

GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, August 2, 2006, at 1:30 pm, in the Economic Development Meeting Room. Members and guests in attendance at the meeting included:

George Brady	Tim Schwinabart	Paul Durham
Troy Ellington	Jeff Messenger	Edith Bender
Dennis Margroff	John Nelson-staff	Clive Graham
Ruth Beitzel	William DeVore-staff	

1. Call to Order – By Chairman, George Brady, at 1:30 pm.
2. The July minutes were unanimously approved as submitted.
3. Reports of Officers – None
4. Unfinished Business – Members of the Commission made a request that in the future all subdivision plats be labeled for location relative to existing roads for easy recognition. Mr. Nelson agreed to have all subdivisions labeled.
5. New Business-

A. Amendments to the Deep Creek Watershed Zoning Ordinance.

John Nelson noted that the proposed amendments have been finalized and are now in the hands of the County Commissioners. A public meeting has been set for Tuesday, August 22, at 11:00 a.m. in the Commissioners Meeting Room.

Discussion ensued concerning changes to the ordinance regarding Exceptions for Accessory Dwellings, number 8, on page 5, of the proposed amendments to the ordinance. This amendment is designed to create incentives for business development and encourage continued viability of traditional waterfront businesses in the Town Center zone. Some members of the Commission questioned whether the amendment should be more restrictive, so that second story residential areas and loft areas would not exceed the first floor footprint. After further review, the Commission decided to leave the wording unchanged.

B. Update on the County Comprehensive Plan Update. John Nelson introduced Clive Graham of Environmental Resources Management (ERM) who is heading up the plan update. Mr. Nelson had previously distributed notes from Mr. Graham and a copy of the Power Point presentation presented by Mr. Graham on the evening of the public meeting at Garrett College.

Mr. Graham asked the Commission whether ERM should keep the watershed format, as has been previously used with past comprehensive plans for the county or to possibly use an entire countywide approach for the plan. Mr. Nelson and some members of the Commission feel that people in the county actually do identify with the watershed in which they are located. Mr. Graham described the watershed method as cumbersome at times, but apparently rather useful. Mr. Nelson noted that combining some of the watersheds might also be useful.

Mr. Graham gave his reaction to the first public meeting. He felt that the meeting was informative, very useful and went almost as anticipated. Mr. Graham noted the delicate balance between protection of the rural environment and the importance of economic development. Mr. Graham noted that Whitman-Requardt, an engineering firm that is currently providing engineering services to the Department of Public Utilities, would also contribute to the comprehensive plan by arrangement with ERM.

Mr. Graham also noted that Garrett County's municipalities are also updating their comprehensive plans and that input from the towns will be incorporated into the county plan. Mr. Nelson explained that the town's plans would include annexation plans, density issues and priority funding areas. The municipalities are now required to coordinate with the county.

The consultant explained that the chapter in the plan pertaining to the Deep Creek Lake Watershed will be rather large and will include a water quality study on the lake. The water study is planned to incorporate a grid system and water quality model, as a basis for understanding the current lake water quality. A projection of expected future growth will then be factored in to aid in prediction of future water quality. ERM feels that with this, and other data, predictions can be made as to what effect future growth may have on other aspects of the lake. Mr. Graham explained that the plan would also incorporate the lake assessment that ERM completed on Deep Creek several years ago. Mr. Graham also noted that water quality is also available from the Department of Environmental Health. Paul Durham, former lake manager for the Department of Natural Resources (DNR), noted that the State has base line data from 1989 through 1991 and this data is available from DNR.

ERM hopes to acquire and use all available land use information for the plan. Some of this information may be available to review this fall, possibly for a special meeting of the Planning Commission. Next spring detailed planning for McHenry and Thayerville

will be added to the plan. ERM plans to produce a draft plan for the Commission to review by the end of 2007, with public comment in the spring of 2008.

Mr. Graham, Mr. Nelson and the Commission reiterated that that all meetings will be open to the public and input from other sources and concerned individuals and groups are welcomed.

C. Oakland By-Pass for State Route 219. John Nelson explained that a meeting was held at Southern High School two weeks ago concerning various issues regarding construction of the by-pass. Topics of discussion at the meeting include design changes including the northern terminus into Oakland, the Memorial Drive at grade intersection, the roundabout at Dennett Road, the bridge at High Street, and the signal at the intersection of Routes 135 and 219. Two major changes made by the State Highway design team include the northern entrance into Oakland and the proposed bridge at High Street. Mr. Nelson noted that the project is now in the design phase though some organized opposition to the project still remains.

D. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases –August meeting.

The Deep Creek Watershed Board of Zoning Appeals will conduct a public hearing on Thursday, August 17, 2006, starting at 7:30 pm, in the County Commissioners Room, second floor, 203 South Fourth Street, Oakland. The Board will review the following docketed cases and hereby request advisory opinions from the Planning Commission for these cases:

- a. SE-373-** an application submitted by Jeffrey Haines for a Special Exception permit to establish and construct four (4) boat storage buildings. These buildings require a Special Exception permit in the Lake Residential (LR) zone. The property is located adjacent to 2177 Glendale Road (tax map 59, parcel 30) and is zoned LR.

The Planning Commission has no comment on this application.

- b. VR-615-** an application submitted by Roger Cutright of Silver Tree Enterprises, LLC, for Variances to allow the construction of condominium units that would come within 5.0 feet of a rear property line, instead of the required 15.0 feet, and decks to come within 0.0 feet of the same rear property line instead of the required 5.0 feet. This application was postponed from the July meeting of the Board. The property is located at 567 Glendale Road, tax map 58, parcel 740, and is zoned Town Center.

At the last meeting, the Planning Commission recommended by a unanimous vote of 6-0 that the Silver Tree application not be acted upon until the applicant has received the “buydown” from the State of Maryland, if the variance is to be heard under the relaxed standards provision of the ordinance. The Planning Commission reiterated this same position.

- c. **VR-616-** an application submitted by Kevin Van Fleet for a Variance to allow the construction of a proposed residence to come within 4.0 feet of a rear property line, instead of the required 40.0 feet. The property is located on map 66, parcel 522, Lot 19 of the Reserve at Holy Cross, off of Reserve Drive, and is zoned Lake Residential.

The Planning Commission has no comment on this application.

- d. **VR-617-** an application submitted by Robert C. Borden of Outer Banks, LP for Variances to allow the construction of an existing principal structure that would come within 6.0 feet of a rear property line, instead of the required 15.0 feet, and a deck to come within 2.5 feet of the same rear property line instead of the required 5.0 feet. The property is located at 20648 Garrett Highway, tax map 58, parcel 240 and is zoned Town Center.

The Planning Commission has no comment on this application.

- 2. **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.

- 3. **Waiver Request** – None.

- 4. **Discharge Permits-**

- a. **Camp Sunrise Church-** near Markleysburg, Pennsylvania requests renewal of a discharge permit to discharge 7,000 gallons per day of treated wastewater. The Planning Commission has no comment on this application.

- 5. **Citizen Planner Association-** The Planning Commission elected not to join the Association for this year.

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

- A) **Major Subdivision for John Goehringer for a commercial lot located on Map 24, Parcel 55.** The lot located is located on a private drive off of Rt. 219 that will be shared with Annie’s Kitchen and used as a meat processing facility. The lot is located just outside of the town limits of Accident. The Planning Commission granted preliminary and final approval of this subdivision plat, by a unanimous vote of 6 to 0.

- B) **Major Subdivision -The Homestead for JC Holdings-** this application for subdivision is for 8 lots, located along Garrett Road, tax map, 79 parcels 307, 358, & 378. The applicant is seeking preliminary approval. Access will be by a new road named Garrett Trail. The plat meets the requirements for preliminary approval and was unanimously approved by a vote of 6-0.
- C) **Major Subdivision- Bear Crossing for Robert Berry -** this application for subdivision is for 5 lots located off Gravelly Run Road, map 50, parcels 476 and 651. The applicant is seeking final approval of the subdivision. Roads & utilities have been inspected and approved. The Commission granted conditional approval of this final subdivision plat, contingent on approval of Homeowner documents, by a unanimous vote of 6 to 0.
- D) **Major Subdivision- Paradise Run for Plum Run Builders LLC** is seeking preliminary approval. The owner of the property is Celia O'Brien. Application is for 26 lots located off of Boy Scout Road, tax map 66, parcel 70. The Planning Commission granted preliminary approval of this subdivision plat, by a unanimous vote of 6 to 0.
- E) **Major Subdivision- Bear Ridge III for Tony Artice -** this application for subdivision is for 5 lots located off Malachi Way, map 23, parcel 115. The applicant is seeking preliminary and final approval of the subdivision. The Commission granted conditional approval of this subdivision plat, contingent on approval of the roads plan, by a unanimous vote of 6 to 0. This plat replaces two earlier versions that were approved but not recorded.
- F) **Major Subdivision- Aspen Woods West, LLC** is seeking preliminary approval. Application is for 28 lots located off of Sang Run Road, tax map 41, parcel 425. The Planning Commission granted preliminary approval of this subdivision plat, by a unanimous vote of 6 to 0.
7. **Next Scheduled meeting -** The next regular meeting of the Planning Commission is scheduled for Wednesday, **September 6, 2006**, in the Economic Development Meeting Room, at 1:30 pm.
8. Adjournment- 3:45 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator

