

WASHINGTON COUNTY PLANNING COMMISSION

October 5, 2015

The Washington County Planning Commission held its regular meeting on Monday, October 5, 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 Andrew Bowen. 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.

MINUTES

Mr. Lung noted that staff made a correction to the minutes of September 14, 2015 for the CRS Site Plan approval.

Motion and Vote: Mr. Reeder made a motion to approve the minutes of the September 14, 2015 meeting minutes as presented. The motion was seconded by Mr. Kline and unanimously approved.

NEW BUSINESS

PRELIMINARY CONSULTATIONS

Chester Burkholder and Lawayne Martin (PC-15-003)

Mr. Shaw presented for review and comment a preliminary consultant for Chester Burkholder and Lewayne Martin for the construction of an animal waste storage facility and an animal husbandry facility located at 12440 Burkholder Lane in Hagerstown. The property is currently zoned P1 (Planned Industrial) and is located in the Hagerstown Urban Growth Area. The applicants are proposing to construct an animal waste storage facility to ensure compliance with the Maryland Nutrient Management Regulations. A 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 15th through March 1st of each year will become mandatory. The farm produces 3,770 tons of animal waste annually. The Washington County Soil Conservation District (WCSCD) has approved the construction drawings certifying that the proposed structure meets current standards and specifications of the USDA, Natural Resources Conservation Service (NRCS). After construction, WCSCD will certify that the construction meets applicable standards. Mr. Shaw reviewed the farm's current operation, current waste management procedures and planned waste management procedures. He also informed Commission members of the reviewing agencies and their comments. The plan is currently being revised to address these comments. Both the animal waste facility and the animal husbandry facility must have a minimum setback of 350' from the property line and 250' from any public right-of-way. There must also be a minimum setback of 500' from each school, dwelling, church or institution for human care that is not located on the same lot. The proposed plan meets all of the setback requirements.

Discussion and Comments: Mr. Elmer Weibley of WCSCD was present at the meeting and stated that plans are being revised and the applicant has requested that FEMA revise the flood plain prior to a final permit being issued.

Motion and Vote: Mr. Reeder made a motion to approve the concept plan for this project. The motion was seconded by Mr. Bowen and unanimously approved.

SITE PLANS

Crosspoint Shopping Center – Lot 5 (SP-15-031)

Ms. Kelly presented for review and approval a site plan for Lot 5 of the Crosspoint Shopping Center located adjacent to Cole Road in front of the Kohl's Department store. The property is currently zoned BG (Business General) and is 2.89 acres in size. The developer is proposing to construct a 26,000 square foot building that will house Bob's Furniture. The proposed building will be 30' in height. The site will be served by existing public water and sewer. There will be two access points from Cole Road. Hours of operation will be Monday through Saturday 10 a.m. to 10 p.m. and Sunday 11 a.m. to 7 p.m. There will be a total of 20 employees making up two shifts. There will be one tractor trailer delivery per week. There are 125 parking spaces required and 133 parking spaces will be provided. There will be one dumpster. Two building mounted signs are proposed and one sign added to the overall shopping center sign adjacent to I-81. Lighting will be building and pole mounted throughout the parking lot. Landscaping will include trees and shrubs located throughout the parking lot in front of the building, along the back of the building, around the fencing enclosing the dumpster, and throughout the bio-retention pond. Forest Conservation Ordinance requirements were previously addressed during the development of the shopping center. Ms. Kelly noted that the County and the developer have agreed to put a cul-de-sac in the area at the end of Cole Road. All reviewing agency approvals have been received.

Motion and Vote: Mr. Reeder made a motion to approve the site plan for Lot 5 of the Crosspoint Shopping Center as presented. The motion was seconded by Mr. Bowen and unanimously approved.

GTI (SP-15-033)

Ms. Kelly presented for review and approval a site plan for GTI for property located along the southeast side of Hopewell Road near the Halfway Boulevard interchange. The developer is proposing to construct a 47,000 square foot building for Phase I for the growing and manufacturing of medicinal cannabis. Phase II, which is planned for the future, will be a 129,000 square foot building, for a total of 176,000 square feet. The site is 19.34 acres in size and is currently zoned HI (Highway Interchange). The site will have one access onto Hopewell Road, which will be secured with a guard shack and gate that will be monitored. The entire site will be secured by a fence. The hours of operation will be Monday through Friday, 8 a.m. to 6 p.m. There will be approximately 40 employees for Phase I with a total of 100 employees after completion of the second phase. Parking spaces required for Phase I is 48 spaces with 80 spaces being provided. With the completion of Phase II, an additional 44 parking spaces will be added for a total of 124 parking spaces on site. 113 parking spaces are required. Freight and delivery will be one tractor trailer per day for Phase I and two per day following the completion of Phase II. Public water and sewer will serve the site. Lighting will be building mounted and pole mounted throughout the parking lot. One dumpster will be located on the site. No signage is proposed with the exception of the address on the mailbox along Hopewell Road. Forest Conservation requirements are being met by retaining 3.85 acres of existing forest on site. Landscaping will include trees planted at the entrance and throughout the parking lots and in the bio-retention ponds located to the rear of the site.

Discussion and Comments: There was a discussion regarding the County Attorney's determination that the proposed use under the guidelines of the County's Zoning Ordinance will be considered a pharmaceutical manufacturing use rather than an agricultural use. Staff referenced a letter signed by Mr. Rob Slocum, Director of the Division of Engineering and Construction Management and acting as the Zoning Administrator at the time of said letter, determined the use to be pharmaceutical and a principal permitted use within the HI zoning district.

Security measures at the site were discussed at great length. Mr. Sterling Crockett, a principal of GTI, was present at the meeting and provided an overview of the security measures that have been developed by highly specialized security individuals and businesses. He stated that all employees will be subject to a thorough background check, they will be required to wear uniforms without pockets, and they will be permitted to enter only the area of the building where their work will take place. There will be a security guard on duty at the guard shack 24/7 that will monitor all individuals entering the property. Mr. Jason Divelbiss, attorney for the developer, stated there will be a live feed at the facility that will be connected to and monitored by the Maryland State Police. Mr. Kline expressed his concern about approving a project that could cause a problem in the future with regard to security issues.

Mr. Divelbiss and Mr. Crockett explained that the facility would be used for the growing, cultivation, and limited processing of medical cannabis in healthy forms such as tablets, oils, waxes, patches, etc. The final product will be packaged in sealed packages and will be distributed to State licensed dispensaries by delivery vans. Delivery vans, which will be tracked and monitored by GPS, will not be permitted to make any stops except at the designated dispensaries. There will be a two key system (one key from the dispensary and one key from the plant) that will be required to open the delivery van once it reaches its destination.

There was a discussion regarding noxious or unpleasant odors and effluent that would be emitted from the facility. Mr. Crockett stated there will not be any odors associated with the facility. Plants will be grown in pots with soil and hand watered; therefore, there will be no run-off and no pre-treatment of effluent on site.

The group discussed regulations and oversight by the State of Maryland and the Federal government's stand on medical cannabis. Mr. Divelbiss stated that a 2013 memorandum from the Department of Justice's Deputy Attorney General states that the Federal government on the issue of enforcing the Controlled Substance Act with regard to cannabis will defer to each State except when it infringes on nine different priority areas, such as the sale of cannabis to minors, illegal trafficking, etc. Mr. Crockett stated that the Maryland Medical Cannabis Commission will have oversight of the facility and the first two years of operation will be considered a test period. After the two year period, changes and adjustments to the facility and the operation may be made if necessary. He also stated there will be random inspections performed throughout the year.

There was a discussion with regard to the approval of the site plan and if that approval would transfer to another developer if GTI does not get the State required license. There was also a discussion placing a conditional approval note on the site plan. Mr. Lung believes that the approval would stay with the site, not with a particular owner/developer. Mr. Divelbiss explained that the property is currently owned by CHIEF and he believes that if GTI does not get the license, CHIEF would request that the state be wiped clean. He further explained that in accordance with the State of Maryland, the application requires the applicant to provide the specific site where you plan to locate a facility, compatibility with the surrounding neighborhood, information relative to security, effects on schools, etc. He noted that no other applicant would meet all of the conditions exactly and apply for this site because they do not have the site under contract, they do not have an equity interest in the property, and they do not have the consent of the current property owner. Therefore, the State of Maryland would not allow anyone else to operate at this site.

Mr. Reiber strongly expressed his concern with regard to the Planning Commission approving a site plan for a facility for a drug based operation that is not legally recognized by the Federal government, but is recognized by the State of Maryland. He reminded Commission members that they took an oath to abide by and take up all laws including Federal, State and local. He also expressed concern with regard to the use being considered a medical use rather than an agricultural use, to the location of the facility and its close proximity to other businesses including retail and wholesale businesses. Mr. Reiber is very concerned about safety measures at the facility and feels this could be a serious problem in a county that already has drug related issues.

Motion and Vote: Mr. Bowen made a motion to approve the site plan for GTI contingent upon obtaining all approvals and permits from the State of Maryland. The motion was seconded by Mr. Kline and unanimously approved.

OTHER BUSINESS

Comprehensive Plan Update

Ms. Baker distributed copies of information received from the City of Hagerstown regarding recommendations that they are making in their Comprehensive Plan. She noted that the City is making 67 proposed changes to land use designations. These recommendations are consistent with the County's current Land Use Plan with the exception of three proposed areas for expansion of the Medium Range Growth Area (MRGA) and one area proposed for retraction. The three proposed area changes to the MRGA are: Holcim property located behind the Cortland Manor Subdivision, Friendship Technology Park on Downsville Pike; and Sharpsburg Pike/Poffenberger Road vicinity. Ms. Baker began with the Holcim property, which is a small area where the County is proposing to extend Eastern Boulevard and would become open space. The next area to be discussed was the Friendship Technology Park which includes 14 parcels (465 acres) and is predominately commercial and institutional uses. The reason for the expansion in this area is because the City is required to provide service to this area due to old agreements made with Potomac Edison many years ago. The last area proposed for expansion is the Sharpsburg Pike/Poffenberger Road area. Ms. Baker stated there is service already in this area, which serves several subdivisions. She noted there are multiple pre-annexations agreements in place for developments in this area, such as Claggett's Mill, Cross Creek, Carriage Hill, etc. Ms. Baker discussed the proposed areas for retraction and explained that the City, by expanding the three aforementioned properties, would need to retract areas to make up the difference in their allocation numbers. The first area is between Broadfording Road and Salem Avenue, which includes three parcels that total approximately 250 acres. Staff does not object to the retraction of this area because these parcels are currently being used as farmland and they do not have good access. The second area is the northeast quadrant of MD 63/US 40 (Hopewell Valley North). The City is proposing to retract approximately 1100 acres of land which the County has designated as Planned Industrial. This recommendation needs some additional consideration by the County. Ms. Baker stated that the City's Planning Department would like to meet with the Planning Commission to discuss these recommendations. A workshop will be scheduled in November with the City to discuss these issues.

Ms. Baker stated that the public engagement process for the Comprehensive Plan update has been completed. Staff has begun compiling all of the information received to date and will begin working with civic groups to obtain additional information and feedback. Workshop meetings will be scheduled with the Planning Commission to begin working through the information received and begin drafting the document.

Staff Approvals

Mr. Lung reported that Staff approved 12 projects during the month of September, which included the following:

- Site plan and subdivision plat for the Rosewood PUD Section II-B (50 townhouse units)
- Expansion for the Good Shepherd Ministries located at the intersection of Long Meadow Road and Leitersburg Pike
- Site plan and subdivision plat for Walmart – Arnett Farm (On July 1, 2013, the Planning Commission delegated approval authority to staff upon receipt of all agency responses and approvals.)
- Site plan for the Holiday Inn Express expansion (24 additional rooms)

He also noted that 16 new plan submittals were received during the month of September.

Applicants for Planning Commission

Mr. Goodrich presented a list of applicants to fill the vacant Planning Commission position. Planning Commission members should make a recommendation of 2 or 3 applicants to the Board of County Commissioners for their consideration and appointment.

ADJOURNMENT

Mr. Bowen made a motion to adjourn the meeting at 9:05 p.m. The motion was seconded by Mr. Kline and so ordered by the Chairman.

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

Respectfully submitted,



Terry Reiber, Chairman