

**Planning Commission
MINUTES – Regular Meeting**

**March 10, 2021
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, opened the meeting at 4:00 p.m., on Wednesday, March 10, 2021. This was a virtual meeting. Also participating via Zoom were C. Davis, S. McIntire, C. Ploscaru, J. Stone, R. Thomas, and J. Wheeler. The following staff members participated in the meeting: K. Maher, Director of Planning & Code Administration; S. Bockmiller, Development Planner/Zoning Administrator (remotely); M. Flick, Planner; and D. Calhoun, Planning Commission Secretary.

REGULAR MEETING

Roll Call.

All commission members participated in the meeting.

Approval of Minutes:

February 24, 2021.

MOTION: (Davis/Thomas) I will move approval of the minutes.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN - Stone)

Development Review:

NorthPoint Building 3 – 1050 Wesel Boulevard – Fence Landscaping Waiver Request (Continued).

Staff Report: (Copy of the staff report is in the meeting file.) This matter was discussed at the last meeting, and the Planning Commission delegated authority to staff to approve the waiver once the engineer, Tony Taylor of Frederick, Seibert & Associates, provided clarification from their client on the nature of the proposed fences. Since the last meeting, photographs were provided to staff by Mr. Taylor. After reviewing the photographs staff was not comfortable with the authority given to it by the commission due to the importance and visibility of this site.

The proposed fence will be ornamental black metal with mesh behind it. The purpose of the mesh is to prevent people from tampering with the lock system. Staff recommended approval based on the photographs submitted.

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Commission/Applicant Discussion: There were no additional comments by the commission.

MOTION: (Thomas/ Davis) So moved (to approve the waiver to the requirements for landscaping for the fence).

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Review of Waiver Form – Criteria for Waivers.

Staff Report: (staff report is in the meeting file): Staff would like to formalize the commission’s review of waiver requests since there are six criteria in Article 5 that the commission should be basing decisions for granting waiver requests. Only meeting one of the criteria is necessary to justify granting a waiver. Staff requested that on future waiver requests that the criteria that applies to the request be mentioned as part of the motion to approve.

Commission/Applicant Discussion: Mr. Wright suggested amending the application form so the applicant can check which waiver criteria they are using.

MOTION: (Thomas/ Ploscaru) I make a motion that we accept the waiver form with the corrections discussed.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Planning Commission Business:

Land Management Code Text Amendment Pertaining to Front Yard Fences.

Staff Report: (staff memo is in the meeting file) Ms. Flick stated that Planning staff has been receiving concerns from property owners at Hager’s Crossing whose homes have dual frontage lots with side or rear frontages on Hager’s Crossing Drive. Several owners wish to install privacy fences along Hager’s Crossing Drive to enclose their rear yards. Hager’s Crossing Drive is considered a minor collector roadway. As currently written, rear and side streets can be treated like any other property line when the street is not a higher classification than the street on which the lot has its principal (architectural) front. The streets in Hager’s Crossing are all local streets—with the exception of Hager’s Crossing Drive and Bartow Drive. As such, Hager’s Crossing Drive is treated as a front street for these lots and fencing is limited to “open” fences up to three feet in height.

There are 52 single-family lots at Hager’s Crossing with side or rear yards on Hager’s Crossing Drive, Bartow Drive, or McDade Road (a Washington County road) that are considered minor collector streets. These residents find three-foot tall open fences insufficient. Staff provided an analysis on how this issue affects this and other subdivisions in the City.

Staff proposed four options including 1) making no changes; 2) completely removing the provision; 3) removing the provision for the lowest grade of comprehensive plan roadway; or 4) retaining the provision but providing an exception for a uniform standard on minor collector roadways.

In addition, the three-foot tall picket fences are difficult to find because the standard is four feet. Staff is also looking at the spacing between the pickets. Traditional picket fences have narrower spaces between the pickets. Staff suggested a formula for the picket spacing as “one inch or half the space of the picket whichever is greater.”

Staff was hoping to schedule this text amendment for a public review meeting on March 31.

Commission/Applicant Discussion: Mr. Bockmiller explained that the primary motivation for the current language was to keep the main thoroughfares in and out of town uniform in appearance especially in the case of properties that back up to main thoroughfares. Mr. Wright had concerns that there could be discrepancies that are beyond the City’s reasonable control. He was in favor of Option 3 and suggested that the next time a development of this type comes through for review that the developer be required to show fences. Mr. Stone noted that some homeowners associations are more restrictive than others and could even be more restrictive than the City standards. Greenwich Park, for example, does not permit fences. For the most part, commission members agreed with Mr. Wright that the commission should go with Option 3 in staff’s memo. Concerning the height of front yard fences, after discussion, commission members agreed that the height limitation should be increased to four feet with the spacing formula provided by staff.

Ms. Flick was instructed to proceed with the wording as discussed. If the commission decides the language needs to be adjusted it can do so at the end of the public review meeting.

Ms. Maher noted that new subdivisions cannot be designed with back yards along the street. The ordinance was amended to prohibit that situation.

Announcements.

Ms. Maher announced that City Hall is opening to the public in April. The Mayor and Council’s March 23 meeting will be open to the public and she asked if the commission had a preference

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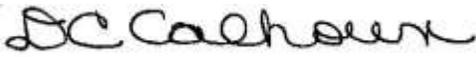
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for its meeting on March 31 which will be a public review meeting. Planning Commission members wanted the flexibility of being able to Zoom or participate in person. Therefore, the March 31 meeting will be a “hybrid” meeting held in the Council Chamber.

Adjourn. It was moved and seconded that the meeting adjourn (4:45 p.m.)

3/10/2021

Approved



Debra C. Calhoun – Secretary