



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

AGENDA

WASHINGTON COUNTY PLANNING COMMISSION REGULAR MEETING

January 7, 2019, 7:00 PM
WASHINGTON COUNTY ADMINISTRATIVE COMPLEX
100 WEST WASHINGTON STREET
2ND FLOOR, PUBLIC MEETING ROOM #2000

CALL TO ORDER AND ROLL CALL

NEW BUSINESS

MINUTES

1. December 3, 2018 Planning Commission regular meeting minutes *

MODIFICATIONS

1. Paul and Paula Rhoderick [OM-18-011] – Requested modification to allow the 10,000 sq. ft. septic reserve area and the 11,000 sq. ft. septic lateral line easement exist as shown on the remaining lands of the farm; Property is located at 10401 White Hall Road; Zoning: A(R) – Agricultural, Rural; Planner: Cody Shaw *

SITE PLANS

1. Kelly Moore Sheds [SP-18-038] – Site plan for Kelly Moore Sheds (including Jay's BBQ food truck, Farmer's Market) located at 17047 Virginia Avenue, Williamsport; Zoning: BL – Business Local; Planner: Cody Shaw *

FOREST CONSERVATION

1. Sharpsburg Pike Retail [FS-18-025] – Variance request from Article 8.2.D(1) of the Washington County Forest Conservation Ordinance for the removal of specimen trees; Property located on the west side of Sharpsburg Pike, 950' north of Poffenberger Road. Planner: Travis Allen *

OTHER BUSINESS

1. Update of Staff Approvals – Cody Shaw

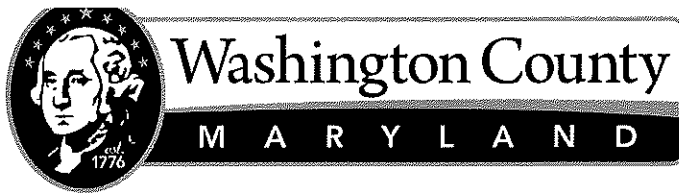
ADJOURNMENT

UPCOMING MEETINGS

1. Monday, February 4, 2019, 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

**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.*



DIVISION OF
PLAN REVIEW & PERMITTING

MEMORANDUM

TO: Washington County Planning Commission
FROM: Cody Shaw, Chief of Plan Review
DATE: December 18, 2018
SUBJECT: Ordinance Modification for Paul & Paula Rhoderick (OM-18-011)

Attached you will find for your review a modification request to allow the 10,000 sq ft septic reserve area for proposed Lot 4 to be placed onto adjacent remaining lands. Section 307.2.E of the Washington County Subdivision Ordinance 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 proposed lot's septic reserve area located on the remaining lands of the family farm. 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 septic area location is necessary.

The proposed modification request was reviewed by Plan Review, Health Department, Emergency Services, and the Mount Aetna Fire Department for commenting. All of the reviewing agencies had no comment or objection except the Health Department, who stated that the septic reserve area for Lot 4 needs to be labeled for an at grade mound system only and that the well needed to be drilled and located.

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

OM-18-011

WASHINGTON COUNTY PLANNING COMMISSION

APPLICATION FOR SUBDIVISION ORDINANCE MODIFICATION

SEPTIL EXEMPT
S-18-046

APPLICANT

NAME Paul & Paula Rhoderick

MAILING ADDRESS 10523 Whitehall Road, Hagerstown, MD 21740

TELEPHONE _____
(home) (work) (cell)

PROPERTY OWNER

NAME Same as Above

MAILING ADDRESS _____

TELEPHONE _____
(home) (work) (cell)

CONSULTANT

NAME FSA c/o Ed Schreiber

ADDRESS 128 S Potomac St, Hagerstown, MD 21740

TELEPHONE 301 791 3650

DESCRIPTION OF PROPERTY

PARCEL REFERENCE: MAP 58 GRID 11 PARCEL 22

PROPOSED LOT ACREAGE 1.72 ac TOTAL SITE ACREAGE 149.08

ZONING DISTRICT A(R) ROAD FRONTAGE(FT) Zero

RECEIVED

NOV 14 2018

LOCATION / ADDRESS

Private lane located at 10523 Whitehall Road, Hagerstown, MD

EXISTING AND PROPOSED USE OF PROPERTY Currently the area for the proposed lot is very rocky, unused farm ground. The proposed lot will occupy the rocky, unused farm ground and the proposed septic system and easement will occupy 21,000 sq ft of the existing crop fields.

LOT TO BE CONVEYED TO IMMEDIATE FAMILY MEMBER Yes

SUBDIVISION MODIFICATION INFORMATION

MODIFICATION TO SUBDIVISION ORDINANCE SECTION 307.2.E

MODIFICATION IS TO ALLOW To allow the 10,000 sq ft reserve septic area and the 11,000 sq ft septic lateral line easement exist as shown on the remaining lands of the farm.

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

In an effort to create a lot for their son, the applicant has determined that the best location for the home is off of the tillable cropland and on the rocky, unused portion of the farm, close the parents home. Having a rough topography with many rock outcrops finding an area that would permit an acceptable percolation test for a septic field was difficult. They had to move off of the rocky soil into the tillable crop field to find an acceptable location. Not wanting to lose tillable crop field for the proposed lot they have requesting the use of an septic easement over the remaining land as shown. This easement will be shown on the plat and described in the chain of title for proposed lot 4 and the remaining lands.

(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



Paul G. Rhoderick
Paula C. Rhoderick

11/7/18

Property Owner's Signature

Date

STAFF USE ONLY:

STAFF PLANNER: _____ DATE RECEIVED: _____

NUMBER: _____

MEETING DATE: _____

SUBDIVISION MODIFICATION APPLICATION CHECKLIST

The following items are required as part of the Subdivision Modification application:

Applicant

Staff

☐☐

A complete Application Form, signed by the applicant, property owner, and consultant (if applicable). All information must be typed or clearly printed on the application. **Please include this checklist.**

☒☐

A filing fee of \$115.00. Make check payable to: **Washington County Treasurer**. Include fee worksheet.

☐☐

Twelve (12) sketch plans, drawn to scale, showing:

☐☐

a. dimensions & shape of proposed lot with acreage;

☐☐

b. size & location of existing and/or future structures;

☐☐

c. existing/proposed roadways and associated access right of way or easements;

☐☐

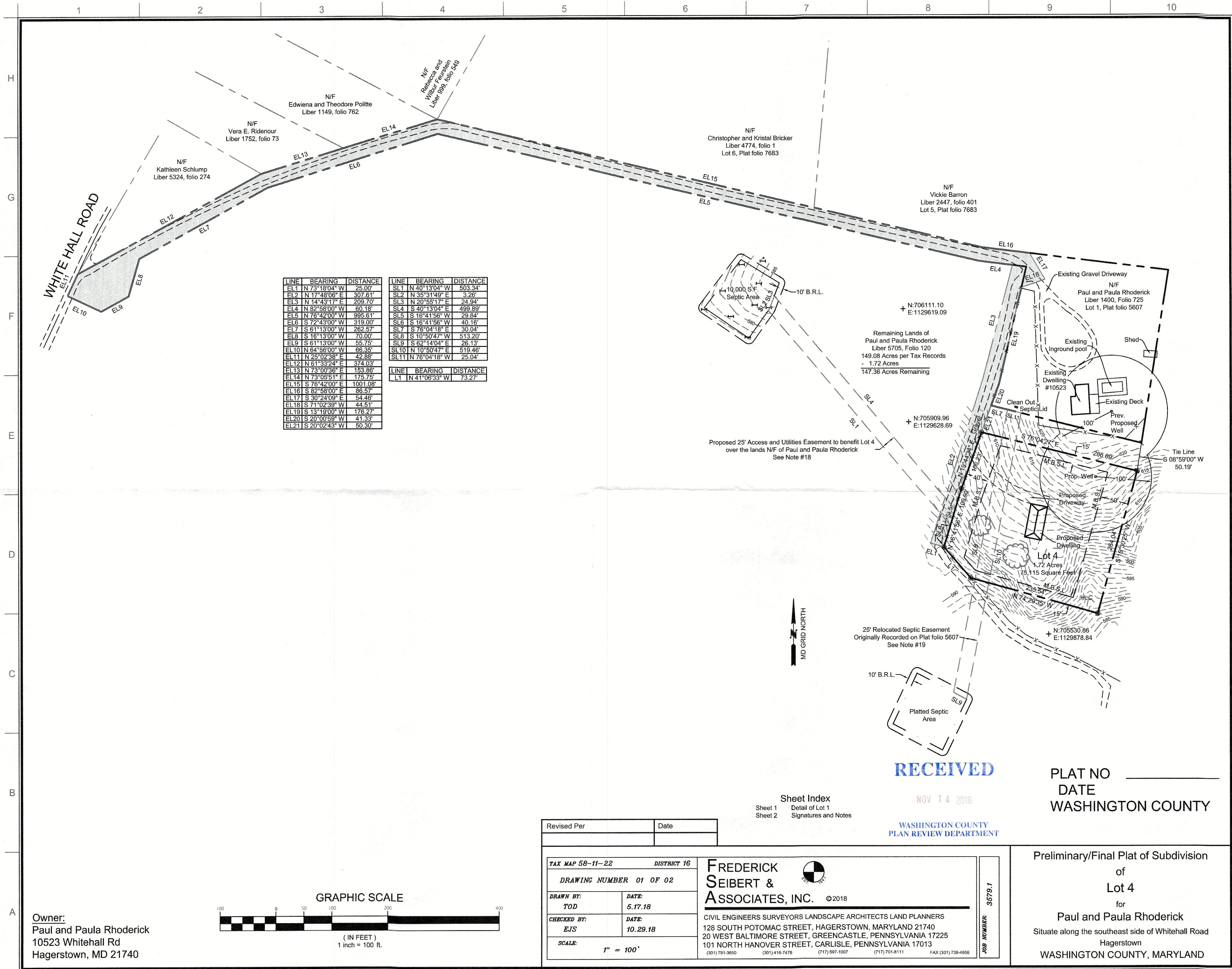
d. existing/proposed entrance/exit to property;

☐☐

e. natural or topographic peculiarities of the lot in question.

☐☐

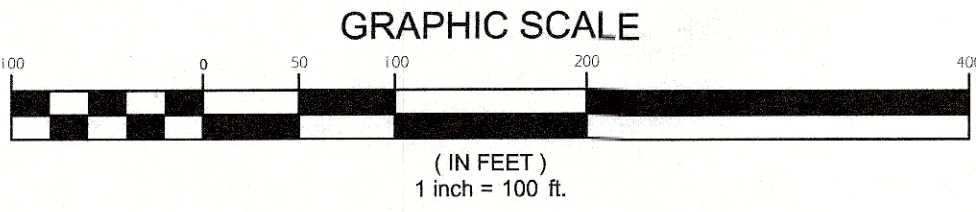
Any additional drawings, pictures, or information that will assist the Planning Commission in making its decision.



LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
EL1	N 73°18'04" W	25.00'	SL1	N 40°13'04" W	503.34'
EL2	N 17°48'06" E	307.61'	SL2	N 35°31'49" E	3.26'
EL3	N 14°43'17" E	209.70'	SL3	N 20°55'17" E	24.94'
EL4	N 82°58'00" W	60.18'	SL4	S 40°13'04" E	499.89'
EL5	N 76°42'00" W	995.61'	SL5	S 16°41'56" W	29.84'
EL6	S 72°43'00" W	319.00'	SL6	S 16°41'56" W	40.16'
EL7	S 61°13'00" W	262.57'	SL7	S 76°04'18" E	30.04'
EL8	S 16°13'00" W	70.00'	SL8	S 10°50'47" W	513.20'
EL9	S 61°13'00" W	55.75'	SL9	S 62°14'04" E	26.13'
EL10	N 64°56'00" W	66.35'	SL10	N 10°50'47" E	519.46'
EL11	N 25°02'38" E	42.88'	SL11	N 76°04'18" W	25.04'
EL12	N 61°33'24" E	374.03'			
EL13	N 73°00'36" E	153.86'			
EL14	N 73°05'51" E	175.75'			
EL15	S 76°42'00" E	1001.08'			
EL16	S 82°58'00" E	86.57'			
EL17	S 30°24'09" E	54.46'			
EL18	S 71°02'39" W	44.51'			
EL19	S 13°19'00" W	176.27'			
EL20	S 20°00'59" W	41.33'			
EL21	S 20°02'43" W	50.30'			

LINE	BEARING	DISTANCE
L1	N 41°06'33" W	73.27'

Owner:
Paul and Paula Rhoderick
10523 Whitehall Rd
Hagerstown, MD 21740



Revised Per	Date

TAX MAP 58-11-22 DISTRICT 16	
DRAWING NUMBER 01 OF 02	
DRAWN BY: TOD	DATE: 5.17.18
CHECKED BY: EJS	DATE: 10.29.18
SCALE: 1" = 100'	

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
101 NORTH HANOVER STREET, CARLISLE, PENNSYLVANIA 17013
(301) 791-3650 (301) 416-7478 (717) 597-1007 (717) 701-8111 FAX (301) 739-4956

RECEIVED
NOV 14 2018
WASHINGTON COUNTY
PLAN REVIEW DEPARTMENT

PLAT NO _____
DATE _____
WASHINGTON COUNTY

Preliminary/Final Plat of Subdivision
of
Lot 4
for
Paul and Paula Rhoderick
Situate along the southeast side of Whitehall Road
Hagerstown
WASHINGTON COUNTY, MARYLAND

OM-18-011



DIVISION OF
PLAN REVIEW & PERMITTING

MEMORANDUM

TO: Washington County Planning Commission
FROM: Cody Shaw, Chief of Plan Review *CS*
DATE: December 18, 2018
SUBJECT: Kelly Moore Sheds Site Plan (SP-18-038)

A site plan has been submitted for review and approval for Kelly Moore Sheds on a parcel along the south side of Virginia Avenue. The property is located in the Highway Interchange Zoning District.

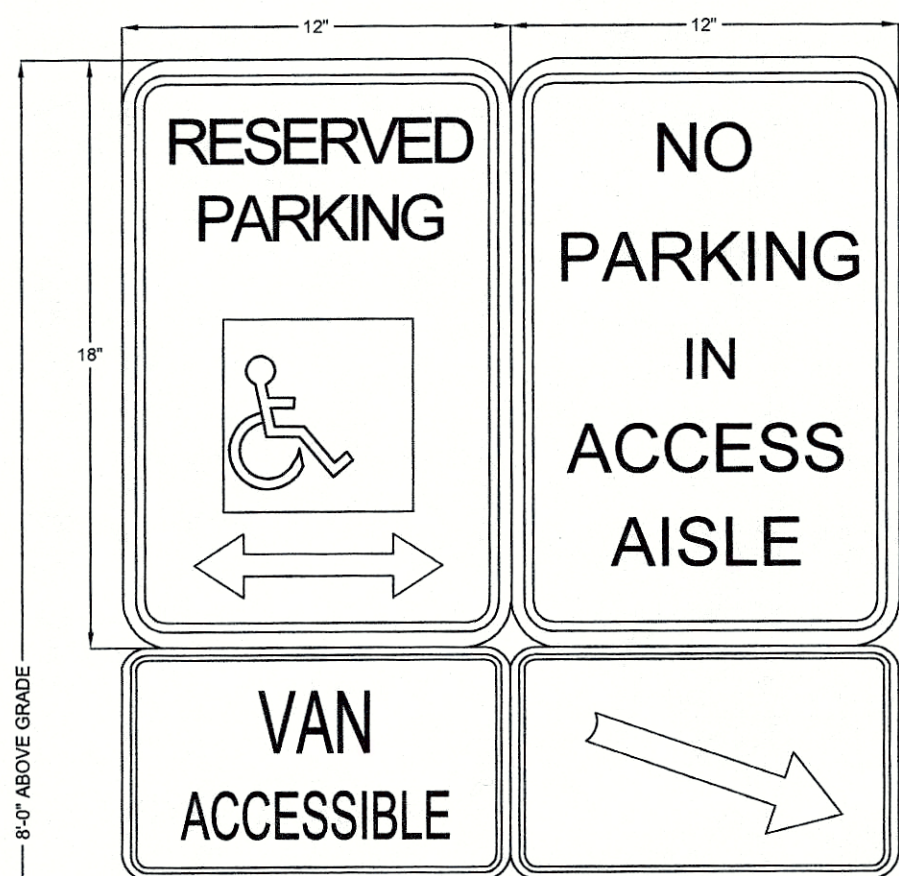
The description for this site is for a shed sale business, in addition to a BBQ food truck and a retail sale area of fruits and vegetables. The site is located on a 0.41 acre parcel, and the applicant is looking to develop the site.

