



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

## AGENDA

### WASHINGTON COUNTY PLANNING COMMISSION REGULAR MEETING

December 3, 2018, 7:00 PM

WASHINGTON COUNTY ADMINISTRATIVE COMPLEX  
100 WEST WASHINGTON STREET  
2<sup>ND</sup> FLOOR, PUBLIC MEETING ROOM #2000

#### CALL TO ORDER AND ROLL CALL

#### NEW BUSINESS

#### MINUTES

1. November 5, 2018 Planning Commission regular meeting minutes \*

#### OTHER BUSINESS

1. Lee Downey Concept Plan – Request to waive the requirement for public facilities for property located on the west side of Kemps Mill Road; Zoning: RT (Residential, Transition; Planner: Tim Lung \*
2. Update of Staff Approvals – Tim Lung
3. Annual Report – Steve Goodrich (copies to be distributed at the meeting)

#### ADJOURNMENT

#### UPCOMING MEETINGS

1. Monday, January 7, 2019, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administrative Complex, 100 W. Washington Street, 2<sup>nd</sup> Floor, Public Meeting Room #2000, Hagerstown, Maryland

#### *\*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.*

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



DIVISION OF  
PLAN REVIEW & PERMITTING

# MEMORANDUM

TO: Washington County Planning Commission

FROM: Tim Lung, Director/Zoning Administrator

DATE: November 20, 2018

SUBJECT: R. Lee Downey property- kemps Mill Road, request for waiver of connection to public water & sewer service

Frederick Seibert & Associates on behalf of the property owner are working on a “development plat” per the provisions of the Subdivision Ordinance to convert a previously approved parcel not for development into a developable lot. The proposed development lot is located along the east side of kemps Mill Road south of Rock Hill Road. The lot will contain 1.30 ac and a proposed residential dwelling site. The property is zoning RT-Residential Transition. Existing property in the vicinity is served with private wells and septic systems.

Section 7A.6 (a) of the Zoning Ordinance states that, “All new development in the Residential Transition District shall be served by public water and sewer facilities approved by the Washington County Health Department.”

1. The Planning Commission may waive this requirement after consultation and advice from the Health Department.
2. Prior to a decision to grant or not grant a waiver of this requirement, the Planning Commission shall consider the following: (i-ix)

The applicant’s consultant has provided a response to items i thru ix as listed in the Ordinance.

See attachments.

Staff has no objection to the requested waiver based on the agency response received.



**Point by Point Response**

To: Plan Review and Permitting, **Subdivision & Site Plan Review**

From: Ed Schreiber, FSA

Date: November 20, 2018

Re: Lee Downey Concept Plan, Kemps Mill Road

This property is located in the RT zoning district which requires public water & sewer facilities. The Planning Commission may waive the requirement for public facilities after consultation with the Health Dept and other considerations listed and answered below.

1. The need to protect environmental resources from potential pollution from failing septic systems.  
**The 1 lot proposed development will hook up to public sewer and treated by the by the Department of Water Quality.**
2. The availability and proximity of existing public water and sewer facilities.  
**Public water service from the City of Hagerstown was requested and rejected due to not meeting any exemption criteria in the City's medium range growth plan (see attached email). The closest water is approximately 110 feet from the subject site however in order to hook onto it and qualify for MRGA exemption #2 a system improvement requiring the installation of more than 1,100 feet of water line "closing a loop" would be necessary.**  
**Sewer lines exist in Kemps Mill Road which this property fronts on, service was requested from the Department of Water Quality and granted.**
3. The status of any available plans for utility extensions in the future that may serve the area.  
**No plans for water service in this area are know of.**
4. The existence and operation of private, on-site health facilities in the area.  
**Both wells and septic exist within the immediate area and to the best of our knowledge operate without issue.**
5. Recommendations of the Washington County Health Department.  
**Review with Health Department personnel agree that this is good fit to utilize the available public sewer and will allow a well given the substantial distance to existing water lines.**
6. The adopted Washington County and Sewerage Plan.  
**Water- W-3 Programed Service (see attached letter from STG). Sewer-existing service, not restricted.**
7. Recommendations of the potential service provider.

**Public water service from the City of Hagerstown was requested and rejected due to not meeting any exemption criteria in the City's medium range growth plan (see attached email). The closest water is more than 1,100 feet from the subject site.**

**Sewer lines exist in Kemps Mill Road which this property fronts on, service was requested from the Department of Water Quality and granted.**

8. Any grant of a waiver to allow the use of a private, on-site well or septic system is conditional upon the agreement to abandon the private system and connect to the public utility when it becomes available.

**So noted and agreed. A similar note known as the Interim Facilities Provision Certification would be included on the development plat.**

9. When the Planning Commission has determined that a waiver from the required use of public water and sewer facilities is appropriate, the minimum lot size shall be as specified in Section 7A.5(b). Lot dimensions shall also conform to any applicable minimum requirements affecting lot size, width or separations imposed by the Washington County Health Department.

**So noted and agreed.**

10. Any private on-site well or septic system shall meet all Health Department requirements.

**So noted and agreed.**



## Washington County Health Department

1302 Pennsylvania Avenue, Hagerstown, MD 21742

[washcohealth.org](http://washcohealth.org)

[facebook.com/WashHealth](https://facebook.com/WashHealth)

*Exhibit #2*

November 14, 2018

Washington County Planning Commission  
Washington County Administration Building  
100 West Washington Street  
Hagerstown, Maryland 21740

Re: 11211 Kemps Mill Road  
Williamsport, MD 21795

Dear Planning Commission:

Pending acceptance of the proposed well location and evaluation, the Washington County Health Department does not object to a waiver of the Zoning Ordinance's requirement that the new development show on this plan be served with public water and sewer facilities is granted only as an interim measure. The waiver would be specific to this plan only and would not prohibit the owner from connecting to public water or sewer in the future or prohibit the Health department or a service providing agency from requiring connection to public water or sewer when available or upon review of any plans for additional development or use.

Sincerely,

Sara L. Trescott  
Director, Environmental Health

cc: Earl E. Stoner, Health Officer

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WASHINGTON COUNTY  
PLAN REVIEW DEPARTMENT

Division of Environmental Health

240-313-3400 Voice • 240-313-3391 TTY • 240-313-3424 Fax

Copy  
Exhibit #3

11211 Kemps Mill Road  
Williamsport, MD 21795  
March 12, 2018

Ms. Jill Baker  
Washington County Planner  
100 West Washington Street  
Hagerstown, MD 21740

Dear Ms. Baker:

Enclosed are two tax records of parcels of ground which I own on Kemps Mill Road, Williamsport, MD. Parcel A (1.33 acres) has no improvements, and I desire water for this property which has a W1 water classification. In my opinion, this is an incorrect water classification. The City of Hagerstown will not serve this parcel because it is outside their growth area and the waterline is not in front of the property.

I will need to get Health Department approval for a well for this parcel of ground which the Health Department will not give with a W1 classification.

Your help in resolving this issue would be greatly appreciated, so that I may proceed in getting a well on this property.

Sincerely yours,

R. Lee Downey  
240.329.5021

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Washington County

M A R Y L A N D

Exhibit #4

DEPARTMENT OF PLANNING & ZONING

COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

June 1, 2018

R. Lee Downey  
11211 Kemps Mill Road  
Williamsport, MD 21795

Re: Request for Water and Sewerage Plan Amendment (WS-18-001)

Mr. Downey,

The Planning and Zoning Department has reviewed your request to amend the Water Service Area designation on your properties located on the west side of Kemps Mill Road (Map 48; Grid 14; Parcels 890 & 693). According to the adopted 2009 Water and Sewerage Plan for the County both properties are located within a W-1; Existing Water Service area. According to the information provided, you state that there appears to be an error in the designation of your properties because there is no existing water line within the immediate vicinity. In addition, after contacting the City of Hagerstown, the utility provider, you were informed that the location of your properties outside of the City delineated Medium Range Growth Area (MRGA) boundary precludes the possibility for hook up to their service without significant investment to close a gap in service in this area.

