

GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, September 5, 2007, at 1:30 pm, in the County Commissioners Meeting Room. Members and guests in attendance at the meeting include:

Troy Ellington	Clive Graham	Paul Durham
Tim Schwinabart	John Nelson-staff	Carolyn Matthews
Joe McRobie	William DeVore-staff	Dr. Joseph Smith
Ruth Beitzel	Dennis Glotfelty	Dr. William Pope
Fred Holliday	Ernest Gregg	Edith Brock
Dennis Margroff	Sarah Moses	Lauren Briggs

1. Call to Order – By Acting Chairman, Troy Ellington at 1:30 pm.
2. The August minutes were unanimously approved, as submitted.
3. Reports of Officers – None
4. Unfinished Business – None
5. New Business-

A. Public Commentary and Discussion Regarding Proposals Submitted by Dr. Joseph Smith-

The Planning Commission considered several general recommendations and topics presented to the Commission at the last meeting. A written memo regarding these topics was presented to the County Commissioners, at the request of Dr. Smith.

1. Dr. Smith suggests, “that in order for the public to see the presentations, as they are being shown and explained, Power Point Presentation or an equivalent system should be required for all county hearings open to the public and encouraged for all meetings open to the public.” Dr. Smith noted that the Power Point Program is already available in the Commissioners Meeting Room. After discussion, the Commission did not take any position on this subject.
2. Dr. Smith believes, “that the high priority recommendation by planning consultants for a study of the committee system deployed in Garrett County should be instituted.” Mr. Nelson noted that there was no recommendation for a study in the ERM report but the consultant did recommend the formation of a committee to assist the Planning Commission. This committee was also recommended by the

Planning Commission, but turned down by the County Commissioners. Dr. Smith said that he would research the topic further. The Commission tabled this issue.

3. Last month Dr. Smith also suggested, “that two weeks prior to the Planning Commission meetings, written copies of proposals should be distributed to members of the Commission and interested parties, with newspaper notice of availability on request to the public.” Mr. Nelson noted that the items to be discussed are published on the county website and distributed to interested parties before the Planning Commission meetings which are always held on the first Wednesday of every month. Mr. Nelson noted that anyone could make requests to the planning office regarding specific topics, for preparation of the meeting. After discussion, the Commission did not take any position on the subject.
4. Dr. Smith feels that time should be scheduled for proposal opponents to speak at Planning Commission meetings. Chairman Ellington noted that that the Commission encourages input from the audience at meetings, especially on controversial or comprehensive changes. The Commission accepts this suggestion from Dr. Smith and did not take a vote on the issue.
5. Dr. Smith believes, “no editing should be permitted of transcribed reports of recorded hearings and meetings. Clarifying remarks could be added in italics”. Dr. Smith clarified that he believes that all transcribed documents should be word for word from the tapes of a recorded public hearing. Mr. Nelson noted that zoning appeals cases that are appealed are transcribed for the courts. The planning office then affirms the transcript and other documents to be true and correct. Mr. Nelson assured Dr. Smith that law requires transcripts to be verbatim. Dr. Smith requests that the planning office keep tapes for transcribed hearings for five years. The Commission did not take any position on the subject.

B. Presentation by Clive Graham regarding issues confronting the Deep Creek Watershed and recommendations for the Comprehensive Plan.

John Nelson introduced Clive Graham, project manager for Environmental Resources Management (ERM), who is assisting the Planning Commission in their update to the Comprehensive Plan.

Mr. Graham gave a brief overview of the progress of the development plan. Mr. Graham hopes that a preliminary draft plan will be available to the public within the next few weeks, pending this latest round of input. The entire draft plan may be available in December, though the water resource component of the plan may push this date back a month or two.

Mr. Graham explained that ERM had prepared a memorandum, dated August 30, 2007, dealing with Preliminary Land Use Concepts in the Deep Creek Lake Influence Area. Mr. Graham explained that the present growth of development in the watershed,

including its influence area (ie. the Wisp Resort), has been evaluated for possible development limitations by the sewer system, the water quality of the lake and traffic concerns. Generally, the findings of the evaluation show that with a maximum build-out (ie. the development capacity allowed under current zoning regulations,) the sewer treatment system would be inadequate, the road system would be completely overwhelmed and the impact on the water quality of the lake is yet to be determined.

Mr. Graham explained that based on transportation modeling conducted for the Comprehensive Plan, projected units (ie. 4,050 units) could be accommodated with minor upgrades to the transportation network in the Influence Area (particularly in the McHenry area). However, the Development Capacity of the Influence Area would completely overwhelm existing road systems, and opportunities for new or expanded roads are either limited, or are undesirable from a community character standpoint.

Mr. Graham also noted that it is getting difficult to obtain new discharge permits for new wastewater treatments plants because of water quality regulations. He noted that approximately three times as many housing units could be served as are now being served in the watershed, with the reasonable expansion of the present plant. Mr. Graham also believes that to serve the zoned capacity of the watershed with a sewer system is probably not feasible.

Mr. Graham explained that as of 2005, there are about 5,683 residential units in the lake influence area with about 4,050 additional units expected by 2030, with roughly one-half of those at the Wisp. This projection is based on the use of the moderate growth scenario. Mr. Graham explained that under current zoning, it is possible that as many as 24,160 units could be developed with the present zoning and density regulations. Mr. Graham said that their evaluation shows that sewer capacity, even with planned expansion, could not handle more than an additional 13,000 total units. ERM recommends the reduction of the maximum capacity for the lake and the lake influence area by changing land use policies and accompanying regulations. Mr. Graham feels that now is the time to deal with this future, long-term growth. In order to limit future development in the watershed area, Mr. Graham presented four scenarios to reduce this maximum potential development. Each of the four scenarios involves either the addition of new zoning classifications or alteration of existing zones. Each scenario, as presented in the August 30 memo, has an accompanying map showing the proposed changes.

1. The first scenario would change the density of the Rural Development (RD) zone to Rural (R), which allows one unit per acre. The Lake Residential (LR) classification becomes one unit per two acres instead of one unit per acre. This change could be accomplished as a text change to the ordinance. This reduces the zoned capacity by about 9,500 units. Mr. Graham feels this is the easiest, but possibly an inefficient plan.
2. The second scenario would split the LR zone into LR1 and LR2 zones. The LR1 density would remain the same while the LR2 zone would become one unit per

three acres. Also the density of Rural Development (RD) would be changed to a R classification, at the rate of one unit per acre. This scenario reduces the zoned capacity by about 7,800 units.

3. The third suggestion requires that some portions of the existing LR zone be changed to Agricultural Resource (AR) or Rural Resource (RR) designations, which would allow one unit per three acres. This reduces the zoned capacity by about 5,600 units, the smallest reduction in development capacity.
4. The fourth scenario is a combination of aspects of scenario 1, 2 and 3. In this scenario, the LR zone is split into LR1 and LR2 zones with LR2 becoming one unit per two acres. Some areas are re-designed as AR or RR, as one unit per three acres. This scenario reduces the capacity by about 7,800 units.

The Scenario Summary is shown on Table 3 in the August 30 memo. The summary shows the pros and cons for each scenario, along with the capacity reduction of each. ERM believes that even though none of these plans would reduce the available development to the goal of 13,000 units, Mr. Graham feels that either scenario would bring the total down to a more manageable number that can be reviewed with the next comprehensive planning process in six years, or even several years further in the future.

Commissioner Glotfelty is concerned because of what he sees as a lack of availability of space for commercial properties around the lake. The commissioner feels that planners should make sure that plans include an adequate opportunity for business development in the Deep Creek Lake area. Commissioner Glotfelty feels that we need something in place to protect businesses and to make up for the loss of commercial friendly zones that have been changed by residential construction.

Mr. Nelson explained that it is important to prevent or discourage further strip development of commercial properties along US Route 219. Strip commercial development can reduce the carrying capacity of thru roads by adding more congestion, left turning movements and traffic safety hazards. Mr. Nelson noted that it is important for businesses to concentrate their development efforts within areas that are already zoned for commercial development and infill areas. Mr. Nelson also explained that no new commercial areas have been suggested with these options, however, the director noted that the Town Residential (TR) designation is proposed to be expanded outside of the zoning district to accommodate development north of the Deep Creek watershed boundary. Mr. Nelson stated that interest for new development of commercial property in the northern portion of the watershed, has been demonstrated on the Joe Spiker subdivision. Commercial development is also planned in the Thayerville area, off of Quarry Road, near the limestone quarry.

Suggestions are being taken into consideration as the county continues to work on the comprehensive plan. A motion was approved by the Commission to support scenario 4, by a vote of 5 to 0, as the basis for land use concepts for preparation of the Comprehensive Plan, with Commissioner Holliday abstaining. Mr. Nelson said that

his office would work with ERM to evaluate the remaining amount of available or undeveloped property in the TC and Commercial zones for the next meeting of the Commission.

A public meeting is being planned to present the first draft chapters of the Comprehensive Plan to the general public. The meeting will probably be held sometime in October or November.

C. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases –

The Deep Creek Watershed Board of Zoning Appeals will conduct a public hearing on Thursday, September 20, 2007, starting at 7:00 pm, in the County Commissioners Meeting Room, second floor, 203 South Fourth Street, Oakland. The Board will review the following docketed cases and hereby requests an advisory opinion from the Planning Commission for these cases:

- a. **VR-634** an application submitted by Richard Lawler, president of Ski Harbor Condominium, Inc, for a Variance to allow the construction of a deck that would come to within 0.0 feet of a rear property line. The owners have purchased the buy-down from the State of Maryland. The property is located on Ski Harbor Drive in the Ski Harbor Condominium, tax map 42, parcel 364, units 1 through 4 and is zoned Town Center.

The Planning Commission has no comment on this application.

- b. **VR-635-** an application submitted by Ehsan Khademi, for Variances to allow the construction of a principal structure that would come to within 32.0 feet of a front property line, to within 10.0 feet of a side property line. The property is located on Lake Shore Drive, tax map 57, parcel 141, and is zoned Lake Residential. This case has been revised after approval of the “relaxed standard”, buy-down variance at the August meeting and also the denial of three other requested variances. The residence has also been redesigned from the submission last month to the Board of Appeals and the request has been reduced to two additional variances.

The Planning Commission recommends approval of VR-635, by a unanimous vote of 5 to 0.

- c. **VR-636** an application submitted by Martin P. Colburn, for Variances to allow the construction of a principal structure that would come to within 6.0 feet of a rear property line and a deck to come within 2.0 feet of the same rear property line. The owner has purchased the buy-down from the State of Maryland. The property is located on Reserve Drive in the Reserve at Holy Cross subdivision, tax map 66, parcel 522, lot 10 and is zoned Lake Residential.

The Planning Commission has no comment on this application.

- d. **VR-637** an application submitted by Robert J. Strayton, for a Variance to allow the construction of an addition to a residence that would come to within 13.5 feet of a rear property line. The owner has purchased the buy-down from the State of Maryland. The property is located at 229 North Shore Drive, tax map 59, parcel 122 and is zoned Lake Residential.

The Planning Commission has no comment on this application.

- e. **VR-638** -an application submitted by Jack Gerard for a Variance to allow the construction of a patio, shed and hot tub/gazebo that would come to within 3.0 feet of a rear property line, instead of the required 40.0 feet. The owner has purchased the buy-down from the State of Maryland. The property is located at 1095 Lake Shore Drive, tax map 57, parcel 203 and is zoned Lake Residential.

The Planning Commission has no comment on this application.

2. Minor Subdivisions – None

3. Waiver Requests– None

4. Ag-land Preservation District Applications- None

5. Action on Planned Residential Developments (PRD)-

- a. **Gated Entrances-** Highland Engineering has requested that gated roads be narrowed to a 12-foot width, at the August meeting of the Commission. Mr. Nelson explained that the gates would operate by a backup battery system, in the event of a power outage. No action is necessary by the Commission.

6. Action on Major Subdivision Plats-

- a. **Record Plat- Paradise Run.** The developer, Paradise Run LLC, submitted a Record Plat for 6 lots in Phase I of the Paradise Run Subdivision. Originally, the Planning Commission granted contingent, final approval of the entire 26-lot subdivision on August 1, 2007. This plat requires no action by the Commission.

- b. **Preliminary Plat-Pine Wood Estates.** The developer, Roger Brant, proposed a 3-lot subdivision off of Pine Wood Drive located off of Garrett Highway. The property is located on map 41, parcel 53 in a Town Residential zoning district. The Planning Commission granted approval of this Preliminary Plat by a unanimous vote of 6 to 0.
- c. **Record Plat- North Shore East.** The developer, Bill Franklin, submitted Record Plat for Lot 3 of the North Shore East subdivision. The Planning Commission granted final approval subdivision in 2000 and the developer has submitted Record Plats of individual lots for recording purposes. This plat requires no action by the Commission.

7. Meeting Regarding of Temporary Closure of the Casselman River Bridge at Route 40- This meeting will be held on Monday, September 17, from 5:30 until 7:00 pm, at the Grantsville Fire hall, in Grantsville.

8. Discharge Permit Applications-

- a. Edna McKenzie of Roam Around Campground has applied for a renewal of a discharge permit for 16,000 gallons per day of treated domestic wastewater. The Commission has no comment on the application.
- b. Application by Backbone Mountain, LLC for a renewal of a discharge permit for 650 gallons per day of treated sanitary wastewater and 120,000 gallons per day of treated mine drainage and stormwater. The property is located off of King Wildesen Road on Nydegger Run. The Commission has no comment on the application

7. Next Scheduled meeting - The next regular meeting of the Planning Commission is scheduled for Wednesday, **October 3, 2007**, in the County Commissioners Meeting Room, at **1:30 pm**.

8. Adjournment- 4:00 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator

