seconded by Mr. Kline and unanimously approved with Mr. Weddle abstaining from the vote.

Water & Sewer Plan Amendment (WS-17-001)

Ms. Baker discussed a proposed Water and Sewer Plan Amendment application for Mr. Clarence Horst located along Garden View Road. She explained that the Washington County Health Department has instituted new rules regarding well testing in specific areas throughout the County, where contamination has been discovered in the aquifer, which is caused by groundwater under the direct influence of surface water. Ms. Baker further explained that three tests for wells have been performed on the property; and, the Health Department is unable to issue a permit for these wells because conventional systems will not adequately deal with the contaminants. There is a water line owned by the City of Hagerstown that runs down Garden View Road and Mr. Horst has approached the City regarding hook-up to this line. However, the property in question is outside the City's Medium Range Growth Area as well as the County's Urban Growth Area boundaries; therefore, he cannot obtain water from the City of Hagerstown's line. Ms. Baker explained that the City does have an exemption policy, which Mr. Horst is utilizing. Water lines have already been run to both the existing house and the proposed house. In order to help Mr. Horst get water to his property as quickly as possible, the Planning Commission will hold a public information meeting for this request at its August 7th meeting. We anticipate the Planning Commission making its recommendation immediately following the public information meeting that evening in order to move the request to the Board of County Commissioners as quickly as possible for final approval.

UPCOMING MEETINGS

1. Monday, August 7, 2017, 7:00 p.m., Washington County Planning Commission public information and regular meeting, Washington County Administration Building, 100 W. Washington Street, Room #2000, Hagerstown, Maryland

ADJOURNMENT

Mr. Kline made a motion to adjourn meeting at 8:30 p.m. The motion was seconded by Mr. Weddle and so ordered by the Chairman.

Respectfully submitted,


Clint Wiley, Vice-Chairman