As the utility provider in the area, the City of Hagerstown was consulted about your request. The City of Hagerstown Planning Department sent notification stating that the properties are located outside of the MRGA and do not qualify for any of the exemptions allowed in the City policy for water service connection. Therefore, the City will not provide public water service to your properties. According to the adopted Water and Sewerage Plan, in the W-1 service area "Individual water systems shall not be permitted except as follows: If an existing community water facility is inadequate or is not available an interim water system may be used" subject to certain conditions.

According to Appendix B of the Water and Sewerage Plan an administrative amendment may be used "...to correct errors, omissions, or inaccuracies..."<sup>1</sup> within the Plan. After analyzing the evidence and comments presented in this request, the department concurs that there seems to be an error in the designation of a W-1; Existing Water Service area in this location. To correct this issue the County will amend the service area designation on these two properties from W-1 to W-3; Programmed Service. With the properties location inside of the County designated growth area boundary there is still the possibility of service extension in this area in the future.

Sincerely,

Stephen T. Goodrich  
Director

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<sup>1</sup> Appendix B; Section B.3, 2009 Washington County Water and Sewerage Plan.

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*Exhibit #5*

11211 Kemps Mill Road  
Williamsport, MD 21795  
October 18, 2017

Ms. Kathleen Maher  
Director of Planning and Code Administration  
East Franklin Street, Suite #300  
Hagerstown, MD 21740

Dear Ms. Maher:

I hereby request water service for a dwelling I own at 11141 Kemps Mill Road Williamsport, MD which is currently on a well. I am also requesting service for a new house on Kemps Mill Road Parcel A which contains 1.33 acres.

Exception 3 in the City of Hagerstown Water and Wastewater Policy is the basis for my requests. The county would service the parcels with sewer.

Enclosed is a drawing of these properties and the tax record.

Please give me a call at 240.329.5021 if you have any questions. Thank you very much.

Sincerely yours,

*R Lee Downey*  
R. Lee Downey

cc Ed Norman

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PLAN REVIEW DEPARTMENT



Exhibit 6  
Lee Downey <leedowney42@gmail.com>**Water Request for Parcel A on Kemps Mill Road**

1 message

Kathleen Maher &lt;KMaher@hagerstownmd.org&gt;

Mon, Oct 23, 2017 at 1:03 PM

To: "leedowney42@gmail.com" &lt;leedowney42@gmail.com&gt;

Cc: Michael Spiker &lt;MSpiker@hagerstownlight.org&gt;, Ed Norman &lt;ENorman@hagerstownmd.org&gt;, Kim Ridenour &lt;KRidenour@hagerstownmd.org&gt;

Hello, Mr. Downey

As I mentioned on the phone, the Utilities Director has concurred that the vacant lot on Kemps Mill Road known as Parcel A (Tax Map 0048, Grid 0014, Parcel 890) is a pre-existing lot that meets the criteria for Exception 3 in the City's Water & Wastewater Policy. We will need you to fill out an Availability of Services application form for your request for water service and a pre-annexation agreement (don't forget to have your signature witnessed). Please return those documents to us with a check for \$150. We will handle having the pre-annexation agreement recorded in the courthouse. Once we have these documents back, I will provide you with a letter indicating that your request for water service is approved subject to the connection requirements of the City Utilities Department.

Availability of Services application - <http://www.hagerstownmd.org/DocumentCenter/View/1945>Pre-annexation Agreement - <http://www.hagerstownmd.org/DocumentCenter/View/1946>

The links are to the City web page and writable forms. If this does not work for you, I can scan the forms and email them for you to fill out by hand.

**Kathleen A. Maher, AICP***Director of Planning and Code Administration***City of Hagerstown**

Planning and Code Administration Department

One E. Franklin Street, Suite 300

Hagerstown, MD 21740

(301) 739-8577, ext. 140

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**WASHINGTON COUNTY  
PLAN REVIEW DEPARTMENT**

DISCLAIMER: All City of Hagerstown email recipients are cautioned that messages sent and received via the City's email system may be considered public record pursuant to the Maryland Public Information Act, and may be subject to

11/2/2017

Gmail - RE: Water Request for Parcel A on Kemps Mill Road



*EXHIBIT #6*  
Lee Downey <leedowney42@gmail.com>

## RE: Water Request for Parcel A on Kemps Mill Road

2 messages

Kathleen Maher <KMaher@hagerstownmd.org>

Thu, Nov 2, 2017 at 9:26 AM

To: "leedowney42@gmail.com" <leedowney42@gmail.com>

Cc: Michael Spiker <MSpiker@hagerstownlight.org>, Ed Norman <ENorman@hagerstownmd.org>, Kim Ridenour <KRidenour@hagerstownmd.org>

Mr. Downey,

The City Water & Wastewater Department has just concluded a survey on Kemps Mill Road and found that the water main does not cross in front of Parcel A. In order to be eligible for Exception 3 in the City's Water & Wastewater Policy the lot had to be in existence prior to a certain date and the lot has to be contiguous to a right-of-way containing a City water line that was in existence at the time the property became a lot of record. Parcel A fails the existing water line test and so is not eligible for Exception 3. For more information about this survey, please contact Ed Norman in the City's Utilities Department.

We have heard you may have plans for a new development on the west side of Kemps Mill Road. If your plans for that project included installation of 1100 feet of water line to close the loop in that area, the City's Water & Wastewater Department would consider that a system improvement which would make that development eligible for Exception #2 in the Water & Wastewater Policy. As part of that project, you could propose inclusion of Parcel A in the request for approval of Exception #2. This exception is subject to approval of the City's Utilities Director and the Mayor and City Council. For details on this system improvement idea, please contact Ed Norman.

The land on the west side of Kemps Mill Road is outside the County Urban Growth Area, so the County Water & Sewer Plan would have to be amended to reflect the planned connection to City water. I believe Tim Lung or Steve Goodrich at the County would be points of contact for that process.

If you have questions about the City's Water & Wastewater Policy, please contact me or Ed Norman. Sorry for the disappointing news. Hopefully the system improvement idea provides a viable alternative strategy to accommodate your plans.

Kathy

*410 350 3953*

**Kathleen A. Maher, AICP**

*Director of Planning and Code Administration*

City of Hagerstown

Planning and Code Administration Department

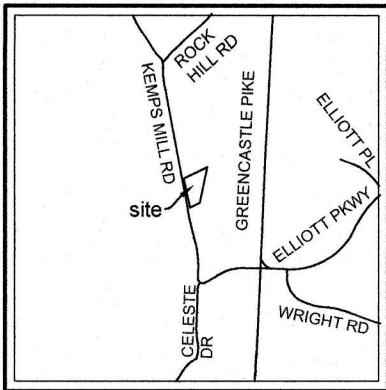
One E. Franklin Street, Suite 300

Hagerstown, MD 21740

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VICINITY MAP  
1"=2000'

