



DEPARTMENT OF PLANNING & ZONING
COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

AGENDA

WASHINGTON COUNTY PLANNING COMMISSION PUBLIC REZONING INFORMATION MEETING AND REGULAR MEETING

September 10, 2018, 7:00 PM

WASHINGTON COUNTY ADMINISTRATIVE COMPLEX

100 WEST WASHINGTON STREET

2ND FLOOR, PUBLIC MEETING ROOM #2000

CALL TO ORDER AND ROLL CALL

PUBLIC REZONING MEETING

1. RZ-18-003 – P Overlook LLLP – Map Amendment application for property located at the intersection of MD Route 340 & Keep Tryst Road; Acreage: 24.32 acres; Present Zoning: Rural Village with 9 lot residential density restriction; Proposed Zoning: Rural Village without 9 lot residential density restriction

NEW BUSINESS

MINUTES

1. August 6, 2018 Planning Commission regular meeting minutes *

MODIFICATIONS

1. Hays Investments LLC [OM-18-005] – Modification to Subdivision Ordinance Section 405.11.B and 307.2.E to allow the creation of a lot without public road frontage and to allow the 10,000 sq. ft. septic reserve area for Lot 1 to be placed on the proposed adjacent Lot 2; Property located at 20504 Jefferson Boulevard; Zoning: RT (Residential Transition); Planner: Cody Shaw *
2. Anne Roth & Joey Thorn [OM-18-006] – Modification to allow the reduction of the rear yard setback from 40 feet to 12 feet to accommodate adding a mother-in-law suit to the back of the house; Property located at 11507 Woodview Court; Zoning: RS (Residential Suburban); Planner: Cody Shaw

SITE PLANS

1. Cascade Auto Wholesalers Inc. [SP-18-029] – Zoning: HI (Highway Interchange); Planner: Cody Shaw *
2. Elmwood Farm Bed & Breakfast Reception Facility [SP-18-019] – Proposed banquet and reception facility at existing bed and breakfast located at 16413 Kendle Road on 6.35 acres; Zoned: RS (Residential Suburban); Planner: Lisa Kelly *
3. Emerald Pointe PUD, Phase 3, Section 2 [PSP-18-001] – Proposed 16 semi-detached and 3 townhouse lots located at 13335 Emerald Pointe Drive on 5.36 acres; Zoning: PUD (Planned Unit Development); Planner: Lisa Kelly *

OTHER BUSINESS

1. Update of Staff Approvals – Tim Lung

ADJOURNMENT

UPCOMING MEETINGS

1. Monday, October 1, 2018, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administrative Complex, 100 W. Washington Street, 2nd Floor, Public Meeting Room #2000, Hagerstown, Maryland

100 West Washington Street, Suite 2600 | Hagerstown, MD 21740 | P: 240.313.2430 | F: 240.313.2431 | TDD: 7-1-1

WWW.WASHCO-MD.NET

**a t t a c h m e n t s*

The Planning Commission reserves the right to vary the order in which the cases are called. Individuals requiring special accommodations are requested to contact the Washington County Planning Department at 240-313-2430, to make arrangements no later than ten (10) days prior to the meeting. *Notice is given that the Planning Commission agenda may be amended at any time up to and including the Planning Commission meeting.*



FOR PLANNING COMMISSION USE ONLY

Rezoning No. RZ-18-003

Date Filed: 6-15-18

WASHINGTON COUNTY PLANNING COMMISSION
ZONING ORDINANCE MAP AMENDMENT APPLICATION

P Overlook LLLP

Applicant

☒ Property Owner

☐ Contract Purchaser

☐ Attorney

☐ Consultant

☐ Other: _____

125 S Carroll St, Ste 150, Frederick, MD 21701

Address

Jason M. Divelbiss

717-593-7200 / 301-791-9222

Primary Contact

Phone Number

jdivelbiss@divelbisslaw.com

11125 Bernisderfer Rd, Greencastle, PA 17225

Address

E-mail Address

Property Location: 24.32 Acres located near the intersection of Maryland Rte 340 and
Tax Map: 0087 Grid: 0018 Parcel No.: 0010 Acreage: 24.32 Keep Tryst Rd.

Current Zoning: RV (Rural Village)

RV (Rural Village)

with Nine(9) lot density
restriction

Requested Zoning: without nine(9) lot density
restriction

Reason for the Request:

☐ Change in the character of the neighborhood

☒ Mistake in original zoning

PLEASE NOTE: A Justification Statement is required for either reason.

[Signature]
Applicant's Signature

Subscribed and sworn before me this _____ day of _____, 20____.

My commission expires on _____

Notary Public

FOR PLANNING COMMISSION USE ONLY

- ☐ Application Form
- ☐ Fee Worksheet
- ☐ Application Fee
- ☐ Ownership Verification
- ☐ Boundary Plat (Including Metes & Bounds)

- ☐ Names and Addresses of all Adjoining & Confronting Property Owners
- ☐ Vicinity Map
- ☐ Justification Statement
- ☐ 30 copies of complete Application Package

EXHIBIT

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A



Washington County
Department of Planning & Zoning
Owner's Representative Affidavit

This is to certify that P Overlook LLLP ("Overlook") is the owner of that certain +/- 24.32 acre parcel of real property located near the intersection of Maryland Rte. 340 and Keep Tryst Road (the "Property"), and that Jason M. Divelbiss, its Attorney representative, is hereby authorized to make application for the piecemeal rezoning of the Property from its current zoning classification of RV (Rural Village) with Nine (9) lot density restriction to RV (Rural Village) without Nine (9) lot density restriction.

OWNER:

P Overlook LLLP

By: Buckeye Development LLC, General Partner

By: _____

Name: Edward G. Smariga

Title: Managing Member

125 South Carroll Street, Ste. 150
Frederick, MD 21701

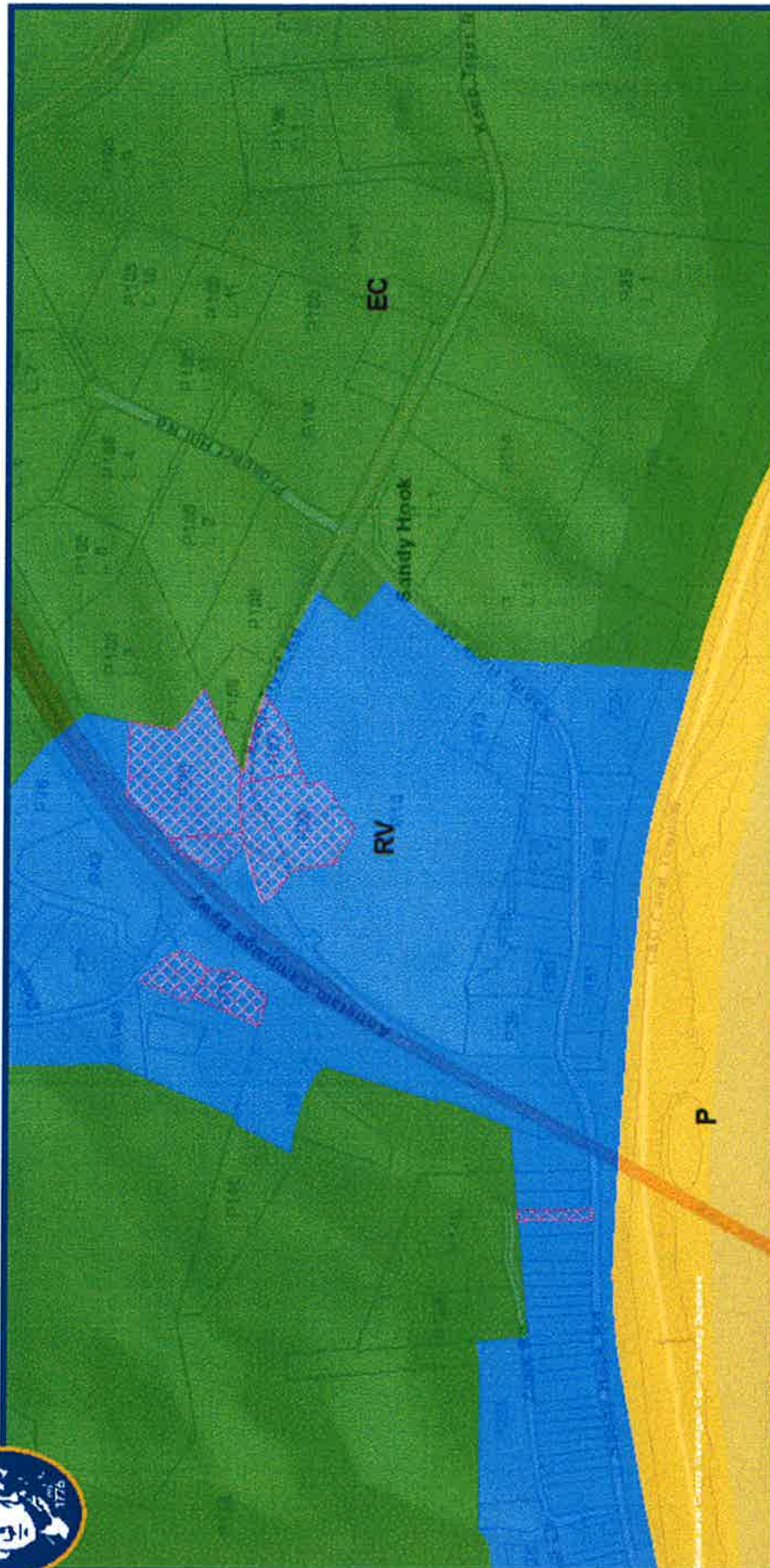


ADJACENT PROPERTY OWNERS					
	NAME	PREMISES ADDRESS	LIBER/FOLIO	MAILING ADDRESS	TAX MAP/PARCEL
1	Church United Methodist of Sand HK	19018 Sandyhook Rd. Knoxville, MD 21758	1549/533	19018 Sandyhook Rd. Knoxville, MD 21758	0087/0039
2	Cristy F. Elkins & Gene E. Hannold	19028 Sandyhood Rd. Knoxville, MD 21758	4064/376	19028 Sandyhood Rd. Knoxville, MD 21758	0087/0079
3	Cynthia J. Hallberlin & Joel S. Kante	19032 Sandyhook Rd. Knoxville, MD 21758	3847/237	7113 Poplar Ave Takoma Park, MD 20912	0087/0078
4	Cynthia J. Hallberlin & Joel S. Kante	19038 Sandyhook Rd. Knoxville, MD 21758	3847/237	7113 Poplar Ave Takoma Park, MD 20912	0087/0077
5	Jerry L. Poston	19040 Sandyhook Rd. Knoxville, MD 21758	1376/1019	19040 Sandyhook Rd. Knoxville, MD 21758	0087/0048
6	Mervin F. Nuice	19104 Sandyhook Rd. Knoxville, MD 21758	4147/279	19104 Sandyhook Rd. Knoxville, MD 21758	0087/0025
7	Edward R. Kornacki, et al	19108 Sandyhook Rd. Knoxville, MD 21758	2997/54	19108 Sandyhook Rd. Knoxville, MD 21758	0087/0075
8	Sandy Hook, LLC	19112 Sandyhook Rd. Knoxville, MD 21758	5498/250	7005 Gilardi Rd. Boonsboro, MD 21713	0087/0074
9	Michael Vernon Brown	Sandyhood Rd. Knoxville, MD 21758	5299/0047	7005 Gilardi Rd. Boonsboro, MD 21713	0087/224
10	Jennifer Hymiller & Curtis Wolfe	19126 Sandyhook Rd. Knoxville, MD 21758	4058/393	19126 Sandyhook Rd. Knoxville, MD 21758	0087/149
11	Daniel L. Patterson	19200 Sandyhook Rd. Knoxville, MD 21758	5264/282	19200 Sandyhook Rd. Knoxville, MD 21758	0087/222
12	Marlene L Hackley L/E	19204 Sandy Hook Rd. Knoxville, MD 21758	5561/481	19204 Sandy Hook Rd. Knoxville, MD 21758	0087/0073
13	Wash Co Sanitary	19223 Keep Tryst Rd. Knoxville, MD 21758	1002/102	C/O Wash Co Water & Sewer 16232 Elliott Pkwy Williamsport, MD 21795	0088/0119
14	Donley Holdings, LLC	19311 Keep Tryst Rd. Knoxville, MD 21758	4213/0070	716 S. Philadelphia Blvd. Aberdeen, MD 21001	0088/0039
15	Narayan Swarupdas Corp	19105 Keep Tryst Rd. Knoxville, MD 21758	2213/0677	8005 Pulaski Hwy. Baltimore, MD 21237	0087/0023
16	June Z. Gilbert Trustee	19119 Keep Tryst Rd. Knoxville, MD 21758	3796/503	6 Wagon Shed Lane Middletown, MD 21769	0087/0027
17	Robert & Wendy Rensburg	19128 Keep Tryst Rd. Knoxville, MD 21758	5379/210	19128 Keep Tryst Rd. Knoxville, MD 21758	0087/158
18	Ilani A & Gerald Briand Donley	504 Prospect Hill Rd. Knoxville, MD 21758	44446/115	504 Prospect Hill Rd. Knoxville, MD 21758	0088/0105





Washington County, MD



	Historic Preservation Overlay		Agricultural		Highway Interchange - 1		Rural Business, New		Urban Growth Area
	Mineral Overlay		Agricultural (Rural)		Industrial, General		Residential Multi-Family		Parcels
	Antebellum Overlay 1		Agricultural (Historic Preservation)		Industrial, Restricted		Residential Rural		
	Antebellum Overlay 2		Airport		Education, Research and Technology		Residential Suburban		
	Antebellum Overlay 3		Business, General		Office, Research and Technology		Residential Transition		
	Mixed Use-Residential		Business, Local		Office, Research and Industrial		Residential Urban		
	Mixed Use-Residential and Commercial		Business, Transitional		Preservation		Rural Village		
	Mixed Use-Residential, Commercial and Employment		Conservation		Planned Business		Special Economic Development		
	Planned Unit Development		Environmental Conservation		Planned Industrial		Municipal		
			Highway Interchange		Rural Business, Existing				

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EXHIBIT

E

June 14, 2018

Department of Planning & Zoning
Attn: Stephen Goodrich, Director
Washington County Admin. Complex
100 W. Washington Street, Suite 2600
Hagerstown, MD 21740

Re: Piecemeal Rezoning of +/- 24.32 Acres of Real Property Located near the intersection of Maryland Rte. 340 and Keep Tryst Road, Knoxville, MD 21758

Dear Mr. Goodrich:

P Overlook LLLP ("**Overlook**" or "**Applicant**") is the owner of that certain parcel of real property located near the intersection of Maryland Rte. 340 and Keep Tryst Road in Knoxville, MD 21758 (Map 87, Parcel 10; Tax Acct. No. 11-007872) containing +/- 24.32 acres which is shown and depicted on the Zoning, Tax Parcel Map attached hereto as **Exhibit #1**. (the "**Property**").

Overlook hereby requests a change in the zoning classification for the Property from RV (Rural Village) with Nine (9) lot density restriction to RV (Rural Village) without Nine (9) lot density restriction.

Current Zoning

In October 2003, the Property was rezoned by the Board of County Commissioners from Business General (BG) to Rural Village (RV) (Piecemeal Rezoning Case RZ-03-001) (the "**2003 Piecemeal Rezoning**"). The Property had been zoned BG since 1983 and is the location of the former Hillside Motel.

The Commissioners' "Findings of Fact and Articulation of Reasons for Decision" in the 2003 Piecemeal Rezoning case reached the following conclusion:

"[T]he Board finds that the Rural Village zoning is appropriate and logical for the subject property and the same is hereby granted, with the condition that no more than nine (9) lots may be developed on the subject property." (the "**9-Lot Density Restriction**")



In July 2005, as part of the County's Comprehensive Rural Area Rezoning (the "**2005 Comprehensive Rezoning**"), the Property's RV zoning classification was confirmed with no specific reference to the 9-Lot Density Restriction or any other special conditions or restrictions.

By letter dated September 13, 2006 (the "**2006 Thompson Letter**"), Planning Director Mike Thompson, took the position that "the density limit still applies to the Property" notwithstanding the 2005 Comprehensive Rezoning. This remains the position of the County.

Rezoning Request

Applicant contends that in this case a 'mistake' was made in the original zoning of the Property.

The 2006 Thompson Letter referenced above was appealed to the Board of Zoning Appeals by Overlook, who purchased the Property from William and Sylvia Martin in February 2004. That Appeal was denied by the Board of Zoning Appeals, affirmed by the Circuit Court, and culminated in a reported opinion by the Court of Special Appeals which found the following:

- The 2006 Thompson Letter was simply reporting and confirming past events and thus did not constitute an appealable order, requirement, decision or determination of the County. All of the Property Owner's substantive legal challenges to the 9-Lot Density Restriction could have been and, if objectionable, should have been pursued in an action for judicial review of the 2003 Piecemeal Rezoning.
- Even if the 2006 Thompson Letter were appealable, the Board of Zoning Appeals was correct in finding that the Property Owner should be equitably estopped from challenging the 9-Lot Density Restriction. The Property Owner was aware of and actively participated in both the 2003 Piecemeal Rezoning and 2005 Comprehensive Rezoning processes and thus should not be allowed to collaterally attack those actions.

Thus, the substance of Applicant's arguments that (i) the 9-lot Density Restriction imposed as part of the 2003 Piecemeal Rezoning was impermissible; and (ii) even if the 9-lot Density Restriction was permissible, the legal effect of the 2005 Comprehensive Rezoning was to replace and supplant the 2003 Piecemeal Rezoning and assign an unaltered "RV" zoning classification to the Property.

MD Code, Land Use, § 4-103 permits a legislative body to impose conditions or limitations that they consider "appropriate to improve or protect the general character and design" of the land being zoned or the surrounding area. However, when a local

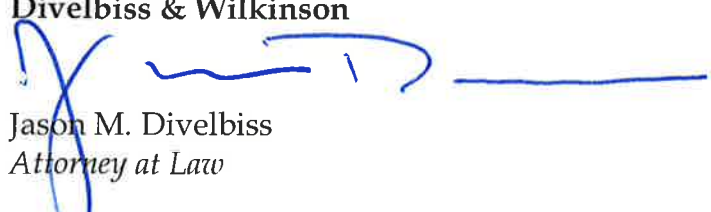
government enters into an agreement whereby the government exacts a performance or promise in exchange for its agreement to rezoning property, the government has engaged in illegal contract zoning. See, e.g., *Brandywine Enterprises, Inc. v. Prince George's County*, 117 Md. App. 525, 700 A.2d 1216 (1997); *Baltimore County v. Beachwood I Ltd Partnership*, 107 Md. App. 627, 670 A.2d 484 (1995); and *Baylis v. City of Baltimore*, 219 Md. 164, 148 A.2d 429 (1959).

Based upon the record in this case, including a statement in the minutes from the 2003 Piecemeal Rezoning that the County and rezoning applicant were "bartering" over the level of permissible development on the Property, it is clear that the 9-Lot Density Restriction was illegal contract zoning and violative of the requirement of uniformity within zoning districts (see MD Code, Land Use, § 4-201). See also the 2006 Thompson Letter which states: "[w]ithout [the 9-lot density] condition, the Board would not have supported the revised request."

In further support of the Applicant's argument that a 'mistake' was made, when the Property was comprehensively rezoned in 2005 to RV without any reference to the 9-Lot Density Restriction there was no legal basis for concluding that the Restriction, or any other component of the 2003 Piecemeal Rezoning survived. It is simply inconceivable and contrary to fundamental principles of zoning law that the 2005 Comprehensive Rezoning did not consume and replace the 2003 Piecemeal Rezoning in its entirety. Again, the minutes from the 2003 Piecemeal Rezoning are instructive when they note the County Attorney's belief that the Commissioners' action on the applicant's rezoning request "would otherwise be consumed by the comprehensive rezoning, absent the execution of a development rights easement."

Applicant requests that the County take legislative action to acknowledge and correct the errors made in 2003 and 2005 by "rezoning" the Property from RV with a 9-Lot Density Restriction to RV without a 9-Lot Density restriction.

Very truly yours,
Divelbiss & Wilkinson



Jason M. Divelbiss
Attorney at Law

Email: jdivelbiss@divelbisslaw.com

August, 2018

Case #: RZ-18-003

Application for Map Amendment Staff Report and Analysis

Property Owner(s)	:	P Overlook LLLP
Applicant(s)	:	P Overlook LLLP
Location	:	SE Quadrant of US 340 and Keep Tryst Road
Election District	:	#11 – Sandy Hook
Comprehensive Plan		
Designation	:	Environmental Conservation
Zoning Map	:	87
Parcel(s)	:	P. 10
Acreage	:	24.32 acres
Existing Zoning	:	Rural Village (9-lot restriction)
Requested Zoning:		Rural Village (no restriction)
Date of Public Input		
Meeting	:	September 10, 2018

Background and Findings Analysis:

Location and Description of Subject Property

The subject parcel is bounded on three (3) sides by State and County roads. The northern boundary of the property is Keep Tryst Road. To the west of the property is US 340 and the eastern boundary is Sandy Hook Road. On the southern boundary of the subject parcel there are twelve (12) residential parcels along Sandy Hook Road. The parcel contains 24.32 acres of land that is mostly wooded and is currently vacant.



Figure 1: View of subject property from the corner of Sandy Hook Road and Keep Tryst Road.

The parcels topography forms two peaks or high points, one in the center and one near the Keep Tryst Road/Sandy Hook Road intersection. The ground surface slopes down and away in all directions from those high points. There is an unnamed stream along the western edge of the parcel that flows south out letting to the Potomac River.

Population Analysis

To evaluate the change in population, information was compiled from the US Census Bureau over a thirty-year time frame. A thirty-year horizon was picked to show long term population trends both in the election district of the proposed rezoning, as well as the overall trends of the County.

The subject parcel is located in the Sandy Hook Election District, #11. The Sandy Hook Election District is about 16.2 square miles (10,350 acres) in size and has a population of approximately 1,865 people according to the 2010 Decennial Census. This averages to a population density of 115.1 persons per square mile. In comparison, the County has an average population density of 315 persons per square mile.

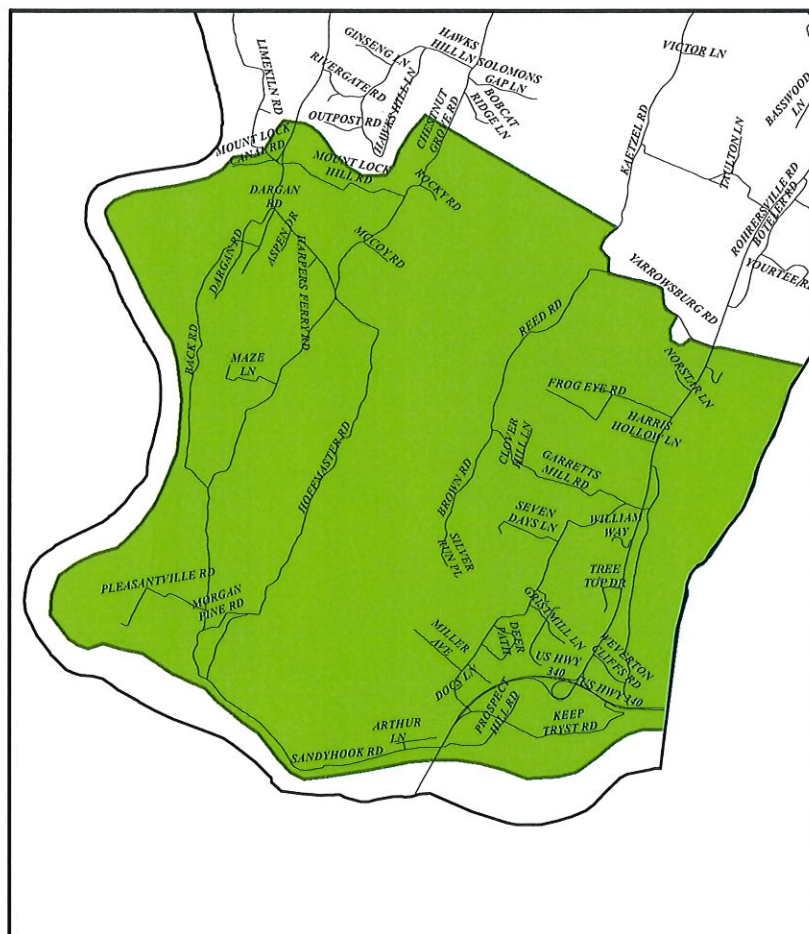


Figure 2 – Election District #11

As shown in the table below, this district has slowly grown in population by about 20.3% (or about 0.67% per year) over the thirty-year period. During the same 30-year span, population in the County as a whole has increased by 30.37% (or 1.01% per year). It is evident from these figures that this election district has grown more slowly than the County as a whole and is one of the more sparsely populated areas.

Population Trends 1980 - 2010			
Year	Area	Population	% change from previous decade
1980	District	1550	
	County	113086	
1990	District	1663	7.3%
	County	121393	7.3%
2000	District	1811	8.9%
	County	131932	8.7%
2010	District	1865	3.0%
	County	147430	11.7%

Source: US Census Bureau

Availability of Public Facilities

Water and Sewerage

The adopted Water and Sewerage Plan for the County establishes the policies and recommendations for public water and sewer infrastructure to help guide development in a manner that helps promote healthy and adequate service to citizens. By its own decree, the purpose of the Washington County Water and Sewerage Plan is “...to provide for the continued health and well-being of Washington Countians and our downstream neighbors...”¹ This is achieved through implementing recommendations within the County Comprehensive Plan and the Water and Sewerage Plan to provide for services in a timely and efficient manner and by establishing an inventory of existing and programmed services.

Water:

The subject property is located within a W-3 (Programmed Service) service area as delineated in the 2009 Water and Sewerage Plan. There is no public water service currently on the site; therefore, any new development would require an extension of services.

Public water service in this area is provided by the Washington County Division of Environmental Management. It is a Rural Village System that has a permitted capacity of 15,000 gallons per day (GPD).

Wastewater:

The subject property is located within an S-3 (Programmed Service) service area as delineated in the 2009 Water and Sewerage Plan. There is no public sewerage service currently on the site; therefore, any new development would require an extension of services.

¹ Washington County, Maryland Water and Sewerage Plan 2009 Update, Page I-2

Public sewer service in this area is provided by the Washington County Division of Environmental Management. It is an extended aeration facility with nutrient removal capabilities. The permitted capacity of the Sandy Hook Wastewater Treatment Facility is 30,000 GPD.

A copy of this application was sent to the Division of Environmental Management for review and comment. Mark Bradshaw, Deputy Director of the Department of Water Quality stated that the Department has no objection to the rezoning.

Emergency Services

Fire:

The subject parcel is located within the service area of the Potomac Valley Volunteer Fire Company (Company #11). The property is approximately 6.7 miles away from the fire station located in Dargan.

Emergency Rescue:

Emergency Rescue services are provided by Boonsboro Rescue (Company #69). The property is located approximately 2.8 miles from the rescue station located on MD Route 67.

A copy of this application was sent to each of the volunteer companies as well as to the Washington County Division of Emergency Services. No comments have been received regarding this application.

Schools

The property is located within the school districts of Pleasant Valley Elementary, Boonsboro Middle, and Boonsboro High schools. The subject property is currently zoned Rural Village which does allow for new residential development. Minimum lot sizes for new residential development in the Rural Village District are as follows:

Minimum 40,000 square feet where public water and sewer are NOT available
Minimum 30,000 square feet where public water OR sewer is available
Minimum 20,000 square feet where public water AND sewer is available.

As stated previously, public water and sewer facilities are in near proximity to the subject parcel; therefore, with approvals of the service providers and developer funded extensions of service lines, the developer could use the 20,000 square foot minimum lot size. Raw data calculations show that for the 24.32-acre subject parcel, the maximum number of lots that could be created would be 52, however, when factoring in the basic infrastructure needs of a development of this size this is an unrealistic figure. Typically, when estimating development potential, the County assumes that about 25% of an original parcel will be used for infrastructure needs (i.e. stormwater management, road networks, public water and sewer easements, etc.) for development. That would reduce the potential number of new lots to approximately 39.

This specific parcel also has additional limitations in development potential related to sensitive areas such as floodplain and steep slopes. In at least one of the several past development proposals for this site the applicant designed a 34-lot single family subdivision. It is assumed that the developer based this design on the RV zoning without having a density restriction. The plan was not approved.

While these calculations represent potential development based upon the current Rural Village zoning district, this specific parcel had restrictions placed upon the maximum number of lots permitted as part of a rezoning application in 2006. In rezoning case RZ-03-001 the Board of County Commissioners approved the Rural Village zoning district for this property with a condition that development be limited to a maximum of 9 lots.

To evaluate the impacts of development on public school system resources we first look at existing conditions. In accordance with the adopted Adequate Public Facilities Ordinance (APFO), adequacy is determined based upon the State Rated Capacity (SRC) of each school district. The threshold for adequacy (stated as the Local Rated Capacity) at the elementary school level is 90% of the SRC. Middle and high school thresholds are 100% of the SRC. The table below shows the existing capacity and enrollment figures for each school district affected by this proposed rezoning. It should be noted that enrollment currently exceeds the Local Rated Capacity at the elementary school level.

School	State Rated Capacity	Local Rated Capacity	Current Enrollment (March 2018)
Pleasant Valley Elementary	229	206	220
Boonsboro Middle	872	872	763
Boonsboro High	1030	1030	907

In addition to current enrollment figures, the APFO outlines a specific formula that accounts for several variables that can influence changes in school enrollment. These factors include pipeline and background enrollment. Pipeline development equates to approved subdivision lots that have not yet been built upon while background enrollment is an average of enrollment changes within a given district over a 3-year period. The table below shows the adjusted enrollment for the school districts that serve the subject property.

School	Current Enrollment (March 2018)	Pipeline Enrollment	Background Enrollment	Adjusted Enrollment
Pleasant Valley Elementary	220	41.28	-4.1	257.18
Boonsboro Middle	763	49.5	2.8	815.3
Boonsboro High	907	57.75	14.7	979.45

To determine the impacts of the specific development, the Board of Education has provided the County with pupil generation rates for each level of a school district. These generation rates are used to calculate the potential number of students that may be produced

by the development. Generation rates are based on the level of the school and the type of housing unit that may be produced. The table below shows current pupil generations rates.

Pupil Generation Rates			
Type	Elem	Mid	High
Single Family	0.43	0.18	0.21
Townhouse	0.33	0.1	0.11
Multi-Family	0.33	0.13	0.14

Using the number of proposed units multiplied by the pupil generation rate, the estimated number of students that may be generated from this development is summarized in the table below. Two scenarios were evaluated. The first evaluates the potential student generation based on the current 9 lot restriction placed on this property. The second is the 34-lot proposal presented by the developer.

Number of lots	Pupil Gen Rates			Pupils Generated			
	Elem	Mid	High	Elem	Mid	High	Total
9	0.43	0.18	0.21	3.87	1.62	1.89	7.38
34	0.43	0.18	0.21	14.62	6.12	7.14	27.88

When added together, the current adjusted enrollment and new pupils generated from the proposed development show an inadequacy at the elementary school level in both the 9 lot and 34 lot scenarios. As shown previously in this section, enrollment already exceeds capacity at the elementary school level. As shown in the table below, additional development in general on this property will exacerbate the existing inadequacy. Furthermore, the Alternate Mitigation Contribution (AMC) would allow payment of a fee to mitigate exceeding capacity limits when the excess is less than 120% of the capacity. In both scenarios the 120% limit is exceeded, and the use of the AMC would not be permitted.

Assuming 9-lot Subdivision					
School	Adjusted Enrollment	New Pupils Generated	Total Impact	Local Rated Capacity	% of LRC
Pleasant Valley Elementary	257.18	3.87	261.05	206	126.7%
Boonsboro Middle	815.3	1.62	816.92	872	93.7%
Boonsboro High	979.45	1.89	981.34	1030	95.3%
Assuming 34-lot Subdivision					
School	Adjusted Enrollment	New Pupils Generated	Total Impact	Local Rated Capacity	% of LRC
Pleasant Valley Elementary	257.18	14.62	271.8	206	131.9%
Boonsboro Middle	815.3	6.12	821.42	872	94.2%
Boonsboro High	979.45	7.14	986.59	1030	95.8%

Present and Future Transportation Patterns

Highways

Maintaining the integrity of the County Highway system is an important subject to consider as part of any zoning application. There are two primary considerations when evaluating the functionality of the road network; mobility and access. Higher order roadways such as Interstates and Arterials typically have high traffic volumes and are designed to provide more mobility vs. access. Lower order roads such as local roads are

designed to provide more access than mobility. Collector roads are designed to bridge the gap between higher order and lower order road systems by providing both mobility and access.

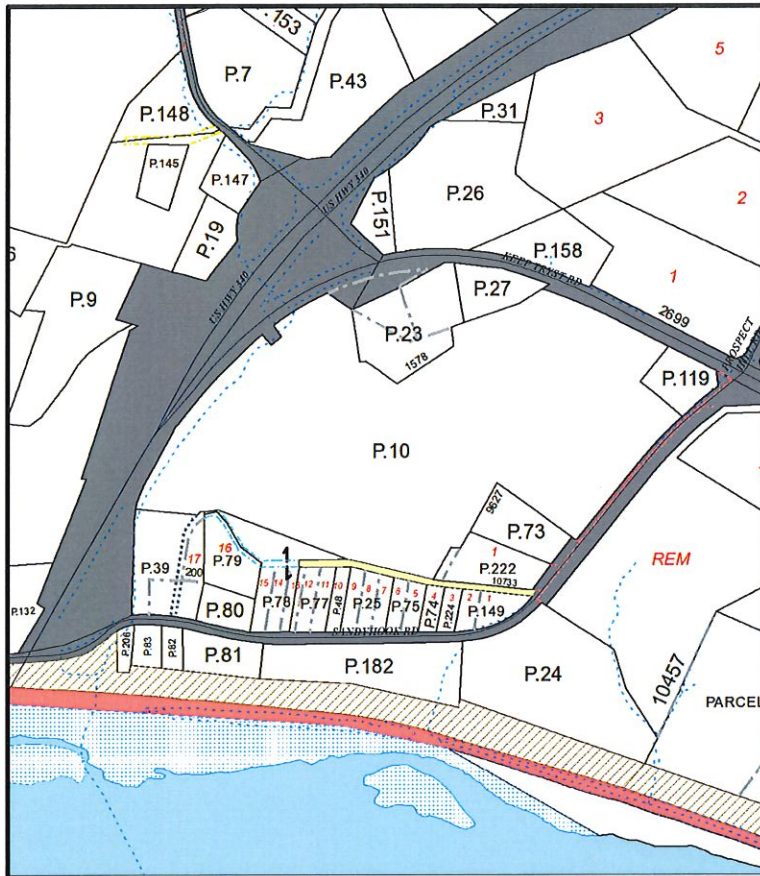


Figure 3: Road network surrounding the subject rezoning parcel

In this specific case, the subject parcel is surrounded by State and County public road facilities. As shown in Figure 3 the western boundary of the property is demarcated by US 340 and the “off ramp” for Keep Tryst Road. The northern boundary of the property consists of Keep Tryst Road. The eastern side of the property is bounded by Sandy Hook Road. There is no access or road frontage on the southern side of the parcel.

US 340 is a State owned and maintained facility that is classified as an “Other Principle Arterial Highway” according to the Functional Highway Classification Map found in the 2002 Comprehensive Plan. In a rural setting, Other Principle Arterial Highways can expect traffic in excess of 5,000 Average Daily Traffic (ADT). It is assumed that the portion of US 340 and the “off ramp” for Keep Tryst Road are denied access. The portion of Sandy Hook Road and Keep Tryst Road that surround this property are classified as Major Collectors and, in a rural setting, can expect traffic between 1,000 and 3,000 ADT.

US 340 is a State owned and maintained facility that is classified as an “Other Principle Arterial Highway” according to

Staff has analyzed historic and existing traffic counts as well as any existing traffic impact studies that have occurred in the vicinity to help understand traffic patterns in the area surrounding the subject property. As shown in the table below, there are three areas near the subject parcel that have had sustained traffic counts.

Year	US 340 @ WV State Line	Sandy Hook Road	MD 67 @ Weverton Cliffs Road
2015	23,431	1,286 (2016)	4,882
2010	24,227	1,328 (2008)	4,850
2005	21,775	n/a	5,550
2000	19,299	n/a	4,725
1995	15,874	n/a	3,475
1990	13,222	2,600 (SHA)	3,700
1985	9,897	1,400 (SHA)	2,650

Source: Maryland State Highway Administration; Washington County Division of Engineering and Construction

The first location is on US 340 near the border between Maryland and West Virginia. Due to the vital connection US 340 makes between the fast growing eastern panhandle of West Virginia and job centers in and around Washington DC, a permanent traffic counter has been established here by the SHA. As shown in the table above, traffic along US 340 has nearly tripled over the last 30 years.

The second location with traffic count data is along Keep Tryst Road. As shown on the table above, SHA data shows traffic counts in this area in 1985 and 1990. While this data is available the validity is questionable. Keep Tryst Road is a County owned and maintained facility; therefore, SHA performing traffic counts on this road seems unlikely. More accurate data has been compiled by the County through their pavement maintenance program. Starting in 2008 the County began to collect traffic counts on their road facilities to prioritize pavement maintenance efforts across the County. Counts were completed again in 2016. As shown in the table above, it appears that traffic in this vicinity has remained fairly stagnant over the last decade.

The final location evaluated in this report is on Maryland 67 near its intersection with Weaverton Cliffs Road. Maryland 67 acts as a major collector road in the southern portion of Washington County. It acts as the primary corridor for residents along Sandy Hook Road and Keep Tryst Road to access the rest of Washington County. As shown in the table above, ADT has moderately increased over the last 30 years while maintaining a steady average of about 4800 ADT at this site for the last 15 years.

This application was sent to the Maryland State Highway Administration for review and comment. No comments have been received from the agency.

Public Transportation

This area is not directly served by public transportation; however, the site is approximately 5 miles away from the Harpers Ferry Station of the Maryland Area Regional Commuter (MARC) train system. The Brunswick line of the MARC train starts in Martinsburg, WV and ends in Union Station, Washington DC with several stops including one in Harpers Ferry.

Compatibility with Existing and Proposed Development in the Area:

The subject parcel is currently zoned Rural Village with a condition that new development be limited to a maximum of 9 single family lots. The applicant is seeking to have the density restriction removed in order to allow the Rural Village zoning to prevail as currently adopted which could allow one-half acre lot subdivisions. The purpose of the Rural Village district is “... *preserve the unique historic or rural character of existing villages by encouraging compatible development within a defined village boundary.*”. The purpose statement of the district goes on to say that “*The zone intends for permitted development to be generally of a similar density, scale and use type and mixtures as that which exists in the village.*”.

The property is located within 1,000 feet of the C&O Canal towpath and the Appalachian Trail. It is surrounded by primarily residential and agricultural uses, and open space. There is also some limited commercial along the northern boundary of the subject parcel that consists of a restaurant and hotel.

Another important component of compatibility is the location of historic structures on and around the parcels being proposed for rezoning. According to the Washington County Historic Sites Survey there are no listed historic sites on the subject property; however, there are numerous existing historical resources located within a 0.5-mile radius of the proposed rezoning areas.

Most of these sites are associated with the historic Rural Village of Sandy Hook (See Figure 4). In 2001 a detailed inventory and evaluation of historic resources was performed by Taylor & Taylor and Associates in the Sandy Hook area. It was determined

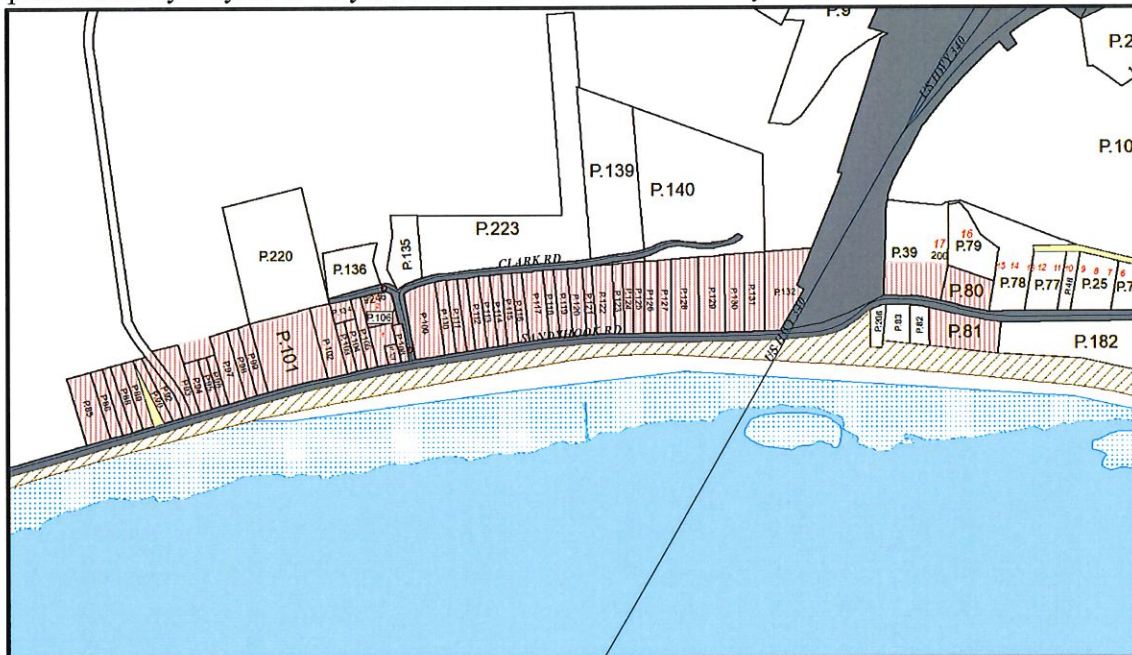


Figure 4: Hatched area shows the limits of the Historic Rural Village Survey completed by Taylor & Taylor and Associates (2001)

by the analysis that there are over 30 contributing resources that still exist in the area today that provide a context for early railroad and canal towns. The area was also heavily influenced by the abolitionist movement that evolved just prior to the American Civil War. From John Brown's raid on Harper's Ferry to the confederate occupation of Sandy Hook just prior to the Battle at Antietam, this area has experienced some of the most historic events of the 1800s.

According to the historic report, *"The majority of architecture of the village is vernacular in character. A number of properties are built of native stone, along with residences of wood and a smaller number of brick. The Methodist Church is of brick. Traditional house types characterize Sandy Hook, including central-passage and side-passage single-pile homes. Fenestration throughout Sandy Hook is primarily flat-topped, without notable ornament. Some homes retain multi-light historic sash with exterior operable louvered shutters. Most residential properties have open front porches and laterally-oriented gable roofs of varying materials including asphalt shingles and standing seam metal."*

The sites associated with the historic rural village within one-half mile of the rezoning site, by inventory reference number, include WA-III-074 – 81; WA-III-083 – 91; and WA-III-114 – 115.

Also located within a one-half mile of the subject site, but not specifically associated with the historic rural village are:

WA-III-033 – Late 19th century farmhouse; Two story, five bay L-shaped stucco building. Cemetery located behind the house.

WA-III-035 – 1800s One and one-half story 2 bay log cabin; site is in ruins with mostly foundation stones remaining

WA-III-043 – Mid to Late 19th Century; Two story, four bay brick house with smooth coat of stucco. Unusual building materials for the area.

WA-III-044 – Mid-19th Century brick house; Two story, four bay brick house.

WA-III-056 – 1800s 2 log cabin dwellings; both are one and one-half stories with one having 2 bays while the other has 3 bays.

WA-III-116 – Late 19th century frame house with field stone foundation; Two story, three bay structure with a one-story, two bay addition.

Relationship of the Proposed Change to the Adopted Plan for the County:

The purpose of a Comprehensive Plan is to evaluate the needs of the community and balance the different types of growth to create a harmony between different land uses. In general, this is accomplished through evaluation of existing conditions, projections of future conditions, and creation of a generalized land use plan that promotes compatibility while maintaining the health, safety, and welfare of the general public.

The subject parcel is located in the sub-policy area of the Rural Area known as Environmental Conservation as well as in the Appalachian Trail Special Planning Area. The Appalachian Trail follows the C&O Canal towpath from the eastern end of Keep Tryst Road to the pedestrian bridge of the Potomac River to Harper's Ferry, WV. The Comprehensive Plan offers the following recommendations for these policy areas:

Environmental Conservation Policy Area recommendations:

*"This policy area is associated with locations in the County where environmental sensitivity issues are prominent enough to warrant constraints on development. It includes steep slopes and forested areas on mountainsides as well as the steep slopes, flood plains, and forested areas along the Potomac River, Conococheague Creek, lower Antietam Creek, and Beaver Creek."*²

*"Because of environmental sensitivity these areas warrant special consideration regarding development and construction. Lack of coordination can easily cause environmental degradation to occur."*³

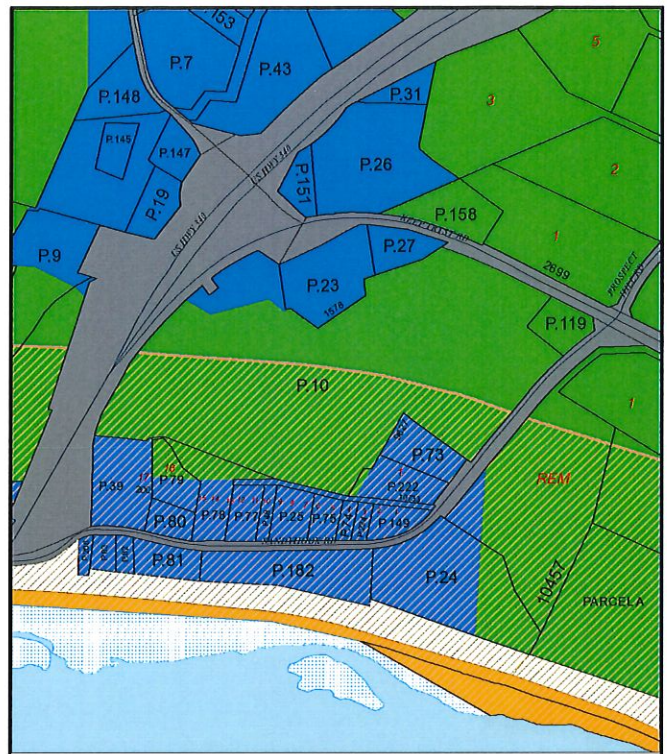


Figure 5: Land Use per the Comprehensive Plan. Hatched area shows the extent of the 1000' buffer related to the Appalachian Trail Special Planning Area

Appalachian Trail Special Planning Area

"The importance of the Trail requires special attention to be given to preserving and protecting the scenic, environmental, recreation, and historic character of the Appalachian Trail and its immediate environs, through the minimizing of potential future incompatible land use activities in the vicinity of the Trail."

Change in the Character of the Neighborhood or Mistake in Original Zoning Rule

When a rezoning is not part of a comprehensive rezoning by the governing body, individual map amendments (also known as piecemeal rezoning) are under an obligation to meet the test of the change or mistake rule. In this specific case, the change or mistake rule does not seem to apply. The applicant is not seeking a change in the zoning

² 2002 Washington County Comprehensive Plan, Chapter 12 Land Use Plan, p. 249.

³ *Ibid.*

classification of the property. Rather, they are seeking to remove conditions placed upon the property as part of the previously approved rezoning request. So rather than requesting a zoning change the applicant is asking for a reconsideration of a previous zoning decision.

Reconsideration of a Zoning Decision

According to past Maryland case law, “*Maryland, along with the federal courts and the majority of state courts that have addressed the issue, recognizes the inherent authority of agencies to reconsider their own quasi-judicial decisions.*”⁴ In Washington County, there are no rules, policies, regulations or statutes that allow for the reconsideration of zoning decisions. The method of appeal is generally through the Board of Zoning Appeals or through the Circuit Court depending upon the body making the decision. Without having a statute by which a zoning decision can be reconsidered there is consequently no standard of evaluation by which the County has established to evaluate the veracity of a claim to reverse or modify a previous decision.

In cases where no statute exists for the reconsideration of a quasi-judicial decision such as that of a zoning request, common law rule is applicable. Under common law rule (also known as the McKinney test), any petition requesting rehearing or reconsideration must prove that the prior decision resulted from “fraud, mistake, surprise, or inadvertence”.⁵

Staff Analysis:

The applicant in this case is contending that the County made a mistake in the zoning of the property in 2003 and again in 2005. The applicant justifies this statement by referring first to the piecemeal rezoning case decided in 2003, and second to a subsequent rezoning of the rural area approved in 2005. In the justification statement, the applicant states that “... (i) the 9-lot density restriction imposed as part of the 2003 piecemeal rezoning was impermissible; and (ii) even if the 9-lot density restriction was permissible, the legal effect of the 2005 Comprehensive Rezoning was to replace and supplant the 2003 piecemeal rezoning and assign an unaltered “RV” zoning classification to the property”.

The applicant’s first statement that the 9-lot density restriction imposed as part of the 2003 piecemeal rezoning was impermissible is evidentially irrelevant. Whether or not the restriction is legal is no longer subject to contention. As part of the decision rendered by the Board of County Commissioners in case RZ-03-001 the applicants were explicitly provided a period of five (5) days to withdraw the application if they did not agree with the applied conditions. Otherwise, according to the Findings of Fact and Articulation of the reasons for Decision, “...they will be deemed to have consented to the change...”. The application was not withdrawn.

In addition to the opportunity provided by the Board of County Commissioners to withdraw the application if the owners did not agree to the density restriction, the applicant

⁴ *Cinque v. Montgomery County Planning Bd.*, 173 Md. App. 349, 918 A.2d 1254 (2007)

⁵ *Board of Zoning Appeals v. McKinney*, 174 Md. 551, 564-66, 199 A/ 540, 546-547 (1938)

is also afforded the opportunity for judicial review of the Commissioners' decision under Maryland law. In accordance with the Maryland Annotated Code, Land Use Article, Title 4, Subtitle 4 – Judicial Review, a person aggrieved by the action or decision of a legislative body may appeal said decision to the Circuit Court of the county within 30 days of the written decision. The applicant did not appeal the decision within the window of opportunity.

This point has been supported in the judicial system. The property owners on three different occasions have attempted to convince multiple levels of the judicial system that the County illegally placed the restriction on the property, and each time have been refuted. Judicial review began in 2006 when the property owner, P Overlook LLLP, filed an application with the Washington County Board of Zoning Appeals that charged administrative error from the Zoning Administrator's determination that the 9-lot density restriction applied to the subject property. The same arguments being made in this application were used to defend that appeal; (1) that the zoning was illegally applied initially and, (2) that the 2005 Comprehensive Plan rezoning supplanted the piecemeal rezoning. The Board of Zoning Appeals denied the applicant's request noting that under the rules of equitable estoppel the property owners were seeking to change the rules of the zoning after being complicit in the initial application of the zoning and density restriction.

This decision was upheld by both the Circuit Court for Washington County, Maryland as well as the Court of Special Appeals of Maryland. In the written opinion of the Court of Special Appeals the judge stated:

"The map amendment decision, approving the rezoning of the Property to the RV district with a nine-lot density restriction, was to Overlook's (and therefore the Martin's) advantage. It would allow residential development at a density above what the land would be rezoned in the ordinary course of events but below what Overlook desired. It was relied upon by the Commissioners, who, had there not been a density restriction, would have declined any rezoning to the RV district and would have maintained their original plan to comprehensively rezone the Property to the EC district. Overlook purchased the property with full knowledge of the density restriction".⁶

The applicant's second argument, that the Comprehensive rezoning of the rural area in 2005 supplanted and should therefore overrule the 9-lot density restriction, has also been vetted and refuted through both administrative and judicial review. The applicant has repeatedly claimed that when the County adopted the Rural Area Rezoning in 2005 that no specific mention was made to this property having a 9-lot density restriction.

In fact, this property was specifically mentioned during the development and public hearing process of the Rural Area Rezoning. Included within the case file of the Rural Area rezoning is a chart explicitly detailing 37 properties that requested different zoning classifications than was proposed as part of the first round of public hearings. William Wantz, attorney for William and Sylvia Martin (then owners of the subject property),

⁶ The Court of Special Appeals of Maryland, P Overlook LLLP v. Board of County Commissioners of Washington County, Maryland et. Al. 183 Md. App. 233 (2008)

submitted a request for the subject parcel to be rezoned from BG to RV. As detailed on the chart (See exhibit 1), Staff recommended to deny the request but made a specific note on the property as follows, *"A rezoning request from BG to RR was pending on the Martin property (RZ-03-001). On 10/28/03 the BOCC reviewed & App'd Request for RV with a 9-lot density"*. By adding this information to the chart, Staff also noted that no additional action needed to be taken by the Planning Commission or the Board of County Commissioners because the request had already been dealt with as part of the piecemeal rezoning case RZ-03-001. It also indicates the intent of the Board to maintain the 9-lot density restriction on the property.

This position was also supported by the Court of Special Appeal of Maryland as the judge opined that:

"Overlook's later position, that the comprehensive rezoning of the property resulted in its being placed the RV district with no density restriction, was an obvious attempt to benefit from the rezoning to the RV district, which only was allowed with the density restriction condition and would not have happened without it, while at the same time attacking the density condition that enabled them to obtain the zoning in the first place."

"The Commissioners made their map amendment decision conditional, as a compromise that was to Overlook's benefit. The Board did not err in ruling that Overlook cannot now be heard to challenge the part of the compromise that was to the Commissioners' benefit while accepting the part of the compromise that was to its own benefit." ⁷

Recommendation:

Based on the information provided and the analysis to date there does not appear to be sufficient evidence of fraud, mistake, surprise or inadvertence to grant the request to remove the 9-lot density restriction and thereby overturn previous legislative and judicial decisions.

Respectfully submitted,



Jill Baker
Deputy Director

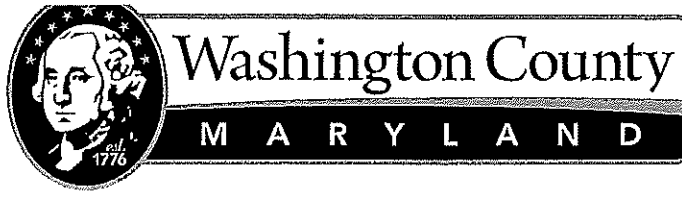
⁷ Ibid.

**COMPREHENSIVE REZONING OF THE RURAL AREAS
FORMAL REQUESTS TO REVIEW ZONING**

Requests Received After 8/11/03 & During the Public Hearing Timeframe

#	NAME	PROPERTY LOCATION	ACRES	PROPOSED ZONING	NET YIELD	REQUEST MADE	NET YIELD	STAFF ANALYSIS	PC RECOMMENDATION	FINAL DECISION
31	Oscar & Gerald Hall	6777 Dam #4 Road	29.5	Environmental Conservation	2	Conservation @ (1:3)	-	NO - No Such Zoning	DENY	DENY
32	* Thomas Sweeney	19555 Shepherdstown Pike	5.5	Preservation	1 (Existing)	Agricultural @ 1:1	-	NO - No Such Zoning	DENY	DENY
33	Taylor & Pat Lenkuhl	19225 Lappans Road (2 Parcels)	100.21	Environmental Conservation	6	Agricultural	20	NO - Provides Continuous Block Along Arltiam/Beaver Creek	DENY	APPROVE
34	Richard P. Showe Richard P. Showe II James R. Showe	14015 Spickler Road Clear Spring	118	Agricultural	24	Agricultural @ 1:1	-	NO - No Such Zoning	DENY	DENY
35	Freedom Hills LLC	N/Side of Garden View Road Maugansville		Airport Overlay	-	RR	-	*Property in UGA & is not affected by the rural area rezoning process - ltr sent 10/21/03 to Mr. Albert	NO ACTION REQUIRED	NO ACTION REQUIRED
36	William Wantz, Esq. for Robert Martin & the Martin Property	SE Quadrant of MD Rt 340 & Keep Tryst Road (Sandy Hook Area)	23.93	Business General	-	Rural Village	-	NO ** A rezoning request from BG to RR was pending on the Martin property (RZ-03-001). On 10/28/03 the BOCC Reviewed & App'd Request for RV, with a 9-lot Density	NO ACTION REQUIRED	NO ACTION REQUIRED
37	Tamara Callas	17618 Taylors Landing Road	79.71	Preservation	3	Agricultural @ 1:1	-	NO - No Such Zoning - Surrounded by Permanent Preservation Easements	DENY	DENY

* Denotes Request Specified for Family Member Purposes



DIVISION OF
PLAN REVIEW & PERMITTING

MEMORANDUM

TO: Washington County Planning Commission

FROM: Cody Shaw, Chief of Plan Review

DATE: August 29, 2018

SUBJECT: Ordinance Modification for Hays Investments LLC (OM-18-005)

Attached you will find for your review modification requests to allow the creation of a lot without public road frontage and to allow the 10,000 sq ft septic reserve area for Lot 1 to be placed onto adjacent Lot 2. Section 405.11.B of the Washington County Subdivision Ordinance states that every lot shall abut a minimum of 25 feet and have access to a public road. Section 307.2.E requires each subdivided lot not connected to public sewer to have a 10,000 sq ft septic reserve area. The applicant is requesting that the Planning Commission approve the creation of this lot that will not have public road frontage and have the septic reserve area located on the adjacent lot. The property will have an access easement to access the lot and the septic reserve area.

Attached you will find statements of justification from the applicant that discusses why the lot without road frontage and septic area location are necessary.

The proposed modification request was reviewed by Plan Review, the Department of Emergency Services, City Water, City Sewer, Engineering, Health Department, State Highway Administration, and the Funkstown Fire Department for commenting. All of the reviewing agencies had no comment or objection to the approval of the modification request.

If you have comments regarding the proposed modification and/or the applicant's request, please call or e-mail me at: (240) 313-2442 or cshaw@washco-md.net.

Cody L. Shaw
Chief of Plan Review

DM-18-005

WASHINGTON COUNTY PLANNING COMMISSION

APPLICATION FOR SUBDIVISION ORDINANCE MODIFICATION

ADMINISTRATIVE
Policy 13

APPLICANT

NAME Hays Investments LLC c/o Brian Beard

MAILING ADDRESS 15736 Spade Road, Hagerstown, MD 21740

TELEPHONE 301-788-4197
(home) (work) (cell)

PROPERTY OWNER

NAME Same as above

MAILING ADDRESS _____

TELEPHONE _____
(home) (work) (cell)

CONSULTANT

NAME Frederick, Seibert & Associates

ADDRESS 128 S Potomac St, Hagerstown, MD 21740

TELEPHONE 301-791-3650

DESCRIPTION OF PROPERTY

PARCEL REFERENCE: MAP 50 GRID 5 PARCEL 116

PROPOSED LOT ACREAGE .74 TOTAL SITE ACREAGE 2.2

ZONING DISTRICT RT ROAD FRONTAGE(FT) 280

RECEIVED

JUL 30 2018

WASHINGTON COUNTY
PLAN REVIEW DEPARTMENT

LOCATION / ADDRESS

20504 Jefferson Blvd. North side of Jefferson Blvd. it's intersection with Robinwood Drive

EXISTING AND PROPOSED USE OF PROPERTY The existing parcel is improved with two (2) residential dwellings and 1 detached garage. Proposed use is the same except each dwelling would have it's own lot.

LOT TO BE CONVEYED TO IMMEDIATE FAMILY MEMBER No

SUBDIVISION MODIFICATION INFORMATION

MODIFICATION TO SUBDIVISION ORDINANCE SECTION 405.11.B

MODIFICATION IS TO ALLOW The use of Department Policy 13 which allows the Director to allow the creation of a subdivision lot without public road frontage. This is only to occur when there are more than one (1) dwelling units on one zoning lot and the creation of the subdivision lot will bring said zoning lot more into compliance.

STATEMENT OF JUSTIFICATION TO THE REQUESTED MODIFICATION (quantify modification – i.e. hardship resulting from irregular shape; safety hazard; topographic conditions; extraordinary hardship; other

This property has existed with two (2) dwellings for more than forty (40) years and have shared the same driveway. Although the rear dwelling and proposed lot will have a panhandle, the panhandle is only 10' wide, if made wider zoning ordinance variances would also be necessary. The 10' panhandle is being provided to assist in the delineation of a common ingress/egress easement and provide frontage for the water meter and line serving the dwelling in the back. Without the modification the units must remain under single ownership, most likely both being rental units. If separated each dwelling unit could be sold individually promoting homeownership.

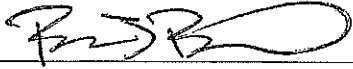
(Attach additional sheets if necessary)

In addition, two (2) sketch plans, drawn to scale must accompany this application showing: the dimensions and shape of proposed lot with acreage; size and location of existing and/or future structures; existing/proposed roadways and associated access right-of-ways or easements; existing/proposed entrance/exit to property; natural or topographic peculiarities of the lot in question.

To the best of my knowledge, the information provided in this application and other material submitted is correct.

Applicant's Signature

Date



Property Owner's Signature

Date

STAFF USE ONLY:

STAFF PLANNER: _____ DATE RECEIVED: _____

NUMBER: _____

MEETING DATE: _____

LOCATION / ADDRESS

20504 Jefferson Blvd. North side of Jefferson Blvd. it's intersection with Robinwood Drive

EXISTING AND PROPOSED USE OF PROPERTY The existing parcel is improved with two (2) residential dwellings and 1 detached garage. Proposed use is the same except each dwelling would have it's own lot.

LOT TO BE CONVEYED TO IMMEDIATE FAMILY MEMBER No

SUBDIVISION MODIFICATION INFORMATION

MODIFICATION TO SUBDIVISION ORDINANCE SECTION 307.2.E

MODIFICATION IS TO ALLOW The 10,000 sq ft septic reserve area for lot 1 be place on the adjacent lot 2.

STATEMENT OF JUSTIFICATION TO THE REQUESTED MODIFICATION (quantify modification – i.e. hardship resulting from irregular shape; safety hazard; topographic conditions; extraordinary hardship; other

This property has existed with two (2) dwellings on one lot for more than forty (40) years. Currently each dwelling has its own septic system and each has its own metered public water service. In an effort separate the homes and each have its own lot under separate ownership the Health Dept required new perc test and each lot to have a 10,000 sq ft reserve septic area. Due to rock the only area to establish a 10,000 sq ft area for each lot is to the rear of the property. Attempts to create an acceptable an lot with a 10,000 septic area have fallen short, unpleasant lot line appearance or the need for additional variance have given way to requesting a modification to allow the septic system for lot 1 be placed on lot 2. The Health Department was consulted to perform the perc tests on the rear of the property at which time they had suggested the use of an easement. Without the modification the units must remain under single ownership which would mean they would most likely be rental units. Having two units on one property is not only difficult to find a buyer for it is also difficult to get a mortgage for. If separated each dwelling unit could be sold individually promoting homeownership.

In addition, two (2) sketch plans, drawn to scale must accompany this application showing: the dimensions and shape of proposed lot with acreage; size and location of existing and/or future structures; existing/proposed roadways and associated access right-of-ways or easements; existing/proposed entrance/exit to property; natural or topographic peculiarities of the lot in question.

To the best of my knowledge, the information provided in this application and other material submitted is correct.

Applicant's Signature

Date



Property Owner's Signature

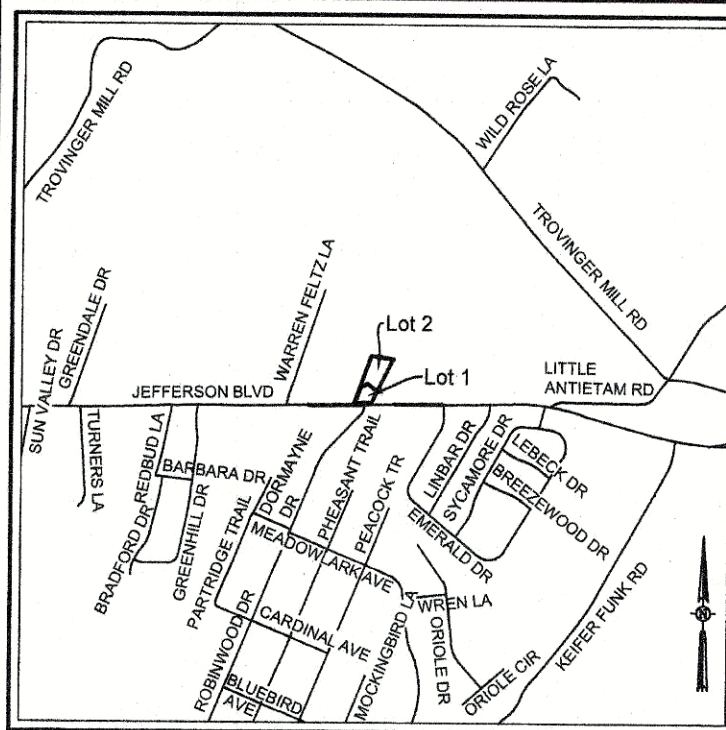
Date

STAFF USE ONLY:

STAFF PLANNER: _____ DATE RECEIVED: _____

NUMBER: _____

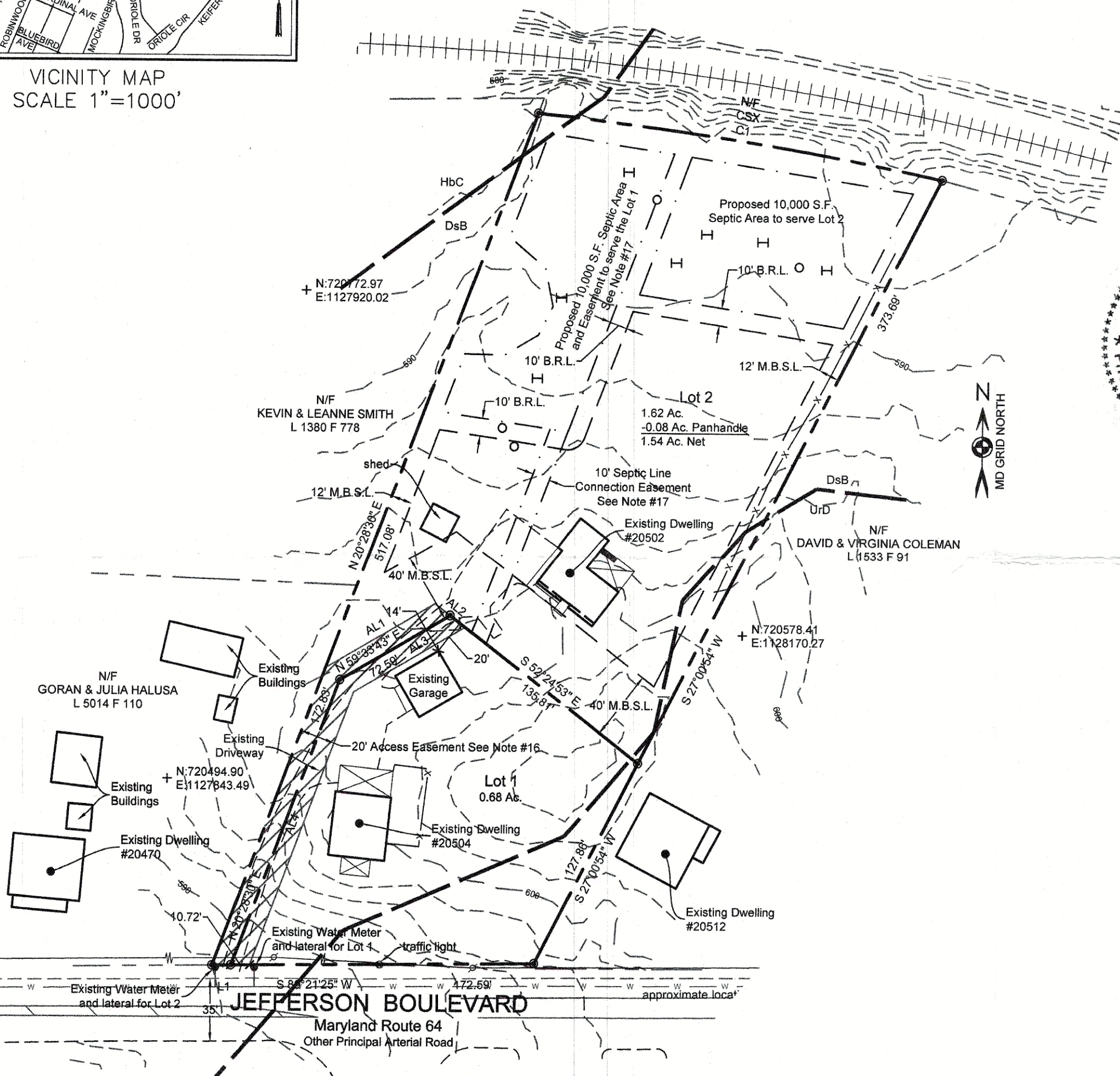
MEETING DATE: _____



VICINITY MAP
SCALE 1"=1000'

Tracking Notes

1. This residential subdivision plat is subject to all applicable local, state and federal laws and regulations. Any further potential of subdivision of any lots or remaining lands created by this subdivision is subject to the requirements of the Maryland Annotated Code, Environment Article, Section 9-206 and all applicable local, state and federal laws and regulations.
2. In accordance with the requirements of the Maryland Annotated Code, Environment Article, Section 9-206, upon recordation of this plat, a total of 2 residential lots, plats, building sites, or other division of land have been created from the parent parcel or tract since October 1, 2012. In accordance with Maryland Annotated Code, Environment Article, Section 9-206, and subject to all other applicable local, state and federal laws, there are not more than 5 (remaining) residential lots, plats, building sites, or other divisions of land allowed as a subdivision.
3. This residential minor subdivision may not be resubdivided or further subdivided into an additional building lot(s). Please note, for a simplified plat, notes 1 and 2 will apply. However, any new lot created under a simplified plat and denoted "not for development" will not be counted toward the 7 lot limit until such lot is submitted as a residential subdivision final plat.



Dedication for Individuals

I/we do hereby certify, for ourselves and our personal representatives, heirs and assigns, that I/we are the legal and true owner(s) of the property shown and described on this plat and that I/we hereby adopt the plan of subdivision shown hereon, hereby establish the minimum building restriction lines shown hereon, hereby dedicate to public use all utility and drainage easement areas and all alley, street, and road rights of way designated on this plat, hereby agree to keep open all spaces and recreation areas shown hereon and hereby agree that said dedication shall not impose and responsibility on the Board of County Commissioners of Washington County regarding the subjects of such dedications until legal acceptance thereof by said Board, and I/we hereby reserve the fee simple title to the land underlying said easements, rights of way, open spaces and recreation areas and with regard to said easements and rights of way, hereby agree to convey the same to said Board for the use of said Washington County, without consideration, upon the legal acceptance of said easements and/or rights of way by said Board. This deed and agreement of dedication shall be binding upon my/our grantees, assigns, successors, heirs, and personal representatives. There are no suits, actions at law, leases, liens, mortgages, trusts, easements, or rights of way affecting the property included on this plan of subdivision except the following: and all parties having an interest therein have here unto affixed their signatures, indicating their assent to this plan of subdivision. I/we do hereby assent to this plan of subdivision.

I/we also certify that the community water proposed for this subdivision will be available to all lots offered for sale. I/we also certify that plans for the community water supply, including any necessary point of discharge, having been approved by the Department of Health and Mental Hygiene.

Witness our hands and seals this 26 day of July, 2018.

Owner: Hays Investments, LLC (Seal)
Witness

Interim Facilities Provision Certification

In compliance with C.O.M.A.R. 26.03.01.05 B.(1) and (2), the individual sewer systems are hereby permitted on a temporary interim basis. Future lot owners are advised that the individual systems serving the lots indicated on this plat are of a temporary interim nature and that connection to a future community system shall be made within one (1) year or less after the system becomes available.

Owner: Hays Investments, LLC (Seal)

Certificate of Approval of Community Water System and Individual Sewage System

I hereby certify that the use of the community water system for this subdivision is in conformance with the County Water Plan and I hereby certify that the minimum ownership area complies with the minimum width and minimum area requirements specified in C.O.M.A.R. 26.04.03. Such minimum ownership shall remain equal to the minimum width and minimum area set forth in C.O.M.A.R. 26.04.03.A (2) until community sewerage has been made available. Not more than one principle building may be erected or constructed on a lot or lots contained in the minimum ownership areas established by C.O.M.A.R. 26.04.03.A (2) until community sewerage has been made available.

Date: _____ County Health Officer

Land Surveyor's Certification

I hereby certify that the plan shown hereon is correct; that it is a subdivision of the lands conveyed by John E. Silvers, by Lisa D. Kennedy, his attorney in fact, and Sharon L. Silvers, by Lisa D. Kennedy, her attorney in fact, to Hays Investments, LLC, by deed dated April 19, 2018, and recorded in the Land Records of Washington County, Maryland in Liber No. 5747, folio 104, and that stones marked D and/or bars marked O have been placed as indicated. I hereby certify that these documents were prepared by me or under my responsible charge, and that I am a duly licensed Professional Land Surveyor under the Laws of the State of Maryland, License No. 15-10731. Expiration Date 01/16/2020.

Date: 7-26-2018
Professional Land Surveyor

General Notes

1. There is a 10 ft. wide drainage and utilities easement along all front lot lines and an 8 ft. wide drainage and utilities easement along all side and rear lot lines hereby reserved unless otherwise shown hereon.
2. Bearings, distances and coordinates are based on MD Grid NAD83.
3. Soil types as shown hereon.
4. Minimum Building Setbacks: front yard-40'; side yard-12'; rear yard-50'. Minimum Building Setback Lines are based on the current Washington County Zoning Ordinance. Accessory structures may be constructed in accordance with Section 4.10 and Section 23.5 (b). Accessory Structures are not permitted without the placement of the principal permitted structure. Zoned RT (Residential Transition).
5. Total upstream watershed affecting this subdivision: is less than 400 Acres.
6. Parcel does not lie in the 100 year flood plain per FEMA Flood Insurance Rate Map, Community Panel No. 24043C0144D dated August 15, 2017, Flood Zone X.
7. Contours are based on Washington County Aerial Topography and boundary is based on a field survey performed by FSA, Inc.
8. There are no floodplains, streams, steep slopes, or other related buffers, or habitat of threatened or endangered species identified by the U.S. Fish and Wildlife Service per 50 CFR 17 as required to be shown by Sections 306, 307 and 314 of the Washington County Subdivision Ordinance and Section 4.21 (C&D) of the Washington County Zoning Ordinance. This subdivision is within 1000' of the Appalachian Trail.
9. All grading on each lot, done either before or after the construction of a dwelling or their appurtenances, shall be the full responsibility of the lot owner.
10. No permanent structures (fences, sheds, play equipment, retaining walls, etc.) shall be permitted within any storm drainage easement, either shown or described, on the Final Plat of Subdivision.
11. This plat has been reviewed and approved per the RT Zoning District. Any development/construction shall be in accordance with the Washington County Zoning Ordinance currently being enforced.
12. This plat was prepared without the benefit of a title report and therefore may not indicate all encumbrances on this property.
13. Any development must comply with the Washington County Stormwater Management, Grading, Soil Erosion and Sediment Control Ordinance.
14. The right of way for Jefferson Boulevard is taken from State Road Plats 9136 and 9137. Said right of way coincides with the road-facing boundary of subject parcels.
15. Public water provided by the City of Hagerstown.
16. This access and utility easement is for the benefit of Lot 1 and the Remaining Lands to provide ingress/egress access over the common driveway and installation/maintenance of utilities.
17. The proposed septic area/easement for Lot 1 is located on proposed Lot 2. Although Lot 1 is currently utilizing an existing septic system on Lot 1 due to rock outcrops it was determined by the Health Department that the only acceptable area for a new 10,000 S.F. septic area would be on proposed Lot 2. This septic area/easement is for the sole benefit of the owner(s) of Lot 1 and his heirs and assign. It is only to be used for installation and maintenance of a septic system for Lot 1. The owner(s), heirs, and assigns of Lot 2 shall not disturb this septic area/easement nor shall they place any accessory structures within this area.

Real Estate Transfer Declaration of Intent

Account # 01261 District 18 Map 50 Grid 5 Parcel 116
Name(s): Hays Investments, LLC
Location: 20502 and 20504 Jefferson Boulevard, Hagerstown, Maryland
Current Deed Reference(s): Liber 5747 Folio 104
I (We), Mary L. Creek, the Owner(s) of the real property located at 20502 and 20504 Jefferson Boulevard, and described in the above referenced deed(s) hereby declare my (our) intention to invoke the real estate transfer exemption for the above property, in accordance with the provisions of the Washington County Forest Conservation Program and COMAR 08.19.01.04, for a period of at least five (5) consecutive full taxable years following this date.
This declaration grants an exemption for a real estate transfer to provide a security, leasehold or other legal or equitable interest, including a transfer of title, of a portion of a lot or parcel based forest, or violates the requirements of a previous Forest Conservation Plan on all or part of the parcel within the five (5) year period, Washington County may require the owner to meet the forest conservation threshold established in the Forest Conservation Program and COMAR 08.19.03, and may also assess a noncompliance fee for forested areas cut in violation of this exemption.
I (We) declare, under the penalties of law, that this declaration, including any accompanying forms and statements, has been examined by me (us) and the information contained herein, to the best of my (our) knowledge, information, and belief, is true, correct and complete.

Signature(s): _____
Hays Investments, LLC
Date: 7/26/18

Certificate of Approval FINAL APPROVAL GRANTED

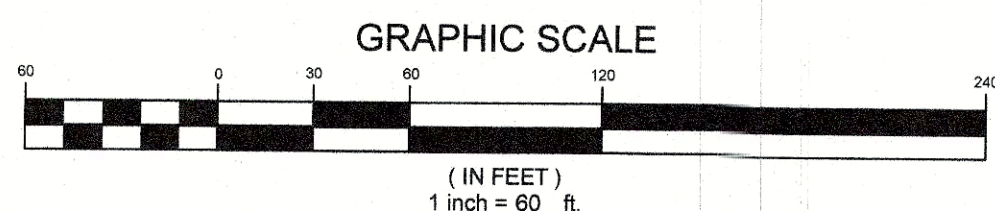
DATE: _____

By: _____
Washington County Planning Commission
Final Approval good for one hundred eighty (180) days from above date

PLAT NO _____
DATE _____
WASHINGTON COUNTY

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA ANGLE
C1	1909.00'	233.12'	S 81°13'37" E	232.97'	6°59'48"

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 89°21'25" W	10.72'	AL1	N 59°33'43" E	72.10'
			AL2	S 52°24'53" E	21.57'
			AL3	S 89°33'43" W	73.08'
			AL4	S 20°28'30" W	165.42'



Owner:
Hays Investments, LLC
15736 Spade Road
Hagerstown MD 21740

Revised Per	Date

Soil	Area (Ac.)	%
DsB	2.110	91.7
HbC	0.006	0.2
UrD	0.186	8.1

TAX MAP 50-5-116 DISTRICT 18	
DRAWING NUMBER 01 OF 01	
DRAWN BY: LEJ	DATE: 7.24.18
CHECKED BY:	DATE:
SCALE: 1" = 60'	

FREDERICK SEIBERT & ASSOCIATES, INC. ©2018
CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
(301) 791-3850 (301) 416-7478 (717) 597-1007 FAX: (301) 759-4956

Preliminary/Final Plat of Subdivision
of
Lot 1 and Lot 2
for
Hays Investments, LLC
Situate along the north side of Jefferson Boulevard (MD Rte. 64)
WASHINGTON COUNTY, MARYLAND



DIVISION OF
PLAN REVIEW & PERMITTING

MEMORANDUM

TO: Washington County Planning Commission
FROM: Cody Shaw, Chief of Plan Review
DATE: August 29, 2018
SUBJECT: Ordinance Modification for Anne Roth & Joe Thorn (OM-18-006)

Attached you will find for your review a modification request to reduce the rear yard setback from 40' to 12'. Section 16A.5 of the Washington County Zoning Ordinance requires any changes to an approved PUD needs Planning Commission approval. The applicant is requesting that the Planning Commission approve the reduction of the setback to accommodate the addition of a mother in law suite at the back of the house.

Attached you will find the statement of justification from the applicant.

The proposed modification request was reviewed by Plan Review, the Department of Emergency Services, and the local fire department. No objections or comments were received.

If you have comments regarding the proposed modification and/or the applicant's request, please call or e-mail me at: (240) 313-2442 or cshaw@washco-md.net.

Cody L. Shaw
Chief of Plan Review



Washington County

MARYLAND

RECEIVED

AUG 15 2018

DIVISION OF
ENGINEERING & CONSTRUCTION MANAGEMENT
PLAN REVIEW | PERMITTING | ENGINEERING | CONSTRUCTION

WASHINGTON COUNTY PLANNING COMMISSION
APPLICATION FOR SUBDIVISION ORDINANCE MODIFICATION

APPLICANT

NAME Anne Roth & Joey Thorn
MAILING ADDRESS 11507 Woodview Court Hagerstown MD 21742
TELEPHONE 240 291 1178 240 291 1178 240 291 1178
(home) (work) (cell)

PROPERTY OWNER

NAME Same as above
MAILING ADDRESS _____
TELEPHONE _____
(home) (work) (cell)

CONSULTANT

NAME n/a
ADDRESS _____
TELEPHONE _____

DESCRIPTION OF PROPERTY

PARCEL REFERENCE: MAP _____ GRID _____ PARCEL _____
PROPOSED LOT ACREAGE _____ TOTAL SITE ACREAGE _____
ZONING DISTRICT _____ ROAD FRONTAGE (FT) _____

8-23-16

Page 1 of 7

80 West Baltimore Street | Hagerstown, MD 21740-6003 | P: 240.313.2460 | TDD: 711

WWW.WASHCO-MD.NET

LOCATION / ADDRESS

11507 Woodview Court Hagerstown MD 21742

EXISTING AND PROPOSED USE OF PROPERTY

single family home - addition on back for a mother in law suite. - seeking variance.

LOT TO BE CONVEYED TO IMMEDIATE FAMILY MEMBER

SUBDIVISION MODIFICATION INFORMATION

MODIFICATION TO SUBDIVISION ORDINANCE SECTION

MODIFICATION IS TO ALLOW variance to build a room on the back of the house.

STATEMENT OF JUSTIFICATION TO THE REQUESTED MODIFICATION (quantify modification – i.e. hardship resulting from irregular shape; safety hazard; topographic conditions; extraordinary hardship; other

Requesting variance from lot line, 12 feet, to accommodate adding a mother in law suite to the back of the house.

(Attach additional sheets if necessary)

In addition, twelve (12) sketch plans, drawn to scale must accompany this application showing: the dimensions and shape of proposed lot with acreage; size and location of existing and/or future structures; existing/proposed roadways and associated access right-of-ways or easements; existing/proposed entrance/exit to property; natural or topographic peculiarities of the lot in question.

To the best of my knowledge, the information provided in this application and other material submitted is correct.

Anne Roth & Jay B 8/14/18
Applicant's Signature Date

Anne Roth & Jay B 8/14/18
Property Owner's Signature Date

STAFF USE ONLY:

STAFF PLANNER: _____ DATE RECEIVED: _____

NUMBER: _____

MEETING DATE: _____



right - 150'
rear - 220'
left rear - 182'
left - 101'

BEN SHAOOL

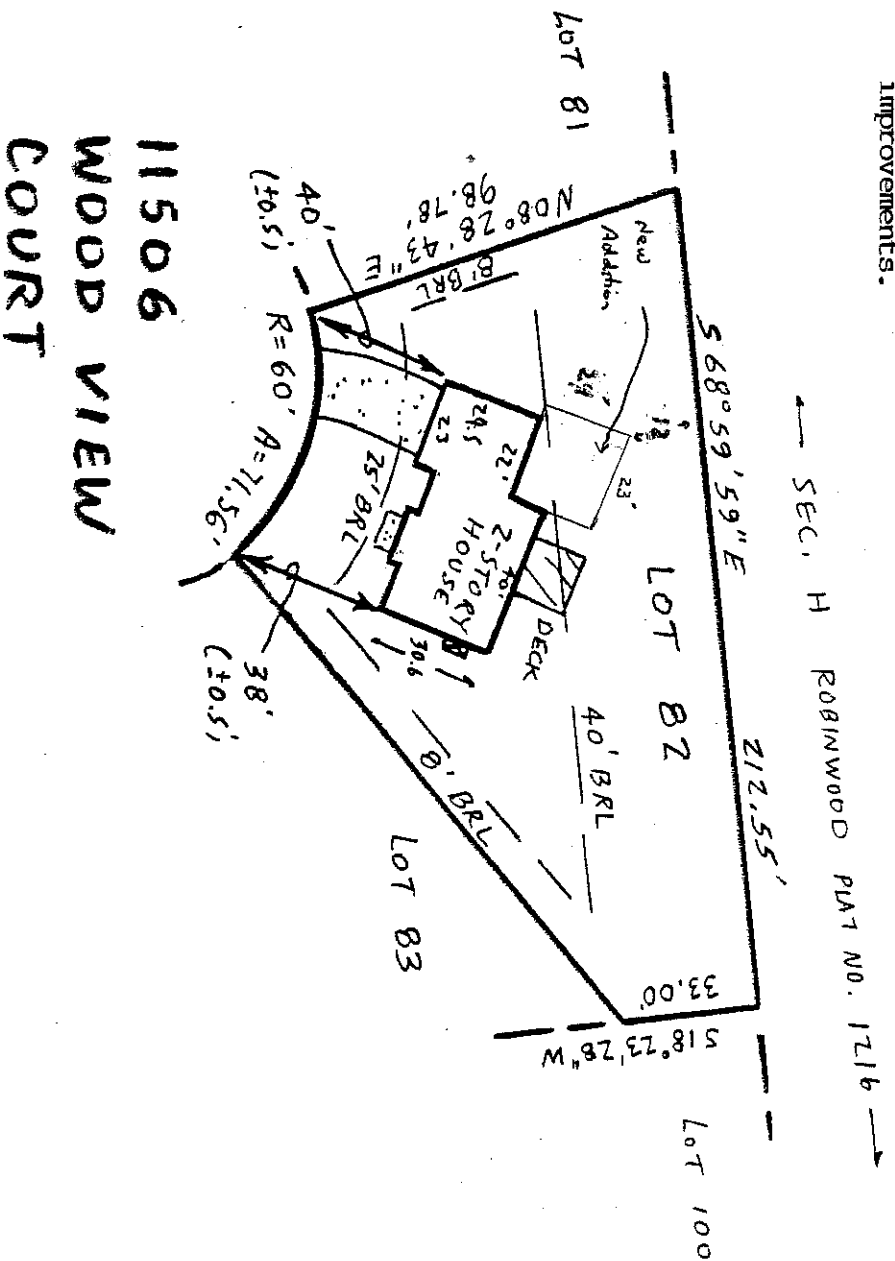
LEGAL DESCRIPTION:

Lot 82, WOODBRIDGE SUBDIVISION, SECTION 'A' as recorded in Plat Folio 6098, one of the Land Records of Washington County, Maryland, also locally known as 11506 Wood View Court, Hagerstown, Maryland.

HOUSE LOCATION SURVEY:

Lot 82, WOODBRIDGE SUBDIVISION, SECTION 'A',
Plat Folio 6098, Washington County, Maryland Plat Records

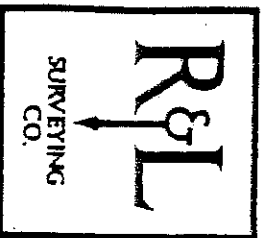
NOTE: This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.



BUILDING LINE AND/OR FLOOD ZONE
INFORMATION IS TAKEN FROM AVAILABLE
SOURCES AND SUBJECT TO INTERPRETATION
OF ORIGINATOR

NOTE: This location is for title purposes only and not to be used for determining property lines. Property corner markers are NOT guaranteed by this location.

STATE OF MARYLAND
COUNTY OF WESTINGTON



220 N. Market Street
Frederick, Maryland 21701
(301) 698-9377

TS-2058

DATE January 28, 2004

SCALE 1" = 50'

10. 018904

I certify the property herein is in accordance with the plat of subdivision and/or deed of record, that the improvements were located by accepted field practices and include permanent visible structures. Fences and/or walls shown are for picture purposes only. The exact location can only be determined by a boundary survey with the corners being set.

The above legally described property _____ of _____ State of _____, _____ County, _____ and _____ within a space of _____ acres, more or less, is _____

on Community Panel No. 2400700095B, dated February 1, 1985

Washington County, Maryland.

Ruben Sanchez, Property
 Line Surveyor No. 424

DATE		BY
FIELD WORK	1.27.04	R/S
DRAFTING	1.28.04	RS
FINAL CHECK	1.28.04	LC
RECERTIFICATION		



DIVISION OF
PLAN REVIEW & PERMITTING

MEMORANDUM

TO: Washington County Planning Commission

FROM: Cody Shaw, Chief of Plan Review

DATE: August 29, 2018

SUBJECT: Cascade Auto Wholesalers Inc. Site Plan (SP-18-029)

A site plan has been submitted for review and approval for Cascade Auto Wholesalers on a parcel along the north side of Beaver Creek Road. The property is located in the Highway Interchange Zoning District.

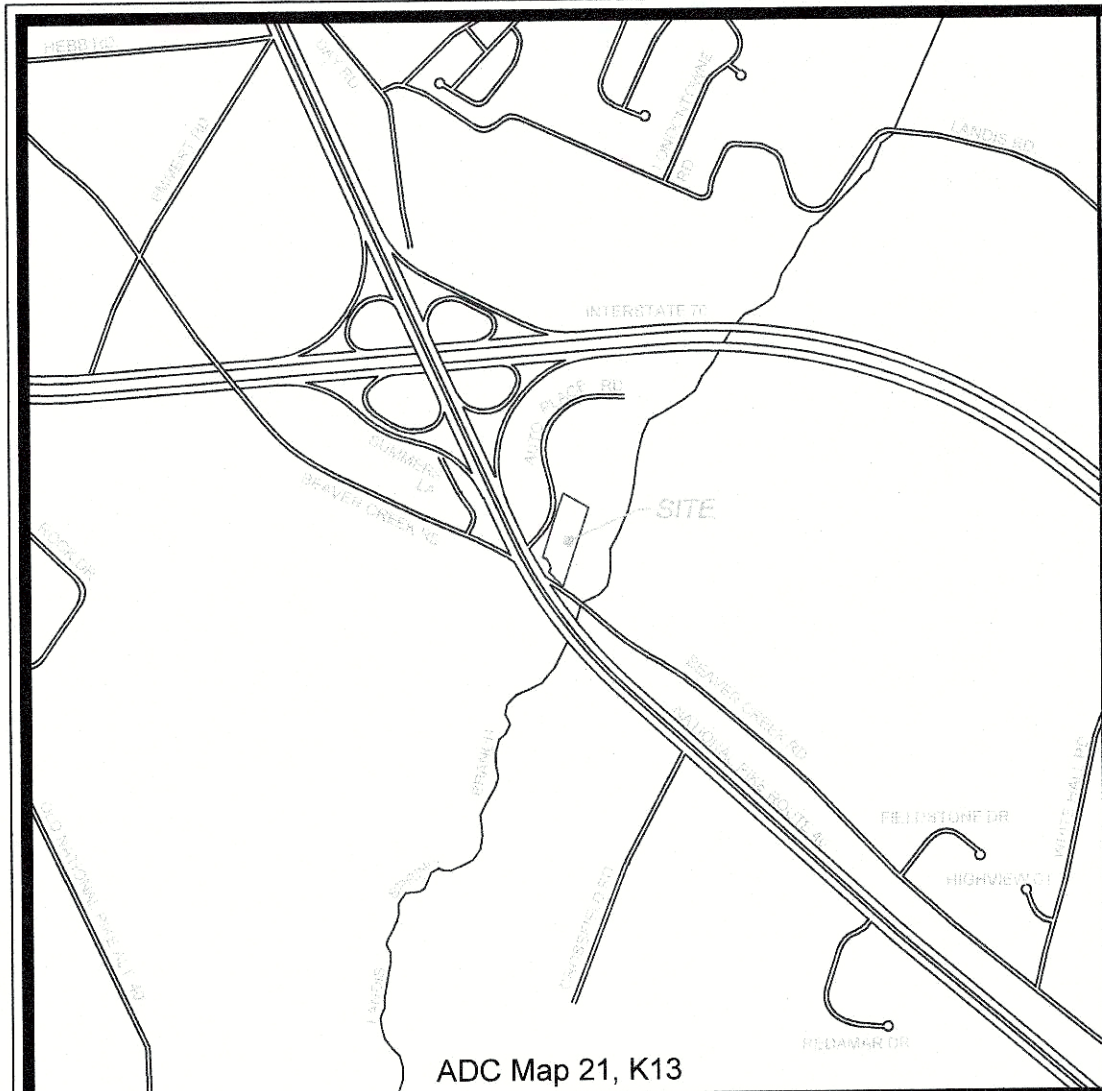
The description for this site is for a used car dealership. The site is located on a 5.57 acre parcel, and the applicant is looking to develop the site.

The proposed improvements are shown on the site plan can be summarized as follows:

- Functional description is for used car dealership
- Hours of operation are 9 am to 5 pm Monday thru Saturday
- Total required parking spaces is 2; total parking provided is 43 spaces
- Proposed impervious area is 5% of the site
- Site is served by well and septic
- SWM for this site is exempt for being under 5,000 sq ft of disturbance
- Forest Conservation is exempt for being under 20,000 sq ft of disturbance

The site plan was routed to Land Use Planning, Addressing, City Sewer, Engineering, Health Department, Soil Conservation, and Water Quality. Approvals have been obtained by Engineering, Soils, and Water Quality. Staff is asking the Planning Commission to grant the Staff authority to approve the plan once all agency approvals have been received.

A copy of the site plan is attached.

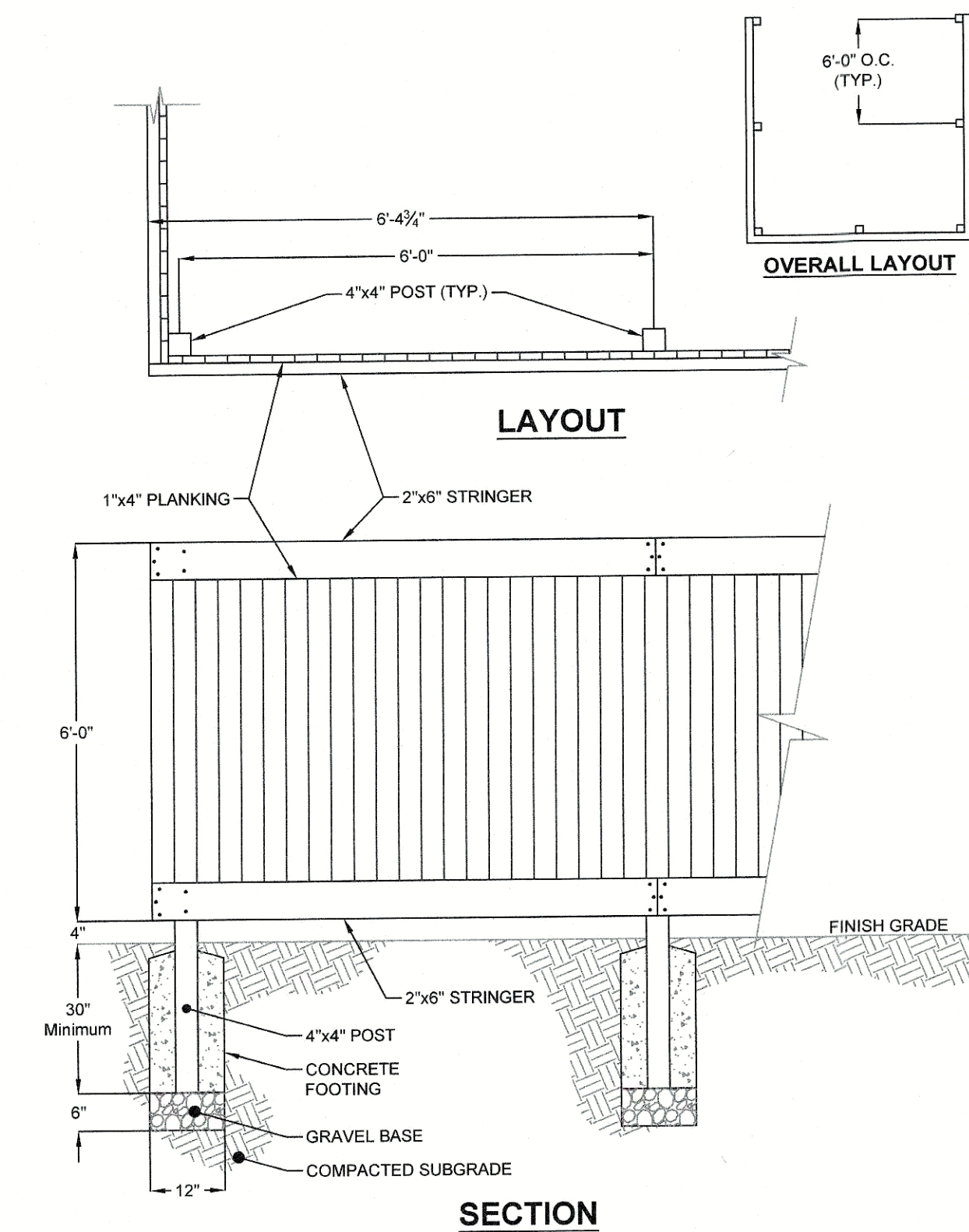


Vicinity Map

Scale: 1"=2000'

Site Data

TAX MAP	58-9-400
ELECTION DISTRICT	10
ZONING	HI - HIGHWAY INTERCHANGE
SETBACKS	FRONT- 40' SIDE- 10' REAR- 10'
MAX. BUILDING HEIGHT	75'
FUNCTIONAL DESCRIPTION	USED CAR DEALERSHIP
NUMBER OF EMPLOYEES	1
HOURS OF OPERATION	9:00 a.m. - 5:00 p.m. Mon-Sat
DELIVERIES	UPS Daily
PARCEL AREA	5.57 Ac.
PROPOSED BUILDING AREA	400 S.F.
PROPOSED BUILDING HEIGHT	12'
IMPERVIOUS AREA	0.30 AC. (5%)
TOTAL PARKING REQUIRED	2 SPACES
TOTAL PARKING PROVIDED	43 SPACES REGULAR- 40 HANDICAP- 3
WATER & SEWER USAGE	EXISTING WELL & SEPTIC
SITE LIGHTING	POLE & BUILDING MOUNTED
SOLID WASTE	ON-SITE DUMPSTER & COMPACTOR
SIGNAGE	EX. SIGN 12' x 8', 96 S.F., 12' HIGH
FORESTATION	EXEMPT, AREA LESS THAN 20,000 S.F.
SENSITIVE AREAS	THERE ARE NO KNOWN STREAMS OR HABITAT OF THREATENED OR ENDANGERED SPECIES IDENTIFIED BY THE U.S. FISH AND WILDLIFE SERVICE PER CFR 17 AS REQUIRED TO BE SHOWN BY SECTION 4.21 OF THE ZONING ORDINANCE.



- NOTES:
- All nails and hardware to be hot dipped galvanized
 - Stringers and Posts to be Wolmanized Pine Grade "C" or better
 - Planting to be Western Red Cedar (or approved equivalent per Architect)
 - 2 coats of stain (or approved equivalent per Architect)

DETAIL SHEET

DUMPSTER - SCREEN

NOT TO SCALE

APPROVAL:
WASHINGTON COUNTY PLAN REVIEW DEPARTMENT

SIGNATURE	DATE
MD-ENG-6A 1/89	USDA SCS

UTILITY NOTIFICATION
The Soil Conservation District makes no representation as to the existence or nonexistence of any utilities at the construction site. Shown on these construction drawings are those utilities which have been identified. It is the responsibility of the landowners or operators and contractors to assure themselves that no hazard exists or damage will occur to utilities. It is suggested that Miss Utility be contacted at:

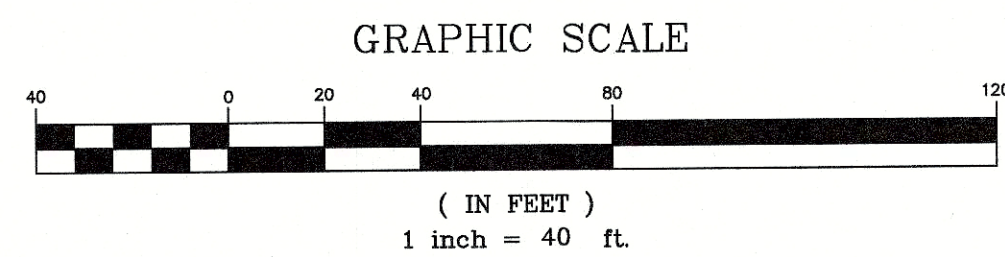
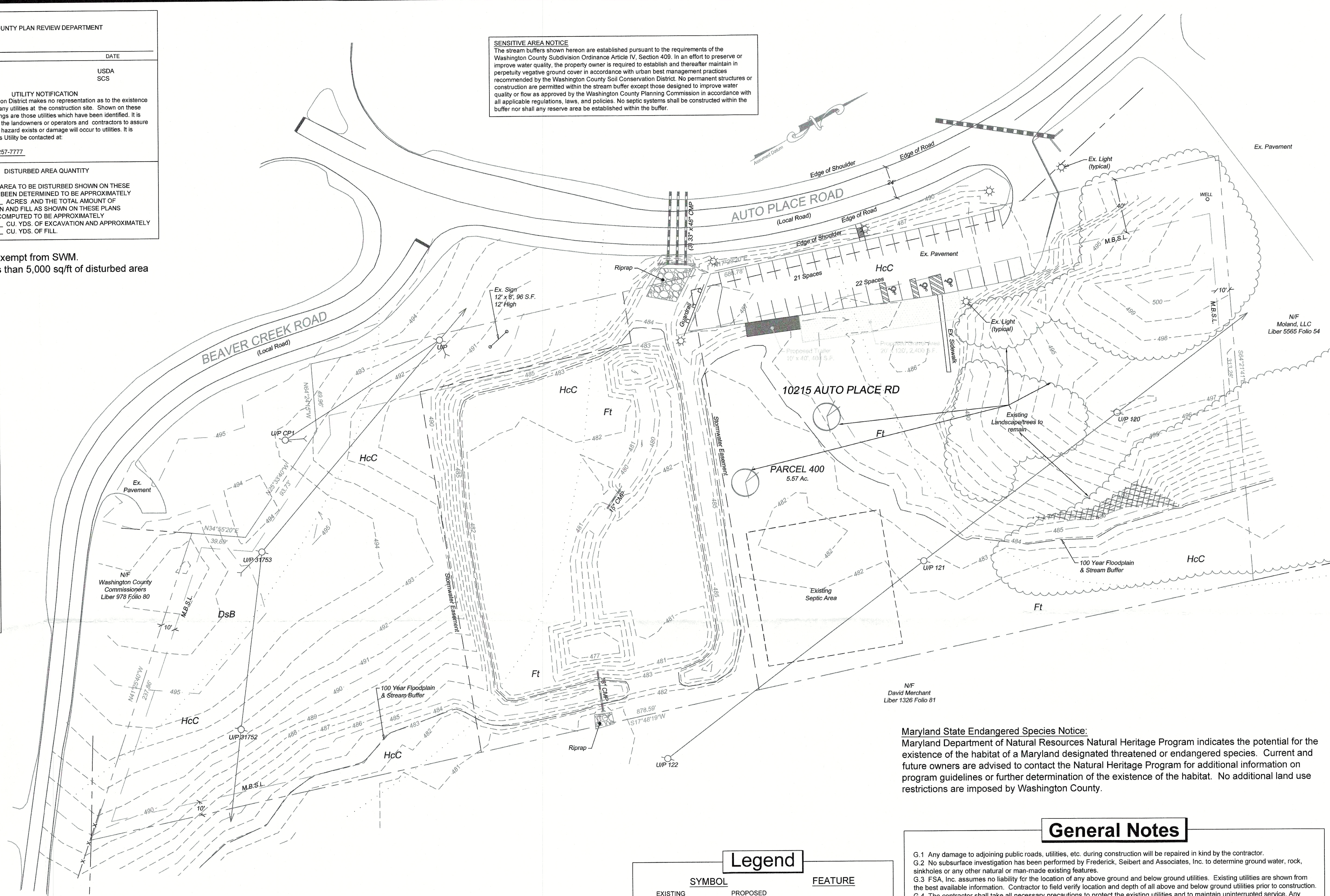
Phone No. 1-800-257-7177

DISTURBED AREA QUANTITY

THE TOTAL AREA TO BE DISTURBED SHOWN ON THESE PLANS HAS BEEN DETERMINED TO BE APPROXIMATELY
0.06 ACRES AND THE TOTAL AMOUNT OF EXCAVATION AND FILL AS SHOWN ON THESE PLANS HAS BEEN COMPUTED TO BE APPROXIMATELY
0 CU. YDS. OF EXCAVATION AND APPROXIMATELY
15 CU. YDS. OF FILL

This site is exempt from SWM.

There is less than 5,000 sq/ft of disturbed area



Steep Slopes (25% or Greater)

SOILS TYPES	ACREAGE	PERCENTAGE
Ft	2.03 Ac.	36%
HcC	3.22 Ac.	58%
DsB	0.32 Ac.	6%

SENSITIVE AREA NOTICE
The stream buffers shown hereon are established pursuant to the requirements of the Washington County Subdivision Ordinance Article IV, Section 409. In an effort to preserve or improve water quality, the property owner is required to establish and thereafter maintain in perpetuity vegetative ground cover in accordance with urban best management practices recommended by the Washington County Soil Conservation District. No permanent structures or construction are permitted within the stream buffer except those designed to improve water quality or flow as approved by the Washington County Planning Commission in accordance with all applicable regulations, laws, and policies. No septic systems shall be constructed within the buffer nor shall any reserve area be established within the buffer.

Maryland State Endangered Species Notice:
Maryland Department of Natural Resources Natural Heritage Program indicates the potential for the existence of the habitat of a Maryland designated threatened or endangered species. Current and future owners are advised to contact the Natural Heritage Program for additional information on program guidelines or further determination of the existence of the habitat. No additional land use restrictions are imposed by Washington County.

General Notes

- Any damage to adjoining public roads, utilities, etc. during construction will be repaired in kind by the contractor.
- No subsurface investigation has been performed by Frederick, Seibert and Associates, Inc. to determine ground water, rock, sinkholes or any other natural or man-made existing features.
- FSA, Inc. assumes no liability for the location of any above ground and below ground utilities. Existing utilities are shown from the best available information. Contractor to field verify location and depth of all above and below ground utilities prior to construction.
- The contractor shall take all necessary precautions to protect the existing utilities and to maintain uninterrupted service. Any damage incurred due to the contractor's operation shall be repaired immediately at the contractor's expense. Contractor to use caution in areas where low hanging wires exist.
- All utilities shall be cleared by a minimum of 1'-0". All utility poles shall be cleared by a minimum of 2'-0" or tunneled if required.
- The contractor shall be aware that in the event of discrepancy between scaled and figured dimensions shown on the plan, the figured dimensions shall govern.
- All handicapped parking spaces shall be designed, ramped and signed to meet the minimum requirements of the Maryland code for the handicapped.
- The existing site contours shown hereon were obtained from an field survey completed and field verified by FSA (Contour accuracy is to plus or minus one half the contour interval).
- This project has a projected start date of September 2018 and a completion date of October 2018.
- The purpose of this change-in-use site plan is to add a gravel area and a mobile trailer for a use car dealership.
- With this site have less than 5,000 S.F. of disturbance, stormwater management and a sediment erosion control plan is exempt.
- This site does lie within the limits of the 100 year flood plain per FEMA Flood Insurance Rate Map Community Panel #24043C0306D, dated August 15, 2017.
- The existing trees on site are to remain and serve as the landscaping for this site plan.

NOTE:
THIS SITE WILL NOT HAVE ANY NEW LIGHTING

Owner:
Maryland Metro Realty, LLC
10228 Governor Lane Blvd. Suite 3002
Williamsport, MD 21795

Cascade Auto Wholesalers, Inc.

Situate at 10215 Auto Place Road
North of Beaver Creek Road and
East of National Pike US Route 40
WASHINGTON COUNTY, MARYLAND
CLIENT:
Cascade Auto Wholesalers, Inc. c/o Eric Royer
14823 Schillville Rd. Thurmont, MD 21788
(240) 409-5643

PROJECT NO: 5163.1
CAD DWG FILE: 5163-SITE PLAN.DWG
DWN BY: DWH
CHK BY: DATE: 07-17-2018
TAX MAP: 58-9-400
ELECTION DIST: 10
SCALE: 1" = 40'
SHEET TITLE: SITE PLAN

C-101
SHEET 1 OF 1
SP-18-029

Professional Certification
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 20845. Expiration Date: 09/23/2019.

FREDERICK SEIBERT & ASSOCIATES, INC.
© 2018

CIVIL ENGINEERS - SURVEYORS - LANDSCAPE ARCHITECTS - LAND PLANNERS
20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
101 NORTH HANOVER STREET, CARLISLE, PENNSYLVANIA 17013
(717) 391-3600
(717) 391-1007
www.fsa-inc.com

Site Plan for proposed Banquet/Reception Facility

At Elmwood Farm Bed and Breakfast

Presented is a site plan for a proposed banquet and reception facility at the existing Elmwood Farm bed and Breakfast.

The subject site is located on the south side of Kendle Road and north of Lappans Road adjacent to the Elmwood Subdivision east of Williamsport. The site is zoned Residential Suburban. Total parcel area is 6.35 acres.

The property owner would like to establish a banquet and reception facility in the downstairs of the existing barn. Square footage of the first floor would be 3,140 square feet. An 8,528 square foot patio would be used in front of the barn for outside entertaining. The barn is located to the rear of the house which has the bed and breakfast. Total banquet area will be 11,668 square feet.

Access to the site will be off of Kendle Road.

Hours of operation of the banquet reception business will be Friday thru Sunday May thru October from 3:00 pm to 10:30 pm. A condition of the Board of Appeals approval is that all events must end by 10:30.

There will be 2 employees – the applicant and her sister.

Parking will be 110 spaces as allowed by the Board of Appeals. Five spaces will be handicapped spaces. Event capacity will be a maximum of 220 persons.

Offsite caterers will provide the food – no food preparation on-site.

Delivery requirements – One UPS truck per week.

Water will be provided by the City of Hagerstown.

Septic will be private and on-site.

Solid waste will be stored inside.

There will be no new signage. No new lighting is proposed. Temporary lighting will be used when needed.

Existing trees and vegetation will be retaining on the site.

The Washington County Board of Appeals granted an approval of the site in February 2018 with the following conditions:

1. Patrons cannot exceed 220 persons at any event.
2. Events must end by 10:30 pm.
3. Speakers must face towards the barn and not exceed a measured peak volume of 103 dBa at a distance of six feet from the source.

The Board of Appeals granted the following:

1. Right side yard setback is reduced from 100 feet to 88 feet.
2. Parking requirements reduced from 233 to 110 spaces.
3. Parking on grass surfaces.
4. Special exception granted for banquet/reception facility.

Forestation requirements for this site were met by retaining existing forest on the subject parcel.

**BEFORE THE BOARD OF APPEALS
FOR WASHINGTON COUNTY, MARYLAND**

**Selena M. Wilkes
Applicant**

Appeal No. AP2018-006

OPINION

This appeal is a request for a special exception to establish a banquet/reception facility, and for variances from the minimum 100' right side yard setback to 88', from the requirement to provide a durable, dustless surface for parking, and from the required 233 parking spaces to 110 spaces for said banquet/reception facility. The subject property is located at 16311 Kendle Road, Williamsport, Maryland; is owned by the Applicant; and is zoned Residential Suburban. The Board held a public hearing on the matter on February 21, 2018.

Findings of Fact

Based upon the testimony given, all information and evidence presented, and upon a study of the specific property involved and the neighborhood in which it is located, the Board makes the following findings of fact:

1. The Applicant seeks a special exception, with associated variance relief, to establish a banquet/reception facility on the subject property.
2. The property is an irregularly shaped parcel that is 6.35 acres in area.
3. The property was long used as a farm.
4. A portion of the farm was sold and has been and is being developed into the Elmwood Farm community.
5. The subject parcel was the original farmstead and is improved with a farmhouse dwelling and a barn.
6. The farmhouse is the Applicant's residence and is being used as the Elmwood Farm bed and breakfast facility.
7. The barn, and its patio (the former barnyard area), is proposed to be the

banquet/reception facility site.

8. The bank barn is 3,140 ft.² in area.
9. Receptions, banquets, and other events are proposed to be held in the barn.
10. Event capacity is 220 attendees.
11. Offsite caterers will provide food; no food for events will be prepared onsite.
12. The Applicant or her sister is present at each event and provides oversight.
13. Events typically occur on weekends, with there being approximately one event per weekend for four to five months of the year.
14. Many of these events are weddings, and wedding season is in the Spring and Fall.
15. Events must end, contractually, by 10:30 P.M.
16. Bands are always located in the back of the barn to minimize sound dispersion to surrounding properties.
17. Speakers serving the patio area are always directed towards the barn to minimize sound dispersion to surrounding properties.
18. Live Sound Co, LLC, and Jeremiah Leiter, a sound and audio professional, performed an acoustic analysis of the property. The test simulated a "typical outdoor event with amplified music" and took measurements of ambient noise at seven different locations in the neighborhood.
19. The study concluded that "amplified music generated at a constant level of 91.4 dBa, from the determined outdoor source location [where the speakers are normally placed during an event], cannot be measured above the ambient noise level outside of Elmwood's property at Point 5 [Ripple Drive], 6 [John Martin Drive near the entrance], and 7 [John Martin Drive, at the end closest to Elmwood Farm]."
20. Live Sound Co determined that the spillover of noise, if any, from Elmwood was no greater at the identified measured locations than was the ambient noise at those locations.
21. Leiter recommended that "Elmwood Farm purchases an SPL meter to ensure that

the level at the farm does not exceed a peak of 103 dBa at a distance of 6ft from the source." [sic]

22. Kendle Road has sufficient capacity, and is of adequate condition, to handle traffic frequenting the facility.

23. The use does not create excess dust or other environmental detriments.

24. Given the facility's capacity, the need for parking does not exceed 110 spaces.

25. Handicapped parking spaces will be paved.

26. Approximately one-half of the proposed parking spaces are on gravel or on a concrete pad; the remainder will be on a grassy area.

27. Neighboring property owners—including the Applicant's closest neighbor--cannot hear noise from events when they are inside their dwellings.

28. There is a demand for this type of facility in the area and it promotes economic development.

29. The banquet/reception use is an appropriate adaptive reuse of the agricultural property.

30. Most neighboring property owners do not identify traffic or noise as issues negative generated by this use.

31. This use is needed, promotes tourism and generates tax revenue, and is an asset to the community.

32. The Applicant is responsive to the concerns raised by residents in the neighborhood.

33. Greg Baisey, testifying in opposition to the appeal, noted that he was the first to buy in the Elmwood Farm development. He lives 400 yards from the subject property.

34. He expressed concerns about diminished property values, the incompatibility of the proposed use with surrounding residential properties, and the noise emanating from the facility.

35. He testified that the banquet/reception use was inappropriate to, and incompatible

with, the surrounding residential neighborhood.

36. Notwithstanding Mr. Baisey's assertions, the testimony and evidence clearly showed that the proposed use is compatible with the existing neighborhood given the lack of adverse effects affecting neighboring properties.

37. In particular, there was no probative evidence to show that the use generated inordinate adverse effects including noise, traffic, odors, lighting, or other adverse effects.

38. The Comprehensive Plan does not address banquet/reception facilities specifically, but it does encourage compatibility amongst uses and promotes business development within the Urban Growth Area, in which this parcel is located.

39. As we have found that the use is compatible with the existing neighborhood, we also find that the use conforms to the Plan.

Rationale

The Special Exception

The Board has authority to grant a special exception pursuant to Section 25.2(b) of the Zoning Ordinance for Washington County, Maryland. A special exception is defined as "a grant of a specific use that would not be appropriate generally or without restriction; and shall be based upon a finding that the use conforms to the plan and is compatible with the existing neighborhood." Article 28A.

The proposed use is a permitted special exception use in this zone, and the testimony clearly established that the banquet/reception use is a favored adaptive reuse of the farmstead enjoying broad community support. We acknowledge that this commercial use is found amongst a residential neighborhood and that some object to its presence, citing concerns about noise and property values. No probative evidence was presented that the use negatively affected property values, and the weight of the evidence clearly showed that the use did not negatively affect surrounding homeowners' use of their properties.

The property is of adequate size to accommodate the use and buffer it from surrounding residences, tempering the adverse effects inherent to a banquet/reception facility, including noise, odors, or lighting. Moreover, the evidence established that, so long as speakers were properly directed and controlled, the noise generated by the use cannot be measured above the ambient noise level found in the neighborhood at the measured points. This is important, as it does much to reduce the discord amongst differing uses that might otherwise be expected from such a facility.

Furthermore, the evidence established that the use was not generative of traffic problems on Kendle Road or unusual amounts of spillover lighting. Most neighbors testified that the use did not disturb their quiet enjoyment of their homes or otherwise negatively impact their lifestyle. Instead, they spoke of the value that the use provided to the neighborhood and their support for its continued presence, and urged that we grant the special exception. The evidence showed that the use conforms to the Plan and is compatible with the existing neighborhood. It further showed that the establishment of this special exception use at this site will have no greater "adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *Schultz v. Pritts*, 291 Md. 1, 15 (1981). Therefore, the special exception is GRANTED WITH CONDITIONS as set forth below by a vote of 4-0.

Conditions upon Special Exception Use

1. Patrons shall not exceed 220 persons at any event.
2. Events must end no later than 10:30 P.M.
3. Speakers must face towards the barn and not exceed a measured peak volume of 103 dBa at a distance of six feet from the source.

The Variances

This Board has authority to grant variances upon a showing of practical difficulty or undue hardship. §§ 25.2(c) and 25.56. ¹ "Practical Difficulty" may be found by the Board when: (1) strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and (2) denying the variance would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief; and (3) granting the variance would observe the spirit of the Ordinance and secure public safety and welfare. § 25.56(A).

This property is unique due to its size and shape. Surrounding parcels are more regularly shaped and are generally of smaller size, and improved with dwellings. This parcel is irregularly shaped and is 6.35 acres in area. Its lot lines are not parallel or at right angles, but rather form an irregular polygon. Furthermore, the historic nature of the

¹ "When the terms unnecessary hardship (or one of its synonyms) and practical difficulties are framed in the disjunctive ("or"), Maryland courts generally have applied the more restrictive hardship standard to use variances, while applying the less restrictive practical difficulties standard to area variances because use variances are viewed as more drastic departures from zoning requirements." *Belvoir Farms Homeowners Ass'n, Inc. v. North*, 355 Md. 259, 276 n.10 (1999) (citations omitted).

farmstead, which far predates adoption of zoning principles, is unusual in the neighborhood. Therefore, we consider the property eligible for variance relief.

The Applicant seeks variance relief from the mandated property line, from the requirement to provide a stable, dustless parking area, and from the proscribed number of parking spaces. The property line encroachment is caused by the interplay between the ride side property line and the historic location of the barn. Because the barn is not parallel with the right side yard property line, an encroachment is created. For these same reasons, a lesser variance is not feasible. There was no showing that the encroachment was offensive to any neighboring property owner, or that strict compliance would confer any additional benefit to a neighboring property owner.

The Ordinance requires a durable, dustless parking area for this use. The Applicant asks that the property be allowed to remain in its current condition, noting that handicapped spaces will be paved. Preservation of the property in its current condition maintains the rural character of the farmstead and is far more aesthetically pleasing than would be an impervious surface. A lesser relaxation is impracticable for this reason. The appropriateness of variance relief is further advanced by the fact that events are seasonal and generally occur only once per weekend. Thus, the natural surface will have time to recover from use, negating the risk that use will create a denuded area. Furthermore, the capacity limitation of the facility, and past usage, have shown that 110 spaces are adequate to serve the use. The number required by the Ordinance is derived from inclusion of the barnyard area, rather than the barn, which is the limiting factor of the site. For all the foregoing reasons, we conclude that the grant of the requested variance relief observes the spirit of the Ordinance and secures the public safety and welfare.

Accordingly, these requests for variances are hereby GRANTED by a vote of 4-0.

BOARD OF APPEALS

By: Neal R. Glessner, Chair

Date Issued: March 23, 2018

GENERAL CONSTRUCTION NOTES

- TRASH WILL BE COLLECTED BY A PRIVATE CONTRACTOR AT DUMPSTER LOCATION SHOWN ON THESE PLANS.
- THIS PROJECT SERVED BY PUBLIC WATER BY THE CITY OF HAGERSTOWN AND PUBLIC SEWER PROVIDED BY WASHINGTON COUNTY DEPARTMENT OF WATER QUALITY.
- NO EXISTING VEGETATION ON SITE IS PLANNED TO BE SAVED.
- THIS SITE SHALL COMPLY WITH THE MARYLAND BUILDING CODE FOR THE HANDICAP & THE AMERICANS WITH DISABILITIES ACT.
- APPROVED SPRINKLER SYSTEMS TO BE INSTALLED IN BUILDING PER THE ANNOTATED CODE OF MARYLAND PUBLIC SAFETY TITLE 9, SUBTITLE 204.
- NO SUBSURFACE INVESTIGATION HAS BEEN PERFORMED BY FOX & ASSOCIATES, INC. TO DETERMINE THE EXISTENCE OR LOCATION OF GROUND WATER, ROCK OR OTHER MATERIALS OR MAN-MADE FEATURES, EXCEPT AS SPECIFICALLY INDICATED. NO ENVIRONMENTAL STUDIES HAVE BEEN CONDUCTED BY OUR FIRM.
- EXISTING UTILITY INFORMATION SHOWN HEREON IS FROM DRAWINGS AND/OR OTHER SOURCES PROVIDED BY OWNERS OF THE VARIOUS UTILITIES. EXACT LOCATIONS SHALL BE DETERMINED IN THE FIELD BEFORE BEGINNING CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY MISS UTILITY AT (1-800-257-7777) A MINIMUM OF 48 HOURS BEFORE BEGINNING ANY WORK SHOWN ON THESE DRAWINGS. ANY DAMAGE TO UTILITIES BY THE CONTRACTOR SHALL BE REPAIRED BY THE CONTRACTOR AT HIS EXPENSE AND TO THE SATISFACTION OF THE UTILITY OWNER. HAND PIT EXCAVATION SHALL BE PROVIDED AS NEEDED BY CONTRACTOR TO LOCATE EXISTING UNDERGROUND UTILITIES.
- THE CONTRACTOR SHALL NOTIFY THE APPLICABLE MUNICIPAL, COUNTY AND/OR STATE AUTHORITIES AT LEAST 48 HOURS BEFORE BEGINNING ANY WORK WITHIN PUBLIC RIGHT (S) OF WAY.
- THE CONTRACTOR SHALL VERIFY ALL SURFACE AND SUBSURFACE CONDITIONS (LOCATIONS AND ELEVATIONS) PRIOR TO BIDDING AND START OF CONSTRUCTION. ANY DISCREPANCIES BETWEEN THE DRAWINGS AND ACTUAL FIELD CONDITIONS SHALL BE REPORTED TO THE OWNER AND/OR ENGINEER BEFORE PROCEEDING IF THEY AFFECT THE DESIGN FEASIBILITY OF THIS PROJECT. ANY DAMAGE TO FACILITIES, STRUCTURES, PAVEMENT OR OTHER MAN-MADE ITEMS ON OR ADJACENT TO THE SITE OR NOT SPECIFICALLY INDICATED FOR THE DEMOLITION SHALL BE REPAIRED OR REPLACED AT CONTRACTOR'S EXPENSE AND TO THE SATISFACTION OF THE OWNER.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR COMPLYING WITH ALL APPLICABLE LEGAL AND REGULATORY REQUIREMENTS. CONTRACTOR SHALL OBTAIN ANY BONDS REQUIRED BY COUNTY/STATE FOR WORK WITHIN COUNTY/STATE RIGHT-OF-WAYS.
- TEMPORARY EROSION CONTROL MEASURES WILL BE USED TO CORRECT CONDITIONS THAT DEVELOP DURING CONSTRUCTION THAT ARE UNFORESEEN DURING THE DESIGN STAGE OR THAT ARE NEEDED TO TEMPORARILY CONTROL EROSION THAT DEVELOPS DURING NORMAL CONSTRUCTION PRACTICES.
- JOB SITE SAFETY SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
- EXISTING UTILITIES SHOWN HEREON ARE FOR INFORMATIONAL PURPOSES ONLY. EXACT LOCATIONS SHALL BE DETERMINED IN THE FIELD BEFORE BEGINNING CONSTRUCTION.
- NO TITLE REPORT HAS BEEN CONDUCTED BY THIS COMPANY OR FURNISHED TO US BY OTHERS. PROPERTY LINE INFORMATION HAS BEEN TAKEN FROM DEED (S) OF RECORD AND NOT FIELD VERIFIED.
- THE WASHINGTON COUNTY DIVISION OF PUBLIC WORKS - ENGINEERING & CONSTRUCTION REQUIRES A PRE-CONSTRUCTION MEETING SHALL BE HELD FOR ALL PROJECTS REGARDLESS OF THE AMOUNT OF DISTURBANCE. CONTACT THE WASHINGTON COUNTY DIVISION OF PUBLIC WORKS - ENGINEERING & CONSTRUCTION AT 240-313-2400 FIVE (5) DAYS PRIOR TO THE START OF CONSTRUCTION.

A PRE-CONSTRUCTION MEETING, INTERIM (WATER QUALITY) INSPECTION, AND A FINAL SITE CLOSE OUT REVIEW ARE REQUIRED FOR ALL PROJECTS WITH SOIL DISTURBANCES GREATER THAN 15,000 SQUARE FEET OR 500 CUBIC YARDS OF CUT OR FILL. CONTACT THE WASHINGTON COUNTY SOIL CONSERVATION DISTRICT AT 301-797-6821, EXT. 3 TO SCHEDULE THE REQUIRED MEETING OR INSPECTION.
- ANY WORK WITHIN THE COUNTY RIGHT-OF-WAY WILL REQUIRE THE POSTING OF A PERFORMANCE BOND AND EXECUTED PUBLIC WORKS AGREEMENT PRIOR TO THE ISSUANCE OF THE GRADING PERMIT, IN ACCORDANCE WITH THE WASHINGTON COUNTY S-3 POLICY.
- A COMPLETE SET OF APPROVED PLANS AND A COPY OF THE THE GRADING PERMIT MUST BE ON SITE AND AVAILABLE FOR USE BY THE INSPECTOR, OR OTHER REPRESENTATIVES OF WASHINGTON COUNTY PUBLIC WORKS.
- TOPOGRAPHY SHOWN HEREON FROM PHOTOGRAMMETRY DATED JULY 30, 2002 BY KEDDAL AERIAL MAPPING.
- THERE ARE NO KNOWN HABITATS OF THREATENED OR ENDANGERED SPECIES IDENTIFIED BY THE U.S. FISH & WILDLIFE SERVICE PER 50 CFR AS REQUIRED TO BE SHOWN BY SECTION 314 OF SUBDIVISION ORDINANCE AND SECTION 4.21 OF ZONING ORDINANCE.
- THERE ARE NO AREAS OF STEEP SLOPES AS DEFINED BY THE WASHINGTON COUNTY SOIL CONSERVATION DISTRICT PER ARTICLE 28.631 ON THE LOTS SHOWN HEREON. THERE ARE NO WETLANDS ON THE SITE PER MAPPING BY THE U.S. DEPARTMENT OF INTERIOR, FISH & WILDLIFE SERVICE.
- NO NEW SIGNAGE IS PROPOSED PER THESE PLANS.
- ALL WATER AND SEWER CONSTRUCTION SHALL BE IN CONFORMANCE WITH THE CITY OF HAGERSTOWN STANDARDS AND SPECIFICATIONS. THE CONTRACTOR SHALL PROVIDE CITY UTILITIES DEPT. WATER & WASTEWATER INSPECTOR WITH M.O.S.H. ASSISTANCE.
- ALL GRADING FOR THIS PROJECT SHALL BE THE FULL RESPONSIBILITY OF THE PROPERTY OWNER.
- NO PERMANENT STRUCTURES (E.G. FENCES, SHEDS, PLAY EQUIPMENT, RETAINING WALLS) SHALL BE PERMITTED WITHIN ANY STORMWATER OR STORM DRAINAGE EASEMENT.
- PARKING AND DRIVE AISLES SHALL BE MAINTAINED BY PROPERTY OWNER.
- FOREST CONSERVATION REQUIREMENTS FOR THIS PROJECT HAVE BEEN MET BY EXISTING FOREST RETENTION AREAS AS SHOWN ON A FOREST CONSERVATION EASEMENT PLAN RECORDED AT PLAT FOLIO 5813 AND AMENDED AT PLAT FOLIO 6972.
- AREA WITHIN THE FLOOD WAY WILL BE RESTORED TO EXISTING CONDITIONS AFTER UTILITY WORK IS COMPLETED RESULTING IN "NO RISE" IN FLOOD ELEVATIONS.
- THE WASHINGTON COUNTY SOIL SURVEY MAP 35, ISSUED 2002, IDENTIFIES SEVERAL THREE DOT INTERMITTENT STREAMS ON THE SUBJECT SITE. HOWEVER, ACCORDING TO WASHINGTON COUNTY SOIL CONSERVATION DISTRICT CRITERIA FOR SENSITIVE AREA STREAM BUFFERS IN WASHINGTON COUNTY, MARYLAND, ONLY THE STREAM LOCATED WITHIN THE SHOWN FLOOD PLAIN REQUIRES A STREAM BUFFER. THE STREAM BUFFER WILL BE EXPANDED TO THE LIMITS OF THE FLOOD PLAIN. THE OTHER STREAMS SHOWN ON THE SOIL SURVEY DO NOT MEET THE REQUIREMENTS FOR A STREAM BUFFER AND A STREAM BUFFER IS IN AN AREA OF UPLAND SOILS IN A LIMESTONE REGION AND HAVE DRAINAGE AREAS LESS THAN 100 ACRES. THESE STREAMS, AS FIELD VERIFIED, HAVE NO KNOWN SPRING HEADS OR DEFINED CHANNELS WITH PERSISTENT FLOW, WHICH MAY BE CONSIDERED AS AN INTERMITTENT OR PERENNIAL STREAM.

INDEX OF SHEETS

- COVER SHEET.....1
SITE PLAN.....2
WATER LINE PLAN & PROFILE.....3
WATER DETAILS.....3A
SEWER LINE PLAN & PROFILE.....3B
SITE NOTES & DETAILS.....4

STORMWATER MANAGEMENT NARRATIVE

THE PROJECT PROPOSES ONLY A SMALL INCREASE IN IMPERVIOUS AREA OVER A PORTION OF THE PROPOSED HANDICAP PARKING AREA. THIS WILL NOT AFFECT THE OVERALL PROPERTY CURVE NUMBER SO THERE WILL BE NO MEASURABLE INCREASE IN STORMWATER MANAGEMENT RUNOFF. ADDITIONALLY, WITH THE ADJACENT FLAT FLOODPLAIN AREAS, A NON-ROOFTOP DISCONNECT CREDIT IS APPLICABLE FOR WATER QUALITY.

FOX & ASSOCIATES, INC.

ENGINEERS • SURVEYORS • PLANNERS

981 MT. AETNA ROAD
HAGERSTOWN, MD. 21740
PHONE: (301)733-8503
or (301)416-7250
FAX: (301)733-1853

82 WORMANS MILL COURT
SUITE 'G'
FREDERICK, MD. 21701
PHONE: (301)695-0880
FAX: (301)293-6009



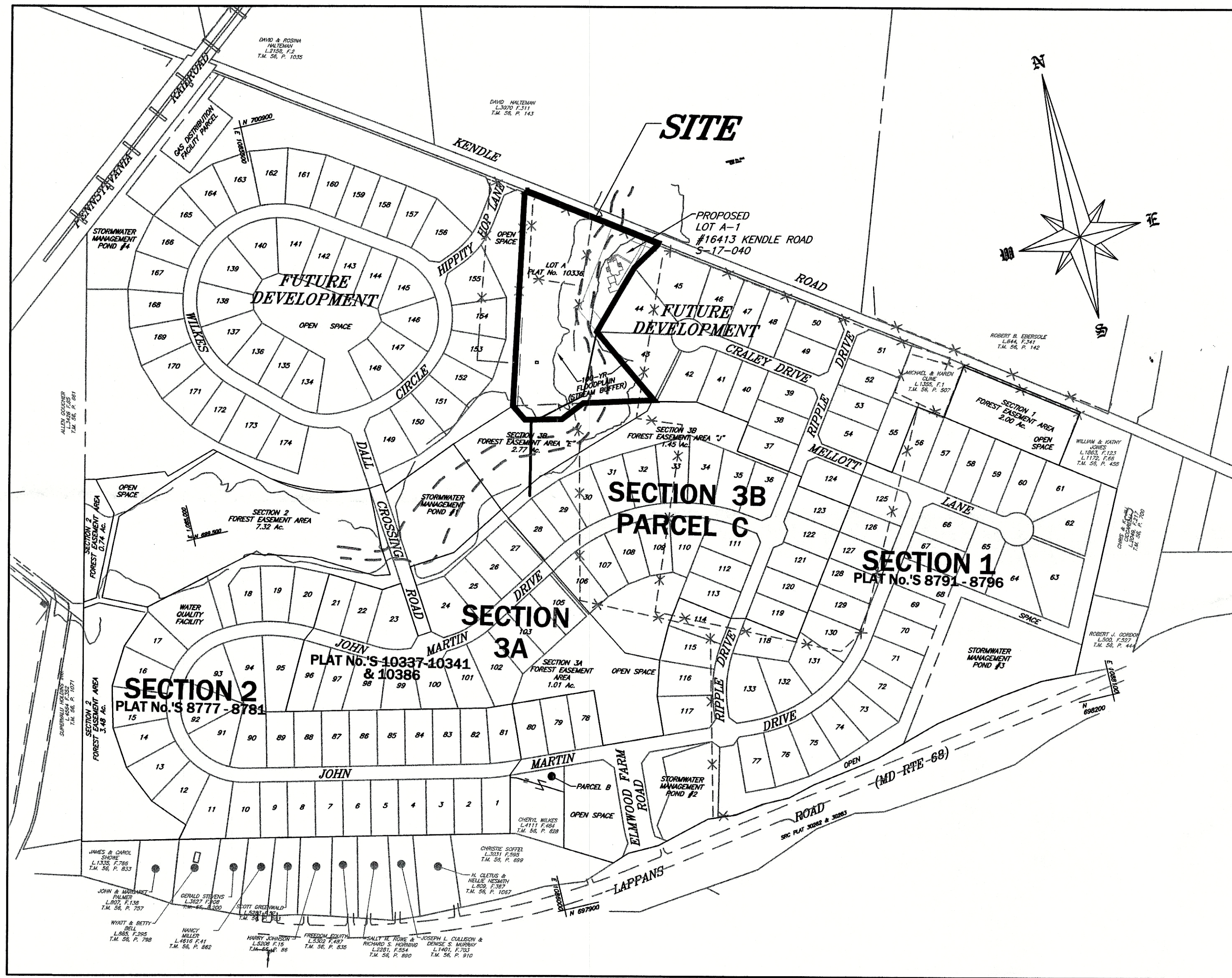
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www.foxassociatesinc.com Email: foxassoc@foxassociatesinc.com

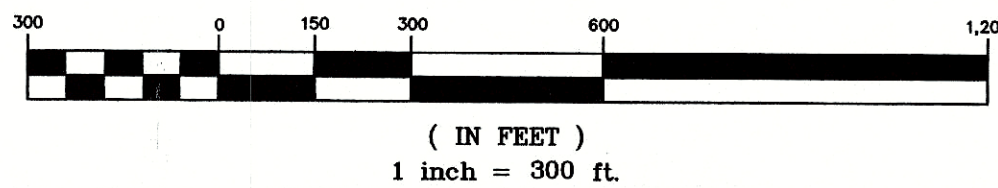
SITE PLAN

PROPOSED BANQUET / RECEPTION FACILITY AT ELMWOOD FARM BED & BREAKFAST

SITUATE AT 16311 KENDLE, ROAD
WASHINGTON COUNTY, MARYLAND



GRAPHIC SCALE



"NO-RISE" CERTIFICATION

THIS IS TO CERTIFY THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER LICENSED TO PRACTICE IN THE STATE OF MARYLAND.

IT IS FURTHER TO CERTIFY THE ATTACHED TECHNICAL DATA SUPPORTS THE FACT THAT THE PROPOSED PARKING AREA AND UTILITY CONNECTIONS FOR THE BANQUET / RECEPTION FACILITY AT ELMWOOD FARM BED & BREAKFAST WILL NOT IMPACT THE 100 YEAR FLOOD ELEVATIONS, FLOODWAY ELEVATIONS OR FLOODWAY WIDTHS OR TRIBUTARY 36 TO THE POTOMAC RIVER AS DEPICTED ON FLOOD INSURANCE RATE MAP 2404300283D EFFECTIVE DATE AUGUST 15, 2017.

THE ABOVE STATEMENTS ARE BASED ON THE UTILITY TRENCHING BEING RESTORED TO EXISTING GRADES AND MINIMAL GRADING REQUIRED FOR THE PROPOSED HANDICAP PARKING AREA.

GORDON S. POTTENBERGER
REGISTRATION NUMBER: 27053
EXPIRATION DATE: 1/25/20

SIGNATURE:

OWNER / DEVELOPER:

SELENA WILKES
16311 KENDLE RD.
WILLIAMSPORT, MD 21795
PHONE: 240-707-1508

Project Name: **ELMWOOD FARM BANQUET / RECEPTION FACILITY**
County Project No. (SP, PF, GP): **SP-18-015**

ESD Practices (Chapter 5 - Structural & Non-Structural)					
TYPE	No.	DA (ACRES) (To Structure)	IMPERVIOUS DA (acres) (To Structure)	RCH	ESD ₁ (cc-ft) WQ ₁ (cc-ft)
NON-ROOFTOP DISCONNECT		0.03	0.03	96	0.01

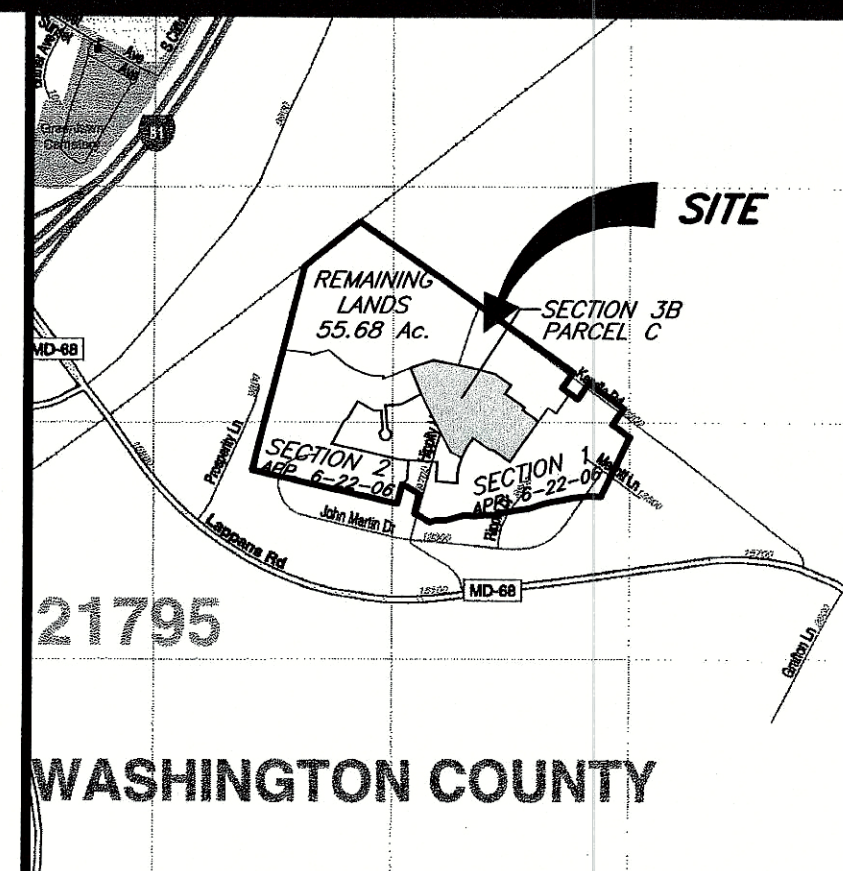
ESD Practices (Chapter 3 - Structural Practices)					
TYPE	No.	DA (ACRES) (To Structure)	IMPERVIOUS DA (acres) (To Structure)	RCH	PRINCIPLE SPILLWAY TYPE

Total DA (Sq)	
Construction Type (circle one)	New Redevelopment Restoration

RECEIVED

AUG 23 2018

WASHINGTON COUNTY
PLAN REVIEW DEPARTMENT



VICINITY MAP

SCALE: 1" = 2000'
TAX MAP 56 PARCEL 1081 GRID 21
COPYRIGHT ADC THE MAP PEOPLE PERMIT USE NUMBER 20403134

AGENCY & UTILITY CONTACTS

COUNTY D.P.W. - ENGINEERING AND CONSTRUCTION (240) 313-2400
CITY UTILITIES DEPT. WATER & SEWER DIV. ED NORMAN (301) 739-8577 X 653
POTOMAC EDISON RICK USARY (301) 582-5271
WASH. CO. SCD DENISE PRICE (301) 797-6821 X 3
ANTETAM CABLE KEN BUCKLER (301) 797-1835
VERIZON JULIE LUDWIG (301) 790-7135
COLUMBIA GAS VONDA GRIFFIN (800) 440-6111

DISTURBED AREA QUANTITIES

THE TOTAL AREA TO BE DISTURBED SHOWN ON THESE PLANS HAS BEEN DETERMINED TO BE APPROXIMATELY (14,800 SQ. FT.) 0.34 ACRES AND THE TOTAL AMOUNT OF EXCAVATION AND FILL AS SHOWN ON THESE PLANS HAS BEEN COMPUTED TO BE APPROXIMATELY 100 C.Y. OF EXCAVATION AND 100 C.Y. OF FILL.

* THESE QUANTITIES ARE APPROXIMATE AND SHALL NOT BE USED BY THE CONTRACTOR FOR BIDDING PURPOSES.

ENGINEER PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

GORDON S. POTTENBERGER, P.E. LICENSE No. 27053 EXPIRATION DATE 1/25/20

UTILITY NOTIFICATION

THE SOIL CONSERVATION DISTRICT MAKES NO REPRESENTATION AS TO THE EXISTENCE OR NON-EXISTENCE OF ANY UTILITIES AT THE CONSTRUCTION SITE. SHOWN ON THESE CONSTRUCTION DRAWINGS ARE THOSE UTILITIES WHICH HAVE BEEN IDENTIFIED. IT IS THE RESPONSIBILITY OF THE LANDOWNERS AND CONTRACTORS TO ASSURE THEMSELVES THAT NO HAZARD EXISTS OR DAMAGE WILL OCCUR TO UTILITIES. IT IS SUGGESTED THAT MISS UTILITY BE CONTACTED AT: PHONE No. 1-800-257-7777.

ENGINEER/ARCHITECT DESIGN CERTIFICATION

I HEREBY CERTIFY THIS PLAN FOR SOIL EROSION AND SEDIMENT CONTROL AND POND CONSTRUCTION HAS BEEN DESIGNED IN ACCORDANCE WITH LOCAL ORDINANCES, COMAR 26.17.01.07, MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL, AND MEETS THE MARYLAND POND STANDARD #28.

7/31/18 27053
DATE REG. NO. SIGNATURE

OWNER/DEVELOPER CERTIFICATION - DPW

I/WE HEREBY CERTIFY THAT ALL CLEARING, GRADING, CONSTRUCTION, AND/OR DEVELOPMENT WILL BE DONE PURSUANT TO THIS PLAN AND IN ACCORDANCE WITH THE CONSTRUCTION DISTRICT ORDINANCE OF WASHINGTON COUNTY AND THE POLICY ON CONSTRUCTION OF SUBDIVISION INFRASTRUCTURE FOR ACCEPTANCE AND OWNERSHIP BY WASHINGTON COUNTY (S-3).

DATE PRINTED NAME SIGNATURE

OWNER/DEVELOPER CERTIFICATION - SCD

I/WE CERTIFY ALL/ANY PARTIES RESPONSIBLE FOR CLEARING, GRADING, CONSTRUCTION, AND/OR DEVELOPMENT WILL BE DONE PURSUANT TO THIS PLAN AND RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE A CERTIFICATE OF TRAINING AT A MARYLAND DEPARTMENT OF THE ENVIRONMENT APPROVED TRAINING PROGRAM FOR THE CONTROL OF SOIL EROSION AND SEDIMENT.

DATE PRINTED NAME SIGNATURE

WASHINGTON COUNTY SOIL CONSERVATION DISTRICT SOIL EROSION AND SEDIMENT CONTROL PLAN APPROVAL

BY: _____
DATE: _____
(PLAN IS VALID FOR TWO YEARS FROM DATE OF APPROVAL.)

APPROVED
WASHINGTON COUNTY DIVISION OF PLAN REVIEW & PERMITTING

SIGNATURE DATE

WASHINGTON COUNTY DEPARTMENT OF WATER QUALITY

THIS APPROVAL IS FOR GENERAL CONFORMANCE WITH THE COUNTY'S REQUIREMENTS FOR DESIGN AND LAYOUT OF PROPOSED SEWER AND/OR WATER SYSTEM IMPROVEMENTS OR EXTENSIONS. ALL SEWER AND/OR WATER SYSTEM IMPROVEMENTS OR EXTENSIONS SHALL BE CONSTRUCTED IN STRICT ACCORDANCE WITH THE COUNTY'S LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF SANITARY SEWERS AND/OR WATER LINES. THIS APPROVAL DOES NOT GUARANTEE AVAILABILITY OF SEWER AND/OR WATER SERVICE. SEWER AND/OR WATER SERVICE AVAILABILITY IS SUBJECT TO CONFORMANCE WITH ALL RULES, POLICIES, AND REGULATIONS ESTABLISHED BY THE COUNTY AND IN EFFECT AT THE TIME APPLICATION FOR SERVICE IS MADE, AND/OR THE AVAILABILITY OF ALLOCATION REMAINING IN OTHER JURISDICTIONS' FACILITIES THAT MAY BE GRANTED TO THE COUNTY. THIS APPROVAL SHALL BE VALID FOR A PERIOD OF TWO YEARS.

BY: _____ DATE: _____

THIS PLAN/PLAT HAS BEEN REVIEWED BY THE WASHINGTON COUNTY DEPARTMENT OF WATER QUALITY FOR INCLUSION INTO THE COUNTY CAPACITY MANAGEMENT PLAN FOR THE SYSTEM THAT SERVES THIS PROJECT. ALLOCATION GRANTED FOR CONSTRUCTION SHOWN ON THIS PLAN/PLAT SHALL BE IN ACCORDANCE WITH THE CAPACITY MANAGEMENT PLAN DEVELOPED FOR THIS SYSTEM BASED ON AVAILABILITY OF ALLOCATION REMAINING IN THE FACILITY.

WASHINGTON COUNTY DEPARTMENT OF WATER QUALITY DATE

SITE DATA

TAX MAP/PARCEL	56/157
ELECTION DISTRICT	02
ZONING	RS, RESIDENTIAL, SUBURBAN
PARCEL ACREAGE	6.35 Ac.
EXISTING USAGE	RESIDENCE WITH BED AND BREAKFAST
PURPOSE OF PLAN	ADDITION OF BANQUET / RECEPTION FACILITY
WATERSHED	UPPER POTOMAC RIVER (02140501)
MINIMUM BUILDING SETBACKS (RESIDENTIAL)	
FRONT	20 ft.
SIDE	8 ft.
REAR	40 ft.
MINIMUM BUILDING SETBACKS (EVENT CENTER)	
FRONT	50 ft.
SIDE	100 ft.*
REAR	50 ft.
IMPERVIOUS AREA	1,050 S.F. OF IMPERVIOUS AREA IS PROPOSED (NEW ADA PARKING)
No. of EMPLOYEES	2
HOURS OF OPERATION	BED & BREAKFAST: 7 DAYS / WEEK, 24 HRS. / DAY BY RESERVATION BANQUET / RECEPTION: TYPICAL FRI. - SUN., MAY - OCTOBER 3:00 PM - 10:30 PM
SITE USERS TRANSPORTATION	AUTOMOBILE
ON SITE PARKING/PAVEMENT/LANDSCAPE MAINTENANCE	BY OWNER
TOTAL BANQUET AREA	LOWER LEVEL OF BARN (40 x 78.5) = 3,140 s.f. PATIO AREA = 8,528 s.f. TOTAL = 11,668 s.f.
PARKING REQUIRED	BANQUET HALLS 1 SPACE / 50 G.F.A. = 233 SPACES (PER OWNER - MAX. GUESTS PER EVENT IS 220 PEOPLE 2 PEOPLE PER CAR = 110 SPACES REQUIRED)
PARKING PROVIDED	110
HANDICAP PARKING REQUIRED	5
HANDICAP PARKING PROVIDED	5
DELIVERY REQUIREMENTS	BED & BREAKFAST - 1 UPS TRUCK / WEEK EVERYTHING ELSE IS PROVIDED BY AND REMOVED BY THE CATERERS
WATER	CITY OF HAGERSTOWN
SEWER	SEPTIC SYSTEM
SOLID WASTE STORAGE & DISPOSAL	STORED INSIDE & HAULED TO LANDFILL BY OWNER
PROJECTED EMISSIONS	NONE
EXISTING WATER ALLOCATION	200 GPD **
PROPOSED ADDITIONAL WATER ALLOCATION	0 GPD

* WASHINGTON COUNTY BOARD OF ZONING APPEALS APPROVED A REDUCTION IN SIDE YARD SETBACKS FROM 100 ft. TO 88 ft. (CASE AP2018-006 APPROVED 2/21/18)

** FOR ALL BANQUET / RECEPTION EVENTS, ALL FOOD SERVICES ARE CATERED. NO FOOD PREPARATION OR DISHWASHING ON SITE. PORTA-POTTIES ARE PROVIDED FOR GUEST USAGE.

WASHINGTON COUNTY BOARD OF ZONING APPEALS CONDITIONS OF APPROVAL OF AP2018-006 (2/21/18):

- PATRONS SHALL NOT EXCEED 220 PERSONS AT ANY EVENT
- EVENTS MUST END NO LATER THAN 10:30 PM
- SPEAKERS MUST FACE TOWARDS BARN AND NOT EXCEED A MEASURED PEAK VOLUME OF 103 dBA AT A DISTANCE OF SIX FEET FROM THE SOURCE.

THE BOARD OF ZONING APPEALS GRANTED THE FOLLOWING:

- RIGHT SIDE YARD SETBACK IS REDUCED FROM 100 ft. TO 88 ft.
- PARKING REQUIREMENTS REDUCED FROM 233 TO 110 SPACES
- PARKING ON GRASS SURFACES
- SPECIAL EXCEPTION GRANTED FOR BANQUET / RECEPTION FACILITY

SOILS DESCRIPTION

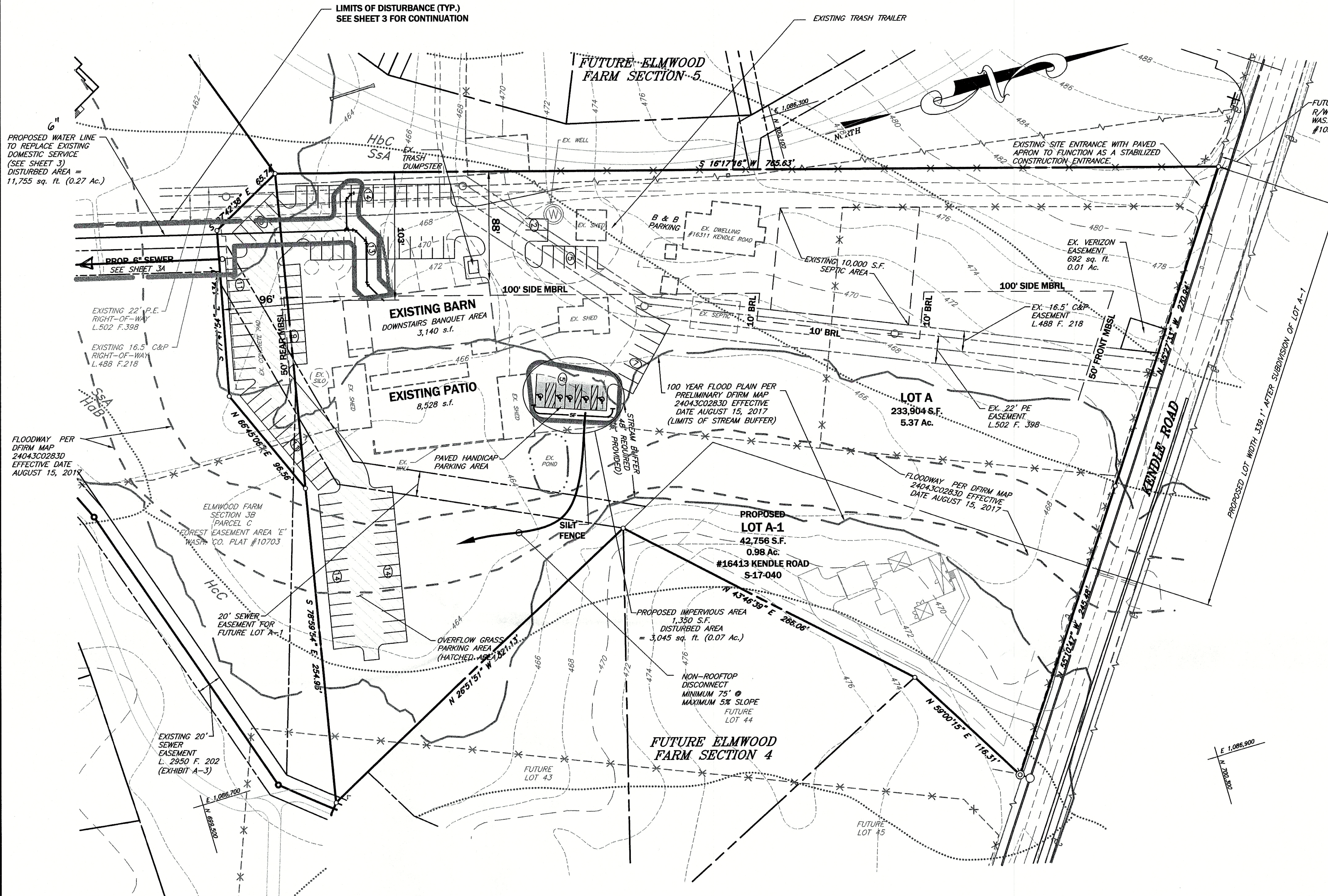
HbB	HAGERSTOWN SILT LOAM 3 TO 8 PERCENT SLOPES
HcC	HAGERSTOWN-ROCK OUTCROP COMPLEX 8 TO 15 PERCENT SLOPES
SsA	SWANPOND-FUNKSTOWN SILT LOAM 0 TO 3 PERCENT SLOPES

NOTE: PAGES 99, 102 & 166 OF THE U.S.D.A. SOIL SURVEY OF WASHINGTON COUNTY LISTS HbB, HcC & SsA SOILS AS "KARST LANDSCAPE" SOILS. CONTRACTOR SHOULD BE ALERT FOR POSSIBLE SINKHOLES.

CITY OF HAGERSTOWN UTILITIES DEPARTMENT - WATER DIVISION

THIS APPROVAL IS FOR THE DESIGN AND LAYOUT OF THE PROPOSED WATER SYSTEM IMPROVEMENTS. ALL WATER SYSTEM IMPROVEMENTS SHALL BE CONSTRUCTED TO THE STANDARDS IN EFFECT AT THE TIME OF CONSTRUCTION. THIS APPROVAL DOES NOT GUARANTEE AVAILABILITY OF WATER SERVICE. WATER SERVICE IS AVAILABLE SUBJECT TO CONFORMANCE WITH ALL POLICIES AND STANDARDS IN EFFECT AT THE TIME OF APPLICATION FOR SERVICE. PAYMENT OF FEES AND APPROVAL OF THE WATER SERVICE APPLICATION, THE WATER DIVISION DOES NOT GUARANTEE A SPECIFIC WATER PRESSURE OR FLOW AT ANY METER OR FIRE HYDRANT. THIS APPROVAL IS VALID FOR A PERIOD OF ONE YEAR.

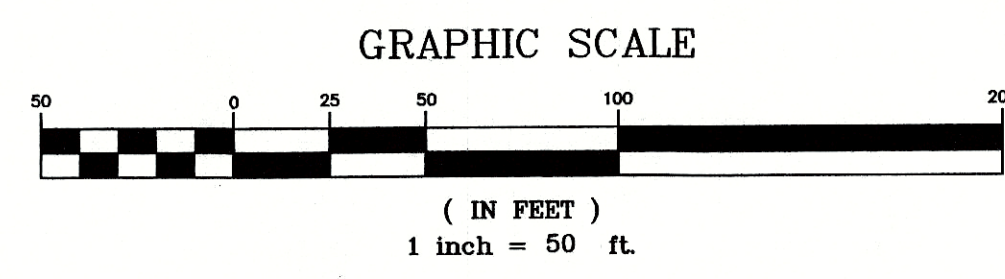
(SIGNATURE) _____ (DATE) _____



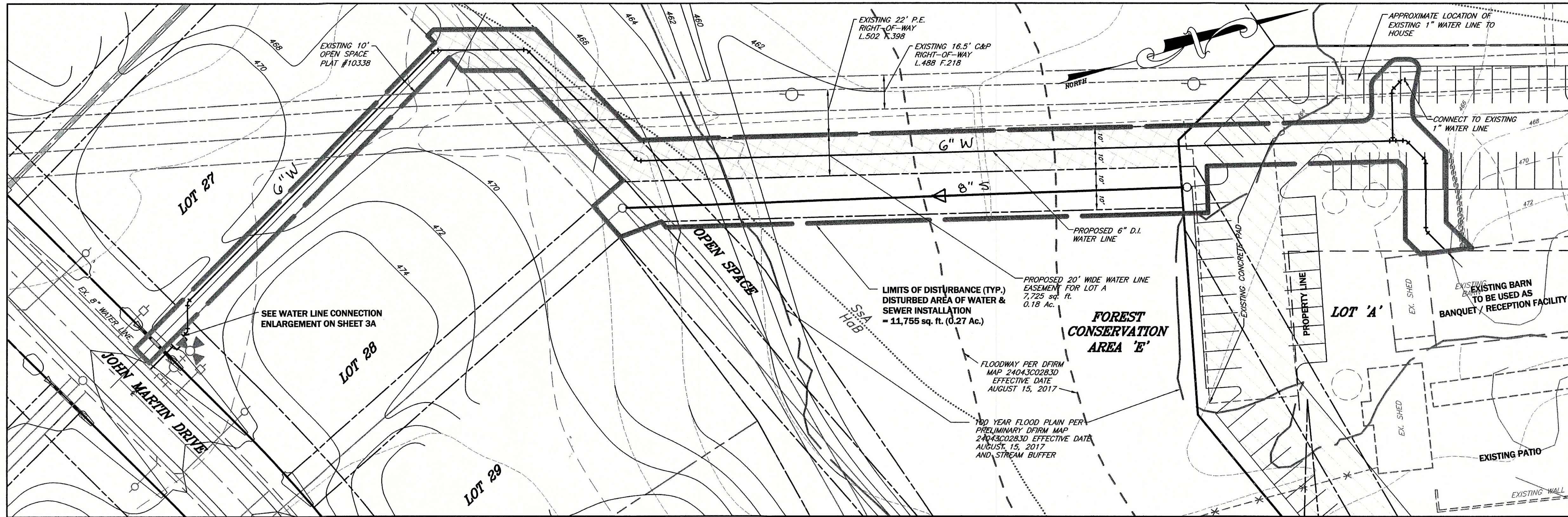
PARCEL IS ZONED 'RS' (RESIDENTIAL, SUBURBAN)

SETBACKS SHOWN ARE PER RZ-17-007 FOR THE BANQUET/ RECEPTION FACILITIES USE.

NOTE: A WASHINGTON COUNTY FLOODPLAIN PERMIT IS REQUIRED FOR ALL DEVELOPMENT WITHIN THE FLOODPLAIN

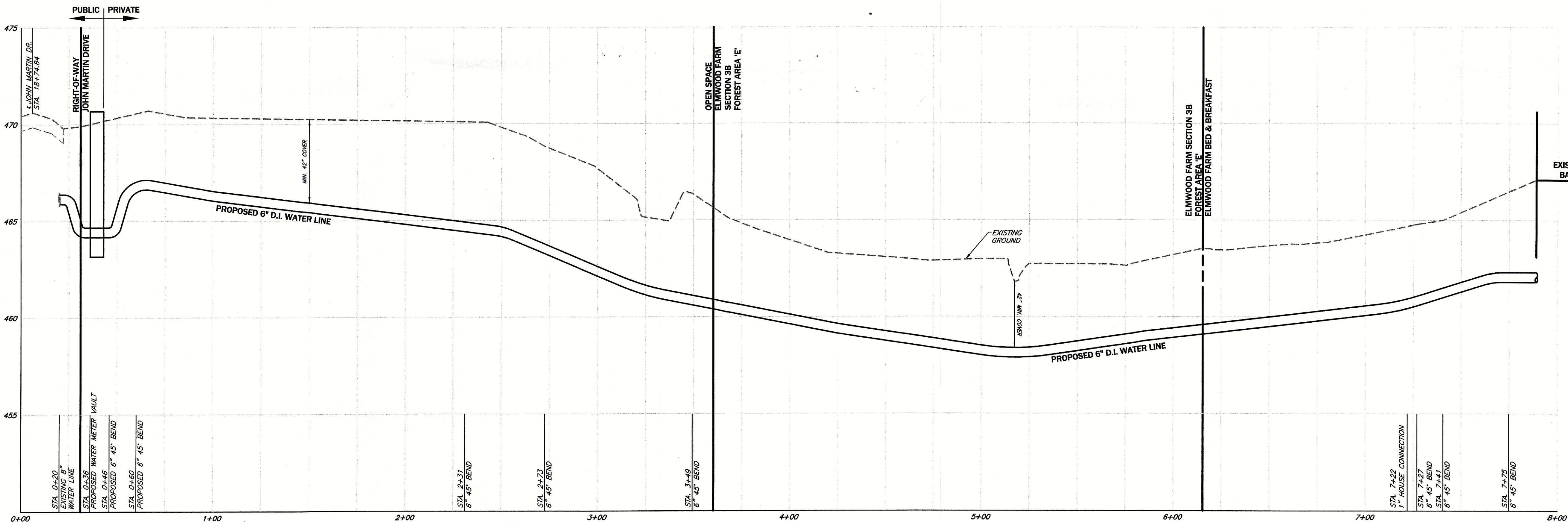


\\UT\24\60821\12020201\Lot A Improvement\Plan\Site Plan\12020201.dwg Job: 2018-03-12 12:30pm User: rml/mrm

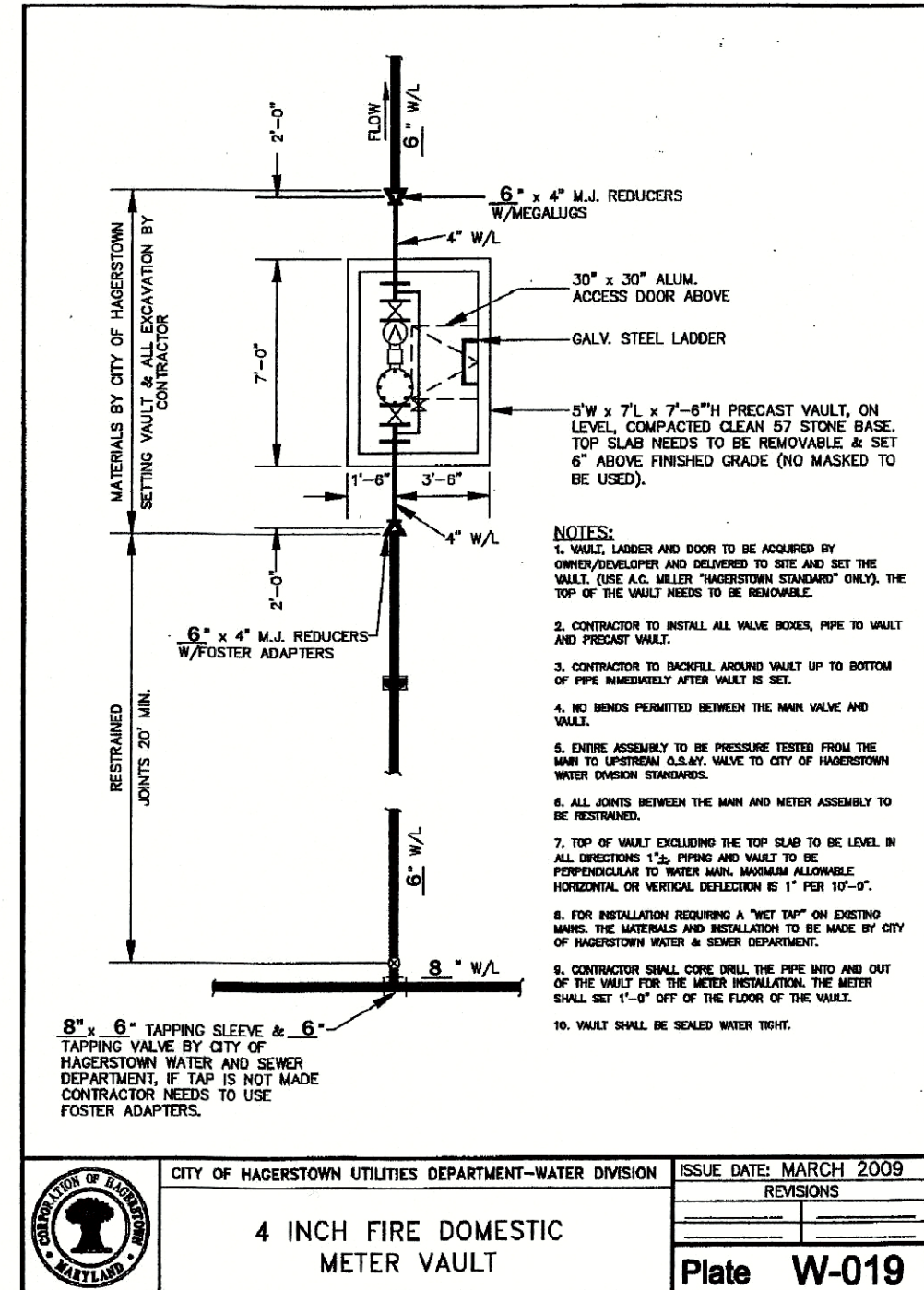


PROPOSED WATER LINE - PLAN VIEW

NOTE: A WASHINGTON COUNTY FLOODPLAIN PERMIT IS REQUIRED FOR ALL DEVELOPMENT WITHIN THE FLOODPLAIN



WATER LINE PROFILE



SCALE:
PLAN VIEW: 1"=30'
PROFILE: 1"=30'
VERT. 1"=3'

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Est. 1966
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ENGINEERS • SURVEYORS • PLANNERS

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HAGERSTOWN, MD. 21740
PHONE: (301) 733-8503
or (301) 416-7250
FAX: (301) 733-1853
Email: foxassoc@foxassocinc.com

SEDIMENT / EROSION CONTROL PLAN

WATER LINE PLAN & PROFILE

PROPOSED BANQUET/RECEPTION FACILITY

ELMWOOD FARM B & B

SITUATE ON THE SOUTH SIDE OF KENDLE ROAD
WASHINGTON COUNTY, MARYLAND

SCALE: AS SHOWN

PROFESSIONAL CERTIFICATION

STATE OF MARYLAND
BOARD OF PROFESSIONAL ENGINEERS
REGISTERED PROFESSIONAL ENGINEER
7/20/18

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE NO.: 27053 EXP. DATE: 1/25/20

CITY OF HAGERSTOWN UTILITIES DEPARTMENT - WATER DIVISION

THIS APPROVAL IS FOR THE DESIGN AND LAYOUT OF THE PROPOSED WATER SYSTEM IMPROVEMENTS. ALL WATER SYSTEM IMPROVEMENTS SHALL BE CONSTRUCTED TO THE STANDARDS IN EFFECT AT THE TIME OF CONSTRUCTION. THIS APPROVAL DOES NOT GUARANTEE AVAILABILITY OF WATER SERVICE. WATER SERVICE IS AVAILABLE SUBJECT TO CONFORMANCE WITH ALL POLICIES AND STANDARDS IN EFFECT AT THE TIME OF APPLICATION FOR SERVICE, PAYMENT OF FEES AND APPROVAL OF THE WATER SERVICE APPLICATION. THE WATER DIVISION DOES NOT GUARANTEE A SPECIFIC WATER PRESSURE OR FLOW AT ANY METER OR FIRE HYDRANT. THIS APPROVAL IS VALID FOR A PERIOD OF ONE YEAR.

(SIGNATURE) _____ (DATE) _____

PROJECT NO. 16-31246
DRAWING NO. D-6098
DATE: MARCH 2018
DRAWN BY: RLB
CHECKED BY: GSP

Site Plan and Preliminary Plat for Emerald Pointe PUD

Phase 3 Section 2

Presented for site plan and preliminary plat approval is Phase 3 Section 2 of Emerald Pointe PUD.

This section is located along the south side of Longmeadow Road. Zoning is Residential Transition with a PUD Overlay.

The developer is proposing to create 14 semi-detached lots and 3 townhouse lots for a total of 17 residential lots. Total area of this section is 5.62 acres. There will be 1.27 acres of open space for this section.

All lots will be served by public water and sewer.

Parking required – two spaces per unit.

Parking provided – 2 garage spaces plus two in the driveway.

Access to these lots will be off of a newly constructed public street called Marquise Drive. Two of the lots will have a shared access/driveway onto Longmeadow Road. There will be an additional access from the PUD onto Longmeadow Road and will be right in and right out only.

Sidewalks will be located along Marquise Drive and Longmeadow Road.

There will be street lights installed along the interior streets just like there are with the existing sections.

RV parking will be provided in future sections.

The plan was reviewed by Land Development Review, Address Review, City of Hagerstown Water and Sewer, Water Quality, Environmental Health, Soil Conservation, State Highway Administration, and the Sherriff's Department.

Forestation for this section was taken care of in previous approved sections and future sections.

GENERAL CONSTRUCTION NOTES:

- THIS RESIDENTIAL SECTION IS PART OF THE EMERALD POINTE PUD ZONED "RT" WITH A PUD OVERLAY, REZONING CASE #RZ-13-005.
- TRASH COLLECTION FOR THESE RESIDENTIAL LOTS WILL BE BY CURBSIDE PICKUP BY A PRIVATE HAULER.
- THIS PROJECT SERVED BY PUBLIC WATER BY THE CITY OF HAGERSTOWN AND SEWER COLLECTION BY WASHINGTON COUNTY DEPARTMENT OF WATER QUALITY.
- NO EXISTING VEGETATION ON SITE IS PLANNED TO BE SAVED.
- THIS SITE SHALL COMPLY WITH THE MARYLAND BUILDING CODE FOR THE HANDICAP & THE AMERICANS WITH DISABILITIES ACT.
- APPROVED SPRINKLER SYSTEMS TO BE INSTALLED IN THE COMMERCIAL BUILDINGS PER THE ANNOTATED CODE OF MARYLAND PUBLIC SAFETY TITLE 9, SUBTITLE 204.
- NO SUBSURFACE INVESTIGATION HAS BEEN PERFORMED BY FOX & ASSOCIATES, INC. TO DETERMINE THE EXISTENCE OR LOCATION OF GROUND WATER, ROCK OR OTHER NATURAL OR MAN-MADE FEATURES. EXCEPT AS SPECIFICALLY INDICATED, NO ENVIRONMENTAL STUDIES HAVE BEEN CONDUCTED BY OUR FIRM.
- EXISTING UTILITY INFORMATION SHOWN HEREON IS FROM DRAWINGS AND/OR OTHER SOURCES PROVIDED BY OWNERS OF THE VARIOUS UTILITIES. EXACT LOCATIONS SHALL BE DETERMINED IN THE FIELD BEFORE BEGINNING CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY MISS UTILITY AT (1-800-257-7777) A MINIMUM OF 48 HOURS BEFORE BEGINNING ANY WORK SHOWN ON THESE DRAWINGS. ANY DAMAGE TO UTILITIES BY THE CONTRACTOR SHALL BE REPAIRED BY THE CONTRACTOR AT HIS EXPENSE AND TO THE SATISFACTION OF THE UTILITY OWNER. HAND PIT EXCAVATION SHALL BE PROVIDED AS NEEDED BY CONTRACTOR TO LOCATE EXISTING UNDERGROUND UTILITIES.
- THE CONTRACTOR SHALL NOTIFY THE APPLICABLE MUNICIPAL, COUNTY AND/OR STATE AUTHORITIES AT LEAST 48 HOURS BEFORE BEGINNING ANY WORK WITHIN PUBLIC RIGHT (S) OF WAY.
- THE CONTRACTOR SHALL VERIFY ALL SURFACE AND SUBSURFACE CONDITIONS (LOCATIONS AND ELEVATIONS) PRIOR TO BIDDING AND START OF CONSTRUCTION. ANY DISCREPANCIES BETWEEN THE DRAWINGS AND ACTUAL FIELD CONDITIONS SHALL BE REPORTED TO THE OWNER AND/OR ENGINEER BEFORE PROCEEDING IF THEY AFFECT THE DESIGN FEASIBILITY OF THIS PROJECT. ANY DAMAGE TO FACILITIES, STRUCTURES, PAVEMENT OR OTHER MAN-MADE ITEMS ON OR ADJACENT TO THE SITE OR NOT SPECIFICALLY INDICATED FOR THE DEMOLITION SHALL BE REPAIRED OR REPLACED AT CONTRACTOR'S EXPENSE AND TO THE SATISFACTION OF THE OWNER.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR COMPLYING WITH ALL APPLICABLE LEGAL AND REGULATORY REQUIREMENTS. CONTRACTOR SHALL OBTAIN ANY BONDS REQUIRED BY COUNTY/STATE FOR WORK WITHIN COUNTY/STATE RIGHT-OF-WAYS.
- TEMPORARY EROSION CONTROL MEASURES WILL BE USED TO CORRECT CONDITIONS THAT DEVELOP DURING CONSTRUCTION THAT ARE UNFORESEEN DURING THE DESIGN STAGE OR THAT ARE NEEDED TO TEMPORARILY CONTROL EROSION THAT DEVELOPS DURING NORMAL CONSTRUCTION PRACTICES.
- JOB SITE SAFETY SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
- EXISTING UTILITIES SHOWN HEREON ARE FOR INFORMATIONAL PURPOSES ONLY. EXACT LOCATIONS SHALL BE DETERMINED IN THE FIELD BEFORE BEGINNING CONSTRUCTION.
- NO TITLE REPORT HAS BEEN CONDUCTED BY THIS COMPANY OR FURNISHED TO US BY OTHERS. PROPERTY LINE INFORMATION HAS BEEN TAKEN FROM DEED (S) OF RECORD AND NOT FIELD VERIFIED.
- THE WASHINGTON COUNTY DIVISION OF PUBLIC WORKS - ENGINEERING & CONSTRUCTION REQUIRES A PRE-CONSTRUCTION MEETING SHALL BE HELD FOR ALL PROJECTS REGARDLESS OF THE AMOUNT OF DISTURBANCE. CONTACT THE WASHINGTON COUNTY DIVISION OF PUBLIC WORKS - ENGINEERING & CONSTRUCTION AT 240-313-2400 FIVE (5) DAYS PRIOR TO THE START OF CONSTRUCTION.

A PRE-CONSTRUCTION MEETING, INTERIM (WATER QUALITY) INSPECTION, AND A FINAL SITE CLOSE OUT REVIEW ARE REQUIRED FOR ALL PROJECTS WITH SOIL DISTURBANCES GREATER THAN 15,000 SQUARE FEET OR 500 CUBIC YARDS OF CUT OR FILL. CONTACT THE WASHINGTON COUNTY SOIL CONSERVATION DISTRICT AT 301-297-6821, EXT. 3 TO SCHEDULE THE REQUIRED MEETING OR INSPECTION.

- ANY WORK WITHIN THE COUNTY RIGHT-OF-WAY WILL REQUIRE THE POSTING OF A PERFORMANCE BOND AND EXECUTED PUBLIC WORKS AGREEMENT PRIOR TO THE ISSUANCE OF THE GRADING PERMIT, IN ACCORDANCE WITH THE WASHINGTON COUNTY S-3 POLICY.
- A COMPLETE SET OF APPROVED PLANS AND A COPY OF THE THE GRADING PERMIT MUST BE ON SITE AND AVAILABLE FOR USE BY THE INSPECTOR, OR OTHER REPRESENTATIVES OF WASHINGTON COUNTY PUBLIC WORKS.
- IN CONFORMANCE WITH THE STORMWATER MANAGEMENT ORDINANCE OF WASHINGTON COUNTY, A PERFORMANCE SECURITY AND EXECUTED MAINTENANCE AGREEMENT SHALL BE REQUIRED FROM THE DEVELOPER PRIOR TO ISSUANCE OF ANY BUILDING OR GRADING PERMIT FOR CONSTRUCTION PER THESE PLANS.
- WATER CONSTRUCTION SHALL BE IN CONFORMANCE WITH THE CITY OF HAGERSTOWN STANDARDS AND SPECIFICATIONS. THE CONTRACTOR SHALL PROVIDE CITY UTILITIES DEPT. WATER INSPECTOR WITH M.O.S.H. ASSISTANCE.
- SEWER CONSTRUCTION SHALL BE IN CONFORMANCE WITH WASHINGTON COUNTY DEPARTMENT OF WATER QUALITY STANDARDS AND SPECIFICATIONS.
- THIS SITE PLAN IS IN CONFORMANCE WITH THE APPROVED EMERALD POINTE PUD FINAL DEVELOPMENT PLAN (CO. FILE # DP-14-001) APPROVED 10/06/16.

- DEVELOPER/CONTRACTOR MUST CONTACT THE CERTIFYING ENGINEER AND THE COUNTY AT LEAST 3 DAYS PRIOR TO THE START OF THE STORMWATER MANAGEMENT SYSTEM TO SCHEDULE AND COORDINATE INSPECTION TIME TABLES.
- PROPOSED STORM DRAIN PIPE MUST BE PLACED ON 95% COMPACTED FILL ACCORDING TO AASHTO T180A STANDARDS.

SWM NARRATIVE

STORMWATER MANAGEMENT QUANTITY CONTROL FOR THIS PROJECT IS PROVIDED BY THE EXISTING EMERALD POINTE PUD REGIONAL POND. THIS POND ALSO PROVIDES WATER QUALITY MEASURES PER THE 2000 MD SWM DESIGN MANUAL.

LEGEND

- EXIST. FENCELINE
- PROPOSED BITUMINOUS PAVING
- FOREST CONSERVATION EASEMENT AREA
- PROPOSED POLE LIGHT
- EXISTING UTILITY POLE
- EXISTING OVERHEAD WIRING
- PROPOSED CONCRETE
- EXIST. BUILDING
- PROP. BUILDING
- PROP. WATERLINE ESMT.

OWNER/DEVELOPER

EMERALD POINTE INC.
222 EAST OAK RIDGE DRIVE
HAGERSTOWN, MARYLAND 21740
PHONE: 301-733-1853
FAX: 301-733-1853
C/O PAUL CRAMPTON

Project Name: E.P. Phase 3, Section 2
County Project No. (SP, PP, OP): PSP-18-XXX

ESD Practices (Chapter 5 - Structural & Non-Structural)

TYPE	No.	DA (ACRES) (To Structure)	IMPERVIOUS DA (acres) (To Structure)	RCN	ESD _v (ac.-ft.)	WQ _v (ac.-ft.)	CP _v (cfs) (Discharge)	CP _v (cfs) (Discharge)	Rev (ac.-ft.)

ESD Practices (Chapter 3 - Structural Practices)

TYPE	No.	DA (ACRES) (To Structure)	IMPERVIOUS DA (acres) (To Structure)	RCN	STORAGE DA (ac.-ft.)	PRINCIPLE SPILLWAY TYPE	PRINCIPAL SPILLWAY Size (inches)	CP _v (cfs) (Discharge)	Qp10 (cfs)	Qf100 (cfs)
EX. POND	A	77.8				WEIR WALL	N/A			

Total DA (Site)
Construction Type (circle one) ☒ New ☐ Redevelopment ☐ Restoration

AGENCY & UTILITY CONTACTS

WASH. CO. DEPT. OF WATER QUALITY
COUNTY D.P.W. - ENGINEERING AND CONSTRUCTION
CITY UTILITIES DEPT. WATER & SEWER DIV.
POTOMAC Edison
WASH. CO. SCD
ANTITEM CABLE
VERIZON
COLUMBIA GAS

MARK BRADSHAW (240) 313-2600
ED NORMAN (240) 313-2400
RICK USARY (301) 738-8577 X 653
DENISE PRICE (301) 582-5271
KEN BUCKLER (301) 797-6823 X 3
JULIE LUDWIG (301) 797-1835
VONDA GRIFFIN (301) 790-7135
(800) 440-6111

INDEX OF SHEETS

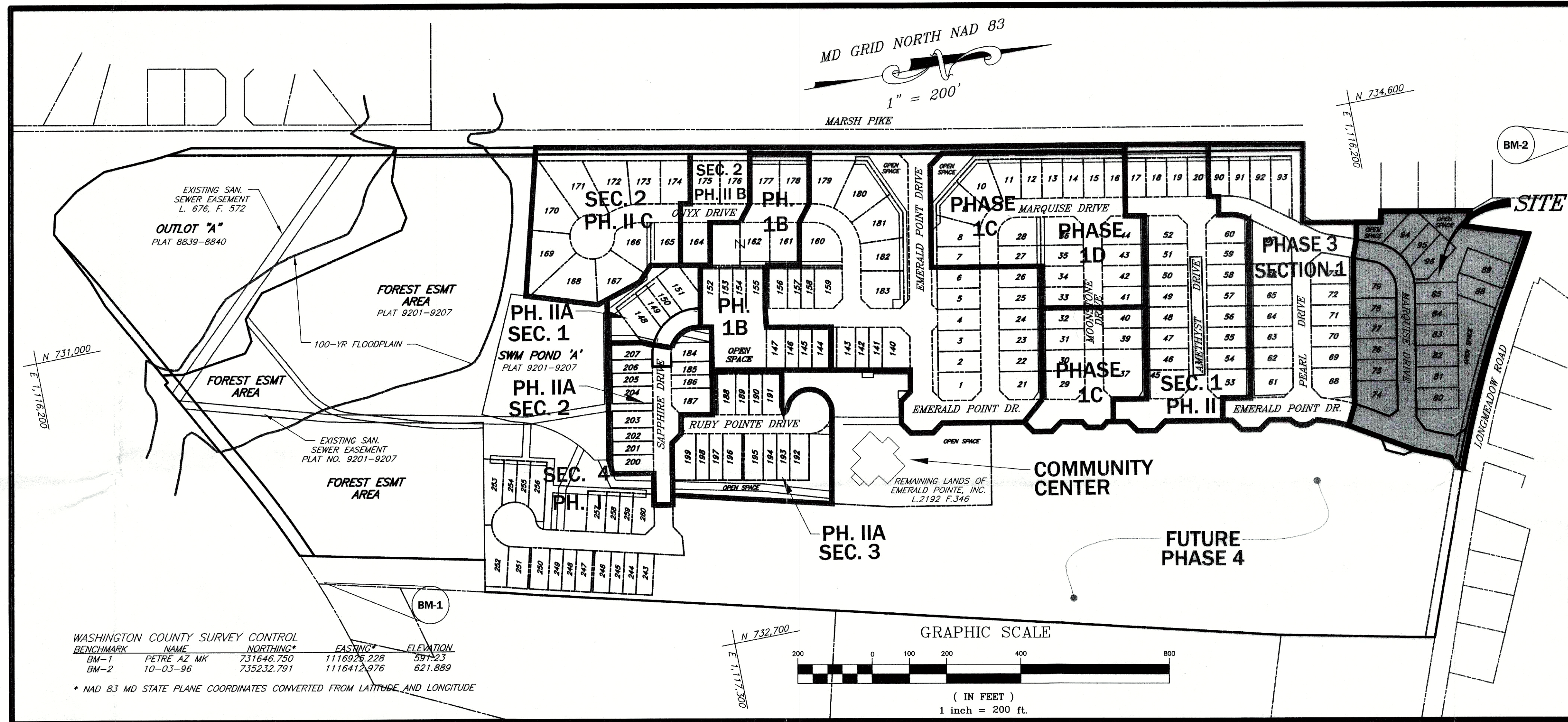
- COVER SHEET
- SITE PLAN / PRELIMINARY PLAT / LANDSCAPE PLAN
- GRADING & SEDIMENT CONTROL PLAN
- STORM DRAIN PROFILES
- ROADWAY/DRAINAGE PLAN & PROFILE - LONGMEADOW ROAD
- SIGNAGE & STRIPING PLAN - LONGMEADOW ROAD
- ROADWAY CROSS SECTIONS - LONGMEADOW ROAD
- ROADWAY DETAILS - LONGMEADOW ROAD
- ROADWAY/DRAINAGE PLAN & PROFILE - MARQUISE DRIVE
- ROADWAY/DRAINAGE PLAN & PROFILE - EMERALD POINTE DRIVE
- ROADWAY & DRAINAGE DETAILS
- OVERALL UTILITY PLAN
- UTILITY PLAN & PROFILE - MARQUISE DRIVE
- UTILITY PLAN & PROFILE - EMERALD POINTE DRIVE
- UTILITY DETAILS
- SEDIMENT CONTROL NOTES & DETAILS
- * SHEET 11 OMITTED

ENGINEER'S STORMWATER MANAGEMENT CERTIFICATION

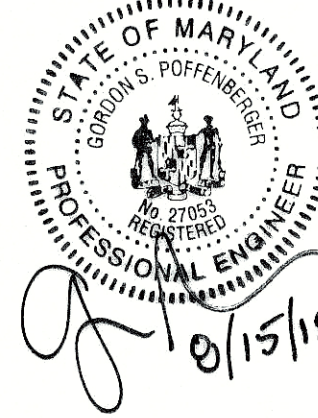
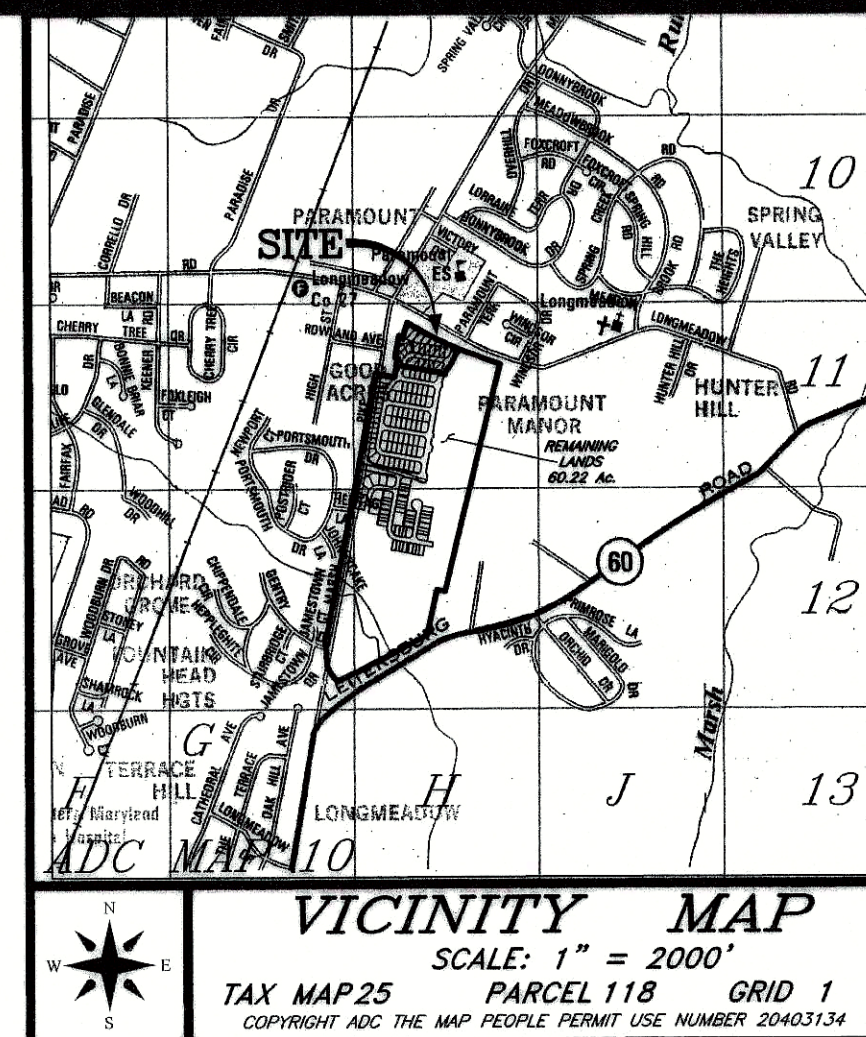
I VERIFY AND AFFIRM THAT THE CONSTRUCTION FOR THE STORMWATER MANAGEMENT FACILITIES AS PERFORMED EITHER MEETS OR EXCEEDS THE REQUIREMENTS AND DESIGN INTENT OF THIS PLAN, INCLUDING ALL SPECIFICATIONS AND REFERENCED STANDARDS, AND HAS BEEN COMPLETED IN ACCORDANCE WITH GOOD CONSTRUCTION PRACTICES. I ALSO VERIFY AND AFFIRM THAT I HAVE REVIEWED THE CONSTRUCTION INSPECTION DOCUMENTATION AND THE AS-BUILT INFORMATION, THAT IT HAS BEEN DONE IN ACCORDANCE WITH WASHINGTON COUNTY REQUIREMENTS AND AT A LEVEL DEEMED NECESSARY TO ASSURE THE VERIFICATION MADE HEREIN, AND ALL DISCREPANCIES BETWEEN THE AS-BUILT INFORMATION AND APPROVED PLANS HAVE BEEN NOTED AND ARE CONSIDERED ACCEPTABLE BY THE CONSULTANT.

GORDON S. POTTERBERGER DATE

SITE PLAN / PRELIMINARY PLAT FOR EMERALD POINTE P.U.D. PHASE 3, SECTION 2 (LOTS 74 - 85, 88 - 89 & 94 - 96) 14 SEMI-DETACHED LOTS & 3 TOWNHOME LOTS SITUATE ALONG THE EAST SIDE OF MARSH PIKE, WASH. CO., MD.



ADC MAP 10
GRID H11 & H12



RECEIVED

AUG 22 2018

PREVIOUS PLAT RECORDATION INFORMATION:
PLAT NO. 8839-8840 LOT 111
COMMERCIAL TRACT 10731-10732 OUTLOT B
PHASE 1A 9493-9494
PHASE 1B 10043-10044 LOTS 7, 8, 27 & 28
PHASE 1C 10075-10076 LOTS 9-12, 29-32, 39 & 40
PHASE 1D 10058-10059 LOTS 37 & 38
PHASE 1E 10134-10135 LOTS 13-16, 33-36 & 41-44
PHASE 1F 10080-10081
PHASE 1G 10184-10185
PHASE 2 10580-10581 LOTS 162, 164, 175, 176
PHASE 3 SECT 1 10707-10709 LOTS 61-73 & 90-93

DISTURBED AREA QUANTITIES

THE TOTAL AREA TO BE DISTURBED SHOWN ON THESE PLANS HAS BEEN DETERMINED TO BE APPROXIMATELY 6.39 ACRES AND THE TOTAL AMOUNT OF EXCAVATION AND FILL AS SHOWN ON THESE PLANS HAS BEEN COMPUTED TO BE APPROXIMATELY 4,470 C.Y. OF EXCAVATION AND 6,290 C.Y. OF FILL.

* THESE QUANTITIES ARE APPROXIMATE AND SHALL NOT BE USED BY THE CONTRACTOR FOR BIDDING PURPOSES.

ENGINEER PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

GORDON S. POTTERBERGER, P.E. LICENSE No. 27053 EXPIRATION DATE 1/25/20

ENGINEER/ARCHITECT DESIGN CERTIFICATION

I HEREBY CERTIFY THIS PLAN FOR SOIL EROSION AND SEDIMENT CONTROL HAS BEEN DESIGNED IN ACCORDANCE WITH LOCAL ORDINANCES, COMAR 26.17.01.07, MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL.

8/15/18 27053 DATE REG. NO. SIGNATURE

OWNER/DEVELOPERS CERTIFICATION FOR CO. DPW

"I/WE CERTIFY THAT ALL CLEARING, GRADING, CONSTRUCTION AND/OR DEVELOPMENT WILL BE DONE PURSUANT TO THIS PLAN AND IN ACCORDANCE WITH THE STORMWATER MANAGEMENT ORDINANCE OF WASHINGTON COUNTY AND THE POLICY ON CONSTRUCTION OF SUBDIVISION INFRASTRUCTURE FOR ACCEPTANCE AND OWNERSHIP BY WASHINGTON COUNTY (S-3)".

DATE PAUL CRAMPTON, JR. SIGNATURE

OWNER/DEVELOPER CERTIFICATION - SCD

"I/WE CERTIFY ALL/ANY PARTIES RESPONSIBLE FOR CLEARING, GRADING, CONSTRUCTION, AND/OR DEVELOPMENT WILL BE DONE PURSUANT TO THIS PLAN AND RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE A CERTIFICATE OF TRAINING AT A MARYLAND DEPARTMENT OF THE ENVIRONMENT APPROVED TRAINING PROGRAM FOR THE CONTROL OF SOIL EROSION AND SEDIMENT."

DATE PAUL CRAMPTON, JR. SIGNATURE

WASHINGTON COUNTY SOIL CONSERVATION DISTRICT SOIL EROSION AND SEDIMENT CONTROL PLAN APPROVAL

BY: DATE: (PLAN IS VALID FOR TWO YEARS FROM DATE OF APPROVAL)

APPROVED: WASHINGTON COUNTY DIVISION OF PLAN REVIEW & PERMITTING

SIGNATURE DATE

PSP-18-001 D-6037 SHEET 1 OF 17

FOX & ASSOCIATES, INC.

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HAGERSTOWN, MD. 21740
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www.foxassoc.com Email: foxassoc@foxassoc.com



