

WASHINGTON COUNTY PLANNING COMMISSION PUBLIC INFORMATION MEETING

June 14, 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 a public information meeting on Monday, June 14, 2021 at 6:30 p.m. virtually using Zoom software. No physical meeting took place.

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

Also present were: Sean Davis, Brittany Sink, Mickey Cornelieus and John Erickson, Morris & Ritchie Associates, the applicant; Matthew Powell, DRB Group; William Erskine, Offit Kurman, legal counsel for the applicant; and Sassan and Adam Shaool of Washco Development.

CALL TO ORDER

The Chairman called the public information meeting to order at 6:45 p.m.

PUBLIC INFORMATION MEETING

RZ-21-003 – Morris & Ritchie Associates

Staff Presentation

Ms. Baker presented a major change request to the Black Rock PUD located on the north side of Mt. Aetna Road. The requested amendment to the existing development plan is to increase the overall number of residential units from 595 dwelling units to 1,148 units, thereby increasing residential density from 2.7 dwelling units per acre to 5.2 units per acre. The property is made up of two parcels, one is 160 acres in size and the second parcel is 60 acres in size. Both parcels are located in the Growth Area that surrounds the City of Hagerstown and the Towns of Williamsport and Funkstown and form the easternmost boundary of the Urban Growth Area.

Ms. Baker addressed the following findings as analyzed by staff and reported in the Staff Report and Analysis prepared for this case:

- Population: Population over the last 30 years has increased significantly in this area, more than in the County.
- Public Water: Comments were received from the City of Hagerstown regarding water capacity issues for the property. While there is currently capacity available, it is on a first-come, first-serve basis; therefore, allocation is not guaranteed. The property is located within the Medium Range Growth Area (MRGA) boundary. However, in growth models that the City maintains for allocation, this development is only approved for 595 units. Increasing the number of units to 1,148 would require the County to retract the MRGA boundary in another area to serve this development in the long-term. Also of concern in this area is fire suppression and water pressure issues.
- Wastewater: The City of Hagerstown would provide public sewer services to this area. Upgrades would be required to the wastewater collection system infrastructure if this major change in development is approved.
- Emergency Services: These parcels are served by the Smithsburg and Funkstown Volunteer Fire companies; however, the City of Hagerstown may be called as well. The fire companies made comments regarding the lack of water pressure and fire suppression efforts in the area. Also of concern is the proposal for only one access point off Mt. Aetna Road without access from another point.
- Schools: Projections from the estimated capacity that this change in the development would create would greatly affect both elementary schools (Ruth Ann Monroe Elementary and Greenbriar Elementary). The middle and high schools (Smithsburg Middle and High and Boonsboro Middle and High schools) would also be affected; however, this would be a more manageable situation. No mitigation efforts have been discussed by the developer or capital improvements proposed by local government.
- Highways: One parcel is technically landlocked; however, staff is reviewing this property as a whole. Two access points are proposed from Mt. Aetna Road. A traffic study was completed in

2002 when the PUD overlay was first initiated based on 595 units which would produce about 4600 trips per day. Conclusions of that study indicated that additional traffic generated from the development would increase delays to signalized intersections along US Route 40 and Robinwood Drive. The development would also increase traffic along White Hall Road through its intersections to Maryland Route 66. Due to development along the Robinwood corridor since the study was completed, many road improvements have been completed. However, a new traffic analysis would be necessary to evaluate the impact the increased density would have on the adequacy of roads.

- Relationship to the adopted Comprehensive Plan: The property is located in the Low Density Residential area, which allows planned unit developments.
- Change to the approval of an existing Planned Unit Development: There are five criteria that must be considered when evaluating a request for a major change from a previously approved PUD development plan. These are:

- 1) the purpose of the PUD district;
- 2) the applicable policies of the adopted Comprehensive Plan;
- 3) the compatibility of the proposed changes of the PUD with neighboring properties;
- 4) the effect of the proposed changes to the PUD on community infra-structure; and
- 5) consistency with the intent and purpose for the establishment of the PUD.

Each of these criteria were evaluated in the Staff Report and Analysis.

Applicant's Presentation

Mr. Matt Powell began the applicant's presentation with a brief history and introduction of DRB Group. He noted that market demands and home buyers' needs have changed since the original approval of the PUD. He expressed his opinion that people want smaller lots with less yard to maintain, more community amenities, more product type and price points that attract buyers of all ages, and more walkable communities with gathering places for social interaction and a sense of community. The existing approved PUD does not provide what today's market or buyers want or desire; the design is antiquated and outdated. Mr. Powell believes that although the proposed change contains more density, the plan gives more consideration to existing topography, adjoining uses, market demands, and buyer's lifestyles. He noted that the higher density being requested would afford the developer the ability to contribute to the cost of pre-existing and created infrastructure obstacles and mitigation efforts. He believes that a development of this type is essential to attract new employers and their employees to the County.

Mr. Sean Davis began his presentation by noting that this is the first step in the approval process which will take at least two years to complete. Total build out of the proposed development will take 10 to 15 years. He gave a description of the topography and layout of the property. He noted that a majority of the property is currently farm crop land with a significant forest stand in the southwest corner. There are no perennial streams, wetlands, floodplains or rare or endangered species on the property. Mr. Davis stated that the major access for this development will be off Mt. Aetna Road with a secondary access off Sasha Boulevard.

Mr. Davis believes that the proposed development meets the recommendations of the County's 2002 adopted Comprehensive Plan. First, the property is within the County's growth area as well as the City of Hagerstown's Medium Range Growth Area boundary which is a sub-policy area for low density residential development which allows 2 to 4 dwelling units per acre unless it is a PUD. The PUD allows for a density of 12 dwellings units per acre which, in this case, would total 2,640 dwelling units as permitted by the current zoning. The developer is proposing a total of 1,148 dwelling units. Secondly, the Comprehensive Plan directs new development in areas where existing residential infrastructure exists.

Mr. Davis provided examples of the product types that would be available in the proposed development. He noted there will be open space areas throughout the development totaling 55 acres, a community clubhouse that will have a fitness center and pool, tot lots and pocket parks scattered throughout the various neighborhoods, walking and hiking trails, dog parks, and community gardens to promote social interaction. He discussed the overarching goals of this development: to maximize the preservation of existing forest; to respect and buffer the neighbors to the south; to provide a strong community presence and identity off Mt. Aetna Road; to provide interconnected neighborhoods with a strong amenity program; to provide diversity of product throughout the community; to minimize traffic on Sasha Boulevard; and, to provide future road connections for neighbors to the north and east.

Mr. Davis provided a timeline for each phase of construction and a breakdown of product types to be constructed in each phase.

- Phase 1 – construction begins in 2023 – includes age targeted duplexes in neighborhood A, single-family homes in neighborhoods B and O, and townhomes in neighborhood C
- Phase 2 – construction begins in 2025 or 2026 – includes single-family homes in neighborhood N and townhomes in neighborhoods D and M
- Phase 3 – construction begins in 2028 or 2029 – includes single-family homes in neighborhoods E, F and K
- Phase 4 – construction begins in 2031 or 2031 – includes single-family homes in neighborhoods G and I and townhomes in neighborhoods J and H
- Phase 5 – construction begins in 2033 or 2034 – multi-family units in neighborhood L will be inside the proposed development and will not be visible from neighboring communities
- The community center will be constructed when permits for 50% of the dwelling units have been issued.

Mr. William Erskine discussed the five criteria needed to make a major change to an existing PUD as follows:

- 1) Consider the purpose of a PUD: The purpose of a PUD is to manage the implementation of the existing PUD needed for the flexibility to respond to changing conditions and markets.
- 2) Applicable policies of the adopted General Plan (Land Use Plan): The purpose of the General Plan is to manage growth in areas of the county where there is existing infrastructure. This property is located in the County's Urban Growth Area and City's Medium Range Growth Area. It is designated by the Comp Plan as a Low-Density Residential sub-policy area with a PUD overlay. The proposed development at 5.2 dwelling units per acre is well within the guidelines of the Low-Density Residential rate for a PUD.
- 3) Compatibility of proposed changes with neighboring properties: Great thought and consideration was placed in arranging the residential products taking advantage of topography so they are all well buffered from neighboring properties and uses. This has resulted in a well-integrated community with a wide variety of product types and price points.
- 4) Effect of the proposed changes on community infrastructure: Consideration needs to be given to determine if any of the infrastructure elements are highly unsolvable. The Adequate Public Facilities Ordinance (APFO) would address these issues which the developer would need to satisfy at each step in the process. It is not whether the current infrastructure can handle the proposed development, but can improvements be made to adequately address the needs.
- 5) Consistency with the intent and purpose of a PUD: This is to have the flexibility and creativity in the design of residential areas to promote economical and efficient use of the land.

Public Comment

- Black Rock Estates HOA (represented by Andrew Hoffman), 20341 Ayoub Lane – Residents of Black Rock Estates have several concerns as follows:
 - Lack of water and volume of water pressure (residents are concerned that their homes are not adequately protected in case of fire – several instances were cited where homes or businesses were lost due to lack of water and water pressure in the area)
 - traffic volume and road improvements (road improvements should include accel/decel lanes, improved intersections, sidewalks, street lighting, etc.)
 - buffering between existing homes and the proposed new development is not adequately addressed on the current plans
 - school capacity is inadequate to serve the additional homes
 - additional access to the development (there should be an outlet onto Robinwood Drive going through King's Crest or Woodbridge development)
 - decrease in existing home values.

Mr. Hoffman expressed his opinion that these issues need to be addressed now instead of waiting until the development starts.

- David Kirkman, 13010 Sani Lane – Mr. Kirkman expressed his concern regarding the increase in the volume of traffic in areas where there are no sidewalks or streetlights. He believes a road should be constructed to connect traffic to Robinwood Drive. He cited the low water volume and water pressure as a danger to property and people's lives. Mr. Kirkman questioned if the PUD is still valid. His research indicates that the Zoning Ordinance required a timeline of progress for plans, approvals and construction to begin on PUDs. He stated that the Ordinance required an extension to be submitted and voted on by the Planning Commission if a PUD is to remain active and valid. Mr. Kirkman cannot find any evidence that an extension has been filed or voted on by

- the Commission since this development was originally approved in 2004. He asked that someone check on this requirement.
- Erin Walsh-Kirkman, 11010 Sani Lane – Ms. Kirkman expressed her opinion that noise and the increase in population and traffic will have a negative impact on the character of the area. She believes the roads are not adequate to handle the increased volume of traffic and poses a safety concern. She also believes this development would reduce property values in the area.
 - Tricia Churchey, 659 Tudor Drive – Ms. Churchey is one of the developers of Greenwich Park, which was originally proposed as a PUD. She noted that during the public meeting process for the proposed PUD, Mr. Manny Shaool was opposed to the PUD concept because it would negatively impact Black Rock Estates. The developers of Greenwich Park were told by the local governing body that a PUD was not acceptable for this corridor and were asked to revise their plans. Ms. Churchey also expressed concerns for traffic issues in the area. She is opposed to the proposed PUD because it will adversely affect Greenwich Park and the value of homes in the area.
 - Kenneth Archer, 20502 Tehrani Lane – Mr. Archer expressed his concerns regarding traffic and the proposal of the developer to route traffic through the residential areas of Black Rock Estates onto Sasha Boulevard or on a spine road through the PUD and then to Mt. Aetna Road. He is also concerned about traffic trying to access I-70 using Mt. Aetna and White Hall Roads, which are two-lane, narrow, winding roads. Mr. Archer noted that Sasha Boulevard and Mt. Aetna Road have no sidewalks or lights and are used by joggers, walkers, and bicyclists. He believes this proposal will adversely impact the quality of life, safety and environment of the area.
 - Anita Thomas, 20310 Ayoub Lane – Ms. Thomas expressed concerns for traffic issues in the area and the safety of pedestrians and cyclists. She believes that a gate should be placed at the end of Sasha Boulevard to keep vehicular traffic from the PUD out of Black Rock Estates.
 - Joe Coleman, 467 Thames Street – Mr. Coleman is opposed to the proposed change due to incompatibility with the neighborhood, the impacts on existing infrastructure, and the adverse effects on the quality of life in the area. He stated that Fair Meadows Boulevard is being used as a shortcut from Mt. Aetna Road to Dual Highway and he believes this would only get worse if the change is approved. He cited speeding and safety concerns and the lack of speed enforcement on this roadway.
 - Hugo Bonatti, 20509 Shaheen Lane – Mr. Bonatti stated that there are beautiful homes in this area with large yards which provide an excellent quality of life. He believes the developer is just trying to maximize his profits by increasing the number of homes in the PUD. He cited concerns regarding traffic and its effects on the neighborhood.
 - Martha Sullivan, 10902 Sasha Boulevard – Ms. Sullivan expressed her concerns regarding traffic issues on Sasha Boulevard and Mt. Aetna Road, inadequate buffering between the two developments, an increase in crime, and the lack of water pressure in the area. She is opposed to the major change request and believes that the density of the original proposal should also be re-evaluated.
 - Mark Jameson, 1800 Londontowne Circle – Mr. Jameson is opposed to the major change request. He believes the proposed development is not compatible with other developments in the area due to the density proposed. He expressed his concern regarding the inadequacy of existing infrastructure for roads, water, wastewater and schools. Mr. Jameson believes that changing the PUD after its original approval negates the purpose of the PUD.
 - Kandace Carpenter, 11042 Sani Lane – Ms. Carpenter stated that the original PUD was approved in 2004. According to the Zoning Ordinance, PUDs are required to submit and meet specific timelines; and if not met, extensions are to be requested. Her research indicates that no extensions have been received from the Planning Commission for this PUD. There was a minor change approved in March of 2020; however, from a legal standpoint, she believes that this PUD is invalid. Ms. Carpenter noted that Section 16.a.4.j of the Zoning Ordinance requires that each phase of a PUD must comply with density standards; however, the developer's Phase 5 proposal for the apartment complex would not meet that regulation. Ms. Carpenter expressed her opinion that the eastern bounds of the major change for this PUD would be at the end of the Urban Growth Area and would not be compatible with the neighboring property. She also noted that the developer has cited profitability as its justification for this major change and in accordance with court decisions in the State of Maryland, change cannot be based on profitability.
 - John Hoover, 1733 Meridian Drive – Mr. Hoover explained that he is currently a resident of Greenwich Park, was previously a resident of Black Rock Estates, and still owns a building lot there which abuts the proposed development. He is opposed to the proposal and believes consideration should be given to those residents who have lived in the area for 30+ years and contribute to the County's tax base. Mr. Hoover expressed his opinion that the influx of more than 1,000 homes will overburden the schools, decrease the value of homes, and contribute to traffic issues making the roadways dangerous. He believes that there will need to be additional traffic signals installed along Mt. Aetna Road intersections. Mr. Hoover is also concerned about the water pressure and fire suppression in the area. He noted that an eco-system pond is located on Shaheen Lane which

is frequented by herons, redtail hawks and bald eagles. The proposed development would impact the habitat of these birds.

- William Stryker, 20533 Mt. Aetna Road – Mr. Stryker believes the proposed 1,100 homes would total more than all of the developments combined along Mt. Aetna Road. He noted that Mt. Aetna Road is a winding, narrow, two-lane road with no room for widening. He stated that he has limited sight distance from his driveway and by adding the additional traffic (estimated 8,000+ trips per day) will exacerbate an already dangerous situation.
- Dan Grove, 20502 Shaheen Lane – Mr. Grove expressed his opinion that traffic has already increased significantly in the area due to the numerous developments like Black Rock Estates, the Hamptons, Brightwood Acres East, etc. that have occurred over time. The roads in this area cannot handle the additional 8,000+ trips per day that would be generated by this proposed change. He expressed concern regarding the impact to schools, the decrease in the value of existing homes, and the lack of water pressure in the area. Mr. Grove stated that although the developer says they will contribute to the cost of infrastructure upgrades, he believes the taxpayers will be paying for the improvements by an increase in property taxes.
- Edward Strawther, 10912 Sassan Lane – Mr. Strawther expressed his concern about water pressure for both domestic and fire suppression uses. He believes these issues are exacerbated by geography, lack of a storage tank, and undersized water transmission lines. He noted that in response to staff comments, the applicant has eluded to “potential consideration” of comments but has not established a plan to ensure public safety or to mitigate for infrastructure improvements. Mr. Strawther expressed his opinion that recommendations should not be deferred for “potential” consideration. He believes the PUD should not be allowed to move forward prior to implementation of the recommendations for improvements.
- Patrice Wallace, 10933 Sasha Boulevard – Ms. Wallace expressed her concerns regarding water pressure, traffic-related issues, and the safety of the children in the neighborhood.
- Susan Wood, 454 Fair Meadows Boulevard – Ms. Wood shared her concerns for lack of water pressure and fire suppression, limited access for fire equipment into the neighborhood, overcrowding of schools, lower property values, an increase in taxes, additional traffic and the potential for dangerous situations.
- Shannon Peterson, 20510 Shaheen Lane – Ms. Peterson expressed her opinion that this area is not ready for an additional 1,100 homes. She cited poor water pressure, increased school capacities which would lower the standards of education, and safety concerns for her children and pets that additional traffic would bring to the area.
- Jeff Snowden, 11507 Rambling Pines Place – Mr. Snowden discussed the water pressure issue by citing the fire at the Woodbridge Apartments several years. He believes the PUD has expired and should not be considered. He expressed his opinion that people want larger homes on larger lots, unlike what the developer is proposing. Other concerns he addressed were: wildlife in the area, increased traffic, and the decrease in property values which will also decrease revenue from property taxes.
- Martin Brubaker, 10725 Hartle Drive – Mr. Brubaker expressed his opinion that this is not an appropriate location for increased density because the supporting external road network is very inadequate. Mt. Aetna Road and White Hall Road are both narrow roads with no berms and many driveways. He believes that local government expenditures to support housing development usually exceeds the total revenues generated, thus creating a negative budget impact. Mr. Brubaker expressed his opinion that this is not a well-planned development or an appropriate location.
- Matthew Stupp, 11013 Shalom Lane – Mr. Stupp is opposed to the proposed change and agreed with all the comments and concerns raised by other speakers this evening. He expressed his concern regarding the water pressure issues and the need for a resolution to this problem before any further construction begins in this area.
- Robert Carpenter, 11042 Sani Lane – Mr. Carpenter is opposed to the proposed change and believes this proposal is not compatible with the existing neighborhood. He noted that the developer is planning to buffer the apartment complex from Black Rock Estates using high density housing; but there are no buffers for the residents of Black Rock Estates from the high density housing being proposed.
- Christine Oh-Gigliotti, 11041 Sani Lane – Ms. Oh-Gigliotti is opposed to the proposed request for additional density. She expressed her opinion that the area has not been subject to congested urban sprawl and has a strong sense of community. She is concerned about increased traffic in the area and the increased demand on infrastructure. Ms. Oh-Gigliotti believes that Sasha Boulevard should be used only for emergency services and not as a minor access road for the PUD.
- Brian Stolarz, 11006 Shalom Lane – Mr. Stolarz expressed his concern regarding the volume of water and water pressure in the area. He concurs with comments about traffic, schools, etc. previously made.

- Kristy Pottol, 20310 Ayoub Lane – Ms. Pottol is opposed to the proposed change and she echos the comments of the other speakers.
- Carlo Cutler, 10909 Sasha Boulevard – Mr. Cutler expressed his concerns regarding safety of the children who walk and bike in the area. He is also concerned about the water pressure and believes this needs to be addressed immediately.
- Thomas Henderson, 11020 Sani Lane – Mr. Henderson stated he is opposed to the proposed development for all the reasons previously stated. He also questioned the validity of the PUD.
- Dan Scally, 11003 Palmwood Circle – Mr. Scally stated he is not opposed to well-planned development; however, he is opposed to the proposal to increase the density in the PUD. He believes the high density would have a negative impact on property values and the quality of life in this area. He cited overall safety concerns related to traffic issues including speeding on Mt. Aetna Road and residents who do not stop at intersections.
- Eric Peterson, 20510 Shaheen Lane – Mr. Peterson is opposed to the proposed PUD. He does not agree with the developer's point of view that people do not want large yards to maintain; he does not believe that is true. He stated that his concerns have been addressed by others who spoke previously.
- Mary Camposano, 20509 Tehrani Lane – Ms. Camposano is opposed to the proposed development and agrees with the concerns and comments previously stated. She believes that while a problem may be solvable, it does not translate to the problem actually and adequately being resolved.
- Shivam Mysore, 20327 Ayoub Lane – Mr. Mysore is opposed to the current PUD and the proposed change.
- Christina Martinkosky, 20206 Mahogany Circle – Ms. Martinkosky stated that the Staff Report provides a wide variety of concerns from both the County and City staff. She has heard and agrees with the previous comments made regarding water, traffic, access, schools, etc. Ms. Martinkosky is very concerned about the negative impact on schools in the area and the lack of plans to address the student population generated by this proposal. She noted there are no redistricting plans, no capital projects or other mitigation efforts to offset this burden.
- George Butler, 11105 Shalom Lane – Mr. Butler expressed his concern with regard to safety, security and traffic and he agrees with the concerns and comments previously stated.

Applicant's Rebuttal

Mr. Erskine first addressed concerns that the PUD is no longer active. He noted that the deadlines are tracked from the date of any approved changes to the concept plan. He stated that the developer has never received notice from the County that they are out of conformance with any regulations.

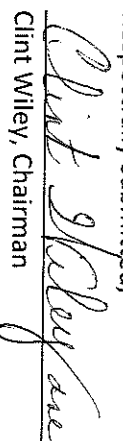
Secondly, Mr. Erskine addressed traffic concerns that were mentioned. He stated that Sasha Boulevard has an 80-foot wide right-of-way that would allow for improvements. He believes this issue is highly solvable and reiterated that APFO requirements would be addressed at the appropriate time throughout the process.

Mr. Erskine expressed his opinion that the water pressure issue would be resolved by the approval of this change because there could be a water tower (as proposed) on site and the opportunity for the developer to contribute to a portion of upgrades to the water system. Mr. Erskine noted that 100 homes and a community center have already been approved in the PUD and the final plat is ready for recordation. These homes would directly access Sasha Boulevard and would not require any improvements to help with the water pressure issue. He believes the fastest way to remedy any safety concerns would be to facilitate the development of this property.

ADJOURNMENT

Mr. Reeder made a motion to adjourn the meeting at 9:10 p.m. The motion was seconded by Mr. Weddle and so ordered by the Chairman.

Respectfully submitted,


Clint Wiley, Chairman