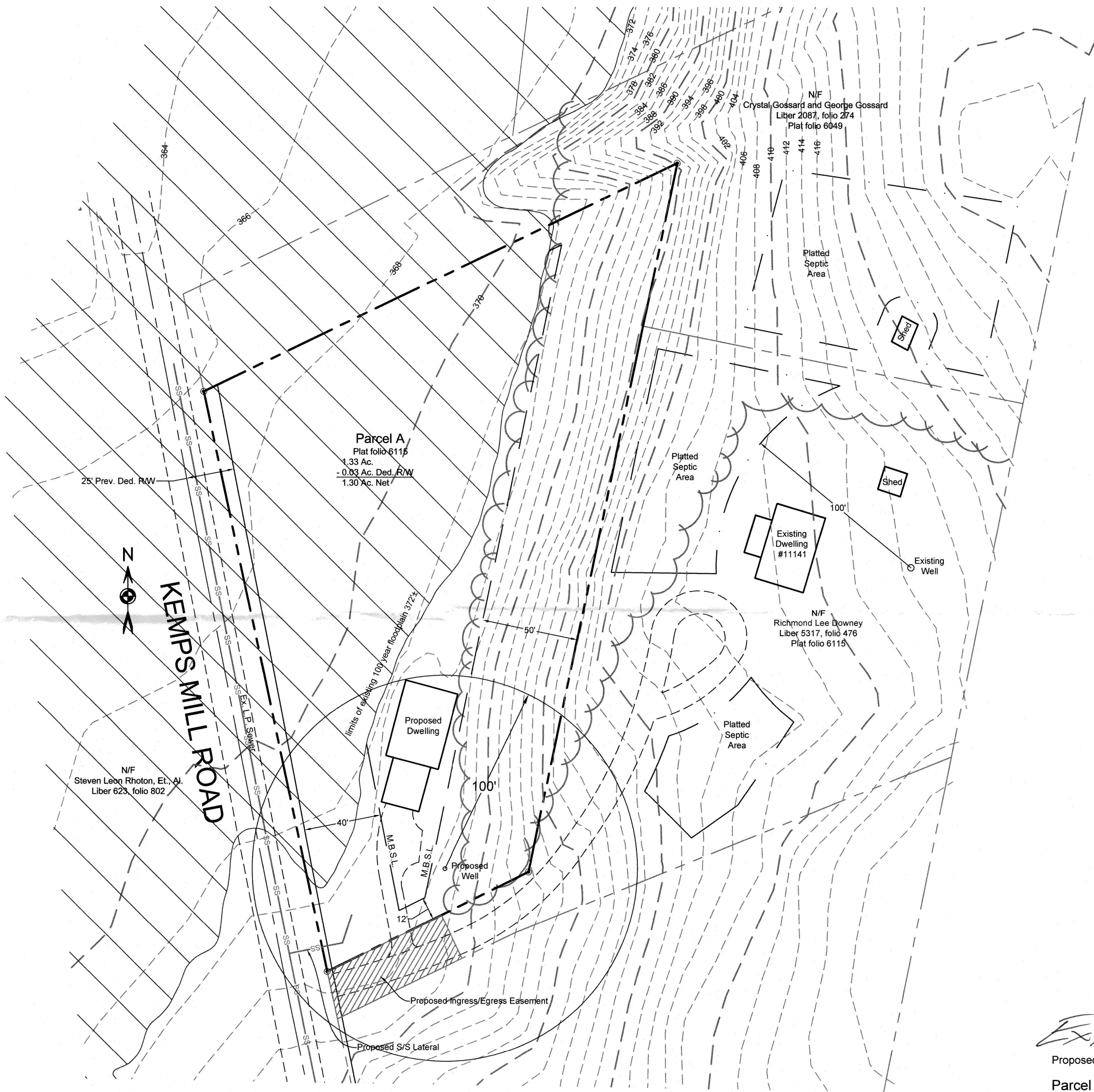


EXHIBIT # 7

Proposed Public Sewer and Private Well

Parcel Zoned RT - Residential Transition

DEVELOPMENT PLAT

of  
Parcel A

for  
Lee Downey

Plat folio 6115  
situate along the north side of Kemp's Mill Road  
WASHINGTON COUNTY, MARYLAND

TAX MAP 48-14-890 DISTRICT 02

DRAWING NUMBER 01 OF 01

DRAWN BY:  
LEJ

DATE:  
12.14.16

CHECKED BY:

DATE:

SCALE:  
1" = 40'

FREDERICK  
SEIBERT &  
ASSOCIATES, INC. © 2017



CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS  
128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740  
20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225  
(301) 791-3650 (301) 416-7478 (717) 597-1007 FAX (301) 739-4956

JOB NUMBER 3516

Owner:  
Lee Downey  
11211 Kemp's Mill Road  
Williamsport MD 21795