

GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, October 6, 2010, at 1:30 p.m., in the County Commissioners Meeting Room. Members in attendance at the meeting included:

Troy Ellington	George Brady	Peggy Jamison
Tim Schwinabart	Jeff Messenger	Joyce Bishoff
Ruth Beitzel	Gary Fratz	John Nelson-staff
Tony Doerr	Paul Durham	Chad Fike-staff
		William DeVore-staff

1. Call to Order – By Chairman Ellington at 1:30 pm.
2. The September minutes were unanimously approved as submitted.
3. Report of Officers – Chairman Ellington again noted that a conference by the Planning Commissioners Association would be held on Thursday, October 28, and Friday the 29th, at the Cumberland Holiday Inn. Chairman Ellington plans to attend the conference and members of the Commission are invited to attend.

Mr. Nelson noted that the Office of Planning and Land Development has received a \$10,000 grant to help with the cost of preparing the Local Annual Report to the Maryland Office of State Planning. The report will track construction that has occurred within and outside of Priority Funding Areas (PFA's). This reporting could lead to the establishment of a "baseline" for possible future legislation.

4. Unfinished Business – **None**
5. New Business
 - A. Discussion of the Heritage Plan.** Peggy Jamison Co-Chair of the Garrett County Heritage Committee and Joyce Bishoff of the Garrett County Chamber of Commerce updated the Commission on the status of the Heritage Area Management Plan and answered questions from the members. Mr. Nelson explained that a final draft of the Heritage Area Management Plan would be available on the county web site by Friday, October 8th for review by the Commission and the general public. The Garrett County Comprehensive Plan must be amended to identify and incorporate the Heritage Plan into the

Comprehensive Plan. Also the eight towns within the county must update their plans which will require public hearings.

Peggy Jamison noted that during the mid-nineties Cumberland's Canal Place received funds as one of the first Certified Heritage Area's in the state. Once the Heritage Plan is approved, it opens the area to another funding source, for any project that would qualify. In 2003, Garrett County received approval from the county and the state for a recognized Heritage Plan. After this recognition, then the next step is to become a Certified Heritage Area. Ms. Jamison explained that only certain areas with the county would qualify, examples include; the National Road, areas within the towns, including unincorporated towns such as Crellin and McHenry and other historic sites. The plan could be used for projects such as funding of recreational trails, a farm museum, a natural resource museum or a smaller county project. Ms. Jamison believes that the program is not just about preserving historic structures but the program can be used as an economic tool to attract people to the area. The Chamber of Commerce will take the lead in implementing the Heritage Plan, with assistance from Peggy Jamison and Community Action. After the plan is approved by the county, it must be approved by the state. There are two different kinds of funds available; Capital Improvement funding which is project specific and second; Operational funding that would require a dollar for dollar match from the agency that sponsors the project.

Joyce Bishoff, of the Garrett County Chamber of Commerce, pointed out that the process to develop the plan has been ongoing since 2003. Mrs. Bishoff feels that the chamber is a good fit for the program, given its skill in marketing, advertising and ability to implement the plan. Mrs. Bishoff believes that this program will be an opportunity for the county to direct some of the pressure off of Deep Creek Lake.

Some members of the Commission expressed concern that the new plan could be used as a means to prohibit development, like some other state programs. Mr. Nelson explained that the Heritage Plan is designed to work cooperatively with plans and programs that already exist in the county, in accordance with the Garrett County Comprehensive Plan. Any new projects would have to be approved and sponsored by the Heritage Committee and be chosen from a list of established, priority projects. Other members liked the idea of being able to mix public and private funding for certain projects.

The entire approval process for the plan will take approximately six months to complete. A public hearing will be held on the final draft of the Heritage Plan on October 26, at 11:00 a.m., before the Board of County Commissioners. After review of the plan, available at the county web site, the public can make comments during the public hearing or in writing prior to the hearing. All comments will be considered at the hearing by the new Board of County Commissioners, who will have the final authorization.

Mr. Nelson distributed suggested changes to the Comprehensive Plan and described where the text edits would be inserted into the plan. These suggested modifications will be forwarded to the local jurisdictions, the County Commissioners, the Allegany County Planning Office and the State Clearing House. A sixty-day review process is required by the Maryland Office of State Planning, to review the changes to the Comprehensive Plan.

To accommodate the public hearing for the changes to the Comprehensive Plan, the December meeting of the Commission may be moved to the second Wednesday in December. This would accommodate a December public hearing of the Planning Commission for consideration of incorporation of the Heritage Area Management Plan as an amendment to the Comprehensive Plan. The Planning Commission approved the submission of the suggested changes to the plan to the State Clearinghouse to begin the 60-day review process.

B. Discussion on Maryland Department of the Environment's (MDE) Draft Chesapeake Bay Watershed Implementation Plan.

Mr. Nelson noted that the Chesapeake Bay Foundation previously filed suit against the EPA claiming that the EPA had failed to make significant water quality improvements regarding reduction of nutrients entering the bay. Now the EPA is charged, by court order, to achieve water quality standards, for all of the states contributing to the Chesapeake Bay watershed.

The agency has targeted loading of nitrogen, phosphorus and sediment into the bay. For Maryland the total maximum daily load (TMDL) reduction target calls for reductions of 21% in nitrogen and 18% in phosphorus levels from the 2009 baseline load. The target includes any growth that would occur within the watershed. Both interim targets and final target dated have been set for the proposed reduction.

Maryland believes that the interim target can be met in Maryland by the year 2017 for nitrogen, and phosphorus. Mr. Nelson distributed a draft of an Executive Summary that is posted on the MDE website that outlines Maryland's strategies for the Watershed Implementation Plan. The series of tables that are distributed spells out how the state will account for reductions in the nutrient load. The plan has not been finalized and the state will be accepting comments until November 8th. Final determination of the strategies to be used will be made at a later date. Phase II of the plan will involve local governments, which is due by June 2011. This phase will define the role of the local government in this process. Some ideas would require improved farming practices; advanced septic systems, further enforcement efforts and rigorous sediment control measures.

The plan may also affect source water treatment facilities. The implementation plan will apply to the entire State of Maryland, not just the Chesapeake Bay

watershed portion. Each county will have its own loading limits. The “Flush fee”, which may be raised to \$54 next year, is being used to help fund the plan.

One member of the Commission suggests that the state may also be contributing to the loading problem, especially with the spread of nitrogen or “ice melt” for wintertime road clearing. An example would be the runoff at the Casselman River Bridge on Interstate 68. The practicality and the cost of some of the solutions pertaining to farming may also be objectionable to the farming community.

Mr. Nelson requests that the Commission review the Executive Summary and the strategies suggested by MDE and bring any comments to the next meeting of the Commission. The director will use those comments to reply to the EPA, after the November meeting of the Commission. Mr. Nelson plans to attend a meeting on TMDL’s that will be sponsored by the EPA on October 14th in Hagerstown.

The EPA has threatened certain consequences for failure to meet the new standards including; expansion of the NPDES requirements, permit intervention, tighter regulation of point sources, increased federal enforcement, redirection of EPA grants and the possibility of taking counties to court.

C. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases –

- a. VR675** - an application submitted by Roger and Patricia Skidmore for Variances to allow existing, accessory outbuildings that would come to within 5.5 feet of a front property line. The applicant also requests the outbuildings to be within 18.0 feet of another front property line. The property is located at 91 Cumberland Road, tax maps 50 and 58, parcel 606, lots 161 and 212 and is zoned Lake Residential 1 (LR1). The Commission has no comment on the Variance requests.
- b. VR676** - an application submitted by James Luketich for a Variance to allow the construction of a proposed residence that would come to within 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 1010 Holy Cross Drive, tax map 66, parcel 522, lot 9 and is zoned Lake Residential 1 (LR1). The Commission has no comment on the Variance request.

- 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. Tracy Harding-** Mr. Harding requests a waiver in order to create a single commercial lot with no sewage disposal or water supply on his property. The plot is designated tax map 23, parcel 23, lot 7, in a Rural land classification. The waiver is required since the Subdivision Ordinance requires subdivisions to be served with an adequate sewage disposal system and water supply. After discussion, the Commission granted conditional approval of the waiver request by a unanimous vote of 6 to 0. The waiver is conditioned on a requirement that no development shall be permitted on this lot, other than commercial storage facilities that do not require sewage disposal or water supply.

4. Mining Permit Applications –None

D. Action on Planned Residential Developments (PRD) and/or Major Subdivision plats- None

- E. Next Scheduled meeting -** The next regular meeting of the Planning Commission is for Wednesday, **November 3, 2010**, in the County Commissioners Meeting Room, at **1:30 pm**.

F. Adjournment- 3:30 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator

