

**MINUTES
BOARD OF ZONING APPEALS
CASE A-234**

Mrs. Vickie Watts, Chair of the Board, called the hearing to order at 7:09 p.m. The following Board Members were present: Mrs. Vickie Watts, Mr. Michael Joseck, and Ms. Tracy McCoy. Staff members present were: Town Manager/Zoning Administrator Jim Roark, Town Attorney Michelle Ostrander, Assistant Zoning Administrator Elizabeth Dietrich, Chief of Police David Snyder, and Police Officer William Wilt.

Guests present: David Walsh, Kellyn Sandmann, Michael Deutsch, Harry Pappas, Barry Barnes, Stephen Silvestri, Mike Meagher, Samantha Meagher, Jeff Chenoweth, Joe Ostendorf, Terry Cannon, Bradley Shaffer, Elizabeth Guderjohn, Beverly Hockstad, Katy Shaffer, Tom Sterner, Mike Lawson, Pinal Talati, Tom Fedor, Mark Javowitz, Diane Barrett, Jim Young, Anne Denford, and Tom Miner.

CASE A-234

On January 18, 2024, the Board of Zoning Appeals heard testimony and received evidence concerning Case A-234, a request by WashX LLC for approval of a conditional use to operate a car wash at 2305 Hanover Pike in the General Business zoning district.

Roll Call was completed, and Mrs. Watts presented the case. Mr. Roark read the Written Record of the hearing stating that all public notice of the hearing had been made along with notification letters being sent to all adjoining properties. The property was posted with a notice sign per Code requirements and the hearing was advertised in the Carroll County Times on two consecutive weeks. He stated that the Town had received one email in opposition to the project from Steven Johnson, a resident of Oakmont Green, and read the email aloud. He stated that the documents described above make up the official record of Case A-234. Mr. Roark concluded the Written Record.

Mrs. Watts stated that if there were no objections, the documents would be entered into the Official Record of the Hearing. There were no objections.

Mr. Roark read the Zoning Administrator's Statement. The Statement explained that this property was purchased by Eagle Realty LLC in April 2023 from New Windsor State Bank. The Property owner authorized WashX LLC (the Applicant) to make the application to the Board and is in support of the application. Mr. Roark continued by stating that the property is in the General Business Zoning District and is served by public water and sewer. The Town Code §135-123 states that car washes, if located at least 300 ft from the boundary line of a residential district, are a conditional use requiring Board of Zoning Appeals authorization. The proposed car wash is approximately 500ft from the residential district boundary. If the application is approved by the Board of Zoning Appeals, a site plan will need to be reviewed and approved by the Hampstead Planning and Zoning Commission, along with Carroll County Bureau of Development Review. Mr. Roark stated that the plan for the car wash is to recycle rainwater for car wash operation. Town water will be supplied to the site but will only be used for regular operations such as bathrooms, kitchens, and sinks. The statement concluded by stating that there is nothing in the Town Code to

prohibit this conditional use, and it is the recommendation of the Zoning Administrator to defer to the Board's judgment for the case decision.

The Applicant's presentation was begun by Mr. Harry Pappas representing WashX. The Applicant said he's excited to be growing the WashX brand in Maryland and Delaware, there are several other car washes in development in Harford, Cecil, Baltimore, and Carroll Counties. Mr. Pappas said they are attempting to be stewards of the environment by deploying a water reclamation and polishing system for the car wash. A rainwater collection system will be used to collect water from the roof and other impervious surfaces to prevent water runoff into stormwater management facilities. He continued by saying they will be using a well, and the public water usage from the Town of Hampstead's water system will only be for flushing toilets and hand washing. The Applicant continued by describing their intent to repurpose the existing stone building on the property and blending it with the modern car wash. Existing traffic patterns on the parcel will be maintained. The Applicant stated that they are investing close to \$4.5 million on the project. 20 free vacuum stations, microfiber towels, and detergents will be available for customer use. The driers are under 70 dB. License plate recognition technology will be utilized to identify members; gates will automatically lift for quick access to the wash bay tunnel. Ms. McCoy asked if the Applicant could clarify the license plate recognition technology element. Mr. Pappas said the license plate identification technology is a camera on the teller sides of the building. The teller booth area will become the pay stations for the car wash. The cameras will recognize member license plates and open the gates for them, this service is intended to get the customers quicker service through the car wash. Ms. McCoy asked what nonmembers would do, insert a credit card? Mr. Pappas said that there would be two pay stations for tap or swiping credit cards to pay.

The Applicant's presentation continued with Mr. Tom Miner, engineer of the project from Frederick Ward Associates, reviewing and giving testimony regarding the proposed site plan. Mr. Miner testified that the current bank use has three drive aisles and 26 existing parking spaces. The total square footage is approximately 4,500 sq ft, including basement, first, and second floor. Mr. Miner referenced Exhibit #1, the site plan. He said they intend to use the location of the front entrance to the building as the entrance to the car wash. The bay will be 120ft long in total, so they will extend out the back of the building. Cars will go through the bay in a continuous roll, at the end, cars will go to the right to the parking area for the vacuum stations. There will be 21 vacuum stations and three standard parking spaces for employees. Operating hours are anticipated to be 8am to 8pm. There will likely be six to ten employees total. Mr. Miner continued by saying that they are maintaining the current traffic flow on the property and are attempting to maintain the character of the building that the citizens of Hampstead like, while repurposing it for a higher, better use. Mr. Miner discussed exhibit two, the floorplan of the car wash. He then discussed the renderings. He explained that they are trying to meld the WashX brand styling with the stone building's architecture. Mr. Miner discussed zoning: the site is in the General Business zoning district. Front setbacks will remain the same, 20ft in the front and 10ft on the side, and the 50ft height restriction for the district will be maintained. Exhibit three shows that the proposal is greater than 300ft away from a residential zoning district, the closest point for the lot of the proposed use is 370ft from the closest residentially zoned lot. Mr. Miner continued testimony by discussing traffic impacts. He said that using traffic study AM and PM peaks based on the size of the bank they estimated 95 trips per hour. The car wash use of a building that size based on the data was 66 trips at peak hours, or based on the number of bays, 78 trips at peak hours.

Mr. Miner continued testimony by discussing stormwater management for the site. The Applicant proposes to capture runoff, reuse it for the car wash, and additionally use filtering devices to reuse

water. A well on site will be used to fill up car wash tanks should they not be able to capture enough water, or if it's a time of heavy use, or drought. He said that if the tank volume goes too low, the well will be utilized, the car wash will not be using the Town of Hampstead's public water system. Mr. Miner then highlighted Code section §135-274 Limitations, guides and standards, and explained how the WashX project would "not adversely affect public health, safety, security, morals or general welfare." Mr. Miner continued by reemphasizing that traffic from the installation would be less than for a bank based on ITE numbers. He said they are more than 300ft from residential zones. They would be providing jobs for the locals. They would be considered orderly growth, the project would be infill development, they will not be clearing green fields, not paving a grass area. They will be reducing the water going into the stormwater systems. The car wash will not impact "the peaceful enjoyment of people in their homes", and it should positively impact property values. Mr. Miner said the car wash would not generate "odors, dust, gas, smoke, fumes, vibrations, glare and noise" beyond that of standard operation. The Applicant finished presenting testimony by stating that the application has met the requirements of the Code for conditional use.

Ms. McCoy then asked questions of the Applicant. She inquired as to where the traffic numbers in Exhibit four came from. Mr. Miner said they were from ITE, that he wasn't sure what the acronym stood for but it's the traffic manual for traffic modeling. Ms. McCoy asked if the numbers were an average over the course of a year? Mr. Miner said the numbers are based on average peak generation. Ms. McCoy asked who the ITE was, was it a government agency, or private? Mr. Miner said it's the body that determines traffic studies. Ms. Ostrander added that, if Google is correct, ITE stands for Institute of Transportation Engineers.

Mrs. Watts continues questioning the Applicant. She says this is a two-story building, what will happen to the second floor? Mr. Miner says they will be gutting the whole internal structure of the building because they need room for the car wash equipment. The internals of the building will be one floor. Mrs. Watts asks the Applicant if they will be using rainwater for the car wash? Mr. Miner said that they filter the water and 15 gallons is used up in that process. Mrs. Watts said, so out of 100 gallons of water you're getting 85 gallons when it's recycled? Yes, Mr. Miner responded. Mrs. Watts asks the Applicant how much water is in the well? Mr. Miner says that it's pulling groundwater. Mrs. Watts asks where does that come from? Mr. Miner says the ground. He continues by saying that any water that is generated from their site goes to an inlet and then it goes to a storage tank and then it can be pulled from there. With most municipalities once they have used all of their stormwater that's been collected they pull from the municipality. In Aberdeen that ended up being approximately 1 edu which is 250 gallons a day. Mrs. Watts said that coming from the country she knows that wells dry out. She said that we've been in a drought and her concern whether there will always be enough water for the car wash without pulling from the Town. Mrs. Watts inquired as to whether the well water that WashX would be pulling from the ground would go to anyone else if WashX didn't dig a well. Mr. Miner reiterated that they would only be using 1 edu of water, 250 gallons on average, like water usage of a single-family home. He said that they will be applying to Maryland Department of the Environment (MDE) for the well, and they will only be allowed to draw a certain amount of water based on the type of permit they get. Mr. Roark said that was correct, they will have to get approved by MDE and Carroll County Department of Health, and the Town will be informed when reports come out from those entities. If there is any impact on the Town, and the Town's water system, the Town will be informed well in advance. Mrs. Watts said that their BZA approval will be completed at that point. Ms. Ostrander said yes, the approval would be completed for the car wash use, not the water appropriation.

Ms. McCoy continued questioning the Applicant, and asked if the car wash would be one way in one way out. Mr. Miner said that the entrances off of Rte 30 and Eagle Ridge Court would be two way. Mr. Roark clarified that you can enter into the property heading north on Rte 30, and when you exit onto Rte 30 you must head north towards the light. Mrs. Watts asked how many parking spaces there would be, and Mr. Miner said there would be three for employees and 21 vacuum spaces.

Mr. Michael Deutch, partner to Mr. Harry Pappas, stepped forward to give testimony for WashX. He said they are expecting three to four employees on site at a time, including a manager, assistant manager, a loader, as well as a regular employee that would take out the trash, wash towels, and so forth. Mrs. Watts asked if there are more than three employees working where will they park. Mr. Deutch said they would use the vacuum spots as extra parking if needed. Mr. Deutch then explained how the loader employee would assist with the car wash by loading the cars on the belt to go through the wash. He said when cars come out of the wash tunnel, they can either loop to the right to go to the vacuum stations or they can loop to the right and exit the property onto Rte 30, or they can exist at Eagle Ridge Court and go up to the light and make a left or right. Mrs. Watts asked if exiting onto Eagle Ridge Court would take you back into residential. Mr. Deutch said no, the exit is right across from the plaza with CVS and the Mattress Firm Store.

Ms. McCoy asked for more information on the water filtering technology. Mr. Miner elaborated on the filtration process, which includes tanks and multiple levels of filtering. Waste from detergents and soaps get filtered out into a “sludge” tank. Mr. Joseck asked how often the sludge tank is emptied, and Mr. Miner said usually every three months. Mr. Deutch said it is emptied on a quarterly basis. Mr. Joseck asked if the sludge tank fills up if someone at WashX is notified that it is full and it needs to be emptied, and Mr. Deutch said yes, they monitor it internally, and call a pumping truck from a local business to empty the tank. Ms. McCoy asked if all the car washes were run 8am to 8pm. Mr. Deutch replied yes, all are run with those hours, they have discussed possibly shortening the hours on Sunday. Mrs. Watts asked about the lighting, and Mr. Deutch said there will be parking lot lights, lights on the building, and the vacuum hoses will have LED lights. Mrs. Watts asked if all the lights would be shut off at 8pm when the car wash closes. Mr. Deutch said yes, but they will have the regular parking lot and building lights on, the arches lights will be turned off. Mrs. Watts then concluded questions on the Applicant’s presentation. The presentation was entered into the record.

Mrs. Watts initiated the Public Comment period, commencing with Comments of Non-Support. Mr. David Walsh came forward to speak in opposition. He discussed going up to the Leppo farm as a child and attending steam engine shows. He emphasized the importance of preserving a rural legacy in Hampstead. He said the project would add more traffic to Rte 30 and to the existing highly trafficked, congested intersection. Ms. Beverly Hockstad continued public comment by saying that this was her grandparents’ property growing up and she had a lot of fond memories there, including that it used to house a steam engine museum. Mr. Steve Silvestri spoke next in opposition to the project, citing traffic and commercial growth around the intersection. Mr. Silvestri requested that the Board request additional traffic data before they make a decision about the application. He said he was concerned about the entrance and exit points for the property and the traffic flow. Mr. Jeff Chenoweth expressing concern regarding the potential noise from the vacuum cleaners, potential traffic, potential jobs at the facility being low paying, and disfiguring a building. Mr. Tom Sterner then spoke in opposition, commenting on increased traffic and potential water use. Mr. Bradley Shaffer, the owner of the Hampstead Car Wash, began a statement of public comment by handing a spreadsheet to the Board and the Applicant. The Board accepted

the exhibit from Mr. Shaffer as part of the evidence on public record and labeled it Mr. Shaffer #1. Mr. Shaffer discussed traffic jams along Rte 30 around the intersection. He said the drawings that were provided by WashX incorrectly show the traffic flow arrow on the entrance from Eagle Ridge Court. He said the traffic flow on Rte 30 would require people to make U turns to go back to the Rte 30 Bypass. He showed the Board pictures of traffic on Rte 30 and said that the car wash reclaimed water would have odor. He continued by saying that cars at car washes turn up their music louder when vacuuming their cars, and that this would be noisy, especially near the library. He said water usage was another concern. Mr. Terry Cannon spoke next in opposition to the application, citing water usage again, that the car wash would be taking water from other resident's wells, and reiterated concerns about the building transitioning to a car wash with cars driving through the building.

Mrs. Watts opened the floor for Public Comment of Support of the application. Ms. Kellyn Sandmann spoke in support, saying that she appreciated the commercial development in the Hampstead community and was looking forward to a new technology car wash. She said she thought the car wash traffic would reduce traffic at the intersection. Mr. Mike Meager also testified in support of the application, stating that he felt the car wash will bring business to the establishments around the intersection, and that Mr. Michael Deutch was a Carroll County community member who coached a soccer program at Cape Horn Park. He also stated that a lot of other businesses could come to that location and level the building if they wanted to do so, and he said that the car wash would benefit the community. Mr. Michael Ginsberg, representing the property owner Eagle Realty LLC, spoke in support of the application. He said from a practical standpoint his client could have had many other potential tenants other than WashX because the property is on a highly trafficked road. He said his client wanted to put something in place of the bank that made sense for the community. Other tenants such as Wawa or McDonald's, from which his client received offers, would have brought other issues to the area, such as the need to dig for gas tanks. Mr. Ginsberg continued by saying having one of those businesses there would have made his client a lot of money.

Mrs. Watts introduced the Applicant's Rebuttal. Mr. Deutch spoke to the Board again. He said he has 16 years of experience in the car wash business, and recently owned an Auto Spa Car Wash in Cockeysville, MD which he sold to a private equity backed car wash group to partner with Mr. Pappas in the WashX venture. He said he and his ex-wife built a house off Houcksville Rd in 2016, and while he no longer lives in Hampstead, he is invested in the Town and calls it home, his three daughters go to Hampstead Elementary and play for North Carroll Soccer Club. He said he passes through the intersection between Rte 30 and Eagle Ridge Court five times a week, and WashX is excited to come to Hampstead. Mr. Deutch said they have done a lot of research on rainwater harvesting and impact studies, and they respect the water issue in Hampstead and in all of Carroll County. He said that the community feel of Hampstead helped him and his partners decide to come out here with their business venture. Thus completed the Applicant's Rebuttal.

Mrs. Watts ended the Public Comment period of the hearing.

Mrs. Watts introduced the option of a closed session with legal counsel. Mrs. Watts made **a motion to consult with legal counsel**. Mr. Joseck seconded the motion. The motion passed with three votes for, no votes against and no abstentions.

The Board had a closed session with Ms. Michelle Ostrander.

The Board and Ms. Ostrander returned to the dais and the Board began deliberations in the case. Ms. McCoy asked Mr. Roark to discuss the historical element. Mr. Roark said it was the first time he had heard of historic classification falling under the Town. He said the Town has a Hampstead Historic zoning district that consists of Main Street. The Town has several other properties within the Town that are considered historic, but the Town did not request that classification, the Maryland Inventory of Historic Properties (MIHP) goes around the state and they determine historic classification of properties based on architectural type. Mr. Roark said he only knows of one property in the Town that the MIHP deemed historic, the old Hampstead School, which is now used as senior housing. Mr. Roark said he was not aware of the Town pursuing historic designation for any property. Mrs. Watts asked the other Board members if they remembered how long the bank building has been vacant. Mr. Joseck said he thought it was five years. Ms. McCoy said a year and a half. Ms. Ostrander said she did not know. Mrs. Watts said she was just trying to remember.

Ms. McCoy continued deliberation by discussing the concerns about traffic. She said Mr. Shaffer's Exhibit #1 said a more appropriate use of the land would be a dentist's office, then she compared the traffic number provided by the Applicant, Exhibit #4 Trip Generation. Ms. McCoy said she thought her dentist's office had more than 66 trips per day. Mr. Roark corrected her by adding that the numbers on the trip generation data in the Applicant's Exhibit #4 were per hour. Ms. McCoy said she thought those were daily numbers, she asked if the car wash was really going to have 78 trips per hour and Ms. Ostrander said that ITE provides standards that are used nationally. Mrs. Watts said she was thinking about what Mr. Ginsberg said regarding the property's potential tenants, that a dentist's or doctor's office would be great, but the building has been vacant for a year and a half and no one has done anything with it. Her concern was getting something bigger than a car wash on the property, like a gas station or a fast-food place that would generate traffic. Ms. McCoy said she thought that it sounded like there has been interest from other businesses on that level but not at the smaller level, it's a higher traffic area so that is where bigger businesses want to go. Ms. McCoy asked the other Board members if they could ask for a traffic study, and if so, what other information would the study give. Ms. Ostrander said they can ask the Planning and Zoning Commission to request one when they do the site plan review, that one can be completed on the specific intersection. It was her understanding that intersections are graded from "A" to "F". The Board cannot ask for a study, but the Planning and Zoning Commission can request that to be completed at site plan. Mrs. Watts said she is also concerned about water usage, that will be another study, correct? Mr. Roark said that the Applicant needs to apply to the Maryland Department of the Environment (MDE) and Carroll County Health Department for the well. MDE oversees the water system and if they find that this usage adversely affects the Town's water system, even if they are very minimal, they will let the Town know well in advance. Mr. Roark said there is a chance that the Applicant may reopen an old well on the property. Ms. Ostrander said anything pertaining to the well will have to go through MDE. Mrs. Watts says she has reviewed the criteria for Board approval and says that they are aware of the residents' concerns and those have been well documented. She said she doesn't know how to measure the noise, that seems like another study would need to be done on noise generation. She hopes that the car wash, if they want to be good neighbors, works with the residents should noise issues arise. With regards to odors, dust, smoke, etc, they will have a filtration system that is going to be monitored. Mr. Joseck said he thinks the Applicant has answered all their questions except the local traffic study and water usage, which will be addressed later. Ms. Ostrander said again that they can recommend a traffic study be done at site plan stage. Mr. Roark informed everyone that when the project goes through site plan with the Town it will also go through site plan review with the Carroll County Department of Development Review. One of the agencies that reviews is the State Highway

Administration (SHA), and Mr. Roark thought that the SHA would request a traffic study. Mrs. Watts ended the deliberation.

Ms. Ostrander asked for the Applicant's Exhibits #1 through #4 to be entered into the public record.

Ms. McCoy made **a motion to approve the request by WashX LLC for a conditional use to operate a car wash at 2305 Hanover Pike.** Mr. Joseck seconded the motion, with the **recommendation that a traffic study be completed and the water usage be evaluated.** The motion passed with three votes for, no votes against and no abstentions.

Mrs. Watts made **a motion to adjourn.** Mr. Joseck seconded the motion. The motion passed and the hearing was adjourned.

Submitted by:

Approved by:

Jim Roark
Town Manager/Zoning Administrator

Vickie Watts
Chair