

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING
November 2, 2020**

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, November 2, 2020 at 7:00 p.m. virtually using Zoom software. No physical meeting took place.

Planning Commission members present were: Clint Willey, Dennis Reeder, Robert Goetz, 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; Travis Allen, 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: Jeff Semler; Fred Federick, Frederick, Seibert & Associates; Tanya Phillips and Jason Adkins, JTA Investments LLC; Mark Grove and Asya Brown [OM-20-009].

CALL TO ORDER

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

MINUTES

Motion and Vote: Mr. Weddle made a motion to approve the minutes of the October 5, 2020 regular meeting as presented. The motion was seconded by Mr. Reeder and unanimously approved.

-NEW BUSINESS

MODIFICATIONS

Mark A. Grove [OM-20-009]

Ms. Kelly presented a modification request to create a previous simplified parcel to a building lot without public road frontage. The property is located south of Dry Run Road and is currently zoned A(R) – Agricultural Rural. In 1989, Parcel B which is 8.10 acres, was created as a simplified lot and was to be added to the adjoining property. However, it was never officially conveyed in 1989 and the new owner of Parcel B would like to develop the property. The owner is asking the Planning Commission to remove the “Not for Development” restriction placed on the property in 1989. This parcel would not have public road frontage; however, an easement for access to Dry Run Road is included in the current deed for Parcel B.

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

PRELIMINARY CONSULTATION

Foxberry Farms, Lots 8-14 [PC-20-003]

Ms. Kelly presented for review a preliminary consultation for Foxberry Farms, Lots 8-14 located along the west side of Leitersburg/Chewsville Road. The property is currently zoned A(R) – Agricultural Rural. The developer is proposing 7 single-family lots ranging in size from 2.29 to 23.9 acres for a total of 53.6 acres. The remaining lands will be 26.5 acres in size. The first 7 lots were created in the early 2000s as Keuper Estates. Ms. Kelly briefly reviewed comments received from the approving agencies during the preliminary consultation. The preliminary plat has already been submitted to the Department of Plan Review. Staff is requesting that the Planning Commission grant staff the authority to approve the preliminary plat upon receipt of all required revisions.

Discussion and Comments: Mr. Fred Frederick of Frederick, Seibert & Associates stated that a preliminary consultation was held in 2003. At that time, the developer was proposing 21 single-family lots in this subdivision. However, in 2012, legislation was passed by Governor O'Malley, that limited the number of lots in a subdivision on private septic systems to 7 lots plus the remaining lands. Therefore, this subdivision has been scaled back to a total of 14 lots plus the remaining lands. The remaining lands cannot be further subdivided.

Motion and Vote: Mr. Reeder made a motion to grant staff the authority to approve the preliminary plat. The motion was seconded by Mr. Kline and unanimously approved.

FOREST CONSERVATION

Potomac Edison Ringgold Substation [SP-20-015]

Mr. Allen presented for review and approval a request to use off-site forest retention to meet requirements of the Washington County Forest Conservation Ordinance for property located at 12918 Bike Road. The property is currently zoned BG – Business General. As part of the site plan process, the developer is required to retain .91 acres of forest on-site in order to expand the existing substation. By moving the easement to an off-site location, the developer will be required to establish a 1.82 acre easement. The developer is proposing to create the easement on an adjacent parcel that will protect existing forest within the floodplain; this will offer water quality benefits. Justification for this request was provided by a qualified professional with the consultant, Frederick, Seibert & Associates.

Discussion and Comments: Mr. Kline stated that Potomac Edison is required to update an existing transmission line that runs from Ringgold into Frederick County; therefore, upgrades are required for the substation as well. This expansion is needed for Transource to build a new line. Because transmission lines are Federally regulated, all rights-of-way and clearances must be strictly adhered to. Placing the forest retention area on a separate parcel will alleviate the need to cut down trees in the future for new lines.

Motion and Vote: Mr. Reeder made a motion to approve the off-site forest retention as presented. The motion was seconded by Mr. Goetz and unanimously approved with Mr. Kline abstaining from the vote.

OTHER BUSINESS

21036 National Pike

Mr. Holloway presented a request for a change of use on property located at 21036 National Pike from a recreation center to an automotive repair business. The property is currently zoned RB – Rural Business.

Discussion and Comments: Ms. Tanya Phillips and Mr. Jason Adkins, owners of JTA Investments LLC, were present at the meeting. Ms. Phillips stated that it is the intent of JTA Investments to purchase the property and to relocate Adkins Automotive to this location. The existing farmer's market and flower stand businesses would continue to lease a portion of the property and operate at this location. JTA Investments would consider leasing the Go-Kart and miniature golf course to interested parties in the future.

Mr. Goetz asked what the hours of operation would be for Adkins Automotive. Ms. Phillips stated it would be Monday thru Friday 8 a.m. to 5 p.m., Saturday 8 a.m. to noon or 2 p.m. but it would not be every Saturday. Mr. Goetz expressed his opinion that the proposed uses would operate during the day and would have less impact on the neighbors during the evening hours than the recreation center did in the past.

Mr. Reeder asked if the proposed use is a permitted use in the current zoning designation. Mr. Holloway stated it is a permitted use under the Zoning Ordinance regulations.

Motion and Vote: Mr. Kline made a motion that this request be designated as a minor change, not requiring a public hearing. The motion was seconded by Mr. Reeder and unanimously approved.

Update of Staff Approvals

Mr. Holloway presented the following information for the month of October for Plan Review – Land Use: 8 standard grading plans, 8 inspection and maintenance agreements, 3 preliminary/final plats, 2 storm water management concept plans, and 2 site plans; Permitting: 10 grading permits, 9 entrance permits, 1 flood plain permit, 1 non-residential ag permit, and 1 non-residential sign permit.

Demolition Permit 2020-03241

Ms. Baker presented a demolition permit for property located at 17705 Millers Sawmill Road. This property has a significant amount of history because it is near the Antietam Battlefield and was involved with the Battle of Antietam and was owned by the Chapline family (founders of Sharpsburg) at one time. During the 1980s, the Maryland Environmental Trust (MET) obtained an easement on this property for its historic and cultural resources. This easement included a caveat that the home structure could not be demolished without prior approval by MET. In 2011, Michael Stivers, owner of the property, requested

permission to demolish the house. At that time, MET denied the request noting that the property was salvageable and recommended that Mr. Stivers "mothball" the structure. On April 15, 2020, Mr. Stivers again contacted MET requesting demolition of the house. After review of the application and supporting documentation, MET found that the house had deteriorated to the point it could no longer be salvaged. MET reluctantly approved the demolition with conditions, one of which was to follow the regulations set forth by Washington County.

Mr. Stivers applied for a demolition permit with the County, which was reviewed by the Historic District Commission. Two members of the Commission and one staff member were permitted to visit and document the property. Immediately following this visit and prior to the Historic District Commission's decision, the house was demolished (without the proper permit). The HDC decided to recommend denial of the permit.

As a matter of procedure, the demolition permit application must still be acted upon and closed. Because the HDC recommended denial of the permit, it must now be reviewed by the Planning Commission for its recommendation.

Discussion and Comments: Commissioner Wagner asked if MET could have denied the demolition permit. Ms. Baker stated they could have denied it due to the restrictions that were placed on the property at the time the easement was purchased.

Mr. Kline asked if the property owners were paid for the easement. Ms. Baker stated they were paid for the easement.

Ms. Baker explained that the County has no regulatory authority to deny a demolition permit. However, we are trying to educate and encourage property owners to use alternatives to demolition of the County's historic resources. After talking to HDC members, Mr. Stivers salvaged several pieces of materials from the structure, such as windows, porch posts, window guards, etc. that he plans to use as part of the new house he is building on the property.

There was a brief discussion regarding funding sources, including the County's tax credit program, for people who want to preserve historic structures. Staff is continually working to find grant monies to update the historic sites inventory and updating the County's website to include more information about preserving, restoring, and rehabilitating historic resources as well as salvaging and re-use of materials from historic resources.

Motion and Vote: Mr. Weddle made a motion to support the demolition of the structure at 17707 Millers Sawmill Road. The motion was seconded by Mr. Reeder and unanimously approved with Commissioner Wagner abstaining from the vote.

ADJOURNMENT

Mr. Kline made a motion to adjourn the meeting at 8:05 p.m. The motion was seconded by Mr. Reeder and so ordered by the Chairman.

UPOMING MEETINGS

Monday, December 7, 2020, 7:00 p.m. – Washington County Planning Commission regular meeting.

Respectfully submitted,


Clint Wiley, Chairman