

GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, January 7, 2009, at 1:30 pm, in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Troy Ellington	Ruth Beitzel	Nancy Nimmich
George Brady	Gary Fratz	Paul Durham
Tony Doerr	John Nelson-staff	Dr. William Pope
Tim Schwinabart	William DeVore-staff	

1. Call to Order – By Chairman, Troy Ellington at 1:30 pm.
2. The December minutes were unanimously approved as submitted.
3. Report of Officers – none
4. Unfinished Business –

A. Carryover of the Waiver Request from the Subdivision Ordinance for Nancy Nimmich- During the previous meeting, Nancy Nimmich requested a waiver from Section 1002(A) 3(c) of the Subdivision Ordinance, requiring an existing private road to have a minimum width of at least 12 feet. Ms. Nimmich has proposed a one-lot subdivision on her property located off an existing private roadway, off of Lindale Road. The property is located on tax map 91, parcel 10 in Rural land classification. Ms. Nimmich requests the waiver to allow the existing roadway to remain at ten feet. Mr. Nelson clarified that gravel to a depth of three inches would be required from this lot all the way to Lynndale Road, regardless of the waiver. Also Ms. Nimmich will expand the right of way to a 30-foot width along her property, as required.

After discussion, the Commission voted to approve the request with the condition that any future development, that includes additional lots in this subdivision, would require the roadway to have a 12-foot width to Lynndale Road. The Planning Commission granted conditional approval of this waiver by a unanimous vote of 6 to 0.

5. New Business-

A. Discussion on Draft Request for Proposals (RFP) for Revised Land Development Ordinances.

Mr. Nelson noted that the Board of Garrett County Commissioners would accept sealed proposals from qualified firms to prepare revised land development Ordinances. The revisions are necessary in order to implement the new policies and objectives outlined in the recently adopted 2008 Garrett County Comprehensive Plan. The three Ordinances included with this RFP are: the Deep Creek Watershed Zoning Ordinance, the Garrett County Subdivision Ordinance and the Garrett County Sensitive Areas Ordinance. Because of the changes to the Comprehensive Plan, the ordinances now must be updated, with the assistance of a qualified consultant. Chairman Ellington suggested some minor corrections that were noted by Mr. Nelson. An additional suggested condition is to have all applicants explain how they will meet each of the requirements of the RFP. After discussion, the Commission voted to approve the draft of the RFP with the noted additions, by a vote of 6 to 0.

B. Public Commentary- Paul Durham asked for clarification on the timeline of the proposal to change the ordinances. Mr. Nelson explained that he will forward the proposal to the County Commissioners and the new timelines may allow release of the RFP in February, pending the Commissioner's approval. Mr. Nelson believes that the contract could be awarded in March with work commencing immediately after a signed contract is received, as specified in the RFP.

C. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases –

- a. INTP-18** –an application submitted by Janet Woods-Barnes for an Interpretive Hearing regarding an advertising sign for a home occupation business. The Zoning Administrator has interpreted that the identification sign for the business is not located on the same premises as the permitted use. The property is located at 368 Glendale Road, tax map 58, parcel 617, lot 27 and is zoned Town Residential.

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

- b. VR-653** - an application submitted by Violet R. Railey for a Variance to allow the subdivision of a lot where a residence would come to within 1.5 feet of a side property line, instead of the required 15.0 feet. The property

is located at 3397 Lakeshore Drive, tax map 50, parcel 618, lots 6 and 7, and is zoned Lake Residential.

After discussion, the Commission recommends that the owners make the property a condominium, eliminating the need for the variance.

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

3. **Waiver Requests – None**

4. **Membership to Maryland Citizen Planner Association**—Mr. Nelson explained that draft legislation, concerning Smart Growth, proposed by the Maryland Department of Planning could make membership to the association very informative. Proposed legislation includes training and certification for all Planning Commissions and Board of Appeals members, which may be administered through the Citizen Planner Association. Another bill would insure that Board of Appeals decisions are consistent with the county comprehensive plans. A third bill deals with annual reports that would track growth located in or out of Priority Funding Areas (PFA).

Fees for the yearly membership this year are \$300. The Commission agreed to join the Citizen Planner Association and the Planning Office will fund the dues for membership. The membership will include all members of the Planning Commission and the Board of Appeals.

5. **Mining Permit Applications**

- a. **Maryland Energy Resources, LLC** - Application has been made to the Maryland Bureau of Mines by Maryland Energy Resources, LLC, of Indiana, Pennsylvania, for a 3,040-acre deep mine, and a 28-acre surface mine site, near Grantsville, Maryland. Access to the site will be from a newly constructed road off of Durst Road. The Commission has no comment on the application.

- D. **Action on Planned Residential Developments (PRD) and Major Subdivision Plats**

1. **Record Plat- Cathedral Springs**- The developer, Appalaichan Investment Properties, submitted revised Record plats for Sections 1 and 2 of the

Cathedral Springs subdivision, located off of Crow's Point Road. The Planning Commission granted final approval of the subdivision in March 2008. The purpose of the revised record plats is to include a deed reference that was missing on the original plats. The Planning Commission granted approval of this Final plat by a unanimous vote of 6 to 0.

- 2. Record Plat- North Shore East III-** The developer, Bill Franklin, submitted a Record plat of Lot 25 of the North Shore East III subdivision. The Planning Commission approved the final plat in 2001 and the developer has submitted individual record plats for recording purposes. The Planning Commission granted approval of this revised Final plat by a unanimous vote of 6 to 0.
- E. Next Scheduled meeting -** The next regular meeting of the Planning Commission is scheduled for Wednesday, **February 4, 2009**, in the County Commissioners Meeting Room, at 1:30 pm.
- F. Adjournment-** 3:00 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator

