

WASHINGTON COUNTY PLANNING COMMISSION
January 4, 2016

The Washington County Planning Commission held its regular meeting on Monday, January 4, 2016 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, Clint Wiley, Andrew Bowen, David Kline, Jeremiah Weddle and Leroy Myers, Jr., BOCC ex-officio. Staff members present were: Washington County Department of Planning & Zoning - Stephen Goodrich, Director 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

Motion and Vote: Mr. Bowen made a motion to approve the minutes of the December 7, 2015 Planning Commission regular meeting as presented. The motion was seconded by Mr. Wiley and unanimously approved.

NEW BUSINESS

SITE PLANS

Big Spring Solar LLC (SP-15-043)

Ms. Kelly presented for review and approval a site plan for a proposed solar energy generating system located along the south side of Big Pool Road near its intersection with Ashton Road. The site is currently zoned A(R) – Agricultural Rural. The developer is proposing to lease 20.34 acres from a 145 acre farm for a solar energy generating system (SEGS). The SEGS will be comprised of 11,000 non-reflective modules covering the leased area. A control building and transformer pad will also be constructed on the site. Low growth grasses will be seeded underneath the SEGS. The modules will produce 3.5 megawatts of clean, renewable electricity, which is enough to power 750 homes. There will be an 8 foot high black vinyl chain link fence around the site. No signage is proposed. There will be emergency lights at the control building. A landscape buffer will be planted around the perimeter to predominantly screen the SEGS from view from the adjacent properties along the entire southern border of the system. The Board of Zoning Appeals required the screening as a condition of its approval. A special exception was granted by the Board of Zoning Appeals to allow the construction of the solar energy generating system in October 2015. The special exception was granted for 46 acres; however, the site plan indicates that currently 20.34 acres will be used. The project is exempt from Forest Conservation Ordinance requirements because it is a public utility. All agency approvals have been received.

Discussion and Comments: Mr. Tom Anderson, representing Community Energy Solar, stated that design changes were made to the site due to concerns expressed by neighboring property owners. The applicant has no plans to expand the SEGS beyond the 20 acres at the present time.

Mr. Kline asked where the interconnect would be located. Mr. Anderson explained that the interconnect would be along the west side of Ashton Road.

Commissioner Myers commended the applicant on their decision to make design changes in response to comments and concerns received from the neighboring property owners.

Mr. Weddle made an inquiry regarding the maintenance program inside the fence and around the panels. Mr. Anderson stated that the maintenance will be minimal because the grasses that are seeded will be a low-grow fescue mix that grows no more than 10 to 12 inches tall. There will be a noxious weed program. Routine site visits will be performed quarterly to check equipment and semi-annual to annual for panel washings. The systems are monitored via remote internet access. Mr. Weddle explained that he farms the neighboring property next to the solar generating system at the prison. "Johnson grass", a common invasive species, can seed quickly from one site to another. It is his opinion that more frequent mowing will be needed to keep the spread of Johnson grass under control. Mr. Weddle expressed his opinion that this should be addressed in the maintenance agreement. He noted that the area around the SEGS at the prison is mowed three times per year.

Mr. Reeder asked if storm water management is required on this project. Mr. Anderson stated that storm water management and sediment control measures will be required during construction. Mr. Gordon Poffenberger of Fox & Associates, Inc., the consultant, explained that quantitative control is not required for pre-construction on the site.

Mr. Reiber asked if the Board of Zoning Appeals gave its approval with any conditions. Mr. Poffenberger presented a copy of the BZA's decision indicating two conditions for approval. Ms. Kelly read the conditions as follows: the special exception use is granted for only 46 acres of the farm property and buffering is required along the site next to residential properties. Mr. Reiber asked if the applicant would agree to a condition on the approval that if the system is expanded to include the additional 26 acres, the plans would come back before the Planning Commission. Mr. Anderson stated there would be no objection to that condition if desired by the Planning Commission.

Motion and Vote: Mr. Wiley made a motion to approve the site plan as presented with the condition that if the applicant plans to expand the system beyond the 20.34 acres, future plans must be approved by the Planning Commission. The motion was seconded by Commissioner Myers.

Discussion: Mr. Reeder noted that additional screening should be provided on the east side of the property.

Amended Motion and Vote: Mr. Wiley amended his motion to include additional screening along the east side of the property. The amended motion was seconded by Commissioner Myers and unanimously approved.

Cumberland Valley Veterinary Clinic (SP-15-034)

Mr. Shaw presented for review and approval a site plan for Cumberland Valley Veterinary Clinic located at 17747 Virginia Avenue, Hagerstown. The property is currently zoned BG (Business General). The site plan proposes an 825 square foot expansion to the existing building and a new 12,622 square foot building with a proposed dog runway area. The new building will be used for additional space for the veterinary clinic and dog kennels, including a dog play area and meeting room. The Board of Zoning Appeals granted an appeal (AP 2014-045) on February 6, 2015 for a special exception to add a kennel with an outside runway to an existing veterinary clinic with the following conditions: only the animals in recovery after surgery shall be outside and to the north of the new kennel building, and, all other dogs are to be boarded in the new kennel building. Fifty employees are proposed. Six to eight parking spaces are proposed. The hours of operation will be Monday through Friday 7:00 a.m. to 7:00 p.m. and Saturday, 7:30 a.m. to 1:00 p.m. All proposed landscaping and lighting shown on the plan meets all County requirements. All agency approvals have been received with the exception of the City of Hagerstown Water Department and Washington County Health Department. A subdivision plat and Forest Conservation Plan must be approved and recorded prior to the site plan being approved; therefore, staff is requesting that the Planning Commission give staff the authority to approve the site plan after all agency approvals have been received and the subdivision plat and Forest Conservation Plan has been approved and recorded.

Mr. Shaw noted that the applicant is requesting a waiver from the landscape island required after 15 consecutive parking spaces; the applicant is proposing a total of 17 consecutive parking spaces,

Discussion and Comments: Mr. Reiber made an inquiry regarding forest conservation requirements. Mr. Shaw stated that forest is being retained on site in order to meet Forest Conservation Ordinance requirements. Mr. Adam Hager of Frederick, Seibert & Associates, the consultant, stated that the Forest Conservation Plan has been approved but has not yet been recorded. He also noted that approval has been received from the City of Hagerstown Water Department.

Commissioner Myers expressed his opinion that the requirement for a landscape island for every 15 parking spaces should be reviewed with the possibility of staff being able to waive the requirement when it seems appropriate.

Mr. Bowen made an inquiry regarding storm water management for this site. Mr. Adam Hager stated that new MDE regulations will allow the use of two swales and rooftop and non-rooftop disconnections to address storm water management requirements on this site.

Motion and Vote: Mr. Bowen made a motion to approve the site plan contingent upon all agency approvals and the waiver of the parking island for the 17 parking spaces. The motion was seconded by Mr. Wiley.

Discussion: Mr. Larry Michaels, neighboring property owner, stated that when he purchased his property next to the veterinary clinic there were no kennels or runways. He expressed his concern that the outside runways will cause additional noise.

Vote: The motion was passed unanimously.

Hospice of Washington County Doey's House (SP-15-036)

Mr. Shaw presented for review and approval a site plan for the Hospice of Washington County Doey's House located at 11370 Caring Pathway Lane (off Medical Campus Road). The leased area for the site is 11.46 acres and the functional description of the site is "an end of life care center and grief support provider". The property is currently zoned ORI (Office, Research & Industry). Ten employees are proposed; hours of operation will be 24 hours per day 7 days per week. Parking required is 16 spaces and a total of 59 parking spaces will be provided after both phases 1 and 2 are completed. Landscaping and buffer requirements have been met via tree and vegetative plantings. Forest Conservation Ordinance requirements have been addressed via forest retention areas shown on Plat Folios 5813 and 6972. Storm water management requirements have been addressed via the Yale Drive Extended storm water management pond. All agency approvals have been received with the exception of the City of Hagerstown Water and Sewer Departments and the Washington County Health Department. Mr. Shaw stated that the County is requiring the developer to install sidewalks from the proposed facility to Yale Drive; however, the developer is requesting a waiver from this requirement.

Discussion and Comments: Mr. Kline expressed his opinion that Hospice should use the money that would be spent to install sidewalks for patient care. He has no objection to waiving the sidewalk requirement. Mr. Bowen asked if Meritus has a master plan to show what is being proposed in this area in the future. Mr. Gordon Poffenberger of Fox & Associates, Inc., the consultant, stated that there is no master plan at this time for this area. There was a discussion with regard to the requirement for a sidewalk with most members believing that the sidewalk should be required in the future.

Motion and Vote: Mr. Bowen made a motion to approve the site plan as presented contingent upon all agency approvals being received and with sidewalks being required during construction along the driveway from the facility to Yale Drive. The motion was seconded by Mr. Reeder and unanimously approved.

Potomac Woodlands Cell Tower (SP-15-039)

Mr. Shaw presented for review and approval a site plan for Potomac Woodlands Cell Tower located on a 201.11 acre parcel with a leased area of 4.65 acres. The site is located at 14679 Big Bend Way in Williamsport. The property is currently zoned EC (Environmental Conservation). The maximum height of the tower is 199 feet and will have a galvanized steel finish. On October 15, 2014, the Board of Zoning Appeals granted a request for a special exception to permit the construction of a wireless cellular communication facility (AP 2014-036). Forest Conservation Ordinance requirements have been addressed using the payment-in-lieu fee. The site will be an unmanned facility and will not have any potable water or sanitary sewer services or parking facilities. The landscaping and buffering for the site has been met via retention of the trees and vegetation currently located on the site. The owner of the tower has reserved 10 feet of vertical space on the tower for use by Washington County, if needed in the future. All agency approvals have been received with the exception of the Washington County Soil Conservation District.

Discussion and Comments: Mr. Weddle asked why the payment in lieu of fee is being used to meet Forest Conservation requirements since this is the lowest acceptable form of mitigation outlined in the Forest Conservation Ordinance. Mr. Lung stated that this site is eligible to use the express procedure (or payment-in-lieu) because the mitigation requirement for the site is less than 2 acres.

Mr. Reiber asked if consideration was given to using a tree or silo style tower as opposed to a stealth tower. Mr. Lung stated that the Board of Zoning Appeals has the authority to require a specific style of tower; however, the BZA did not specify the style of tower to be used. There was a brief explanation regarding the use of the stealth tower as opposed to a tree or silo style tower.

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

Pinesburg Solar LLC (SP-15-040)

Mr. Shaw presented for review and approval a site plan for Pinesburg Solar LLC for property located at 18835 Schetrompf Lane in Williamsport, east of the Pinesburg Quarry. The developer is proposing to construct a solar energy generating system on a leased area of 57.70 acres. The property is currently zoned EC (Environmental Conservation). A special exception to construct the tower was granted by the Board of Zoning Appeals on July 15, 2015 (AP 2015-019). There will be no employees; therefore, no potable water, sanitary sewer services or parking facilities are required. The site is exempt from Forest Conservation Ordinance requirements per Section 3.2(J) of the Ordinance. Buffer and landscaping requirements have been met via the retention of existing vegetation and the proposed planting of 132 trees along the residential areas. Storm water management quantity control will not be required due to the small amount of proposed impervious area. Storm water management quality control will be addressed via disconnection of non-rooftop runoff credit and impervious area reduction via the use of reinforced turf access roads. All agency approvals have been received with the exception of the Washington County Soil Conservation District.

Discussion: Mr. Reiber made an inquiry regarding screening of the site. Mr. Tom Anderson of Community Energy Solar stated that the site is predominantly surrounded by woods; however, there are two areas that will be landscaped from neighboring residential properties.

Mr. Kline asked where the inter-connect will be located. Mr. Anderson stated it will be along Bottom Road. There is an existing pole line that runs along the farm lane where overhead lines can be located.

Commissioner Myers asked if the developer would submit another plan if they intend to expand this SEGS in the future. Mr. Anderson stated that this SEGS cannot be expanded.

Mr. Weddle reiterated his previous concerns regarding maintenance of weeds and grass inside the fenced area. There was a brief discussion regarding mowing of the site and the cost incurred by neighboring farmers to spray for weeds and grasses.

Motion and Vote: Commissioner Myers made a motion to approve the site plan as presented contingent upon all agency approvals. The motion was seconded by Mr. Wiley and unanimously approved.

OTHER BUSINESS

Update of Staff Approvals

Mr. Lung reported there were 26 new submittals made to the Department of Plan Review including a site plan for improvements at Jellystone Campground and a site plan for a new sit down restaurant to be located off of Railway Lane near the Holiday Inn Express. There were 9 plan approvals issued in December. A site plan was approved by staff for the AMC Car Wash on Dual Highway, formerly the Sharrett Volkswagen site.

Comp Plan Update

Mr. Goodrich noted that staff is organizing and analyzing all comments received at the previously held public meetings. Comments included the following concerns: increasing the re-use and revitalization of land rather than expanding into undeveloped areas, protection and promotion of agricultural resources in the County, environmental regulation concerns and its impact on the economy, promotion of economic development that

produces more job opportunities, and incorporation of new sustainable energy opportunities into local regulations. These comments will help mold the goals, objectives and recommendations of the Plan. Staff has begun drafting sections of the Plan based on the comments received. A mass e-mail was sent to large organizations, such as the Chamber of Commerce, asking for their help in spreading the word to their employees or members about the Comp Plan Update. Several presentation meetings have been scheduled with various organizations throughout the County. The surveys on the Comp Plan website will remain active through the end of January.

There was a brief discussion regarding the re-use and revitalization of land including incentives that could be used to encourage developers to re-use or revitalize land and buildings. Members also discussed the impact of adjusting the urban growth area boundary. Mr. Goodrich stated that the Zoning Ordinance contains guidelines for the maintenance of empty buildings.

The Chairman called the Closed Session to order at 8:35 p.m.

CLOSED SESSION

To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, and/or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction.

The Chairman adjourned Closed Session at 8:47 p.m.

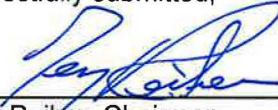
ADJOURNMENT

Commissioner Myers made a motion to adjourn the meeting at 8:50 p.m. and so ordered by the Chairman.

UPCOMING MEETINGS

1. Monday, February 1, 2016, 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