

GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, September 1, 2010, at 1:30 pm, in the County Commissioners Meeting Room. Members in attendance at the meeting included:

Troy Ellington
Tim Schwinabart
Ruth Beitzel

George Brady
Jeff Messenger
Thomas O'Brien
Paul Durham

John Nelson-staff
William DeVore-staff
Chad Fike-staff

1. Call to Order – By Chairman Ellington at 1:30 pm.
2. The July minutes were unanimously approved as submitted. The Commission did not meet in August.
3. Report of Officers – Chairman Ellington noted that a conference by the Planning Commissioners Association would be held on October 28 and 29 at the Cumberland Holiday Inn. Members of the Commission are invited to attend. Chairman Ellington plans to attend the conference.
4. Unfinished Business –
 - A. Discussion of the Heritage Plan.** The Commission briefly discussed the new plan that is being prepared by the Core Heritage Committee and will be managed by the Chamber of Commerce. The plan will emphasize certified heritage areas within the county and will target areas for certain programs.
5. New Business
 - A. Discussion on the Anticipated Legislation Relating to Planning Issues.** Mr. Nelson noted that it would be a few months before any specific planning legislation is known for certain. One issue that is expected to be addressed by additional legislation by the state is a proposal to increase the Bay Restoration Fee or the “flush tax”. A Bill may be introduced that would increase the fee to \$54.

A second Bill that is expected to be introduced is a proposal to establish a fee for impervious surfaces. This Bill could include a plan to have this money collected

and kept by the counties, for use in Stormwater Management activities including watershed planning and retro-fits for existing facilities. Money produced by the fees could also be used to create new stormwater facilities to meet certain required water quality criteria that would limit impact on streams. Mr. Nelson has been in touch with Sen. Raskin's office, sponsor of the Bill from Montgomery County, to see if there could be exceptions built into this bill to exclude certain jurisdictions that meet certain threshold criteria.

Mr. Nelson also noted that, Monty Pagenhardt has been appointed to the Blue Ribbon Transportation Commission. The commission was formed to look into new ways to generate revenues for transportation enhancement projects due to the recent decrease in the transportation fund.

Mr. Nelson notes that by next July the county is required to file an annual report detailing the amount of growth that has occurred in calendar year 2010, inside and outside of Priority Funding Areas (PFAs) to the Maryland Department of Planning. The data will be used to measure performance of Smart Growth policies and to establish a base line for future use by the state. Mr. Nelson has applied to ARC for some funding to help defray some of these costs.

- B. Review of Ag-land Preservation and Rural Legacy Policies Relating to Natural Gas Leases.** Mr. Nelson notes that both of the state programs, AgLand Preservation, a Department of Agriculture program and the Rural Legacy program, run by DNR have been impacted by natural gas drilling.

The AgLand program has, for the last two years, had a policy that allows acquisition of easements on parcels of land that lease gas rights to gas companies, as long as there is a "no drill" clause in the lease. The policy prohibits drilling on the property itself but does allow accessing the gas from an adjacent property using the horizontal drilling technology.

The Rural Legacy Program, as it now stands, will not allow property into the program if there is a gas lease involved. The agency has decided not to proceed with three pending applications that the county has submitted, because there is a gas lease associated with the properties, regardless of any "no drilling" clause. The new policy greatly affects the county program.

C. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases –

- a. VR671** - an application submitted by Keith and Jane Robbins for a Variance to allow the construction of a proposed residence that would come to within 10.0 feet of the rear property line. The applicant also

requests a deck to come to with 0.0 feet of the rear line. The owner has purchased the “buy-down” from the State of Maryland. The property is located at 449 North Shore Drive, tax map 59, parcel 113, and is zoned Lake Residential 1. (LR1) The Commission has no comment on the Variance request.

- b. **VR672** - an application submitted by the Garrett County Department of Public Utilities for a Variance to allow the construction of a proposed, drinking-water treatment plant that would come to within 8.0 feet of the front property line. The property is located adjacent to 20330 Garrett Highway, tax map 58, parcel 265 and is zoned Town Center. The Commission recommends approval of this Variance by a vote of 5 to 0.
 - c. **VR673**- an application submitted by Robert Eisner for a Variance to allow the construction of a proposed a deck to come to with 0.0 feet of the rear property line. The owner has purchased the “buy-down” from the State of Maryland. The property is located at 2393 Boy Scout Rd, tax map 66, parcel 53, lot 10 and is zoned LR1. The Commission has no comment on the Variance.
 - d. **VR674**- an application submitted by Robert Cuthriell for a Variance to allow the construction of a proposed residence that would come to within 25.0 feet of the rear property line. The owner has purchased the “buy-down” from the State of Maryland. The property is located at 1174 Stockslager Road, tax map 57, parcel 247, Lot 24 and is zoned LR1. The Commission has no comment on the Variance.
 - e. **SE406** - an application submitted by Gary and Lisa Sisler for a Special Exception for the expansion of an automobile service station. The property is located at 7857 Sang Run Road, tax map 42, parcel 413, Unit A and is zoned Town Center. The Commission has no comment on the Special Exception.
 - f. **SE407**- an application submitted by Doran and Wendy Werling for a Special Exception permit to construct an indoor boat storage building on property owned by the applicant. The property is located at 197 Clark Lohr Road, tax map 59, parcel 585, lot 18 and is zoned LR1. The Commission recommends that if the Special Exception for the storage building is approved, that the building should not be used for commercial operation, by a unanimous vote of 5 to 0.
2. **Minor Subdivisions** – Approved minor subdivisions have been included in the packet mailed to the Commission members prior to the meeting.
3. **Waivers Requests-**

- a. **David Rounds-** Mr. Rounds requested a waiver in order to complete a 0.38-acre lot line adjustment of a 1.31 acre lot designated tax map 18, parcel 68, in an Agricultural Resource land classification. A waiver was required since the residual parcel after the lot line adjustment, contained less than the 1-acre minimum lot size. After discussion, the Commission granted approval of the waiver request by a unanimous vote of 5 to 0.
- b. **Thayerville Water System-**The Department of Public Utilities requested a waiver in order to create an exempt lot with a utility building of greater than 500 square feet of floor area. The proposed exempt lot is currently part of property owned by the Mountainside Homeowners Association, tax map 58, parcel 265, located along Garrett Highway in a Town Center zoning district. After discussion, the Commission granted approval of the waiver request by a unanimous vote of 5 to 0.
- c. **Larry Kissner-** Mr. Kissner submitted a waiver request regarding a 115.31-acre parcel designated tax map 23, parcel 35, located at the end of Kisner Road in a Rural Resource land classification. Several members of the Kissner family jointly own the parcel and would like to subdivide the property into four non-building lots that are exempt from the requirements for percolation tests and road and utility improvements. After discussion, the Commission granted conditional approval of the waiver request by a unanimous vote of 5 to 0. The waiver is conditioned upon the stipulation that any future development of the parcel will require Planning Commission approval.

- 4. **Mining Permit Applications –AJR Construction Company of Lewisburg, WV.** The permit is for a sediment pond associated with a mine located off of Aaron’s Run. The property is owned by Moran Coal Company. The Commission has no comment on the application.

D. Action on Planned Residential Developments (PRD) and/or Major Subdivision plats-

- 1. **Final Plat- Pine Side-** The developer, Thomas O’Brien, submitted a Final Plat for a 3-lot 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 conditional approval of this Final Plat by a unanimous vote of 5 to 0. The approval was conditioned upon final approval of the homeowner documents by the county attorney.
- 2. **Final Plat- Hawk’s Nest.** The developer, Howlin Realty Management, Inc. submitted a 19-lot subdivision located off of Old Morgantown Road. The property is located on tax map 15, parcel 4 in a Rural land classification. The Planning Commission granted conditional approval of the Final Plat by a

unanimous vote of 5 to 0. The approval is conditioned upon final approval of the grading permit.

- 3. Revised Record Plat- Paradise Run.** The developer, Paradise Run, LLC, submitted a revised Record Plat for a previously approved 26-lot subdivision located off of Boy Scout Road in the Lake Residential 2 zoning district. The purpose of the revised plat was to illustrate two easements for existing stormwater management ponds. The Planning Commission granted approval of this revised Record Plat by a unanimous vote of 5 to 0
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- E. Next Scheduled meeting -** The next regular meeting of the Planning Commission is for Wednesday, **October 6, 2010**, in the County Commissioners Meeting Room, at **1:30 pm**.
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- F. Adjournment-** 3:15 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator

