

GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, June 3, 2009, at 1:30 pm, in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Troy Ellington	Joe McRobie	Geary Hayes
Tony Doerr	George Brady	Carla Hayes
Tim Schwinabart	John Nelson-staff	Paul Durham
Ruth Beitzel	William DeVore-staff	Craig Marple
Jeff Messenger	Charlie Thorne	Dana Richard
	Kyle Newsome	Jim Richard

1. Call to Order – By Chairman Ellington at 1:30 pm.
2. The May minutes were unanimously approved after the correction of two minor typographical errors.
3. Report of Officers – None
4. Unfinished Business – none
5. New Business-
 - A. **Discussion on Revisions to Ordinances and Public Commentary-** John Nelson, Director of Planning and Land Development explained that there has been some interest in the proposed changes to the Garrett County Ordinances. Some local citizens including Kyle Newsome, Jim and Dana Richard and Craig Marple have aired several concerns and are here today to gain insight into these issues. The concerns raised are the result of the proposed implementation of certain recommendations of the 2008 Garrett County Comprehensive Plan. Mr. Newsome was especially concerned that the proposed change to add the Ag-Resource land use category into the Deep Creek Watershed zoning area. Mr. Newsome owns over 100 acres off of Sand Flat Road. The density for Ag-Resource zoning would require one unit per three acres with a required set aside. Mr. Nelson explained that he has reviewed the maps with Mr. Newsome and an exact determination of the boundaries for the new area was not immediately clear. Mr. Newsome submitted a letter to the Planning Commission outlining his concerns about the proposed changes to the zoning ordinance explaining how the changes would affect his plans to subdivide his property. Mr. Nelson read the

letter to the Commission. Mr. Newsome stated that he also would eventually like to have public sewer on his property and is opposed to any mandatory clustering. He feels that these proposed regulations will slow growth and decrease property values, which is not a good prospect. Mr. Newsome said that he has made economic decisions concerning the purchase and use of the farm and he feels that it is unfair to change the value and his potential, use at this point.

Jim and Dana Richard, neighbors of Mr. Newsome, are also opposed to changing the land classification at this time. If for some reason they discontinue farming the property, then they would like the option of being able to subdivide or otherwise market the property.

Craig Marple of the Welding Rod voiced opposition to the proposed changes to the Ordinance. Mr. Nelson stated that detailed maps and the actual text changes for the proposed amendments are not available yet. Mr. Nelson noted that the actual boundaries have not been finalized and there is still opportunity to consider changes to the amendments.

Mr. Nelson explained that Maryland State Planning has been promoting, for over 10 years, to establish and protect "Resource" areas by limiting development to a one unit per 20 acres rate. The director also explained that additional Resource areas were identified at workshops that were part of the Comprehensive Planning process. The need for this identification was based on a building analysis that showed that the sanitary sewer, public roads and other public facilities could not handle the complete "build out" of the Deep Creek Watershed zoning area, based on present zoning regulations. Mr. Nelson stated that the Commission would keep these comments in mind when the final amendments are being considered.

Mr. Newsome noted that Garrett County already has a great amount of acreage that is preserved by State ownership of the land. He also feels that the building analysis was based on projected development from the recent boom that will probably never be duplicated and feels that it is unfair to base the analysis on those numbers. Mr. Newsome believes that the negative effects to these proposed changes should be evaluated in greater detail.

Chairman Ellington and Mr. Nelson noted that every Commission meeting would allow opportunity for dialogue, until these changes are finalized. The chairman noted that the Commission meets the first Wednesday of month at 1:30 pm. and all comments will be considered. A public informational meeting will be scheduled for sometime in September or October. A public hearing will also be held before the proposed changes are forwarded to the County Commissioners, the general public is encouraged to attend and participate. Mr. Nelson noted that dates have not yet been set for review of specific text changes that will be proposed to amend the ordinances, but these dates will be posted online after they are scheduled. Interested persons can also contact the Planning Office concerning any specific agenda items, for Planning Commission meetings, at any time.

Mr. Nelson also noted, by invitation from Paul Durham, that he will address the Board of Realtors on June 24 regarding the proposed changes to the Ordinances.

B. Review of the Coal Production Report.

The Commission reviewed the first quarter coal production report that was forwarded from the Maryland Bureau of Mines. The Commission noted that underground production is significantly decreased from previous years, largely because the Mettiki operation has moved out of the county.

C. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases –

- a) **VR-659** - an application submitted by Geary Hayes, on behalf of Scott Greaves, for a Variance to allow the construction of a residence would average 40.0 feet in height, instead of the required 35.0 feet. The property is located at 2725 Stockslager Road, tax map 57, parcel 501, lot 39 and is zoned Lake Residential.

After considerable discussion, the Planning Commission voted to recommend approval of this application for a Variance by a vote of 7 to 0.

- b) **VR-660** - an application submitted by Robert and Mary Helen Spear for a Variance to allow a detached garage would come to within 15.0 feet of the front property line, instead of the required 25.0 feet. The property is located at 190 South Shore Road, tax map 59, parcel 149 and is zoned Lake Residential.

Richard Skipper of Highland Engineering presented the details of the case to the Commission. The surveyor explained that the hardship and practical difficulty in this case is caused by the grade of the lot and the need for a garage. The Planning Commission voted to recommend approval of this application for a Variance by a vote of 7 to 0.

- c) **VR-661** - an application submitted by Alexander Thomaszczuk for Variances to allow a residence would come to within 6.0 feet of the side property line, instead of the grandfathered 7.09 feet. The applicant also requests to construct a second story deck that would come to within 5.0 feet of the rear property lined instead of the average of the adjacent structures, which is 19.75 feet. The applicant has purchased the buy-down from the State of Maryland. The property is located at 471 Marsh Hill Road, tax map 50, parcel 517 and is zoned Lake Residential.

The Planning Commission voted to recommend approval of this application for Variances by a vote of 7 to 0.

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 Requests** – None
 4. **Discharge Permit Applications**– None
 5. **Mining Permit Applications**
 - a. **Western Maryland Lumber, Inc**– Application has been made to the Maryland Bureau of Mines by Western Maryland Lumber, Inc, for a 22-acre surface site for a deep mine face-up site, northwest of Barton, on a tributary of Mill Run. The Planning Commission has no comment on this application.
- E. Action on Planned Residential Developments (PRD) and Major Subdivision Plats- None**
- F. Next Scheduled meeting** - The next regular meeting of the Planning Commission is scheduled for Wednesday, **July 1, 2009**, in the County Commissioners Meeting Room, at 1:30 pm.
- G. Adjournment**- 3:15 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator

