

WASHINGTON COUNTY PLANNING COMMISSION
PUBLIC REZONING INFORMATION MEETING AND REGULAR MEETING
July 19, 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 public rezoning information meeting and regular monthly meeting on Monday, July 19, 2021 at 7:00 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, and Ex-officio County Commissioner Randall Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jill Baker, Director, Jennifer Kinzer, Deputy Director, Travis Allen, Comprehensive Planner, Meghan Jenkins, GIS Coordinator, and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting: Ashley Holloway, Director, Rebecca Calimer, Chief of Plan Review, Lisa Kelly, Senior Planner, and Scott Stotelmeyer, Planner.

Also present were: William Erskine, Offit Kurman, legal counsel; Sean Davis, Brittany Sink, Mickey Cornelius, Todd Heck, and Jon Erickson with Morris & Ritchie Associates; and Adam Shaool of Washco Development [RZ-21-003]; Trevor Frederick of Frederick, Seibert & Associates, consultant; David Salinas, Dan Dababneh and Kareema Keshta of Northpoint Dickinson; Jonathan Horowitz, Washington County Department of Business Development [PC-21-001]; and Gordon Poffenberger of Fox & Associates, Inc. [PP-20-001].

CALL TO ORDER

The Chairman called the public information meeting to order at 7:00 p.m.

PUBLIC REZONING INFORMATION MEETING

Town of Hancock [WS-21-001]

Ms. Baker presented a text amendment application submitted by the Town of Hancock. The proposed amendment to the County's Water & Sewerage Plan would support the proposed upgrade and expansion of the Town's wastewater treatment plant. The Town is in the process of applying for grants and loans to upgrade its treatment facility. Currently, the Town has a lagoon system which does not meet water quality standards set forth by the Maryland Department of the Environment (MDE) for effluent specifically related to nitrogen and ammonium. The Town is proposing to upgrade the system to an enhanced nutrient removal standard.

In addition, there have been numerous discussions with property owners on the north end of Warfordsburg Road including the Lanco cheese facility. Recently, land north of the Town was annexed; the Town is also proposing to annex the area of the cheese facility. The proposed wastewater treatment facility expansion would be able to accommodate the effluent from the cheese factory as well as future development for the next 20 years.

Ms. Baker noted that the current Water & Sewerage Plan recognizes the need for the upgrade of the treatment facility; however, the expansion is not included in the current Plan. This amendment proposes language to acknowledge the upgrade to current standards as well as the expansion of service from 380,000 gallons per day to 530,000 gallons per day. The application was sent to MDE; their comments were received and have been addressed. Staff is recommending approval of the proposed amendment.

Discussion and Comments: Mr. Reeder asked if Washington County helps to fund any of these proposed changes. Ms. Baker explained that Washington County does not help fund these projects; this is a Town utility and therefore the Town's responsibility. The Town is currently seeking grants through the US Department of Agriculture and MDE.

Mr. Semler asked if there is Appalachian Regional Commission money available for this project. Ms. Baker stated she does not believe there would be at this time. She explained it is easier to find grant money for upgrades than for expansions because the State and Federal government do not want to fund growth.

Public Comment

There were no public comments received prior to the meeting and nobody was present to speak during the meeting.

The public meeting ended at 7:13 p.m.

REGULAR MEETING

MINUTES

Motion and Vote: Mr. Goetz made a motion to approve the minutes of the June 7, 2021 and June 14, 2021 Planning Commission meetings as presented. The motion was seconded by Mr. Semler and unanimously approved.

OLD BUSINESS

RZ-21-004 – Washington County Planning Commission – Recommendation

Ms. Baker reminded Commission members that a public information meeting was held on June 7, 2021 to consider a proposed text amendment to Section 4.26 of the Washington County Zoning Ordinance. The proposed amendment is to deter the placement of solar arrays on productive agricultural land in rural areas. The proposed amendment is being supported by the Washington County Farm Bureau; no other public comments have been received.

Discussion and Comments: Mr. Semler asked if this amendment includes language proposed by Calvert Energy LLC, the applicant for another solar energy text amendment. Ms. Baker clarified it does not include that language.

Motion and Vote: Mr. Semler made a motion to recommend approval of the proposed text amendment, as presented, to the Board of County Commissioners. The motion was seconded by Mr. Kline and unanimously approved with Commissioner Wagner abstaining from the vote.

RZ-21-003 – Morris & Ritchie Associates – Recommendation

Ms. Baker noted that a public information meeting was held on June 14, 2021 for 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 dwelling units, thereby increasing the residential density from 2.7 dwelling units per acre to 5.2 dwelling units per acre. A petition in opposition of the proposed change was recently received by the Department of Planning & Zoning and was forwarded to the Planning Commission members.

Discussion and Comments: Mr. Kline stated that he is adamantly opposed to the proposed change. He agrees with the issues, concerns, and comments made by area residents during the public information meeting. His biggest concern is traffic-related issues on Mt. Aetna Road (a winding, hilly, narrow road) between White Hall Road and MD Route 66. Mr. Kline noted that the developer, during his presentation, stated that all these problems (including water issues, traffic issues, etc.) could be fixed; however, there were no solutions offered or anyone willing to take responsibility and pay for fixing these problems. He expressed his opinion that the developer would leave these problems for the County and City to fix at the expense of the taxpayer. Mr. Kline expressed his opinion that this is the wrong area to consider adding an additional 1,200 homes; he also does not support the 595 units that were previously approved by the Board of County Commissioners in 2005. He expressed his opinion that too much growth has already taken place in this area.

Mr. Reeder, Mr. Goetz and Mr. Semler are also opposed to this request and agreed with Mr. Kline's comments, especially those related to traffic issues and problems. Mr. Semler expressed his concern regarding the water problems in the area. He believes the water tower should be the first structure to be built to help alleviate some of the water issues.

Mr. Kline raised his concern regarding the validity of the PUD, which was a question raised several times during the public information meeting. Mr. Goetz expressed his opinion that the validity of the PUD is not being put before the Planning Commission. He believes that is an issue that needs to be decided by the courts.

Motion and Vote: Mr. Kline made a motion to recommend denial of the request [to change the plan from 595 dwelling units to 1,148 dwelling units] to the Board of County Commissioners. The motion was seconded by Mr. Semler. Members voted as follows: Mr. Kline – aye, Mr. Reeder – aye, Mr. Goetz – aye, Mr. Semler – aye, and Commissioner Wagner abstained from the vote.

NEW BUSINESS

PRELIMINARY CONSULTATIONS

PC-21-001 – Northpoint Dickinson

Mr. Holloway presented a preliminary consultation for the proposed construction of two warehouse/office buildings to be located at 16910 National Pike. The property is currently zoned P1 (Planned Industrial). Building 1 will be 652,080 square feet in size and Building 2 will be 1 million square feet in size; both buildings will be 50' high. The site will be served by public water from the City of Hagerstown and public sewer will be provided by Washington County. Mr. Holloway stated that if this plan moves forward, the developer will be seeking a variance from parking requirements. Parking spaces required will be 1,102 spaces and parking spaces provided will be 1,002 spaces.

Mr. David Salinas of North Point Development, the developer, gave a brief presentation beginning with a history of the company and an overview of the developer's current project on Wesel Boulevard. He noted that the project on Wesel Boulevard is currently ahead of schedule and showed examples of the buildings being constructed. Mr. Salinas stated there is a potential tenant for one of the buildings on National Pike. This project would be an investment of over \$109 million dollars and the businesses would employ more than 920 full-time employees.

Discussion and Comments: Mr. Reeder asked if the developer has considered installing solar panels on the roofs of the buildings. Mr. Salinas stated that North Point has shifted to a sustainable approach both on new buildings as well as existing buildings. He noted that each tenant is unique and may have specific requirements for rooftop units or ventilation requirements. These requirements would be considered before placement of the solar panels.

PRELIMINARY PLATS

Elmwood Farms, Sections 4 and 5

Ms. Kelly presented a preliminary plat for Elmwood Farms, Sections 4 and 5, Lots 43-55, 124 and 134-189. The developer is proposing a 70 single-family residential lot addition to an existing subdivision located at 16301 Kendle Road. The property is currently zoned RS (Residential Suburban). A preliminary plat for these two sections was previously approved in 2004. The new plat is showing a redesign of the road layout, storm water management areas and forest conservation easement locations as well as fewer lots than originally approved. The total acreage for these two sections is 55.90 acres with lot sizes ranging from .29 acres to .54 acres. All lots will be served by public water and public sewer and will have access to newly constructed public streets. Forest conservation requirements will be met by planting 25.41 acres of forest on-site. A final easement plat for these areas has been submitted for approval. All agency approvals have been received.

Motion and Vote: Mr. Kline made a motion to approve the preliminary plat as presented. The motion was seconded by Mr. Semler and unanimously approved.

FOREST CONSERVATION

GP-21-007 – 55 West Oak Ridge Drive Distribution Center

Mr. Allen presented a variance request for the removal of three specimen trees on property located at 55 West Oak Ridge Drive. The developer is requesting the removal of a Silver Maple tree approximately 38" in diameter at breast height (DBH) in good condition, a Red Oak approximately 30" DBH in good condition, and a split trunk White Ash (exceeding 40" at the base in poor condition. This is a two phase commercial/industrial development exceeding 1.8 million square feet leaving a very small area which will not be disturbed on the site. Justification for the removal of these trees was provided by a licensed professional, Mr. Clint Rock from Fox & Associates, Inc. He believes that due to the topography of the site, the most suitable entrance is the driveway to the existing house and barn. There is an active demolition permit for these structures to be removed. Mr. Rock stated that the location of the Red Oak is within a major internal intersection. The relocation of this intersection would require the removal of required parking spaces and landscaping. Any relocation of the parking would lead to more disturbance of on-site forest easements. There is currently no stormwater management on the site; however, the removal of these trees would provide for the development of stormwater management facilities.

Motion and Vote: Mr. Semler made a motion to approve the request as presented. The motion was seconded by Mr. Kline and unanimously approved.

OTHER BUSINESS

Update of Staff Approvals

Mr. Holloway presented the following information for the month of June for Plan Review – Land Use: 6 site plans, 4 site-specific grading plans, and 4 standard grading plans; Permitting: 10 entrance permits and 13 grading permits.

2022-2031 Solid Waste Management & Recycling Plan

Ms. Baker reminded members that the Planning Commission previously reviewed the Solid Waste Management & Recycling Plan, which was subsequently submitted to MDE for review. The Plan was reviewed by MDE; comments were received and have been addressed by staff. If the Planning Commission finds the Plan consistent with the Comprehensive Plan, the next step is to take it to public hearing with the Board of County Commissioners.

Motion and Vote: Mr. Reeder made a motion that the 2022-2031 Solid Waste Management & Recycling Plan is consistent with the County's adopted Comprehensive Plan. The motion was seconded by Mr. Kline and unanimously approved with Commissioner Wagner abstaining from the vote.

Comprehensive Plan Update

Ms. Baker presented the draft of Chapters 1 thru 4 for review and comment. These chapters include the goals and objectives of the Plan, accomplishments since the last update, background data, statistics and demographics. Final comments for these chapters will be taken on or before the August 2nd meeting.

Land Preservation, Parks & Recreation Plan Update

Ms. Baker explained that the Land Preservation, Parks & Recreation Plan update is due to be completed in FY 2022. Mr. Allen will be spearheading this project; he is the staff liaison to the Parks Advisory Board. There is currently a parks survey on-line for the public to complete. The information gathered from this survey will assist in developing and updating the Plan.

UPCOMING MEETINGS

1. Monday, August 2, 2021, 7:00 p.m. – Washington County Planning Commission regular meeting
[This meeting will be held in person at the Washington County Administrative Complex, 100 W. Washington Street, Room 2000.]

ADJOURNMENT

Mr. Kline made a motion to adjourn the meeting at 8:15 p.m. The motion was seconded by Mr. Semler and so ordered by the Chairman.

Respectfully submitted,



Clint Wiley, Chairman