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

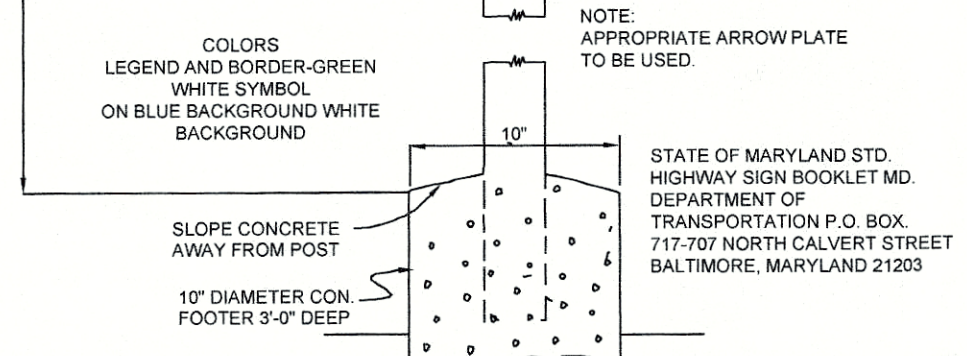
- Functional description is for shed sales, a food truck and retail sale of fruits/vegetables
- Hours of operation are Monday-Sunday 9am-5pm (Kelly Moore Sheds), Monday-Sunday 9am-5pm (food truck), April-December Saturday 10am-2pm Wednesday 4pm-7pm (retail fruits/vegetables)
- Total required parking spaces is 14; total parking provided is 14 spaces
- Proposed impervious area is 0% of the site (56.1% impervious existing)
- Site is served by City Water and County Sewer
- 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 Water, Engineering, Health Department, Soil Conservation, Maryland SHA, and Water Quality. Approvals have been received from Land Use Planning, Addressing, and Engineering. The current revision is still being reviewed by City Water, Health, SCD, SHA 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.

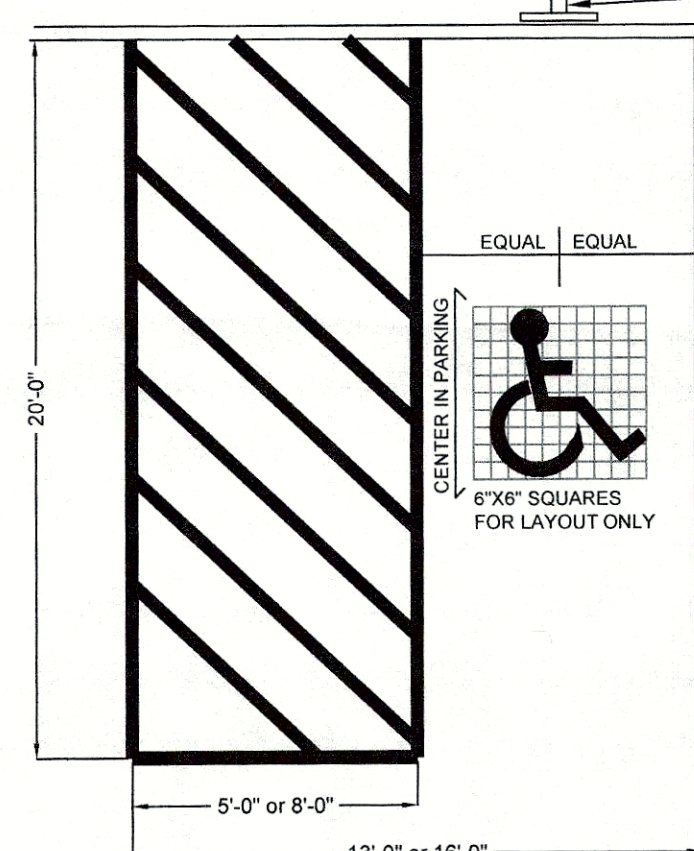
A copy of the site plan is attached.



