

## 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 5, 2009, at 1:30 pm, in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Troy Ellington	Jeff Messenger	John Nelson-staff
Fred Holliday	Tony Doerr	William DeVore-staff
Tim Schwinabart	Gary Fratz	Dr. William Pope
Joe McRobie	Ruth Beitzel	Paul Durham

1. Call to Order – By Chairman 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. **Further discussion of Smart Growth issues-** Troy Ellington, chairman of the Commission explained that he along with others from Garrett and Allegany Counties met with Dru Perkins who serves as the executive director of the Thousand Friends of Maryland. Ms. Perkins visited Western Maryland to get a perspective on Allegany and Garrett Counties, regarding Smart Growth issues. Jonathan Kessler, Duane Yoder, Joyce Bishoff and representatives from Allegany County were involved in the discussion and tour. The idea was promoted by the Greater Cumberland Committee to get a better working rapport with this group. Mr. Ellington believes that some of these Smart Growth policies are inevitable and Garrett County may have trouble implementing some of these policies, which could lead to loss of State grants or loans for infrastructure.

John Nelson, Director of Planning and Land Development explained that Thousand Friends of Maryland has been influential in effecting Smart Growth legislation to date and will have further influence in future General Assemblies. Potential legislation may include the impervious surface tax on new and existing structures and such a Bill may be proposed during the next meeting of the legislature. Also State Planning may further promote the one unit per 20-acre density guideline that the State feels is an appropriate policy to preserve resource

areas, out side of PFA's. Mr. Nelson stated that he is participating in meetings of the Taskforce sub-committee on PFA's and has been advocating for more flexibility in designation of growth areas particularly for rural counties. Approximately fifty percent of growth in Garrett County occurs in the Lake Residential zone. Mr. Nelson hopes that the subcommittee can be persuaded to support a policy of allowing PFA's to be designated by criteria other than the 3.5 units per acre density standard currently specified in State law for residential areas.

Mr. Nelson explained that the Maryland Department of Planning believes that the one-in-20 acre development ratio is the best tool to preserve resource areas until enough public money is generated to buy the development rights for the land. Mr. Nelson reminded the Commission that the local farming community was decidedly opposed to the one-in-20 standard as evidenced at some of the public meetings conducted for our Comprehensive Plan.

Tony Doerr believes that many do not realize that this mandate to control development is coming from the State planning office and not the local government. He also feels that public input regarding the Comprehensive Plan has been lacking despite numerous public meetings and other attempts to solicit more input from the public.

Ruth Beitzel suggests that the rural counties in the state band together and lobby the legislature to stop potentially harmful legislation that may be introduced at the next session. Mr. Nelson explained that Priority Funding Areas (PFA's) currently include all municipalities, all property within the DC and Baltimore beltways, any land that is zoned or classified as Employment Center, all 11 of Garrett County's designated Rural Villages, all residential categories that have a density of at least 3.5 units per acre that have (or have planned) public water and or sewer and all future growth areas that have 3.5 units per acre, as long as the classification matches future growth capacity in a 20-year period, subject to review by the Maryland Department of Planning. Mr. Nelson has suggested through the PFA subcommittee that a new category be added to State law that would allow local governments to designate growth areas using sound planning principles and environmental protection measures to define PFA's, rather than the one size fits all density criteria.

Paul Durham noted that the Board of Realtors met this morning and the Maryland Association of Realtors has an active lobbying effort to address the upcoming legislation. He feels that some Smart Growth techniques do not fit the realities in some rural counties, especially Garrett County, where a large "second home" population exists. He sees a gradual transfer of power from the local to the State level with the implementation of the Smart Growth policies.

**B. Maryland Department of Transportation Secretary's Tour- Review of the 2008 SHA Projects and Concerns List.** The pre-tour is scheduled for September, the tour scheduled for October. A summary showing the 2008 list is attached to these minutes. The Commission edited this list to develop the 2009 list for the Secretary of Maryland Department of Transportation Annual Tour:

- 1) The Oakland bypass project will remain the number one priority but the second sentence will be eliminated regarding initiation of construction.
- 2) Garrett County encourages progress planning for US 219 North and the 219 Corridor project. Maryland has allocated funds but Pennsylvania has halted funding on the project from Meyersdale to the State line.
- 3) Remove number 3 from the list regarding the Accident 219 bypass.
- 4) US 219 crosswalk at Uno's and Traders Landing. The Commission believes that better lighting needs to be added at these locations. Also a light is needed at the US 40 crosswalk near the Casselman Bridge.
- 5) Remove number 5 from the list regarding upgrading MD 495.
- 6) Questions remain regarding the status of the sidewalk between Southern High School and Mt. Lake Park. This item will remain on the list.
- 7) The item regarding MD Route 495 and the New Germany Road intersection will be left unchanged.
- 8) Remove No. 8, regarding the Spring Lick road intersection.
- 9) Remove No. 9, regarding the Kings Run road turning lane.
- 10) Remove No. 10, regarding the Sang Run Road turning lane.
- 11) Remove No. 11, regarding the proposed climbing lane at MD Route 42.
- 12) The Commission would like to know the status of the Northbound turning lane project at the intersection of US 219 and Mayhew Inn road and this item will remain on the list.
- 13) Remove No. 13, regarding signage at the base of Backbone Mt. for entrance into the wood yard at the paper mill.
- 14) Item No. 14, regarding funding for the Garrett Transit System will be left unchanged.

- 15) Remove No. 15, regarding the Recreational Trails. Garrett Trail will contact Mary Keller of the State Highway Administration at the recommendation of the State.

Tim Schwinabart suggests that another item be added to the SHA list to include an acceleration lane, westbound at the intersection of Route 135 and Turkey Neck Road. The Commission agrees with this request.

John Nelson will compile the new 2009 SHA Projects and Concerns List that will be available for the Secretary's Tour in October.

### **C. Miscellaneous**

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

- a) **VR663** - an application submitted by Barbara Pentz for a Variance to allow a residence that would come to within 13 feet of the side property line, instead of the required 15.0 feet. The property is located at 940 Beckman Peninsula Road, tax map 58, parcel 719 and is zoned Lake Residential.

The Planning Commission has no comments or recommendations regarding this case.

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–**

- a. **Garrett County Sanitary District** - Mr. Nelson has received a notice from the Garrett County Sanitary District of a renewal of a permit application for the Deep Creek wastewater plant. The permit treats up to 1.5 million gallons per day that will discharge into the Youghiogheny River. The Commission has no comment on the application.

#### **5. Mining Permit Applications-**

- a. **Heritage Coal and Natural Resources LLC.** – Heritage Coal and Natural Resources LLC has made application to the Maryland Bureau of Mines for a 22-acre surface mine, near Klondike on property owned by Koontz Coal Company. Access to the site is via Hersick Road. The Planning Commission has no comment on this application.

**6. Comprehensive Plan-**

- a. Deep Creek Watershed Zoning Map-** Mr. Nelson shared a draft of the new zoning map for the Deep Creek Watershed Zoning Ordinance. The Commission reviewed the map and made a few minor additions and corrections to the map.

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

- 1. Preliminary Plat- Thousand Acres Phase II-** The developer, Appalaichan Investment Properties, submitted a second revised Preliminary Plat for a 7-lot cluster development located in the Thousand Acres development. The property is located on tax map 67, parcel 780 in a Lake Residential zoning district. The Planning Commission granted Preliminary approval of a 150-lot cluster subdivision on January 2, 2008 with final plats to be submitted for the various sections of the development. The Planning Commission approved a revised Preliminary Plat for this section of the cluster subdivision on March 5, 2009. This second revised plat shows smaller lots than the previous versions. The Planning Commission granted approval of this second revised Preliminary Plat by a unanimous vote of 7 to 0.
- 2. Record Plat- Paradise Run.** The developer, Paradise Run LLC, submitted a Record Plat for Lots 1-26 of the Paradise Run Subdivision. This Record Plat is intended to replace the 6-lot Phase 1 Record Plat signed by the Planning Commission on September 5, 2007. All 26 lots received Final Plat approval from the Planning Commission on August 1, 2007.

**F. Next Scheduled meeting -** The next regular meeting of the Planning Commission is scheduled for Wednesday, **September 2, 2009**, in the County Commissioners Meeting Room, at 1:30 pm.

**G. Adjournment-** 3:15 pm.

Respectfully submitted,

William J. DeVore  
Zoning Administrator

