

## GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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### MINUTES

**The Garrett County Planning Commission** held its regular monthly meeting on Wednesday, November 5, 2008, at 1:30 pm, in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Troy Ellington	John Nelson-staff	Delmar Yoder
Joe McRobie	William DeVore-staff	Kenneth Yoder
Tony Doerr	Chad Fike-staff	Dr. William Pope
Tim Schwinabart	Jim Margroff	Julie Peterson
Ruth Beitzel	Ruby Margroff	

1. Call to Order – By Chairman, Troy Ellington at 1:30 pm.
2. The October minutes were unanimously approved as submitted.
3. Report of Officers – none
4. Unfinished Business –
  - A. **Comprehensive Plan-** Mr. Nelson distributed copies of the new Garrett County Comprehensive Plan to all of the members of the Planning Commission.
5. New Business-
  - A. **Waiver Request.** Jim Margroff explained a waiver request from the lot size requirements for the subdivision of a lot along Cove Road, on property owned by John and Linda Strider. The reason for the request is to minimize the impact to farmland at the property that is being operated as a family farm. Mr. Margroff had previously submitted a letter and a plat outlining this waiver request signed by Mr. and Mrs. Strider. The Planning Commission granted approval of this waiver by a unanimous vote of 5 to 0.
  - B. **Discussion of Natural Gas Wells on Agricultural Easement Properties.** Mr. Nelson explained that the county is considering proposing legislation to permit gas drilling on property that is enrolled in the State’s Ag-land Preservation program. The State Ag-land Preservation Foundation has made a specific decision that only “off site” horizontal drilling techniques would be allowed for property that is currently enrolled in the easement program. On site drilling would

not be permitted, under the current policy. Mr. Nelson said that the Maryland Department of the Environment (MDE) is gearing up to regulate these newly proposed types of gas drilling and recovery operations. Mr. Nelson visited operations near Williamsport, Pennsylvania with members of MDE to view active operations and observe the nature and extend of these types of gas drilling techniques. Mr. Nelson presented a power point presentation showing photos of active sites, located in Williamsport, PA.

Mr. Nelson noted that management of water during the operation is one of the biggest concerns with the process. The procedure requires large amounts of water, particularly in the use of the technique involving hydraulic fracturing or “fracing” of the gas bearing formation to recover the available gas. According to the Pennsylvania Department of Environmental Protection (DEP), there are currently 4,600 permit applications in an area in central Pennsylvania, north of Interstate 80. In this operation, near Williamsport, Chief Gas and Oil is leasing a multi-million dollar, drilling rig to drill the wells in to the Marcellus Shale. The drilling extends 6 to 7,000 feet deep to intersect this shale. According to Mr. Nelson, techniques involve horizontal drilling and “fracing” the Marcellus Shale formation to recover the available gas for an area up to 3,500 feet around a gas well. Up to six million gallons of water for each well may be needed in the fracing process. Disposing and treatment of the wastewater is also a major concern. Municipal water treatment plants would not be able to handle the specific pollutants nor the large volume of capacity that would be required for treatment. The wellheads pad sites are typically two to three acres in size. Six to eight horizontal wells may be drilled on the same site. Fresh water impoundments usually take up about two acres, making the total disturbed area of the sites to be approximately five to seven acres in size. The operation can also generate a significant amount of truck traffic. The drill site remains developed for the life of the well, which may last 20 to 25 years. Dam safety permits may be required for large treatment and freshwater ponds in Maryland. All sites will require a stormwater management permit and a sediment and erosion control permit.

Mr. Nelson explained that the wells are cased and grouted with concrete to a depth below the groundwater horizon, in order to protect local groundwater supplies. Also the numerous diesel generators required at the site produce considerable noise while they are being operated. Proximity to water and the location of transmission lines are primary factors on the location of drilling sites. Chief Gas and Oil expects to be in Garrett County within one year and they already have a presence in Preston County.

Dr. William Pope asked if an economic impact study had been done on the effect that new, large-scale gas drilling would have on the county. Mr. Nelson replied that to his knowledge, such a study has not yet been undertaken.

## C. Miscellaneous

### 1. Deep Creek Watershed Zoning Appeals Cases –

- a. **VR-645** - On April 10, 2008, Wesbanco Bank of Wheeling, Trustee, applied for a Variance to allow the subdivision of a two-acre lot into two, one-acre parcels that would be substandard in width, as measured at the front setback line. The Board of Appeals denied the request on May 19, 2008. Wesbanco Bank of Wheeling, Trustee, appealed the Board's decision to the Circuit Court of Garrett County. Having considered the Plaintiff's Petition for Judicial Review, it is ordered by the Circuit Court for Garrett County that this case be remanded to the Board of Zoning Appeals for further proceedings, consistent with the provisions of Maryland law and the interpretation and application of the Deep Creek Watershed Zoning Ordinance. The property is located north of 2042 Paradise Point Road, tax map 58, parcel 104 and is zoned Lake Residential.

After discussion, the Commission has no comment regarding the request.

- b. **SE-396**- an application submitted by Chris and Janice Bratiotis, for a Special Exception permit for a six-bedroom Transient Vacation Rental Unit. The property is located at 228 Stilwater Drive, tax map 59, parcel 619, Lot 5 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. Surface Mining Permits –

- a. **WPO, Inc.** - Application has been made to the Maryland Bureau of Mines by WPO, Inc. of Somerset Pennsylvania for a surface mine eight miles south of Oakland on Shields Run, near Table Rock. CVS Family Trust owns the surface and mineral. The Commission has no comment on the application.
- b. **Heritage Coal Co.**- Application has been made to the Maryland Bureau of Mines by Heritage Coal Company of Rockwood Pennsylvania, for a 36-acre surface mine near Woodland Creek, west of Klondike, near the Allegany County line. Koontz Coal Company owns the surface and mineral of the area to be mined. The Commission has no comment on the application.

**4. Discharge Permit Applications –**

- a. Brookfield Power-** Application is for the renewal of a permit to discharge 47,000 gallons per day of non-contact cooling water at the Deep Creek Lake hydropower plant. The project is located along the Youghiogheny River. After discussion, the Commission had no comment on the application.
- b. Garrett County Sanitary District-** Application is for the renewal of a permit to discharge 50,000 gallons per day of treated domestic wastewater at the Bloomington treatment plant. After discussion, the Commission had no comment on the application.

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

- 1. Preliminary Plat for Rick DeWitt of Aviation Properties, Inc.-** Aviation Properties, the developer, has submitted a Preliminary plat for eight new additional building lots in the Mountain Landings Phase II subdivision located off of Pysell Road. The property is located on tax map 42, parcel 9, in a Rural land classification. The Planning Commission granted approval of this Preliminary plat by a unanimous vote of 5 to 0.
- 2. Preliminary Plat for Thomas O'Brien-** The developer, Thomas O'Brien has submitted a Preliminary plat for three new building lots in the Pine Side subdivision located off of Dry Run Road. The property is located on tax map 52, parcel 13, in a Rural land classification. The Planning Commission granted approval of this Preliminary plat by a unanimous vote of 5 to 0.

**F. Next Scheduled meeting -** The next regular meeting of the Planning Commission is scheduled for Wednesday, **December 3, 2008**, in the County Commissioners Meeting Room, at 1:30 pm.

**G. Adjournment-** 3:00 pm.

Respectfully submitted,

William J. DeVore  
Zoning Administrator



