

**WASHINGTON COUNTY PLANNING COMMISSION
PUBLIC INPUT MEETING AND REGULAR MEETING
December 4, 2023**

The Washington County Planning Commission held its regular monthly meeting on Monday, December 4, 2023 at 7:00 p.m. at the Washington County Administrative Complex, 100 W. Washington Street, Room 2000, Hagerstown, MD.

CALL TO ORDER AND ROLL CALL

Planning Commission members present were: Clint Wiley, Chairman, BJ Goetz, Denny Reeder, Terrie Shank, Jeff Semler and Ex-officio County Commissioner Randy Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jennifer Kinzer, Deputy Director; Travis Allen, Senior Planner; Misty Wagner-Grillo, Planner; Scott Stotemyer, Planner; and Debra Eckard, Administrative Assistant.

OLD BUSINESS

Ralph and Leah Martin [RZ-23-006]

Mr. Allen reminded Commission members that a public input meeting was held on November 6th for this 2-acre parcel of land located at 19815 Reidtown Road. The property owners are requesting the application of the RB (Rural Business) floating zone on the parcel that is currently zoned RV (Rural Village). The applicant is proposing an auto body repair facility. Three public comments have been received in opposition of the proposal. The site is currently two lots of record subdivided from the parent lot parcel prior to zoning and the Subdivision Ordinance.

Discussion and Comments: Mr. Semler asked if the two lots could be joined to make one parcel. Ms. Kinzer stated that the two lots currently can be sold separately, but could be combined. The stipulation to combine the parcels could be made part of the recommendation. Mr. Semler questioned the setbacks for the proposed business and the existing house if the lots are not combined. As it is currently shown on the plat, the existing house and garage would not meet the setback requirements. Ms. Kinzer stated this issue would be need to be resolved during the site plan process.

Mr. Reeder expressed his concern that the lots are currently separate so the business could be sold in the future and setbacks for the house and business would not be met. He also expressed concern with regard to the number of vehicles that would be on the property at one time. Mr. Reeder believes that a stipulation should be put on the property requiring the two parcels to be combined and no further subdivision could occur in the future.

Motion and Vote: Mr. Semler made a motion to recommend approval of the request to the Board of County Commissioners to apply the RB overlay to the property contingent upon the two parcels being combined to make one parcel. The motion was seconded by Mr. Reeder and unanimously approved with Commissioner Wagner and Mr. Wiley abstaining from the vote.

Cascade Town Centre Lot 2 [OM-23-006]

Ms. Kinzer noted that an ordinance modification request was presented in July to allow 22 lots to be created without public road frontage along Cushman Avenue in Cascade. The property is currently zoned SED (Special Economic Development). An ordinance modification was previously approved to create Lot 2 without public road frontage. The developer is requesting the modification in order to subdivide each of the duplex lots for individual sale. Both the Washington County Engineering Department and Planning staff have expressed concerns about creating this many lots without public road frontage. During the July meeting, the Commission tabled the request until the developer could provide a copy of the contract that would be presented to home buyers regarding the maintenance of the roads. A copy of the contract was forwarded to Commission members prior to this evening's meeting.

Discussion and Comments: Mr. Goetz asked if it is the intent of the developer to sell the lots. Mr. Lee of JGBLI (the developer) stated it will be a combination of selling and leasing the lots. There was a discussion regarding the maintenance of the road. It is the intent of the developer to organize a homeowner's association (HOA) that would be responsible for the maintenance and upkeep of the roads until such time the roads are turned over to the County. Commissioner Wagner expressed his concern that there is no guarantee that a HOA would always be present or a guarantee that the County would take over the roads in the future. Ms. Kinzer noted the roads must be upgraded to County standards before the County would consider taking over the roads. The contract agreement would be attached to the deed and would follow the deed until such time the roads are turned over to the County. Commission members discussed the idea of the developer posting a bond for the road upgrades prior to subdivision approval.

Motion and Vote: Mr. Goetz made a motion to approve the ordinance modification to allow these 22 lots without public road frontage contingent upon the County Attorney's review and approval of the Declaration of Easement and Maintenance Agreement and that the subdivision approval will be accompanied with a bond to cover the cost of the improvements of the private road to County standards. The motion was seconded by Mr. Semler and unanimously approved.

NEW BUSINESS

MINUTES

Motion and Vote: Mr. Semler made a motion to approve the minutes of the November 6, 2023 meeting as presented. The motion was seconded by Ms. Shank and unanimously approved.

NEW BUSINESS

ORDINANCE MODIFICATION

Josh and Laura Smith [OM-23-014]

Ms. Wagner-Grillo presented for review and approval an ordinance modification request for property located on Lot 455, Section 3-B of the Westfields subdivision. The applicant is requesting a modification of the rear yard setback from 40-feet to 30-feet to construct a 20 x 20-foot deck and patio.

Motion and Vote: Mr. Semler made a motion to approve the modification request as presented. The motion was seconded by Mr. Reeder and unanimously approved.

SITE PLANS

Patton Warehousing and Logistics [SP-23-010]

Mr. Stotlemeyer presented for review and approval a site plan for a proposed trailer drop lot on an undeveloped parcel located at 18525 Breeze Hill Drive. There will be one access point on Breeze Hill Drive. No water or sewer will be provided. Pole mounted lights and ground mounted signs will be provided. Parking spaces required is 2 spaces; 10 spaces will be provided as well as 93 trailer spaces. Hours of operation will be 7 am to 7 pm, Monday thru Friday. Forest Conservation requirements were previously addressed. All agency approvals have been received.

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

Wantz Distributors [SP-23-014]

Mr. Stotlemeyer presented for review and approval a site plan for a proposed 34,500 square foot building addition on an existing building at 11743 Hopewell Road. The property is currently zoned IG (Industrial General). The company will continue to use the one entrance on Hopewell Road. Parking spaces required is 89 spaces; 95 spaces will be provided. Public water and sewer will serve the site. Hours of operation will be 4 am to 5 pm, Monday thru Friday. Additional building and pole mounted lights will be provided; no additional signage is proposed. There will be 2.97 acres of forest conservation on-site. All agency approvals have been received.

Motion and Vote: Mr. Semler made a motion to approve the site plan as presented contingent upon approval of the Forest Conservation request to remove specimen trees. The motion was seconded by Ms. Shank and unanimously approved.

FOREST CONSERVATION

Wantz Distributors [SP-23-014]

Mr. Allen presented for review and approval a request to remove three specimen trees on property located at 11743 Hopewell Road (Wantz Distributors). The lot and Forest Conservation easement were created in 2003 when the original subdivision occurred. The building expansion would reconfigure and slightly enlarge the existing forest easement. The specimen trees are located in the area where the expansion would occur. All mitigation will be retained on-site.

Motion and Vote: Mr. Reeder made a motion to approve the request as presented. The motion was seconded by Mr. Semler and unanimously approved.

Bowman 2000 LLC Lots 4-9 [S-23-052]

Mr. Allen presented for review and approval a request to use off-site mitigation to meet Forest Conservation requirements for a six-lot subdivision located between 7780 and 7816 Fairplay Road totaling 8.26 acres. The developer is proposing to satisfy the majority of their forest mitigation off-site to meet the 3.17 acres of planting requirement. Mr. Allen explained that the Forest Stand Delineation (FSD) is the first step in any type of development that is required to comply with the Forest Conservation Ordinance. The FSD identifies sensitive areas, including any forest cover, on the property that should be avoided during development. The FSD for this property revealed one forest stand totaling 2.2 acres that included steep slopes which sits among 34 acres of agricultural land. Mr. Allen stated that according to the Forest Conservation Plan (FCP), three of the six lots are proposed to be located in the only forest stand on the property. He noted that by shifting the lots slightly and using the frontage on both Spielman and Fairplay Roads, all mitigation could be accomplished on-site. The proposed forest easement of .52 acres, as shown on the FCP, sits just above a septic reserve area. Staff voiced concerns that if the remaining lands are sold in the future and further developed, there is the potential for the forest easement to be removed and thereby eliminating all qualified forest cover from the property.

Mr. Fred Frederick of Frederick, Seibert & Associates, the consultant, explained that the developer wishes to keep all the residential development clustered together and use the remaining lands for agricultural purposes. The lots would be marketed as wooded lots and forest clearing would be kept to a minimum during development. He noted that off-site mitigation is at a 2:1 ratio thereby providing more forest in an area where forest is already existing and needs protected.

Discussion and Comments: Mr. Goetz asked if the development is being clustered next to the existing residences. Mr. Frederick explained there will be a gap between the existing residences and the new development in order to retain a small forested area that will provide a buffer between the two developments. Mr. Goetz expressed his opinion that if the remaining lands (35 acres) are sold later, development would not affect the forest easement, which is staff's concern.

Mr. Reeder asked if the remaining lands would have access from both Spielman Road and Fairplay Road. Mr. Frederick stated that is correct and the developer will be required to widen Fairplay Road as part of the development. Mr. Reeder asked if perc tests have been completed on all the proposed lots. Mr. Frederick stated they have all been tested and passed. Wells will be drilled as the lots are developed.

Motion and Vote: Mr. Reeder made a motion to approve the off-site mitigation request as proposed. The motion was seconded by Mr. Goetz and unanimously approved.

OTHER BUSINESS

19112 Keep Tryst Road

Mr. Allen presented a request to add an additional land use to an existing Rural Business (RB) zoning district. He explained that Rural Business zoning districts are established as a floating zone which permits only the specific land use that is established at the time of the rezoning map amendment. The current use of this property was established as a restaurant. The applicant is proposing to construct an 800 square foot retail building with a parking lot and a drive-thru. Mr. Allen explained that the Planning Commission is charged with determining if the change in use would be a significant change in the use and intensity of the property from the existing land use previously authorized.

Motion and Vote: Mr. Reeder made a motion to approve the proposed change as a minor change to the existing Rural Business zoning district. The motion was seconded by Mr. Semler and unanimously approved with Commissioner Wagner abstaining from the vote.

Larry Miller – Lot 1 [S-23-061]

Mr. Allen presented a preliminary request to establish an off-site easement to meet Forest Conservation requirements on a two-lot subdivision. The subject parcel is located at 2919 Reno Monument Road. Mr. Allen noted that the subdivision plat has not been submitted; therefore, this request is for informational purposes only.

Mr. Frederick explained the property is a 15.16 acre parcel that was subdivided from a family farm. There is currently .96 acres of forest on the property. The owner is proposing to build a house on a portion of the property and to use the remaining lands for agricultural purposes. He does not want to plant additional forest on the property. Mr. Frederick stated that the owner is proposing to establish a forest easement on a 900+ acre parcel owned by a hunting club in Blair's Valley. A forest conservation easement containing 484 acres has already been established by the State of Maryland on the subject site. The proposed easement would be located along a stream and next to the protected lands owned by the State.

No formal action was taken; however, members did not have any concerns with the proposal.

Update of Projects Initialized

Ms. Kinzer provided a written report for the land development plan review projects (38 total) initialized during the month of October including 3 site plans and 3 simplified plats.

Comprehensive Plan Update

Ms. Kinzer reported that the public comment period ended on October 31st. Over 100 comments were received both from agencies and individual homeowners. Staff is prioritizing all comments and have begun review of same.

Change of meeting time

Consensus: Members have requested to move the meeting start time to 6 p.m.

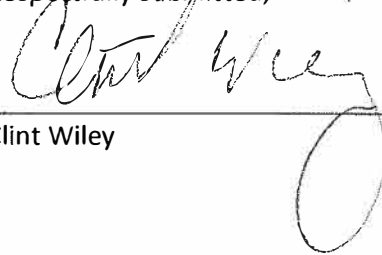
UPCOMING MEETINGS

1. Washington County Planning Commission regular meeting, January 8, 2024

ADJOURNMENT

Mr. Semler made a motion to adjourn the meeting at 8:25 p.m. The motion was seconded by Mr. Goetz and so ordered by the Chairman.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Clint Wiley", is written over a horizontal line. The signature is written in black ink and is positioned to the right of the printed name.

Clint Wiley