

## GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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### MINUTES

**The Garrett County Planning Commission** held its regular monthly meeting on Wednesday, May 4, 2006, at 1:30 pm, in the Economic Development Meeting Room. Members and guests in attendance at the meeting included:

George Brady	Joe McRobie	Paul Durham
Troy Ellington	John Nelson-staff	Betsy Spiker
Fred Holliday	William DeVore-staff	William Weissgerber
Ruth Beitzel	Dr. Joseph Smith	Edith Brock
Tim Schwinabart	Constance Smith	Karen Myers
Gary Fratz	Carolyn Matthews	Doug McClive
Jeff Messenger	Drew Fessler	Gary Nesline
Dennis Margroff	William Franklin	

1. Call to Order – By Chairman, George Brady, at 1:30 pm.
2. The April minutes were unanimously approved, as submitted.
3. Reports of Officers – Chairman Brady congratulated John Nelson, Director of the Department of Planning and Land Development for his receipt of the 2006 Innovations in Public Service Award by the Maryland Chapter of the American Society for the Public Administration. Mr. Brady and the members of Planning Commission cited an article in the Cumberland Times News recognizing Mr. Nelson's achievement.
4. Unfinished Business – None
5. New Business-
  - A. **Special Exceptions** – Due to the number of guests in attendance for the Special Exceptions before the Deep Creek Watershed Board of Zoning Appeals, the Chairman agreed to adjust the agenda to allow presentation of the Special Exceptions by Thousand Acre Developments to be the first order of business.

1. **Deep Creek Watershed Zoning Appeals Cases – Special Exceptions for Thousand Acre Developments, Inc. SE-371 and SE-372.**

The Deep Creek Watershed Board of Zoning Appeals will conduct a public hearing on Thursday, June 1, 2006, starting at 6:30 pm, in the Health Department Meeting Room, first floor, 1025 Memorial Drive, Oakland. The Board will review the following docketed cases and hereby request advisory opinions from the Planning Commission for these cases:

- a. **SE-371-** an application submitted by William A. Franklin of Thousand Acre Developments, Inc. for a Special Exception permit to allow construction of a public golf course clubhouse associated with an 18-hole public golf course. The clubhouse is to provide support facilities and services to members and the public including golf pro shop, restaurant and lounge, meeting, exercise and locker rooms, and golf cart storage and maintenance facilities. The property is located on Thousand Acres Road (tax map 67, parcels 780 and 782) and is zoned Lake Residential (LR).

Pursuant to Section 304(C)(21) of the Deep Creek Watershed Zoning Ordinance, public golf course clubhouses associated with a public golf course having 18 or more holes of play, require a Special Exception in the LR zone, pursuant to Section 1006.

- b. **SE-372-** an application submitted by William A. Franklin, on behalf of Thousand Acres Developments, Inc. for a Special Exception permit to develop a boat-launching ramp associated with and operated as a private membership club not conducted as a business enterprise. Facilities on the proposed club property include the launch ramp, lakeside pavilion for storage of canoes and kayaks, picnic area, swim area, docks and trails and other recreational activities on the Department of Natural Resources (DNR) buffer strip to be used by members only and operated as a private Club. The property is located on Thousand Acres Road (tax map 67, parcel 780 and 782) and is zoned Lake Residential (LR).

In considering compliance with the provisions of the Deep Creek Watershed Zoning Ordinance and accepting the application for Special Exception, the Zoning Administrator has determined that the land uses identified on the Thousand Acres application and described within the supporting documentation are substantially similar in character to three specific uses identified within the Table of Use Regulations of the Zoning Ordinance. The land uses described in the application are substantially similar in character and impact to: 1) a boat launching ramp conducted as a principal use (Section 304C.4); 2) a private membership club not operated commercially or conducted as a business enterprises (Section 304C.11); and 3) a marina as defined in Article 2 (Section 304C.6). Each of the aforementioned uses and corresponding sections are permitted by special exception in the Lake

Residential zoning district, but individually, do not clearly classify or define the land uses applied for by Thousand Acres. Therefore, pursuant to Section 304G.3 of the Deep Creek Watershed Zoning Ordinance, this special exception application is being accepted as an application for uses substantially similar in character and impact to the uses ordinarily permitted by the Ordinance by right or by special exception within the Lake Residential zoning district. The uses described in the Thousand Acres application are determined to be similar in character and impact to a boat-launching ramp (Section 304C.4), a private membership club (Section 304C.11) and a marina (Section 304C.6) and pursuant to Section 304G.3 require a Special Exception permit approved by the Board of Appeals pursuant to Section 1006.

Representatives of Thousand Acres Development, Inc., attended the Planning Commission meeting and provided a detailed presentation to the Commission regarding their application. Paul Durham representing Thousand Acres Development, Inc, presented an overview of the applications for SE-371 and SE-372, to the Planning Commission. Mr. Durham said that Thousand Acres agrees with the zoning use classification as presented by the Department of Planning and Land Development for these special exceptions. Mr. Durham said that this proposal complies with the County's Comprehensive Development Plan and the Deep Creek Watershed Zoning Ordinance.

#### **SE-371**

Mr. Durham presented a plat showing the boundaries of the golf clubhouse property. The clubhouse building will be located on the larger parcel of land that also includes a pool pavilion and an exercise-fitness room. The pavilion will be an accessory building but operated in concert with the clubhouse operation. The clubhouse will be operated by a not for profit entity and will not be a commercial business. Sufficient parking will be provided on the premises, consistent with the ordinance, as shown in the plan. According to Mr. Durham, the clubhouse itself will be open to the general public for certain services. Primarily, the clubhouse will be operated and managed as a private club. At times, the golf course, restaurant, lounge, pro-shop, and meeting rooms will be available to the general public. From time to time, these services may not be available to the general public, when the club has priority use of the facility. The fitness facility will be available to members only. The grounds around the public clubhouse will include landscape fencing to separate the private club from the public clubhouse facilities.

Paul Durham noted the private clubhouse property includes certain outdoor recreational amenities such as a swimming pool, tennis courts and basketball courts that are permitted by right in the LR zone. Mr. Durham said that certain concerns of the neighbors in the community, such as public access to club grounds are reflected in the design of the facility. Mr. Durham said that the access would be controlled by a gate or door that will only be accessible by club members. No boating access is being sought, or permitted, for the general public to access golfing, or the restaurant, from the boat docks associated with the "lakefront" club. Mr. Durham spelled out the

difference between the general public and sponsored guests. All guests must be personally invited, registered and sponsored by a member in order to allow the guest access to facilities not open to the general public. Mr. Durham said that this policy would be strictly controlled. Closing hours for operation of the restaurant will be 10:00 pm.

Mr. Durham explained that there are two levels of membership, general membership and special lakeside membership. Lakeside membership is required for access to the buffer strip amenities and the boat docks.

Some members of the Commission have concerns about noise levels being carried across the lake after 10:00 pm. Mr. Durham noted that outside amplified noise is prohibited at the clubhouse. Mr. Durham said that all outside food and beverage service would be curtailed after 10:00 pm. Mr. Durham noted that the clubhouse is 900 ft from the nearest residence and is shielded by wetlands, woods and the golf course. Mr. Durham also noted that the clubhouse property line (the former Penelec line) is approximately 133 ft from the lake shoreline and some of this area will be protected woodland, remaining in its natural condition. The clubhouse structure will be another 309 feet from the former Penelec line.

Dr. Joseph Smith, a resident of Thousand Acres, asked if the restaurant would be owned and operated by the not for profit club. Mr. Durham said that the restaurant would be leased to a not for profit company who will operate the facility. The income from the restaurant will go to the not for profit organization. Mr. Durham reiterated that this would not be a commercial restaurant.

Mr. Durham presented an architectural design and floor plan of the proposed clubhouse. Paul Durham also pointed out the location of the proposed control fence and gates, shown on the plat, that are part of the application. Eighty golf carts are proposed to be stored in the basement of the clubhouse building. A "snack-shack" for the golfers is proposed and shown on the plan. The consultant said that no other snack bars are proposed on the golf course. The building footprint will total of 5,200 square feet. Mr. Durham also outlined the various amenities and facilities at the proposed clubhouse including elevator, golf pro shop, dining and lounge areas, and meeting rooms. Indoor restaurant seating includes 52 seats. Mr. Durham noted that the general public is eligible to apply for club membership.

The pool pavilion contains the fitness facility, restrooms, a small snack bar, and changing rooms. The facility will be available to members and sponsored guests only and operated by the clubhouse entity. Mr. Durham said that the building heights would comply with the zoning ordinance. Mr. Nelson clarified the meaning of the height regulations as specified in Section 408 of the ordinance. The maximum height overall is 50 feet from the highest point of the building to the lowest ground level of the building.

Paul Durham and Thousand Acres Developments feel that the proposed uses are traditionally provided at a golf course clubhouse. Low impact lighting will be used for the project. He noted the main access road would avoid existing residential areas. The access road, extending from Sky Valley Road, will be designed to the public county road standards but will be maintained as a private road. Mr. Durham stated that there are specific rules in the club membership that prohibits loud, unruly behavior.

### **SE-372**

Mr. Durham presented a plat showing the boundaries of the lakefront club and boat launching area. Mr. Durham said that the launch ramp facility and this parcel would control 3,000 ft of lakefront. The parcel includes a one-foot strip along the DNR property line. A private road with a control gate would provide the only access to the ramp. Only lakefront club members could use the gate and the launch ramp, according to Mr. Durham. The ramp will not be available for day-use boats over 500 lbs. Hand carried launches, less than 500 lbs per boat, are limited to 10 per day, as required by DNR. Beaching of boats is prohibited. Mr. Durham noted that the club must first approve all launching of personal watercraft and the club will check to see that the operator complies with watercraft regulation. Parking for vehicles with trailers is provided at the ramp as required by the ordinance, but parking of boat trailers is prohibited by club rules.

Recreational facilities for the lakeside club include, the boat ramp facility, a small swimming area within the lake, transient docks, 18 overnight docks slips, and a small pier. The club, according to Mr. Durham, will not rent boats. Mr. Durham noted that other developments in the southern end of the lake have boat-launching ramps including Sky Valley, the yacht clubs and others. The ramp is located approximately 1500' from the nearest property. Lakeside membership will be limited to 600 members, phased-in over 10 years. The 600 members would be required to have a general membership for the golf course clubhouse first, in order to apply for the lakeside membership. Access to the ramp will be by membership only, but will be available for emergency access. Mr. Durham stated that a board of directors would run the club.

Dr. Joseph Smith made comments to the Planning Commission concerning the Special Exceptions. Dr. Smith feels that the Commission does not have enough time to review the applications and make an advisory opinion since the applications are so lengthy and was just available for their review today. He also believes that the only side being presented is from the paid, professional advocate for the project. Dr. Smith read summaries of a few letters to the Commission outlining some of the concerns that people in the Thousand Acre area have. Concerns include the size and scope of the project, future precedent, noise, lighting, traffic on Sky Valley road, and boat traffic.

Dr. Smith also feels that the project has been presented in piece-meal fashion and it is not reasonable to ask the Commission to make a recommendation on such short notice. He also believes that the pavilions are substantial buildings and the roads are not adequate.

Mr. Durham said that the developers understand that the board must review any subsequent changes to the project, at another Special Exception hearing, if it differs from the June 1 presentation to the Board of Appeals.

Mr. Nelson indicated that the applications comply with the specific and technical requirements of the zoning ordinance pending the Board of Appeals' findings with regard to the general criteria for Special Exception. Mr. Nelson reiterated that the board is requesting an advisory opinion on these special exception cases. Public notice for the hearing will be sent via certified mail on May 4, for the June 1 hearing, to all adjacent and opposite property owners. The property will also be posted with notice of the hearing and advertised in the local newspaper three times before the hearing. The Commission has the option of; 1) providing no recommendation 2) providing a recommendation based on the presentation; or 3) postponing a recommendation and reconvening a special meeting of the Commission for further discussion.

William Franklin of Thousand Acre Developments said that this project has been planned for at least 15 years and his family has kept the general public informed concerning its progress. Mr. Franklin said that the application and other information is available at [www.thousandacres.com](http://www.thousandacres.com) permits.

After discussion, of both requests the Planning Commission recommended approval of Special Exception-371 to allow construction of a public golf course clubhouse associated with an 18-hole public golf course unanimously, by a vote of 7-0. The Commission found that the proposed clubhouse complies with the specific requirements of the Ordinance with regard to parking, setbacks, land area, building height, etc. The Commission also found that the application will be consistent with the Comprehensive Plan in that adequate provision for a new road designed to County public road standards will be developed for access from Sky Valley Road. The facility will be isolated from existing residential areas and will be served with public sewer service. The facility will also provide a variety of land based recreational opportunities and the design of the structures will be in harmony with the character of the vicinity.

In a separate motion, the Planning Commission recommended approval of Special Exception-372, an application for uses substantially similar in character and impact to a boat-launching ramp, a private membership club and a marina, by a vote of 7-0. The Commission found that the proposed launch ramp/marina/membership club complies with the specific standards of the Ordinance and is consistent with the Comprehensive Plan with regard to adequate arrangements for traffic access, preserves open and scenic areas and provides additional private recreational activities in the Deep Creek Drainage Basin.

2. The Deep Creek Watershed Board of Zoning Appeals will conduct a public hearing on Thursday, May 18, 2006, starting at 7:30 pm, in the County Commissioners Meeting Room, second floor, Courthouse Annex, Oakland. The

Board will review the docketed case and hereby request an advisory opinion from the Planning Commission on the following case:

- a. **SE-370-** an application submitted by Zack and Linda Taylor and Nancy Railey for a Special Exception permit to establish a laundry service building. The applicant proposes to use an existing building to wash and process laundry, on the premises of James J. Bernard. The property is located at 45 Springwood Acres (tax map 42, parcel 456) and is zoned Town Center (TC).

After discussion, the Planning Commission recommended approval of Special Exception SE-370 to allow a laundry service building at this location. The motion was carried unanimously, by a vote of 7- 0.

## **B. Update of the Garrett County Comprehensive Plan.**

John Nelson noted that bids for the Request for Proposal (RFP) for the Garrett County Comprehensive Plan Update have been received. Mr. Nelson stated that reviews of the individual bids are nearing completion and evaluation score sheets would be submitted to the procurement office for final selection. Mr. Nelson feels the selection will be finalized by approximately the middle of this month.

## **C. Review and recommendations regarding amendments to the Deep Creek Watershed Zoning Ordinance.** John Nelson explained that a memo was developed for the Planning Commission with proposed amendments to the zoning ordinance. The following is a summary of the recommended changes.

1. Amend Section 304B.20.a - (*Transient Vacation Rental Units for up to five bedrooms*) to provide for reduced parking requirements for units that are situated within duplex, townhouse or multi-family developments with shared parking areas as follows:

*Section 304B.20.a – One off-street parking space shall be provided for each bedroom; except that in those developments existing or planned for duplex, townhouse or multi-family dwelling units and offering shared parking spaces within parking lots developed with a minimum of twenty (20) spaces or more, the minimum parking requirement shall be one off-street parking space for each one and one half (1.5) bedroom or any fraction thereof.*

Mr. Nelson explained that this amendment would apply to existing and newly constructed duplex townhouse or multi-family developments with at least 20-or more shared parking spaces in a single lot. Mr. Nelson recommends that the shared parking area with a 20-space minimum is needed, instead of 10 shared spaces, to eliminate a single 5-bedroom duplex residence as qualifying for the proposed change.

2. Amend Section 304B.21.a - (*Transient Vacation Rental Unit for between six and eight bedrooms*) to provide for reduced parking requirements for units that are situated within duplex, townhouse or multi-family developments with shared parking uses as follows:

*Section 304B.21.a – One off-street parking space shall be provided for each bedroom; except that in those developments existing or planned for duplex, townhouse or multi-family dwelling units and offering shared parking spaces within parking lots developed with a minimum of twenty (20) spaces or more, the minimum parking requirements shall be one off-street parking space for each one and one-half (1.5) bedrooms or any fraction thereof.*

3. Add a new Section 517 to the Zoning Ordinance to acknowledge Development Rights and Responsibilities Agreements as follows:

*Section 517 – DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENTS*

*A. Pursuant to Section 13.01 of Article 66B of the Annotated Code of Maryland, the Board of County Commissioners may:*

- 1) By ordinance, establish procedures and requirements for the consideration and execution of agreements; and*
- 2) Delegate all or part of the authority established under the ordinance to a public principal within the jurisdiction of the governing body.*

4. Allow SHA to comment on its needs if a project on a county road will affect a state road.

Mr. Nelson explained that he is not certain how to accomplish this through the Zoning Ordinance.

5. Amend Section 1011 A and 1011 B to extend the time limit on Board of Appeals approvals to two years as follows:

Section 1011 **TIME LIMITS ON BOARD APPROVALS**

- A. Structures. A decision of the Board permitting the erection or alteration of a structure a period of two years, unless a zoning permit for such erection or alteration is obtained within this period and the erection or alteration proceeds to completion in accordance with the terms of the decision.*
- B. Uses. No decision of the Board permitting the use of a structure or land shall be valid for a period longer than two years, unless such use is established within said period; except that, where such use is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a zoning permit for such erection or alteration is obtained within said period,*

*and such erection or alteration proceeds to completion in accordance with the terms of the decision.*

Mr. Nelson noted that the only change to the Ordinance would be that the time period would be changed from one to two years.

6. Amend Section 304B.20 (Transient Vacation Rental Unit for up to five bedrooms) by deleting the requirement for a written evaluation of the neighborhood as follows:

*Section 304B.20; Delete Subsection (e) that currently reads:*

*A written evaluation of (1) the extent to which transient vacation rental units are already an established use in the neighborhood; (2) the relative value of the present improvements, if any, of other properties in the neighborhood; (3) the probable effect of the proposed transient vacation rental unit on the value of other improved properties in the neighborhood and the expected level of investment on adjoining properties; (4) the discernable trend, if any, in the types of residential units being newly established in the neighborhood; and (5) compatibility of design with other improvements in the neighborhood shall be provided.*

7. **Delete** Section 604; *this section that currently reads:*

*Section 604 - PARKING LANDSCAPING INCENTIVES*

*If the parking area for a commercial enterprise is landscaped and the impervious surface reduced by an alternative paving surface as approved by the County Planning Commission, then a 10 percent reduction in the total number of parking spaces required elsewhere in this ordinance will be allowed.*

8. Amend Section 1005 of the Ordinance to establish more specific and limiting criteria for the Board of Appeals to consider when reviewing applications for variance requests. The following new Section 1005 would replace the existing provisions:

*1005 Powers and Duties – Variances*

- A. *Upon appeal from a decision by the Zoning Administrator, the Board shall have the power to vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions whereby such strict applications would result in practical difficulty and unnecessary hardship depriving the owner of the reasonable use of land or building involved, but in no other case.*
- B. *In general, the power to authorize a variance from the terms of this Ordinance shall be sparingly exercised and only under peculiar and exceptional circumstances.*

- C. *No variance in the strict application of the provisions of this Ordinance shall be granted by the Board unless the Board finds that the following requirements and standards are satisfied.*

*The appellant must show that the variance will not be contrary to the public interest and that practical difficulty and an unnecessary hardship will result if it is not granted. In particular, the appellant shall establish and substantiate his appeal to show that the appeal for the variance is in conformance with the requirements and standards listed below:*

- 1) That the granting of the variance shall be in harmony with the general purpose and intent of this ordinance, shall not be injurious to or alter the character of the neighborhood, will not impair adequate light and air to the adjacent property and will not impair views from the adjacent property, or otherwise be detrimental to the public welfare.*
- 2) That the granting of the variance will not permit the establishment within a district of any use that is not permitted in that District.*
- 3) That special circumstances or conditions, fully described in the findings, apply to the land or buildings for which the variance is sought, which circumstances or conditions are such that strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building or create unnecessary hardship. If the hardship is general, that is, shared generally by land or buildings in the neighborhood, relief shall be properly obtained only by legislative action or by court review of an attack on the validity of this ordinance.*
- 4) That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose. It shall not be considered sufficient proof of hardship to show that greater profit would result if the variance were awarded. Furthermore, hardship complained of cannot be self-created; it cannot be claimed by one who purchases with or without the knowledge of restrictions; it must result from the application of the Ordinance; it must be suffered directly by the property in question; and evidence of variance granted under similar circumstances shall not be considered.*
- 5) In the case of applications for variances involving lots that qualify under the provisions of Section 402 (Exceptions to Minimum Lot Sizes), the Board shall give specific consideration to the size, height, bulk and character of structures within the general neighborhood.*

*D. The Board may prescribe any safeguard that it deems necessary to secure substantially the objectives of the regulation or provisions to which the variance applies.*

William Weissgerber of Railey Realty feels that with this amendment, variances will be more difficult to get approved and building structures that do comply with the ordinance may create more problems than the amendment would solve.

9. Amend the requirements to eliminate additional lot area for accessing dwelling units built in conjunction with permitted commercial use. (Recommendation #13).

After discussion, the Planning Commission voted unanimously to support this amendment, by a vote of 7-0. Wording for this proposed amendment has yet to be determined and will be provided by Mr. Nelson at the next meeting.

10. Reduce the size of vacation rental home signs.

William Weissgerber produced a sample sign that he feels could be used for vacation rental homes. This sign is approximately 260 sq in or 1.8 sq ft. He said several of the local real estate companies' support using such a sign and he recommends maximum size sign of about 300 sq in (or 2.0 sq ft). The Planning Commission recommended approval of such a standard with a phasing in period of 3 years because the average sign lasts about two to three years. Mr. Nelson said that he would develop language to word the amendment using the 300 sq in or 2.0 sq ft maximum size and present the proposed amendment to the Commission at the next regular meeting.

11. Amend the zoning ordinance to disallow Scrolling Message Board Signs –The Planning Commission was unable to reach consensus on the issue at this time. Mr. Nelson said that he would develop language to word the amendment and present the proposed amendment to the Commission at the next meeting.

12. Amend Sections 304 E.21 to disallow very large signs such as billboards as follows:

Section 304E.21- the proposed change to the ordinance would read:

- d. Off-premises advertising signs    P   N   N   N   P   N   N*  
*(see Section 708.C.1.)*
- e. Commercial advertising signs    P   N   N   N   P   N   N*  
*(see Section 708.C.2.)*

Further discussion of these draft changes will be continued at the next meeting of the Planning Commission. Currently the size limits of the signs are 300 sq ft. Mr. Nelson will provide alternative draft language to permit these types of signs in Town Center but reduce the size to 100 square ft.

**C. Proposed amendment to the zoning ordinance regarding setbacks for marinas.**

Karen Myers, of DCL Development, appeared before the Planning Commission requesting initiation of a change to the zoning ordinance. Ms. Myers shared a conceptual sketch with the Commission regarding the future development and long-term plan for multiple parcels in McHenry including a “pedestrian village”. The concept includes a boat sales showroom. A second sketch plan includes a cross-section view of Deep Creek Drive and a plan for a 66’ wide street with sidewalks, parking and a 24’ paved roadway.

Ms. Myers feels that there is an inconsistency in the ordinance regarding the definition of a marina and also the setbacks for a marina. She pointed out other commercial uses range from 0 to 20 ft for side-yard setbacks while marinas require 50 ft. Rear-yard setbacks for other retail and commercial services range from 25 to 50 ft, while 100 ft is required for marinas. Ms. Myers explained that she is looking for more consistency in the setback rules regarding retail use.

The Commission showed interest in changing these setback requirements to make them more consistent with other businesses enterprises in the Town Center (TC) Zone. The Commission unanimously approved a motion to have Mr. Nelson prepare draft changes to the table of dimensions requirements in 401B.13. The ordinance would be amended by adding, in the TC district only, 20 ft front, 15 ft side and 25 ft rear yard setbacks for retail show rooms for marina operations. Mr. Nelson will present the change to the Commission at the next meeting.

#### D. Miscellaneous

1. **Minor Subdivisions** – Mr. Nelson has approved, or is about to approve, a number of minor plats since the last Planning Commission meeting. Copies of the plats were included in the packet mailed to the Commission members.
2. **Friend Waiver Request** – Bernard and Charlet Friend request a waiver to equally divide a 3.78-acre lot into two lots, located in the Agricultural Resource land classification district. The lot has two existing houses. The Planning Commission recommended approving the waiver request by a unanimous vote of 6 to 0.
3. **Discharge Permit Application for Aspen Woods East, LLC** - Application is for a permit to discharge 80,000 gallons of treated, household effluent into Ginseng Run. The project is located along Garrett Highway. After considerable discussion, the Commission had no comment on the application.
4. **Discharge Permit Application for Backbone Mountain, LLC** - Application is for a permit to discharge 4,500 gallons of treated wastewater and stormwater for an underground coal mine. The project is located along a tributary of Nydegger Run near Table Rock. After discussion, the Commission had no comment on the application.

**6. Action on Major Subdivision Plats-**

A) **Bear Ridge III -Revised** – This is a 2-lot major subdivision plan for Tony Artice, off of an extension of Malachi Way. John Nelson noted that the lot design and acreage has been changed since these lots were approved at the meeting last month. Final plat approval was granted unanimously, by a vote of 6-0.

B) **Hopeland Village – Phase III** – This plan is a request for a major subdivision, on Broadford Road. This development includes 4 new lots with a new access road. The developer is Garrett County Habitat for Humanity. Only the bond or letter of credit must be submitted for the subdivision. Final plat approval was granted unanimously, by a vote of 6-0, conditioned upon receipt of all required information.

7. **Next Scheduled meeting** - The next regular meeting of the Planning Commission is scheduled for Wednesday, **June 7, 2006**, in the Economic Development Meeting Room, at 1:30 pm.

8. Adjournment- 5:30 pm.

Respectfully submitted,

William J. DeVore  
Zoning Administrator