

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 6, 2008, at 1:30 pm, in the County Commissioners Meeting Room. Members in attendance at the meeting include:

Troy Ellington	Joe McRobie	Karen Myers
Tim Schwinabart	Ruth Beitzel	Paul Durham
Gary Fratz	Jeff Messenger	Bill Franklin
George Brady	John Nelson-staff	Ruth Yoder
Tony Doerr	Chad Fike-staff	Chad Everett

1. Call to Order – By Chairman, Troy Ellington at 1:30 pm.
2. The July minutes were unanimously approved as submitted.
3. Report of Officers – none
4. Unfinished Business – none
5. New Business-
 - A. **Public Meeting for Garrett County Comprehensive Plan.** Mr. Nelson noted that at 7:00 pm, on August 21, at the Garrett College auditorium a public hearing would be held concerning the new Comprehensive Plan. The mandatory hearing will be a joint public hearing with the County Commissioners and the Planning Commission. The purpose of the hearing is to hear public comments that may be expressed by citizens of the county regarding the draft plan. Following the meeting, decisions must be made regarding any changes to the plan in light of the public commentary. The public meeting will remain open for at least two weeks after the meeting. Mr. Nelson suggests that the next regular meeting of the Planning Commission be moved from September 3 to Wednesday, September 10, to allow time to consider any comments that may arise from the public hearing.
 - B. **Review of the State of Maryland’s Comments on the County’s Comprehensive Plan.** Ben Sussman of ERM has drafted a summary showing the comments that have been received thus far on the Comprehensive Plan. Comments have been received from the Maryland Department of Planning, Maryland Department of the Environment, and the Maryland Department of

Natural Resources. A copy of this 11-page review titled “Review of Comments Draft April 2008” is attached to this document. The Commission reviewed each comment from the review, as compiled by ERM, line by line. More information will be added to this review before the next meeting of the Commission, including staff recommendations and additional comments from the general public.

Mr. Nelson expects to have the draft copy of the Plan available on the county website before the August 21 public meeting. The draft copy should be offered for final approval at the October meeting of the Planning Commission.

B. Public Commentary- None

C. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases –

- a. VR-648-** an application submitted by Philip and Erika Rauh for a Variance to allow the construction of a proposed grandfathered, nonconforming structure that would be approximately 130 square feet larger than the previously grandfathered, nonconforming structure. The property is located at 642 Rock Lodge Road, tax map 50, parcel 102, and is zoned Lake Residential.

The Commission has no comment regarding the request.

- 2. Minor Subdivisions –** Approved minor subdivisions have been included in the packet that was mailed to the Commission members, prior to the meeting.

3. Waivers Requests-

- a. Ruth Yoder-**Ruth Yoder requests a waiver from Section 302 of the Subdivision Ordinance. That section requires a maximum density of one dwelling unit per three acres in an Agricultural Resource land classification. Ms. Yoder would like to place a temporary dwelling on her two-acre property designated as tax map 8, parcel 357, located off of Dorsey Hotel Road. An existing single-family residence is currently located on the property. The proposed temporary dwelling or mobile home is intended for Ms. Yoder’s elderly sister who is in need of care and supervision. After discussion, the Planning Commission granted conditional approval of the waiver request by a vote of 7 to 0. Approval of the waiver is conditioned on the following requirements:

- 1. The proposed dwelling unit must be temporary in nature with no permanent foundation,

2. The proposed dwelling must have a floor area of 1,000 square feet or less; and
3. The dwelling must be removed as soon as the owner's sister no longer resides there.

4. Discharge Permit Applications

- a. **Kitzmiller-** Mr. Nelson has received a notice of a renewal of a permit application for the wastewater treatment plant for town of Kitzmiller. The permit is to treat up to 50,000 gallons per day that will discharge into the Potomac River. The Commission has no comment on the application.
- b. **Gorman** – Notice of a renewal was received for a permit application for the wastewater treatment for the Garrett County Sanitary District for the Gorman area. The permit will be to treat up to 8,500 gallons per day that will discharge into the North Branch of the Potomac River. The Planning Commission has no comment on the application.

E. Action on Planned Residential Developments (PRD) and Major Subdivisions

1. **Wisp Resort PRD Phase 9A, B and C Lodestone Subdivision, Greenbrier Section** - DC Development has submitted an amendment to the Preliminary plat of the Wisp Resort Phase 9A, B and C Lodestone Subdivision, Greenbrier Section, showing one new lot located off Sandy Shores and Shingle Camp Roads. The property is part of the Wisp Resort Planned Residential Development and is located on tax map 49, parcel 11, and map 57, parcel 618 in a Lake Residential zoning district. The Planning Commission granted preliminary approval for a total of 60 lots during their November 1, 2006 meeting. The Maryland Department of the Environment recently granted the developer permission to add a new lot in an area of non-tidal wetland and buffer fill. The Commission granted approval of this addition to the Preliminary plat by a unanimous vote of 7 to 0.
2. **Wisp Resort PRD Phase 9A,B and C Lodestone Subdivision, Greenbrier Sections 5 and 6.** The developers, DC Development, submitted Record and Final plats of Section 5 and 6 showing a total of five lots located off Sandy Shores and Shingle Camp Roads. The property is part of the Wisp Resort Planned Residential Development and is located on tax map 49, parcel 11, and map 57, parcel 618 in a Lake Residential zoning district. The Planning Commission granted preliminary approval for a total of 60 lots during their November 1, 2006 meeting. The Commission granted approval of these Record and Final plats by a unanimous vote of 7 to 0.

- 3. Preliminary and Final Plat, Gibson Commercial Lot-** The developer, Steven Gibson, submitted a Preliminary and Final plat for a one-lot commercial subdivision located off of Hutton Road. The property is located on tax map 77, parcel 109, in a Suburban Residential land classification. The Planning Commission granted approval of this Preliminary and Final plat by a unanimous vote of 7 to 0.
 - 4. Preliminary Plat- Weber Crossings-** The developer, Lost Land GC, LLC submitted a Preliminary plat for a seven-lot subdivision located off of Weber Road. The property is located on map 78, parcel 725 in a General Commercial land classification. The Planning Commission granted approval of this Preliminary plat by a unanimous vote of 7 to 0.
 - 5. Record Plat- North Shore West Phase II.** The developer, Bill Franklin, submitted Record plats for Lots 14 and 15 of the North Shore West Phase II subdivision. The Planning Commission granted final approval of the subdivision on June 4, 2008, and the developer has submitted Record plats of individual lots for recording purposes.
 - 6. Record Plat- Cathedral Springs-** The developer, Bill Franklin, has submitted a Record plat of Phase II consisting of 20 lots in of the Cathedral Springs subdivision. The Planning Commission granted final approval of the subdivision on June 4, 2008 and the developer has submitted Record plats of different phases of development for recording purposes.
 - 7. Record Plat- Sweet Rewards Farm-** The developers, Don and Pam Adams, submitted a Record plat- Lot 15, Phase IV of the Sweet Rewards Farm subdivision. The Planning Commission granted final approval of the subdivision on July 6, 2005, and the developer has submitted Record plats of different phases of development for recording purposes.
- F. Next Scheduled meeting -** The next regular meeting of the Planning Commission is scheduled for Wednesday, **September 10, 2008**, in the County Commissioners Meeting Room, at 1:30 pm.
- G. Adjournment-** 3:15 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator

attachment

Planning Commission & County Commissioner Work Session

**Review of Comments on Garrett County
Comprehensive Plan Update, Draft
April, 2008**

Summary of Comments Received on the Garrett County Comprehensive Plan, draft April 2008

The following table summarizes comments received on the Garrett County Comprehensive Plan, draft April 2008. Most of the comments were generated following distribution of the draft Plan to the state on April 23, and to the municipalities on June 10, 2008.

The comments are organized by topic following the order of the chapters in the Comprehensive Plan. The comments will be discussed at a joint Planning Commission/Board of County Commissioners public hearing on August 21, 2008. Oral comments from the public hearing will be summarized in the table only if they are significantly different from other comments received in writing. Each comment is followed by staff comments or recommendations to be developed after the August 21 hearing, and discussed at one or more Planning Commission work sessions. Recommendations that would result in changes in the next draft of the Plan, the Planning Commission's recommended draft, are indicated in yellow highlight.

The Planning Commission will act on the April 2008 draft by adopting a Planning Commission Recommended Draft that incorporates some or all staff recommended changes (in response to comments)

Abbreviations: MDP Maryland Department of Planning
MDE Maryland Department of the Environment
MDOT Maryland Department of Transportation

MTA Maryland Transit Administration
MAA Maryland Aviation Administration

Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation	County Commissioner Action
1. Front matter		Revise vision statement to reflect recent revisions.			
2. Background		Revise page 1-3 to reflect plans that have been adopted as amendments to the Comprehensive Plan.			
3. Land Use	MDP	The County should consider zoning rural resource an conservation areas to no more than one house per 20 acres	***		
	MDP	SR land will be mapped as low density residential – the allowable density must be at least 3.5 units/acre to be classified as medium density, not 2			

Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation	County Commissioner Action
	MDE	MDP wetland layer underestimates wetlands – MDE estimates there are 5,088 acres of mapped, vegetated nontidal wetlands. Use a combo of DNR and National Wetlands Inventory layers	This has to do with the data sources and the intent of the various maps. Can be addressed with footnotes.		
	MDE	MDE layer of wetlands by watershed more accurate than what is shown (MDPs?) (3-20)	See above		
	MDE	Wetlands are regulated but not all are protected (3-3)			
	Town of Oakland	Projected growth in the Comp Plan is higher than the Town's projections	Response letter: Only 250 new units projected, the other 250 added due to presumed annexation. Growth projections in agreement.		
	Town of Mountain Lake Park	The growth area shown is inconsistent with the Town growth area, which is larger and incorporates lands to the east of the town, including Southern Garrett County Indust. Park	Response memo: County and Town should address the annexation of the business park through joint consultation. The County Comprehensive Plan's projections reflect <i>new</i> housing units only, it is unclear if this is true for the Towns		
	Town of Loch Lynn Heights	Growth projections are about 55 units – 25 that are in the GCCP, an additional 30 for the Little Youghiogeny Watershed	Similar response as above.		
	Town of Friendsville	Growth projections are about 30 units– 25 that are in the GCCP, an additional 5 for the Youghiogeny Watershed	Similar response as above.		
4. DCL Influence Area Master Plan		None as of 8/4/08			

Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation	County Commissioner Action
5. Water Resources Element	MDP	Provide more details on possible solutions to future deficits in the "Unmet Future Demand" section (where and how water can be obtained, p. 5-8). Note whether the policy on water conserving fixtures, etc (5-28) would be part of the possible solutions.	John—clarify re: fixtures in the county code?		
	MDP	Discuss whether there is (or will be) sufficient water supply to support planned expansions of Gorman and McHenry.	Will discuss with DPU. Answer may not yet be available		
	MDP	Grantsville: New annexations don't appear to be captured – water deficit could be larger. Table 5.2 does not tie to text on demand increase – where does .138MGD come from? (5-6)	Will check. Likely a misunderstanding of our tables.		
	MDP	Loch Lynn Heights: Indicate whether the supply from new wells at London's Dam are part of the permitted withdrawal– if not list potential additional supply provided	May need to check with the Town or DPU.		
	MDP	Gorman: Note whether the new water line added by a coal company provides additional supply to help address the existing deficit	John? Linda?		
	MDP	Areas shown on Figure 5.1 do not correlate with all information on Table 5.1. Extension on map but not chart– Friendsville, Deer Park, Mountain Lake Park. Expansion on chart, but not map for Grantsville and Gorman	Will check.		

Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation	County Commissioner Action
Water Resources Element (cont)	MDP	Piney Run Reservoir (5-11): Describe the treatment needs for the raw water and if this can be provided by the county. May be expensive to pump treated water from Frostburg to Finzel.	ERM opinion: not the Comp Plan's job to talk about specific water treatment needs.		
	MDP	Accident: add sentence to point out need for balancing WW system w/ water system capacity, and how additional supply/capacity obtained	Can add sentence and raise the issue.		
	MDP	Table 5.2: Footnote to indicate whether "Existing Water Production" represents the MDE groundwater appropriation limits or current design capacity of WTP.	MDE appropriations. Will add footnote.		
	MDP	Discuss whether the private systems are susceptible to pollution – include in future source water protection plans?	No idea—can DPU answer?		
	MDP	Include a discussion of septic tank pollution (5-26) and note whether it is included in nonpoint source pollution forecast	Can add a short paragraph. Septics are included in the nonpoint model.		
	MDP	Nonpoint Source Loading section could consider the impact of I/I on sewage overflows and resulting pollutant loading	We prefer not to add I/I, since the Plan assumes that these issues will be addressed in the short/med term.		
	MDP	Nonpoint Source Loading section could describe addition of sand and salt on roadways	Worth mentioning, but not possible to quickly quantify.		
	MDP, MDE	Include an additional section that considers combined pollution impact of WWTP discharge, septic tank pollution, and stormwater runoff	Not as difficult as it sounds. Just need to add two sets of numbers. Section will be added.		

Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation	County Commissioner Action
Water Resources Element (cont)	MDP	Follow-up statement (5-26, 27) that "Because Scenario 1 converts...." by noting "there are other environmental impacts from development such as air pollution, wastewater discharge, and impervious surface that could alter this equation; however, a comprehensive analysis of these impacts is difficult".	Can add this text.		
	MDP	Typo (5-13), 1 st para, last 2 sentences – "water systems" should be "sewer systems"	To be changed.		
	MDP	Table 5.4: Footnote to indicate whether "Existing Treatment Capacity" represents the MDE wastewater discharge permit limits or current design capacity of WWTP.	Discharge permit limits/nutrient cap limits.		
	MDP	Deep Creek Lake WWTP: provide clarity whether the system is expected to be expanded by 2030	Likely to need expansion by 2030 or shortly thereafter.		
	MDP	Provide details on possible solutions to future deficits at Gorman and Deep Creek Lake WWTPs (5-19)	Can add more language.		
	MDP	Indicate where a treatment upgrade would allow for capacity expansions for larger WWTPs	Can add more language to explain a table already in the plan.		
	MDP	Accident and Friendsville WWTPs: Reference data source confirming reduction in I/I reduces flows to levels below WWTP capacity. If no data, note that additional flow reduction measures should be considered	Our info from DPU. Can double-check.		

Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation	County Commissioner Action
Water Resources Element (cont)	MDP	Refer to other efforts throughout CP to reduce pollution and how they may improve water bodies, e.g. conservation subdivisions (3-15)	Can add some language.		
	MDP	Note that urban stormwater retrofits, septic denitrification units and sprawl prevention are ways the county can contribute towards implementation of the Chesapeake Bay Tributary Strategy	Can explicitly mention all of these in one place, although we do discuss denitrification..		
	MDP	Refer to nonpoint source pollution forecasts in discussion of land use plans by watershed (3-19) and indicate whether forecasts affected choices	Can add some text.		
	MDP	Discuss specific ways that previous development patters have impacted water resources (3-6), e.g. septic tanks, air pollution, impervious surfaces	Refers to other text. Probably overkill to add twice.		
	MDP	Mention whether the proposed growth areas are within PFAs, and benefits of being located there	OK on first part. Don't need to use CP to add to the state's promotion of PFAs.		
	MDE	Provide a summary of key findings and recommendations from the MDE Source Water Assessment Plans	Never obtained these from DPU. NEED them.		
	MDE	Provide maps indicating source waer and well-head protection areas	SWP Plan (and maps) are in the appendix.		
	MDE	Provide specific recommendations to ensure the protection of source waters and well-head areas	Such as? Can find some generic language.		

Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation	County Commissioner Action
Water Resources Element (cont)	MDE	Provide more detailed maps of the existing water service areas and distribution systems	Can add maps in appendix. Don't have mapping of distribution systems, and that's asking too much.		
	MDE	Provide more detailed maps of approximate bounds of future water and sewer service areas	See above.		
	MDE	Provide more detailed maps of existing sewer service areas and collection systems	See above.		
	MDE	Recommend a more thorough analysis of the impacts of development on the water quality of Deep Creek Lake	Will reference ERM's 200+ page scientific study, DNR's new effort.		
	MDE	A Wastewater Capacity Management Plan should be prepared for any wastewater system operating at 80% or more of its design capacity	Information only. No need to respond.		
	MDE	A Water Supply Capacity Management Plan should be prepared for any community water system (over .02 MGD) operating at 80% or more of its Water Appropriation Permit	See above.		
	MDE	More detailed information concerning the NPS Analysis should be provided	In the appendix. Not sure what else they want.		
	MDE	Consider including a commitment in the Plan to refine the NPS Analysis in the future	Reasonable request. Will add to policies (if not already there).		
	MDE, DNR	Consider including changes in permitted discharges and any other activity that adversely affects water quality to statement about anti-degradation policy (5-22). See DNR language.	Can improve language.		

Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation	County Commissioner Action
	MDE	Include more information about the proposed plans for a Keyzers Ridge WWTP	No other information to add, I believe.		
	MDE	Address the TMDL written for sediments	Can mention it, but any formal analysis would be excessive. State guidance does not discuss sediments.		
	DNR	Address expanded snowmaking at Wisp, specifically in the Youghiogheny River watershed.	Can do qualitatively, but need discussion with Karen Myers.		
	DNR	Address consumptive uses of Wisp and other planned golf courses.	Wisp golf course is included in nonpoint model. Beyond that, impossible to know how much water/what source, especially for other "potential" golf courses.		
	DNR	Include better language (provided by DNR) regarding link between groundwater and surface water.	Can improve the plan's existing language.		
	DNR	Define where new water treatment facilities would be required (DCL is especially impaired) Identify all entities that own potential surface water sources. "Useable capacity" needs to be defined, or leave in acre-feet.	We can add language to comply with the spirit of these comments, but DNR's specific requests go far beyond the boundaries of a normal comprehensive plan.		
	DNR	Treatment of surface water from mines should not be dismissed as an option.	Will attempt to incorporate this point of view.		
	DNR	Discuss any other plans for new impoundments (including out of state), as well as the potential use of SWM facilities and cisterns.	Can generally address these points.		

Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation	County Commissioner Action
	DNR	In DCL, what is "ADF"; why are septic systems failing?	Average Daily Flow. Can find out why septic systems failing (DPU).		
	DNR	What kind of increased "limits" for DCL WWTP?	Nutrient and flow.		
	DNR	No discussion of potential solutions to Trout Run problems.	Will discuss with DPU, but I don't believe that there are any actual plans. Can list some options in the plan, including upgrade.		
	DNR	Parts of Garrett County not in the Chesapeake Bay watershed are in the watershed which recently has defined an Garrett County should monitor developments by the federal Mississippi River/Gulf of Mexico federal task force to take advantage of financial opportunities for implementing point and nonpoint source nutrient control programs that the County is not eligible for through the Chesapeake Bay Program.	Noted. Can be added to policies.		
	DNR	Increased discharge volumes (from WWTP upgrades) could still be limited by stream flow.	Understood, and can be reflected in the plan.		
6. Transportation Element	MDP	Capacity increase on MD 495 would require assessment of direct and secondary land use impacts in rural areas	***		
	MDP	Bicycle and pedestrian facilities should be provided and connected throughout the community			

Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation	County Commissioner Action
	MDP	Amend the Subdivision Ordinance to allow the County to require access management on major roads, to preserve major road capacity			
	MDP	Require pedestrian facilities as a part of new development			
	MDP	Explore funding mechanisms (impact fees or excise taxes) to address transportation facility improvements			
	MDP	Provide explanation for policy opposing use of US 219 south of I-68 as the primary link to Corridor H (Item 6, pg 6-18)			
7. Sensitive Areas	MDE	Wetlands named on page 7-5 are also formally designated as Nontidal Wetlands of Special State Concern by MDE- more stringent regs. Suggest County develop own wetland conservation provisions			
	MDE	Add a provision for wetlands in the sensitive areas ordinance	***		
	MDE	Revise text to include wetlands (7-16): "Ensure that new clustering.... Conserve contiguous areas of wetlands, agricultural and forest land"			
	MDE	Encourage maintenance of contiguous wetland/stream corridors in growth areas			
	MDE	Identify potential wetland and stream mitigation sites during the master plan process			

Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation	County Commissioner Action
	MDE	County should take a pro-active approach to managing wetlands, floodplains and waterways, independent of State and federal authorities.			
	MDE	A Wetland of Special Concern, Hammel Glade, appears to be located in the new Lake Residential 2 area (7-6)	Probably, but its protections would overrule the provisions of LR2.		
8. Community Facilities		None as of 8/4/08			
9. Housing		None as of 8/4/08			
10. Mineral Resources	MDE	Encourages inclusion of a map of the known acid mine drainage sites as well as the sites that have been reclaimed (104)	ERM made repeated efforts to contact MDE about AMD. If they would like to provide such a map, we will include.		
11. Economic Development	Mr. & Mrs. Lattanzi	Request inclusion of Camp Deep Creek in the employment center category of Plan	Response sent and comments to be reviewed		