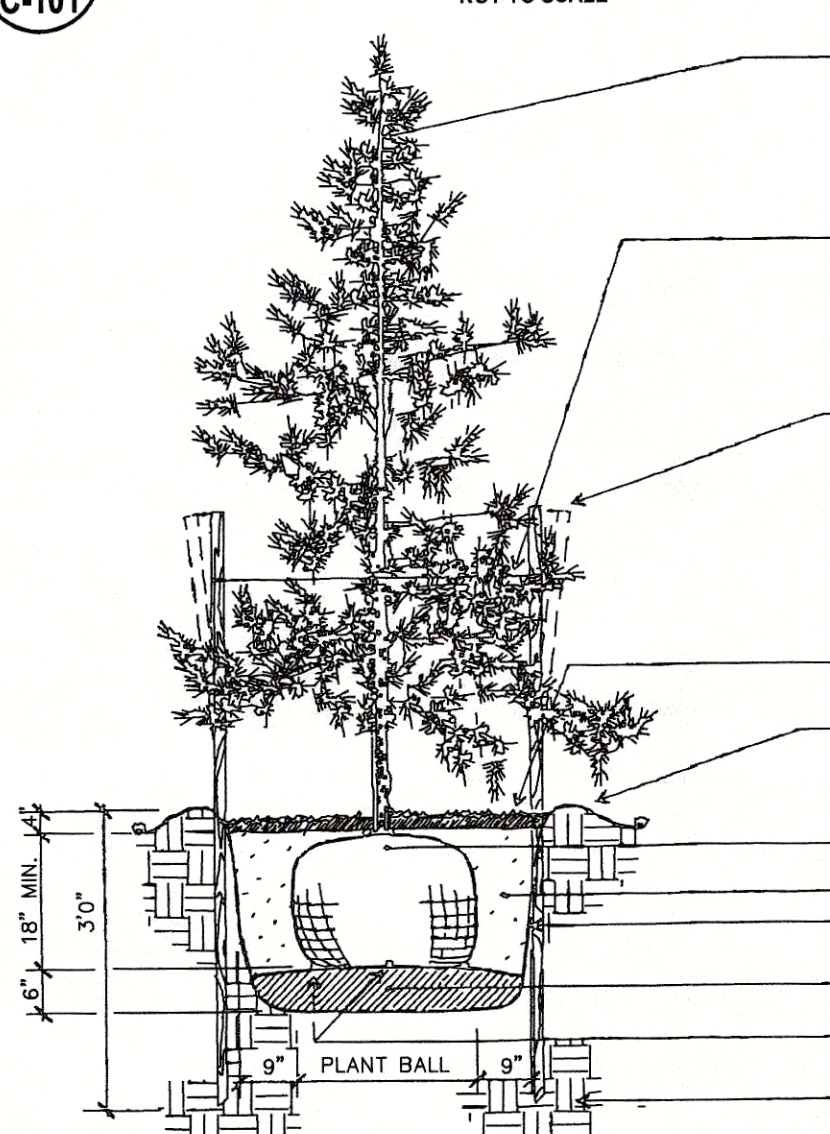
MAXIMUM FINE \$500



HANDICAP SIGN



HANDICAP PARKING



EVERGREEN TREE PLANTING

SITE DATA:	
TAX MAP	48-23-343 / 434 / 627
ELECTION DISTRICT	26
ZONING	H1
PARCEL AREA	0.41 AC.
% IMPERVIOUS	56.1 % No new Impervious
% NEW IMPERVIOUS	0.0%
TOTAL PARKING REQ.	14
TOTAL PARKING PROVIDED	REQ. 13 HANDICAP 1
HEIGHT OF BUILDING	16'
SIGNAGE	Ex. no new signs proposed per this plan
EXTERIOR LIGHTING	Ex. no new light (daylight hours only)
SOLID WASTE	Trash Cans (Stored Indoors) and Private Hauler (NO OUTSIDE STORAGE)
SETBACKS	FRONT 25'
	SIDE 10'
	REAR 10'

SITE DATA: Jays BBQ Food Truck	
PARKING REQ.	1 1 SPACE PER 75 SQ. FT. OF GFA
FUNCTIONAL DESCRIPTION	FOODTRUCK
HOURS OF OPERATION	9-5 Mon - SUN
NO. OF EMPLOYEES	one
DELIVERY	1 Trips per Month

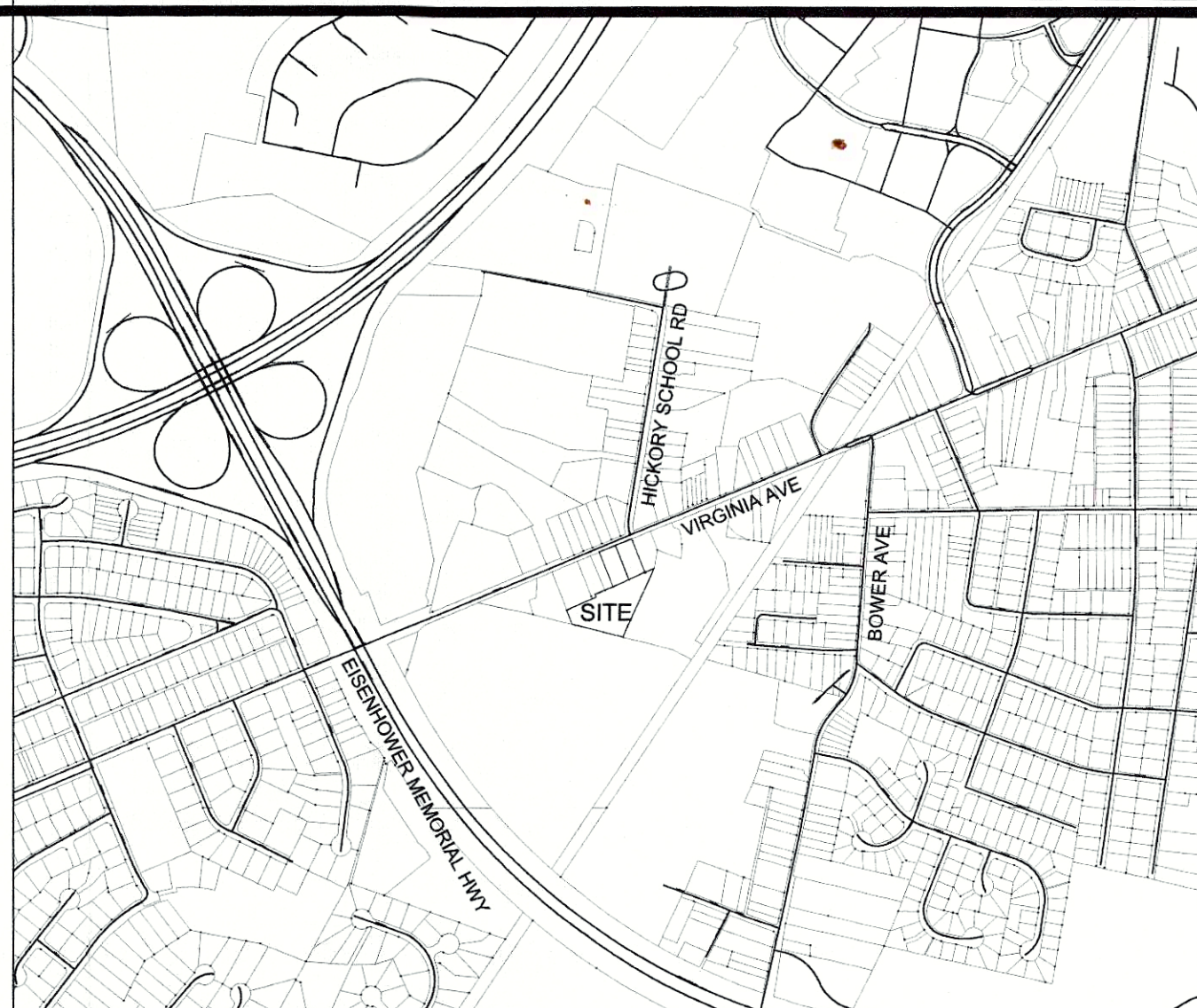
SITE DATA: Kelly Moore Sheds	
PARKING REQ.	7 5 SPACES PER 1000 SQ. FT. OF GLA
FUNCTIONAL DESCRIPTION	Retail Sales
HOURS OF OPERATION	9-5 Mon - SUN
NO. OF EMPLOYEES	one
DELIVERY	1 Trips per Month

SITE DATA: Retail sales of Fruits and Vegetables	
PARKING REQ.	6 5 SPACES PER 1000 SQ. FT. OF GLA
FUNCTIONAL DESCRIPTION	Retail Sales
HOURS OF OPERATION	Sat 10am-2pm Wed 4pm-7pm April - Dec.
NO. OF EMPLOYEES	1
DELIVERY	1 Trips per Month

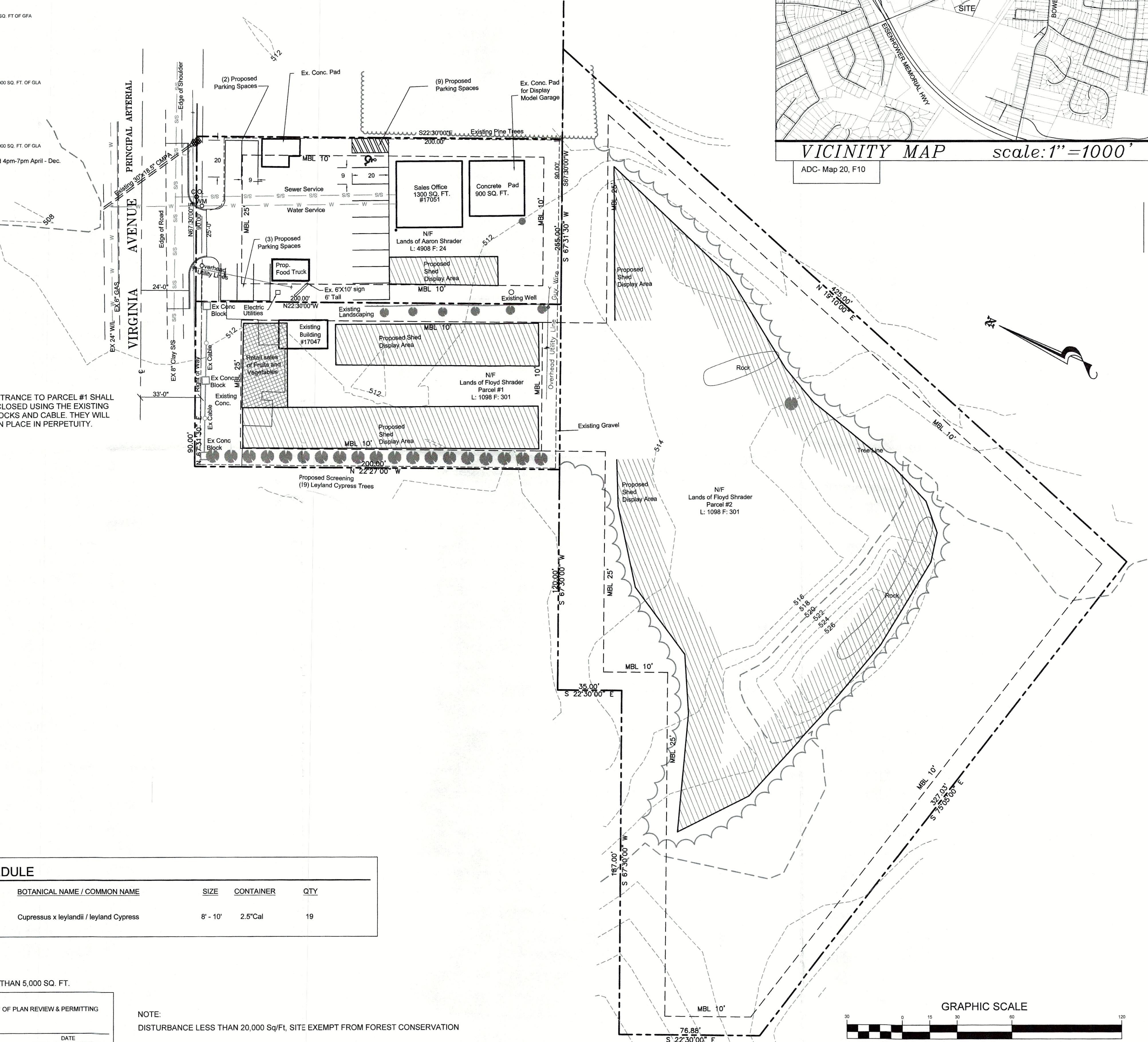
NOTE: ENTRANCE TO PARCEL #1 SHALL REMAIN CLOSED USING THE EXISTING CONC BLOCKS AND CABLE. THEY WILL REMAIN IN PLACE IN PERPETUITY.

THE DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION HAS
APPROVED THE ENGINEERING ACCESS
PERMIT ON 5-22-95
PERMIT # B-W-5649-95

ADDRESS ASSIGNMENT:
Parcel 343 17051 Virginia Avenue
Note: If the driveway is constructed at a different location from that shown hereon, the address listed above may be VOID and the owner is responsible for reapplying to the Planning Commission for a new address assignment.



VICINITY MAP scale: 1"=1000'



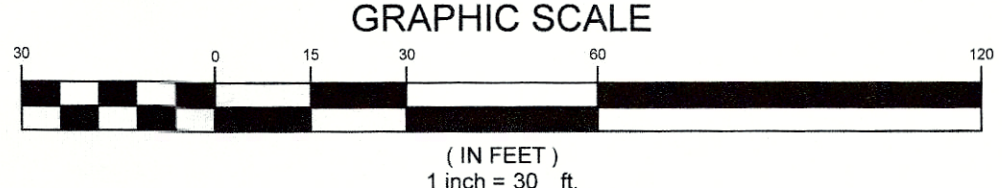
PLANT SCHEDULE

TREES	BOTANICAL NAME / COMMON NAME	SIZE	CONTAINER	QTY
	Cupressus x leylandii / leyland Cypress	8" - 10"	2.5" Cal	19

NOTE:
DISTURBED AREA IS LESS THAN 5,000 SQ. FT.

APPROVED:
WASHINGTON COUNTY DIVISION OF PLAN REVIEW & PERMITTING

NOTE:
DISTURBANCE LESS THAN 20,000 Sq/Ft, SITE EXEMPT FROM FOREST CONSERVATION



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. 26945, Expiration Date: 05-23-2019.

FREDERICK SEIBERT & ASSOCIATES, INC.
CIVIL ENGINEERS - SURVEYORS - LANDSCAPE ARCHITECTS - LAND PLANNERS
20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
101 NORTH HANOVER STREET, CARLEISLE, PENNSYLVANIA 17013
301-454-4414
www.fsa-inc.com

DATE	DESCRIPTION

Kelly Moore Sheds
Situate along the South side of Virginia Avenue
17051 Virginia Ave. Hagerstown MD 21740
WASHINGTON COUNTY, MARYLAND
CLIENT:
Kelly Moore Sheds
PO Box 217, Sharpsburg MD 21782
301-585-5287

PROJECT NO:	3164
CAD DWG FILE:	3164 Basemap
OWN BY	DATE
MTJ	09-25-2018
CHK BY	DATE
AGH	2018
TAX MAP	ELECTION DIST.
48-23-343	26
SCALE	1" = 30'
SHEET TITLE	SITE PLAN

C-101
SHEET 1 OF 1
SP-18-038

FS-18-025



5283 Corporate Drive, Suite #300
Frederick, MD 21703
(301) 695-6614
www.piedmontdesigngroup.com

RECEIVED

DEC 14 2018

December 14, 2018

Washington County Department of Planning & Zoning
Attn: Mr. Travis Allen
120 West Washington Street
Hagerstown, MD 21740

**WASHINGTON COUNTY
PLAN REVIEW DEPARTMENT**

Re: Sharpsburg Pike Retail
Forest Conservation Variance Request

Dear Mr. Allen,

On behalf of Sharpsburg Pike Real Estate, LLC, Piedmont Design Group, LLC (PDG) is submitting the following variance request. In addition to the request letter, we have included the following:

- Three (3) copies of the Simplified Forest Stand Delineation (FSD) for review;
- One (1) copy of the Concept Plan for reference;
- One (1) check for \$265.00 for the FSD review fee; and
- One (1) copy of the Review Fees Checklist

A variance is requested to the Washington County Forest Conservation Ordinance (FCO), Article 8. 2. D. (1), which states:

8.2. The following trees, shrubs, plants, and specific areas are considered priorities for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Planning Commission that the applicant qualifies for a variance under Article 15 of this Ordinance.

D. Any tree having a diameter measured at 4.5 feet above the ground of:

(1) 30 inches or more;

Background

Please refer to the attached concept plan and simplified forest conservation plan.

The subject site is located on the west side of Sharpsburg Pike, 950' north of Poffenberger Road. Total site area is 1.27 acres and is currently comprised of 5 single family homes on approximately one-quarter acre lots. Other existing structures include 4 detached garages, driveways, walkways and fences. The property is zoned Highway Interchange and is located within the Antietam Creek watershed.

As per the Simplified Forest Conservation Plan, there are no forest stands on this site. The residential landscapes include shade trees, evergreen trees, various shrubs and lawn. Many areas are overgrown



and somewhat neglected. While there are no forest stands on site, there are 2 trees, which by merit of trunk diameter, meet the criteria found in FCO Article 8. 2. D. (1) as priorities for retention and protection.

A 48" diameter at breast height (dbh) Silver Maple (*Acer saccharinum*) in fair condition is found near the center of the site. A 50" dbh Silver Maple in good condition is found at the southern end of the site. Please see the photographs, attached as "Exhibit 'A'".

The Critical Root Zone (CRZ) is defined in the State Forest Conservation Technical Manual as *"a circular region measured outward from a tree trunk representing the area of the roots that must be maintained or protected for the tree's survival."* For trees of this size, the Technical Manual specifies one and one-half feet of radial distance from the trunk for every inch of tree diameter (dbh). CRZs with a 72' radius for the 48" Silver Maple and with a 75' radius for the 50" Silver Maple are shown on the attached Concept Plan and Simplified Forest Stand Delineation.

An Unwarranted Hardship

The Critical Root Zones occupy 25,262 s.f., or 46 % of the total 55,515 s.f. area of the site. As can be seen on the Concept Plan, attempting to develop the site in a manner consistent with the purpose of the Highway Interchange District and maintain the CRZ area in an undisturbed condition is not practical, or possible. Leaving the existing residential uses would be inconsistent with the surrounding commercial development. Providing long-term protection of the critical root zone for each tree would require obtaining protective easements over each of the individual residential lots encompassed by the CRZs. Such protective easements would severely curtail the homeowner's activities within the CRZ area. Furthermore, maintaining the existing residential uses would pose a safety issue since each home has a driveway onto Sharpsburg Pike. Several of the driveways do not have provisions for turning a vehicle around and those vehicles would have to back out onto the increasingly busy road.

Retention and protection of the 2 Silver Maples found on this site would result in an unwarranted hardship to the applicant. Therefore, relief is requested from the requirements of Washington County Forest Conservation Ordinance (FCO), Article 8. 2. D. (1).

Relief Granted is Consistent with the Spirit and Intent of the Forest Conservation Act.

As stated on the Maryland Department of Natural Resources web site, *"The main purpose of the Maryland Forest Conservation Act (Natural Resources Article Section 5-1601 through 5-1613) enacted in 1991 was to minimize the loss of Maryland's forest resources during land development by making the identification and protection of forests and other sensitive areas an integral part of the site planning process. Identification of priority areas prior to development makes their retention possible. Of primary interest are areas adjacent to streams or wetlands, those on steep or erodible soils or those within or adjacent to large contiguous blocks of forest or wildlife corridors."* (<http://dnr.maryland.gov/forests>)

This site contains no forest or sensitive environmental areas and retaining these 2 Silver Maple trees does nothing to further the main purpose of the Act. Still, the Act prioritizes the retention of individual trees as signified by size, or location on an historic site. The 2 Silver Maple trees are not associated with an historical site and only come into question because they have a diameter greater than 30". Even though a standard had to be set, applying the same 30" diameter criteria to trees with widely varying rates of growth can be deceiving. Silver Maples are among the faster growing trees. Whereas other



trees such as Oaks, Hickorys, and even Sugar Maples grow at rates half that of Silver Maples. Thus, a 50" dbh Silver Maple is typically no older than a 25" dbh White Oak. One is called out as a priority for retention and protection, while the smaller, but equally as old, is not. Additionally, finding large Silver Maples is not unusual. They are commonly found in stream valleys and low lying areas. Large Silver Maples are not unique.

Another comparison can be made. A second standard for determining priority large trees is having a diameter of 75% or more of the State Champion Tree of the same species. The State Champion 2005 Silver Maple, as listed in Appendix N of the Washington County Forest Conservation Technical Manual, has a circumference of 27'-0". This equals a diameter of over 103 inches! The 2 Silver Maples on this site are less than 50% the size of the State Champion Silver Maple.

It should also be noted that Silver Maple wood is considered weak and brittle. Silver Maples often suffer storm damage. It is for this reason they are seldom used in landscapes where falling debris creates a mess, and the potential for large falling limbs poses a hazard.

This site is not an environmentally sensitive area. The 2 Silver Maple trees do nothing to further the goal of protecting forest resources, as none exist on this site. They are not unique relative to size as is common for their species. In addition, any proposed development of the site remains subject to the afforestation requirements of the FCO. Forest that does meet the intent of the Forest Conservation Act will be planted at a location where forestation is appropriate and beneficial. Thus, relief granted to the requirements of FCO Article 8. 2. D. (1) is consistent with the spirit and intent of the Forest Conservation Act.

Relief Granted will not Adversely Affect Water Quality

Trees provide cooling shade for streams, wetlands and other water features. Trees may also be found in buffers to moderate runoff into water bodies and absorb excess nutrients that would otherwise enter the body of water. Because there are no streams, wetlands or other water features on this site, the removal of these 2 Silver Maples will not adversely affect water quality. Water quality is a component of stormwater management that will be addressed for development that occurs on this site.

We submit that that the applicant qualifies for a variance under Article 15 of the Washington County Forest Conservation Ordinance and respectfully request a grant of relief from the requirements of the Washington County Forest Conservation Ordinance, Article 8. 2. D. (1). Thank you for your time and consideration in this matter.

Sincerely,

Robert F. Barrick, P.E.
Project Manager

cc: Ed Scott, Sharpsburg Pike Real Estate, LLC
Mike Wiley, Vice President
Jeffrey Derr, Forest Qualified Professional
Carlos Dunahugh, P.E.

