

**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
January 4, 2021**

Due to current social meeting restrictions put in place by the Governor of Maryland because of the COVID-19 pandemic, the Washington County Planning Commission held its regular monthly meeting on Monday, January 4, 2021 at 7:00 p.m. virtually using Zoom software. No physical meeting took place.

Planning Commission members present were: Clint Wiley, Dennis Reeder, Robert Goetz, David Kline, Jeremiah Weddle, Jeff Semler, and Ex-officio County Commissioner Randall Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jill Baker, Director; Jennifer Kinzer, Deputy Director; Wyatt Stitely, Comprehensive Planner; Meghan Jenkins, GIS Analyst; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting: Ashley Holloway, Director; Rebecca Calimer, Chief of Plan Review and Lisa Kelly, Senior Planner.

Other attendees included: David Trostle of Frederick, Seibert & Associates, Bob Franks, Mike LaCesa and Tony Foderaro of Sheetz, [SP-20-024]; Zachary Kieffer (Attorney for Brandon Green), Brandon Green (owner/developer), Mike Shifler of Fox & Associates, Inc., Clint Rock, Danielle Keadle, Felicia Gondomulia, Mike Nalepa, , and Scott Scarfone [RZ-20-003], and Mike Lewis [Herald Mail].

**CALL TO ORDER**

The Chairman called the meeting to order at 7:10 p.m.

**PUBLIC REZONING INFORMATION MEETING**

**Brandon Green [RZ-20-003]**

**Staff Presentation**

Ms. Baker presented a rezoning application for Brandon Green, owner of Stoney Creek Farm, located at 19223 Manor Church Road in Boonsboro. The property is currently zoned EC (Environmental Conservation). The applicant is requesting a Rural Business (RB) floating zone on his 65.37 acre parcel of land which currently contains a five room bed and breakfast and event center. The owner is proposing an expansion from 5 rooms to 20 rooms. The Washington County Zoning Ordinance defines 20 rooms as a hotel and would be a permitted use in the Rural Business zoning district. The property owner is proposing to keep the existing 5 rooms in the main house and to renovate the second house on the property to include 8 estate rooms plus the construction of 7 cottage style accommodations of approximately 700 to 800 square feet in size located throughout the property.

A special exception has been granted to operate a banquet facility and event center which the applicant is proposing to move from the existing barn to a newly constructed structure. The owner is not proposing to expand the use of the facility, just move it to a new facility.

The Planning Commission is tasked with the responsibility of reviewing this application and basing its recommendation on the following 6 criteria:

- 1) The proposed development will accomplish the purpose of the RB district;
- 2) The proposed development will meet the following criteria:
  - a. The RB district is located outside any designated growth area
  - b. The RB use has a safe and usable road access
  - c. On-site issues related to sewer disposal, water supply and storm water management can be adequately addressed
  - d. The location of the RB district would not be incompatible with the existing uses, cultural resources, or agricultural preservation efforts
- 3) The road providing access to the site is appropriate for the proposed use.
- 4) Adequate sight distance along the road can be provided to the point of access.
- 5) The landscaped areas can provide adequate buffering of the RB uses from existing land uses in the vicinity.
- 6) The land use is not of a scale, intensity or character that would be incompatible with adjacent land uses.

Ms. Baker stated that all of these criteria were analyzed in the Staff Report which was provided to the Planning Commission members prior to the meeting. She noted that the department has, to date, received two letters/e-mails in favor of the request and 45 letters/e-mails in opposition to the request. Also, two

petitions have been received; one in favor of the request and one in opposition of the request. All of this correspondence has been provided to the Planning Commission prior to the meeting. Approximately 43 requests to speak at the meeting were received as of 4:00 p.m. today.

Ms. Baker announced this will not be the only opportunity to comment on this case. The Planning Commission, at a later date, will make its recommendation to the Board of County Commissioners. The Board of County Commissioners will then hold a public hearing. The date and time of the public hearing has not been scheduled; however, it will be advertised in the local newspaper, notice will be posted on the Department's website, letters will be sent to adjacent property owners, and the property will be posted with a sign.

#### Applicant's Presentation

Mr. Zachary Kieffer, 19405 Emerald Square, Suite 2100, Office 201, Hagerstown, legal counsel for the owner, was present at the meeting and gave a brief presentation. He stated that the Rural Business floating zone application requires a site plan for a specific use proposed on the property. The owner is proposing to construct a new barn in order to move events currently held under tents to an inside venue to help reduce negative impacts on neighboring properties. The current capacity for events is 150 guests. This number will not be increased. The number of parking spaces required (123 spaces) is based on requirements specified in the County's Zoning Ordinance.

The applicant believes this use would be beneficial to the area and fits the definition of the RB district for establishing a location for businesses and facilities not otherwise permitted in the rural areas of the County. This use would provide for recreational tourism as well.

Mr. Kieffer addressed the six criteria that Ms. Baker referenced during her presentation. The proposed RB district is not within any designated growth area. The applicant believes that the road is adequate and appropriate for the proposed use. However, safe and usable road access will be further discussed with staff during the final site plan process. Special events have been held at this property since 2007, with no accidents being reported due to traffic coming to or going from events at Stoney Creek Farm. On-site issues related to sewage disposal, water, storm water management and flood plain issues can and will be adequately addressed. The proposed RB district would not be incompatible with the existing and surrounding land uses, cultural or historic resources, or land preservation efforts. Mature forest is present on the property; however, additional landscape buffering can be addressed during the site plan process if the Planning Commission believes it is necessary. It was noted that the closest residential structure is approximately 700 feet away. The applicant believes the use is not of a scale, intensity or character that would be incompatible with the neighborhood.

#### Discussion and Comments

Mr. Goetz asked for clarification of the location of events currently held at the property. Mr. Kieffer stated that events are currently being held outside under tents; however, the new proposed structure would move these events inside and would help alleviate some of the noise and light pollution. Mr. Goetz asked what the proposed capacity would be at the new facility. Mr. Kieffer stated it would be approximately 150 guests. Mr. Green stated that capacity would be 150 guests (maximum). In the past there have been approximately 24-36 events per year (before COVID). He is proposing that the old barn will be incorporated into the new barn so only one event will take place at a time on the property. Mr. Goetz expressed his concern with regard to road adequacy issues.

Commissioner Wagner asked if the inside events (with a proposed capacity of 150 guests) could spill outside and include additional guests above the 150 capacity. Mr. Green stated that there would not be enough parking for more than 150 guests and there will be septic limitations dictated by the Health Department that would prohibit more than 150 guests at an event. He also explained that larger events are not the vision that he has for the property and wishes to stay with smaller events to fit the rural character of the area.

Mr. Weddle asked the owner if investing this large amount of money, he would expect to maximize the use of the facility every day of the week in order to get a return on the investment. Mr. Green stated his intent is to be an inn first and an event center second. He anticipates keeping the number of events the same as previous years with the hope of renting the additional rooms/cottages frequently. Mr. Weddle expressed his concern for more frequent use of the event center, thereby creating additional traffic on the road.

Mr. Kline expressed his concern that the owner will not follow through with the current plan, as was the case in 2007 when the owner was granted an appeal to host events on the property. At that time, the

owner proposed to renovate the barn to hold events inside; however, he has been hosting events outside in tents which has been bothersome to the neighbors. He is very skeptical after reading the negative comments submitted by neighbors and their lack of trust in Mr. Green to keep his word. Mr. Green explained that the barn was not renovated in 2008 because of the economic downturn which no longer made it a feasible investment. His vision now is to focus on the expansion of the overnight facilities for guests. Mr. Green believes he has a better sense of business than he did 15 years ago, has a good business track record, and is a man of his word.

#### Public Comment

- Carl Andersen, 7501 Overlook Drive – Mr. Anderson expressed his concerns regarding traffic volumes on Manor Church Road and the one-lane bridge as well as the lack of sight distance and safety concerns for people jogging or biking on the road.
- Alice and Perlof Backman, 19121 Manor Church Road – Mrs. Backman stated that she is vehemently opposed to the rezoning citing concerns related to traffic issues and the negative impact on birds and wildlife in the area. She stated that the owner has been unresponsive to phone calls, letters and e-mails regarding complaints about noise from the events center. Mrs. Backman has submitted written comments as well.
- Penelope Baker, 18361 Manor Church Road – Mrs. Baker stated that she and her husband (Kenneth) are opposed to the rezoning request and concur with comments made by the two previous speakers. Mrs. Baker expressed her opinion that the owner, Mr. Green, should only be allowed to expand his business under the current zoning regulations for his property.
- Neal Beard, 19405 True Grace Lane – Mr. Beard explained that 60% of his property on the east side joins the Stoney Creek Farm property. He is in favor of the rezoning request and believes it will be a positive improvement to the neighborhood. He expressed his opinion that traffic will not be any worse on the roadway because people do not arrive or leave an event at the same time; and, in fact, he believes traffic will be better because there will be more accommodations for guests to stay overnight.
- Theresa Boss, 18408 Manor Church Road – Mrs. Boss stated she is opposed to the request and she strongly agrees with previous comments in opposition of the request. She expressed her opinion that the road is already unsafe and adding additional traffic would not be a good idea.
- Craig Boss – 18408 Manor Church Road – Mr. Boss expressed his opinion that expanding this business would create a cultural change in the neighborhood and would effect the lives of the people in the area who want to ride their bicycles, take walks, or even kayak down the Antietam River.
- Kristy and Randal Bowers, 19012 Manor Church Road – Mr. and Mrs. Bowers are very much opposed to the rezoning of the property and the proposed improvements. They believe the proposed improvements do not fit the character of the property or the surrounding area. Mr. Bowers expressed his opinion that the existing roads, storm water management, sewer and water infrastructure will not support the proposed expansion.
- Tom Connelly, 7523 Overlook Drive – Mr. Connelly is strongly opposed to this rezoning request. He believes the intent of the EC zoning classification makes it clear there was no mistake made in the zoning of this property because Stoney Creek Farm is located on an elongated ridge that forms the western boundary of the large ground water recharge area for the towns of Boonsboro and Keedysville. Mr. Connelly discussed his concerns regarding water supply in the area, contamination of wells, and the possibility of blasting vibration damage from the proposed construction on Stoney Creek Farm.
- Jason and Amanda Emery, 19401 True Grace Lane – Mr. and Mrs. Emery made no comments stating that all of their concerns had been addressed by others.
- Paul Frey, President of the Washington County Chamber of Commerce, 1 South Potomac Street, Hagerstown – Mr. Frey is in favor of the project if it follows the plans and zoning regulations of the County. Mr. Green is willing to make a large investment in the County as well as significant infrastructure improvements to his property. Mr. Frey believes this project will bring a “quality of life feature” to Washington County and will help support a better economy in the County. He is hopeful that Mr. Green will address many of the concerns voiced by his neighbors.
- Ted Howe, 7542 Overlook Drive – Mr. Howe expressed his concern regarding additional traffic, the narrowness of Manor Church Road, water supply limitations, and the historic nature of Manor Church Road. He also cited lighting and noise concerns which will be an intrusion on the neighbors from the event center and its parking area.
- Jason Keadle, 9345 Wheeler Road – Mr. Keadle expressed his opinion that this project is not feasible for the area where many lands have been placed in preservation and there are many historical structures. He cited traffic concerns, the narrow roads and narrow one-lane bridge which is not conducive to increased traffic.

- Marquerite Klein, 19026 Manor Church Road – Mrs. Klein expressed her opinion that this project would have a negative impact without any benefits to the neighborhood. She expressed concerns regarding the current increase in traffic and illegal parking along the roadways by cyclist, kayakers, etc. She believes that traffic would be more concentrated and heavier as events are starting and ending and there would be alcohol impaired drivers on the road when leaving an event. Mrs. Klein noted that the EC zoning should be preserved because there is an endangered species that has been identified by DNR a short distance away from Stoney Creek Farm.
- Christopher Klein, 19026 Manor Church Road – Mr. Klein expressed his opinion that the proposed development would threaten the rural legacy that the State of Maryland and Washington County have established over the last several decades. He expressed concerns regarding the infrastructure and safety of Manor Church Road, as well as drivers leaving events under the influence of alcohol.
- Daniel Koenig, 7620 Shady Lane – Mr. Koenig stated that he and his wife are vehemently opposed to the rezoning request. He expressed many concerns with regard to environmental issues including runoff from the property, high levels of sediment and bacteria in the creek as well as groundwater protection. Mr. Koenig is also concerned about the number of delivery trucks on the road because the width of the road does not allow vehicles to pass each other safely.
- Sherry Olden, 7142 Willow Road – Ms. Olden stated she is opposed to the expansion of Stoney Creek Farm; however, she is not opposed to the operation of the Farm as it is currently run. She expressed her concerns regarding sight distance, the width of the road and safety of pedestrians and cyclists along the road.
- June Pearson, 18839 Manor Church Road – Mrs. Pearson agrees with all the comments previously made in opposition to the rezoning request, specifically regarding traffic concerns, environmental issues, and the threat to wildlife.
- Thomas Sayers, 19108 Manor Church Road – Mr. Sayers is opposed to this request and briefly spoke on issues related to traffic, noise and light pollution, and environmental degradation. He believes there will be minimal financial gain for the County.
- Jeff Scoggins, 19414 Manor Church Road – Mr. Scoggins expressed his opinion that if the current zoning is lost, the business will continue to develop and expand and this is not an area that should drive commerce. He does not believe this would be a benefit to the community.
- Peter and Heather Smolinski, 7531 Shady Lane – Mrs. Smolinski stated that she and her husband are opposed to the rezoning. She gave a brief summation regarding an incident involving a neighborhood meeting that was held to discuss proposed plans for Stoney Creek Farm. Mrs. Smolinski expressed her opinion that Mr. Green made a veiled threat during the meeting in which he stated he could sell the property for a less palatable use, such as a juvenile rehabilitation facility.
- Dan Spedden, President of the Hagerstown/Washington County Convention and Visitors Bureau, 41 Mealey Parkway, Hagerstown – Mr. Spedden is in favor of the proposed rezoning and expansion because it supports tourism and economic development consistent with rural scenic values. He stated that this project will preserve rural historic architecture as well as the rural landscape. He believes the \$12 million dollar project would provide a much-needed boost to the County's post-COVID economy and would bring lasting jobs. Mr. Spedden stated that historic lodging properties like Stoney Creek Farm attract heritage tourists, which studies show are better educated, high wage earners who stay longer and spend more money locally. He believes the proposal will not significantly change the operation which has been in business since 2007.
- Todd Spires, 19307 Manor Church Road – Mr. Spires owns the historic Rawlins house and is opposed to the rezoning request and expansion. He expressed concerns for potential blasting of rock during construction and the disturbance of groundwater in the area. He believes that the purpose of the Rural Business district is to serve the needs of the rural population, which this project does not.
- Denise Troxell, 18003 Sand Wedge Drive – Ms. Troxell stated she grew up in the Rawlins house which is now owned by Mr. Spires. She voiced her concern regarding water supply in the area due to the karst topography and E-coli in the water. Ms. Troxell also cited concerns regarding traffic in the area, the narrow roads, the one-lane bridges on Manor Church Road, and noise pollution.
- Lauren Wood, 19323 Manor Church Road – Ms. Wood stated that she recently purchased the property next to Stoney Creek Farm in order to build a new home. Once constructed, her home would be the closest to Stoney Creek Farm. She chose this property because she appreciates the historic nature and countryside of the area. Ms. Wood is opposed to the rezoning and proposed expansion.
- Courtney and Charles Wren, 7136 Wheeler Road – Mr. Wren stated they are opposed to the rezoning request and expansion and concurs with all previous comments in opposition.

### Applicant's Rebuttal

Mr. Kieffer stated that the proposed improvements to the property would bring relief to the neighbors. Issues such as lighting, noise, traffic, roads, water and sewer would be addressed and improvements made throughout the process.

Mr. Green stated that Stoney Creek Farm has been a bed and breakfast and event facility for the past 15 years. The expansion of guest rooms would allow critical investment in the farm's buildings and environmental infrastructure. These investments are important for the preservation of the farm and are needed to address concerns shared with the neighbors including the preservation of the historic barn, upgrades to storm water management and the septic system and moving the amplified music indoors. Mr. Green expressed his opinion that there are many community benefits, such as adding good paying, full-time jobs, additional tax revenue, and buying and supporting other local businesses, such as farmers, maintenance and support contractors, and construction companies.

Mr. Weddle made inquiries regarding the applicant's interest in the property and his views of the agricultural production taking place in this area. He expressed his concern with regard to complaints about agricultural practices from guests and the owners at Stoney Creek Farm, such as smells, large farm equipment on the roads, etc. Mr. Green stated that he is very interested in the property because of its historic nature and rural setting. He strongly supports the agricultural industry and efforts of the area. Mr. Kieffer reminded members that there is a Right to Farm Ordinance in the County, which would protect the farmers. He reiterated the fact that Stoney Creek Farm currently hosts outdoor activities without complaint.

The public rezoning information meeting concluded at 9:35 p.m.

### REGULAR MEETING

#### MINUTES

**Motion and Vote:** Mr. Weddle made a motion to approve the minutes of the December 7, 2020 regular meeting as presented. The motion was seconded by Mr. Kline and unanimously approved.

#### -NEW BUSINESS

#### SITE PLANS

##### Sheetz – Sharpsburg Pike [SP-20-024]

A site plan was presented for a proposed Sheetz store located along the east side of Sharpsburg Pike, just south of the existing McDonald's. The property is currently zoned HI – Highway Interchange. The developer is proposing to construct a 6,000 square foot store on a 2.14 acre site. There will be six gas pumps in front of the building and a separate lane to the rear of the site for drive-thru ordering with two pickup windows on the north side of the building. There will be a right-in turn lane into the site along with access from H.K. Douglas Drive. Access will also be available from the access road that serves McDonald's. Hours of operation will be 7 days per week, 24 hours per day. There will be 5 to 6 employees per shift. Daily deliveries will be made by tractor trailers and box trucks. Public water and public sewer will serve the site. Solid waste will be collected in an enclosed dumpster. Lighting will be pole and building mounted. There will be a building mounted sign as well as a pylon sign adjacent to the right in access lane. Forestation requirements were met in 2018 by an approved easement plat that retains 3.86 acres of existing forest near Exline Road. Landscaping will be provided throughout the parking lot, in front of the site adjacent to Sharpsburg Pike, around the dumpster, and adjacent to the parking lot. All agency approvals have been received except the Washington County Health Department, which is waiting for allocation forms from the Washington County Department of Water Quality and the City of Hagerstown Water Department, and Addressing. Ms. Kelly noted that a replat is needed because the site is currently divided into 3 parcels. Two of the parcels contain the building and one parcel contains the parking lot. The property lines must be removed to become one lot of record prior to approval.

**Motion and Vote:** Mr. Reeder made a motion to approve the site plan contingent upon receiving approval from the City of Hagerstown Water Department and the Health Department and the submittal and approval of a replat. The motion was seconded by Mr. Kline and unanimously approved.

**OTHER BUSINESS****Digging & Rigging Extension Request [SP-18-030]**

Mr. Holloway presented for approval an extension request for the Digging & Rigging storage building site plan [submitted in 2018] located at 11424 Stotter Road. The owners are currently working on sewer issues with the Washington County Health Department and the adjoining property owners. The applicant has requested a 90 day extension; however, Mr. Holloway is requesting an extension until December 31, 2021.

**Motion and Vote:** Mr. Weddle made a motion to approve the extension request for Digging & Rigging until December 31, 2021. The motion was seconded by Mr. Goetz and unanimously approved with Mr. Reeder abstaining from the vote.

**Update of Staff Approvals**

Mr. Holloway presented the following information for the month of December for Plan Review – Land Use: 5 standard grading plans, 3 storm water management standard plans, 2 red-line revisions, 2 forest stand delineations, 1 subdivision replat, 1 simplified plan, 1 ordinance modification, 2 road adequacy plans, and 2 County storm water management concept plans; Permitting: 19 entrance permits, 18 grading permits, 4 utility permits, and 1 non-residential signage permit.

**CLOSED SESSION**

**Motion and Vote:** Mr. Reeder made a motion to adjourn to Closed Session at 9:50 p.m. The motion was seconded by Mr. Weddle and so ordered by the Chairman.

The Chairman reconvened in Open Session at 10:10 p.m.

**ELECTION OF OFFICERS**

**Motion and Vote:** Mr. Goetz made a motion to postpone the Election of Officers until the February meeting. The motion was seconded by Mr. Kline and unanimously approved.

**APPOINTMENT RECOMMENDATIONS**

**Motion and Vote:** Mr. Semler made a motion to recommend to the Board of County Commissioners the re-appointment of Mr. Wiley and Mr. Reeder for a full term of five years. The motion was seconded by Mr. Kline and unanimously approved with Commissioner Wagner abstaining from the vote.

**Solar Energy Generating Systems (SEGS)**

Mr. Weddle reminded Commission members that he would like to discuss the Solar Energy Generating Systems either during a regular meeting or a workshop meeting. Mr. Wiley asked staff to work on setting a date for a workshop meeting. Staff will follow up with Commission members in the near future.

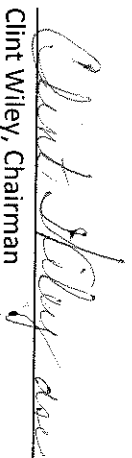
**ADJOURNMENT**

Mr. Goetz made a motion to adjourn the meeting at 10:20 p.m. The motion was seconded by Mr. Weddle and so ordered by the Chairman.

**UPOMING MEETINGS**

Monday, February 1, 2021, 7:00 p.m. – Washington County Planning Commission regular meeting.

Respectfully submitted,

  
Clint Wiley, Chairman