

GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

203 S. 4th St –Room 210
Oakland Maryland 21550
(301) 334-1920 FAX (301) 334-5023
E-mail: planninglanddevelopment@garrettcountry.org

MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, December 9, 2009, at 1:30 pm, in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Troy Ellington	Larry Smith	Paul Durham
Ruth Beitzel	Mike Kennedy	Bill Meagher
Tony Doerr	Richard Skipper	Doug McClive
Tim Schwinabart	Ed King	Bill Franklin
Jeff Messenger	John Sanders	Randee Craig
Fred Holliday	William DeVore-staff	Chad Fike- staff
John Nelson-staff	TR Janes	

1. Call to Order – By Chairman Ellington at 1:30 pm.
2. The November minutes were unanimously approved as submitted.
3. Report of Officers – None
4. Unfinished Business –
 - A. **Continuation from the Last Meeting of Extract of Comments and Suggestions from Letters Received.**

Bill Franklin suggestions:

20) Minor Subdivisions changed from 5 lots to 3 – This suggestion has been reflected in the latest draft.

The Commission acknowledges that this revision has already been addressed.

21 & 22) Section 159.091 – Time limit for inspections of roads after developer notification and. Section 159.092 Developer remedies when the county refuses to inspect.

Discussion ensued regarding the ongoing problem concerning the new roads at Thousand Acres and whether these road designs have been inspected and comply with the subdivision ordinance road standards. Currently, additional sections of a road in the development are being constructed and the inspection and review process is being withheld until the County Roads Department requirements for bonding the upgraded entrance is fulfilled. Bill Franklin added that the plan for

the controversial turn-around is designed and the location is agreed upon. Only the bond must be posted to resolve the issue.

Mr. Nelson suggested that a week or two time limit for inspections could be added to the draft ordinance provided the applicant complies with all other requirements of the County Roads Department. Mr. Nelson will check with the roads department to clarify that the two-week time line for the inspection service is adequate. Providing the roads department concurs, the Commission believes terminology should be added to the Ordinance to require inspection within two weeks of the request from the developer, provided that the development complies with all other requirements of the Garrett County Roads Department. This revision was endorsed by the Commission by a vote of 5 to 0, with one abstention.

23) 159.111 A.3.L.1 – Existing roads reduce from 12’ to 16’ to 12’ and 14’.
After consideration, the Commission believes that existing standards should remain for existing roads, as originally drafted.

24) 159.111E – Access Management should specify for public roads only.
The Commission concurs that the wording should be changed to specify that access management is for public roads only.

25) 159.111G.2 b & c – Reduce cartway standards for subdivisions with 20 to 100 lots.

After consideration, based on comments from the county roads engineer, the Commission believes that existing standards in the Ordinance should remain, as written.

26) 159.111.G.5.a thru H.5 – Reduction in road standards for design speed, roads serving over 100 lots, area for school bus stops and area for mailboxes:

G5a and b- Reduction of speed design standards-

After consideration, the Commission believes that existing standards should remain for design speed, contained in the current ordinance.

G6- Reduction of design standards, from public road standards, for subdivisions over 100 lots-

The Commission believes that existing standards should remain for public road design standards for developments over 100 lots, as originally drafted in the current ordinance.

H4- Elimination of school bus stops-

The Commission concurs that the wording regarding school bus stops should be eliminated from Section H.4.

H5- Elimination of mailbox cluster requirements-

Mr. Franklin believes that these details for mailboxes should be up to the developer to work out with the Postal Service. The Commission concurs that the wording regarding clustered mailbox locations should be eliminated from Section H.5.

27) 159.112A.2 Requirement for Traffic Impact Study (TIS) with less than 50 lots should rest with the Planning Commission.

The Commission acknowledges that this has already been addressed. The need for the TIS is now specified to be at the discretion of the Planning Commission.

28) 159.113 – Driveways 8% slope for first 20 feet too restrictive.

After discussion, the Commission agrees that the wording should be changed to specify that driveway slopes could be up to 10% slope, instead of 8%.

29) Steep Slopes 156.04-Inclusion of driveways in the area allowed for impacts to steep slopes.

The Commission believes that this issue has somewhat been addressed at the last meeting by exempting lots of record that are four acres in size, or smaller, from the requirements of the Sensitive Areas Ordinance. The Commission also agrees by a vote of 5 to 0, with one abstention, to change the maximum allowance for areas covered by buildings, paving and stone surfaces from 1% to 2% of the lot area that exceeds 30 % slope.

30) 157.024C.3 - Correct wording for definition of community swimming pool.

After discussion, the Commission agrees that the wording should be changed to specify that homeowner's association pools should not be considered a special exception use, in the table of use regulations. Mr. Nelson feels that these pools should be considered an accessory use. The zoning ordinance will be changed accordingly.

31) 157.036.B2 - Deep Creek Lake overlay district. Slope Protection Criteria as land 15% to 30%.

Mr. Nelson noted that this change has been inserted into the zoning ordinance. Mr. Nelson notes that trees are no longer required to be planted on the side of the home facing the lake. Paul Durham of the Board of Realtors notes that this provision complicates the sales process and the building permit process. Ed King is concerned that a home near the crest line may be forced to plant trees that would block another person's view of the lake. The Commission decided to further discuss this issue after all other items are completed in this list.

32) 157.041 c.9 – Reduce minimum lot area requirements for non-commercial indoor recreation.

This topic was not addressed by the Planning Commission.

33) 157.073 C.2 – Consider reducing the minimum preserved open space for Cluster Development if density bonus is not used. As the ordinance is now written, 25% open space is required in LR-1 with sewer.

The Commission suggested that John Nelson revisit this issue to determine if a reduction in percentage of open space for cluster development in the LR-1 zone is desirable.

David George suggestions:

34) Add noise regulations to Zoning Ordinance.

The Commission is sympathetic but believes that a noise ordinance would be difficult to implement. The ordinance currently has language that mirrors COMAR regarding loud noise and vibration.

Jeff Gosnell suggestions:

35) Table the Traffic Impact Study (TIS).

The Commission believes that the changes that have been made, including making the need for the TIS at the discretion of the Commission, will make the requirement more palatable.

DC Development suggestions:

36) Drilling for gas in the LR-1 zone.

The proposed zoning ordinance currently permits drilling for gas by Special Exception in the RR, AR, and LR2 zones while gas drilling is not permitted in the LR1, TC, TR, C, CR1 and CR2 zones.

After considerable discussion, by a vote of 4 to 1 with one abstention, the Commission recommends a prohibition of drilling within 2,000 feet of the high water mark of Deep Creek Lake. The Commission further recommends that the requirements be changed in the table of use regulations making drilling for gas “Permitted” in all zones in the lake watershed.

5. New Business-

A. Work Session- Continuation of discussion regarding the Draft Revisions to the DCW Zoning Ordinance, the Garrett County Subdivision Ordinance and the Sensitive Areas Ordinance; Consideration of comments received during the Public Information Meeting on October 14, 2009 and in writing following that meeting and determination of any adjustments to draft ordinances.

John Nelson explained that at the last meeting the group decided to combine “crestlines” and “scenic slope” protection areas in to one category. The new draft has kept a distinction between the two types of protected area. After further discussion, the Commission has decided to only regulate the “crestline” protection areas as shown on the new Deep Creek Watershed Zoning Map.

Mr. Nelson explained that, as drafted, one tree would need to be retained or planted for every 15 feet of new building facade that is not facing the lake, if there

is an absence of trees on the affected crestline. The Commission also decided to not make lots of record grandfathered from this regulation. The Commission also is aware of the December 7, 2009, letter from Gorman Getty concerning this issue. The letter states that the policy would not be contrary to the Comprehensive Plan.

Mr. Nelson presented the new revised preliminary map that shows the edits that have been made to the AR and RR categories in comparison with the approved Comprehensive Plan Map. Changes include removal of approximately 1,100 acres at Sand Flat Road from the AR zone and placed into the LR2 category. With the concurrence of the Department of Public Utilities (DPU), the Craig property was also removed from the AR zone and added into the LR1 zone, which totals approximately 100 acres. Changes near the dam include reduction of 90-100 acres from the RR zone into the LR1 category, with the concurrence of DPU, and approximately 400 acres into the LR2 category. Reductions to the AR zone include 268 acres along Glendale Road and Hunt Valley Road, added to the LR2 category. The RR zone was also reduced by 150 acres in the Rock Lodge/Brant Road area, with the concurrence of DPU that was added into the LR1 category. Additionally, approximately 75 acres have been adjusted, from the Comprehensive Plan map, in the Mayhew Inn Road area, from LR2 to LR1. Also the parcels that are less than 20 acres in size are designated on the map. As approved at the last meeting, parcels that are 20 acres in size or less are exempt from the three-acre minimum lot size requirement for the AR and RR categories. These lots would only need to meet minimum Health Department lot standards.

Mr. Nelson presented an aerial photo of the watershed showing the areas that are heavily forested and farmed. Commissioner Holliday questioned why changes were made to the watershed map and so few changes made to the countywide land classification map, since both maps were previously approved in the Comprehensive Plan. In response, some Commission members believe that mistakes were made in the classifications and changes were made based on new information. Discussion also ensued regarding ways to distribute this new information along with the new maps. Bill Meagher of the Chamber of Commerce noted the technical wording of the ordinances and how citizens of the county may be affected by the changes. Mr. Meagher feels the community is eager for information and would be willing to distribute the revised draft ordinances to the schools, if the Commission felt it would be beneficial.

Tim Schwinabart suggested that the Commission return to the original map and overlook the map approved in the Comprehensive Plan. Mr. Nelson explained that in order to effect change in the pattern of land use and conversion of resource land, the Commission must look much further into the future, anticipating future development. Rich Skipper of Highland Engineering thinks that the new Land Classification Map should be further studied to shrink the map's impact as much as possible. Mr. Skipper feels that the Commission should designate property already preserved as Resource areas and then ask landowners to voluntarily be

added to the AR and RR zones, if they qualify. Ed King believes that not enough people understand the new regulations. Mr. King also feels that the LR zoning designation should not be changed to LR1 and LR2, largely because of the technical nature of the sewer availability that defines the difference between the two zones.

Mr. Nelson pointed out that some of the newly added exemptions for resource areas actually allow for more flexibility for development, especially concerning the exemption for the subdivision of property less than 20 acres in size, in the current AR and RR zones. These exemptions also include the allowance of a one acre plot to a child or grandchild and the possibility of a waiver to allow a subdivision to Health Department standards for parcels over 20 acres. Mr. Nelson also explained that agricultural and forested properties have value for their resources, aside from their value as a residential development and that value may be lost, once fragmented into lots. Mr. Nelson reiterated that the policy of the Comprehensive Plan is to minimize land fragmentation and to preserve the resources of the county.

Mr. Nelson stated that if the Commission concurs with the revised text of the ordinances and agrees to the Preliminary Draft of the map, then he will make this revised draft available to the general public by the end of the year.

The Commission concurs with the changes to the ordinances including the draft of the maps and recommends them for public review and comment, after incorporation of the proposed changes to the text, as discussed, by a vote of 5 to 0, with one abstention.

B. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Case

- a. SE-405** - an application submitted by Jerry Zimmerman on behalf of Garrett College for a Special Exception to allow the expansion of the college to add a Athletic and Recreation Center on Garrett College property. The facility is located at 687 Mosser Road, tax map 42, parcel 191 and is zoned Lake Residential.

The Commission recommends approval of the Special Exception by a vote of 4 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** –

a. Robert Wilt- Mr. Wilt is seeking a waiver in order to subdivide property owned by his sister, Sheila DeFalco. The DeFalco property is located along Bittering Road and Root Beachy Road. The 4.94-acre parcel is located on tax map 26, parcel 150, in an Agricultural Resource land classification. Mr. Wilt requests permission for the property to be subdivided into a 3.49-acre parcel to be conveyed to Mr. Wilt and a 1.45-acre remainder parcel to be retained by Ms. DeFalco. The waiver is required due to the fact that the Agricultural Resource land classification requires a minimum lot size of three acres. After discussion, the Commission granted approval of the waiver request by a unanimous vote of 4 to 0.

4. Surface Mining Permit- ARJ Construction Company has submitted an application to the Maryland Bureau of Mines for renewal of a five-acre deep mine permit. The property is located off of Aaron Run Road, south of Michael Run. The Commission has no comment on the application.

5. Quarterly Coal Mine Production Reports- No comments

6. Discharge Permit Applications- None

D. Action on Planned Residential Developments (PRD) Plats-

1. Record Plat-Wisp Resort PRD Phase 10A and B and Golf Club. The developers, DC Development, submitted a record plat showing a total of two lots located off Lodestone Way. The property is part of the Wisp Resort Planned Residential Development and is located on tax map 49, parcel 11 in a Lake Residential Zoning District. The Planning Commission granted final approval to these lots May 6, 2009. The Record plat has been revised to clarify the access to the lots.

E. Action on Major Subdivision Plats-

1. Preliminary and Final Plat- Eugene Shreve- The developer, Eugene Shreve, submitted a combined Preliminary and Final Plat for a three-lot subdivision located off of Beckman Lohr Road. The property is located on tax map 59, parcel 46 in a Lake Residential zoning district. The Planning Commission granted approval of this combined Preliminary and Final Plat by a unanimous vote of 4 to 0. The approval is conditioned upon final review of the homeowner's documents by the county attorney.

2. Sketch Plat-Rocklick Creek Estates- The developer, Cecil Holtschneider, submitted a Sketch Plat for a 25-lot subdivision located off of Haentfling

Road and Garrett Highway. The property is located on tax map 42, parcel 2, in a Rural land classification. The Planning Commission acknowledged the review comments from staff about possible changes that may be required to road alignment and driveway slopes. According to the Subdivision Ordinance, the Planning Commission reviews and makes comments on Sketch Plats but no official action is taken.

F. Next Scheduled meeting - The next regular meeting of the Planning Commission is scheduled for Wednesday, **January 6, 2010**, in the County Commissioners Meeting Room, at 1:30 pm.

G. Adjournment- 5:10 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator

