

**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
April 4, 2016**

The Washington County Planning Commission held a regular meeting on Monday, April 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, Clint Wiley, Jeremiah Weddle, Dennis Reeder, David Kline and Ex-Officio Leroy Myers, Jr. 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, Senior Planner; and Cody Shaw, 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 March 7, 2016 regular meeting as presented. The motion was seconded by Mr. Wiley and unanimously approved.

**NEW BUSINESS**

**Brittany (Horn) Taylor (SV-16-004)**

Ms. Kelly presented for review and approval a modification from Section 405.11B(A) of the Washington County Subdivision Ordinance to remove the restriction on the sale of a lot without road frontage that was placed as a condition of approval. The Ordinance states that a lot without road frontage cannot be conveyed to anyone other than an immediate family member for a period of ten years. The subject site is located along Horn Lane, which is a private road. The property is currently zoned A(R) – Agricultural Rural. In 2008, an immediate family member lot was created under the name of James Horn, Lot 4 which contained 1.48 acres. In order to meet subdivision requirements in place at that time, a 10 year restriction was placed on the lot, which did not allow for sale of the lot outside of the immediate family for a period of 10 years. The lot was conveyed to the owner's granddaughter, Brittany Horn Taylor. Ms. Taylor wishes to remove this restriction so that she and her husband can sell the lot. The Taylors no longer wish to build on this property since Mrs. Taylor's family members no longer live on the adjacent lots.

Ms. Kelly stated that if the modification request is approved, a re-plat would need to be submitted to the County's Department of Plan Review showing the removal of the 10 year restriction. A deeded easement would also be required for access to the lot.

**Discussion and Comments:** Commissioner Myers asked how long it would take to have a re-plat completed. Mr. Hager of Frederick, Seibert & Associates was present at the meeting, and stated that a reasonable guess would be approximately 3 months.

Mr. Wiley expressed his opinion that because there is only 2 ½ years left on the restriction, approval should be granted. Mr. Reiber disagreed and believes the restriction should remain in place because the owners agreed to it prior to approval in 2008. He also believes that access to the lot is a major issue that would need to be resolved. Mr. Kline stated he understands the issue from a personal perspective; however, from a business perspective if the restriction is waived for one person it needs to be waived for everyone. Mr. Reeder agreed with Mr. Wiley's comments. Mr. Weddle agreed with Mr. Reiber's and Mr. Kline's comments. Commissioner Myers asked if a financial hardship was cited in the application. Ms. Kelly stated that a hardship was not given in the application.

**Motion and Vote:** Mr. Wiley made a motion to approve the modification request as presented. The motion was seconded by Mr. Reeder. The vote was as follows: Mr. Wiley and Mr. Reeder voted "Yes"; Mr. Kline, Mr. Weddle and Commissioner Myers voted "No". The motion was defeated and approval was denied.

**SITE PLANS**

**Bowman Fuel Station (SP-15-001)**

Ms. Kelly presented for review and approval a site plan for the Bowman Fuel Center located in the southwest corner of the intersection of Mapleville Road and Jefferson Boulevard. The property is currently zoned BL – Business Local. The developer is proposing to construct a fuel station on the .91 acre parcel. There will be no on-site employees, no on-site parking, and no water and sewer services on the site; however, public utilities are available in this area. The proposed gas pump area will encompass 2,241 square feet and the proposed pavement area is 10,800 square feet. The hours of operation will be 7 days per week, 24 hours per day. There will be two tractor trailer deliveries per week. Pole lighting will surround the fuel station and lights will also be located on the canopy. Access will be from Mapleville Road only. A sign will be attached to the fuel canopy. Landscaping will include various shrubs in the bio-retention pond which is located to the rear of the parcel; arborvitae will be planted along the southern

property line. Forest conservation requirements will be met using the payment-in-lieu option in the amount of \$1352.55. 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. Wiley and unanimously approved.

#### **Resh South East Solar Project (SP-16-006)**

Mr. Shaw presented for review and approval a site plan for the Resh South East Solar project located along the west side of Greencastle Pike on the site of the Resh Road Landfill. The property is currently zoned EC – Environmental Conservation. The leased area is 22 acres in size. The developer is proposing a solar powered generation field. There will be no employees on-site. Forest Conservation requirements are currently being reviewed. Site landscaping is under review. Storm water management will be handled via disconnection of non-rooftop run-off credits. The Plan Review - Engineering Department has approved the plan. Revisions to address comments from the Plan Review - Land Use Department, Addressing, and Soil Conservation District are pending. Mr. Shaw stated that this site plan was placed on the agenda at the request of the County Administrator due to time sensitive issues and financial implications.

**Discussion and Comments:** Mr. Weddle made an inquiry regarding maintenance inside the fence. Mr. Adam Hager of Frederick, Seibert & Associates, the consultant, stated that a contractor will be used to mow the grass.

**Motion and Vote:** Mr. Wiley made a motion to approve the site plan pending receipt of all agency approvals. The motion was seconded by Commissioner Myers and unanimously approved.

#### **Forty West Solar Site (SP-16-007)**

Mr. Shaw presented for review and approval a site plan for the Forty West Solar Site located along the north side of Earth Care Road. The property is currently zoned EC – Environmental Conservation. The leased area is approximately 25 acres in size. The developer is proposing a solar powered generation field on a closed portion of the Forty West Landfill. There will be no employees on-site. Storm water management will be handled via disconnection of non-rooftop run-off credits. Forest Conservation requirements were previously addressed on the approved site plan for the Forty West Landfill (SP-99-043). Site landscaping and screening is currently under review. All approvals have been received except for the Plan Review - Land Use Department; revisions have been received and are being reviewed. Mr. Shaw stated that this site plan was placed on the agenda at the request of the County Administrator due to time sensitive issues and financial implications.

**Discussion and Comments:** Mr. Reiber made an inquiry regarding visibility of the site from the neighboring properties. Mr. Shaw stated that there are currently trees in place, which will remain to provide appropriate landscaping. Mr. Hager stated there is an existing berm that was designed to screen the view from anyone driving along the road with trees planted along the top which effectively screens the site.

**Motion and Vote:** Mr. Wiley made a motion to approve the site plan as presented pending receipt of all agency approvals. The motion was seconded by Mr. Weddle and unanimously approved.

### **OTHER BUSINESS**

#### **Update of Staff Approvals**

Mr. Tim Lung reported that 40 new submittals were received including four site plans and five minor subdivision plats by the Department of Plan Review during the month of February. One site plan was for an adult day care center by Fahrney-Keedy and a site plan for a convenience store located at I-81 and Lappans Road in Williamsport. Fourteen plats and site plans were approved by the staff in February including the Cumberland Valley Veterinary Clinic site plan, Chili's Restaurant, and two solar projects.

Mr. Lung reported that 42 new submittals were received during the month of March, which included six new site plans, an addition to the Bowman Truck Terminal on Governor Lane Boulevard, and the Love's Traveler's Plaza at I-81 and Showalter Road. Three minor subdivision plats were also submitted. Sixteen plat and site plan approvals were issued including a plat for a new section of Emerald Pointe, the Freedom Hills residential subdivision, the Doey's House site plan, and a small lawn mower repair shop on Dual Highway near Beaver Creek. Mr. Lung stated that the Department has also reviewed four traffic studies associated with potential development along the Sharpsburg Pike including a strip shopping center two convenience stores, and two new fast food restaurants.

#### **Comprehensive Plan Update**

Mr. Weddle made an inquiry as to the status of the Ag Advisory Board's recommendation to use agricultural transfer tax to fund agricultural preservation programs. Mr. Goodrich stated that staff is working on the written recommendation. He noted that legislation is not needed, but a decision on how to distribute tax dollars would need to be made by the County Commissioners. Mr. Goodrich suggested feedback from Commissioner Myers.

**UPCOMING MEETINGS**

1. Monday, April 11, 2016, 3:00 p.m., Washington County Planning Commission workshop meeting, Washington County Administration Building, 100 W. Washington Street, Room 255, Hagerstown, Maryland
2. Monday, April 18, 2016, 7:00 p.m., Washington County Planning Commission Public Rezoning Information meeting, Washington County Circuit Court House, 24 Summit Avenue, Court Room #1, Hagerstown, Maryland
3. Monday, May 2, 2016, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administration Building, 100 W. Washington Street, Room 255, Hagerstown, Maryland
4. Monday, May 23, 2016, 7:00 p.m., Washington County Planning Commission workshop meeting, Washington County Administration Building, 100 W. Washington Street, Room 255, Hagerstown, Maryland

**ADJOURNMENT**

Commissioner Myers made a motion to adjourn the meeting at 7:55 p.m. The motion was seconded by Mr. Wiley and so ordered by the Chairman.

Respectfully submitted,



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Terry Reiber, Chairman