

## GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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### MINUTES

**The Garrett County Planning Commission** held its regular monthly meeting on Wednesday, November 3, 2010, at 1:30 p.m., in the County Commissioners Meeting Room. Members in attendance at the meeting included:

Troy Ellington  
Tim Schwinabart  
Ruth Beitzel

George Brady  
Tony Doerr  
Gary Fratz

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

1. Call to Order – By Chairman Ellington at 1:30 pm.
2. The October minutes were unanimously approved as submitted.
3. Report of Officers – Chairman Ellington noted that the conference held by the Planning Commissioners Association on October 28 and 29<sup>th</sup>, in Cumberland was interesting and worthwhile. Members of the Commissioners Association are hopeful that some members of the Garrett County Planning Commission will regularly attend the association meetings.

Ruth Beitzel stated that she would be stepping down from the Planning Commission with the expiration of her term on January 30<sup>th</sup> of next year. The Commission also noted that Joe McCrobie apparently cannot continue to participate as a member of the Commission, due to his new employment. The group feels that with his resignation, that another citizen should be appointed to fill Mr. McCrobie's position as alternate, which does not expire until November 2011.

4. Unfinished Business – **None**
5. New Business

#### **A. Draft Comprehensive Plan amendment for incorporating the Heritage Plan.**

Mr. Nelson explained that the language changes to amend the Comprehensive Plan was emailed, or sent by regular mail, to Commission members prior to the meeting. The new language is minimal and adds references about the Heritage Management Plan at appropriate places in the Comprehensive Plan. Sixty days from October 7, the Commission can hold the required public hearing to amend

the Plan. The public hearing would consider amending the Comprehensive Plan to include the Heritage Area Management Plan by reference.

In order to accommodate the public hearing for the changes to the Comprehensive Plan, the Commission decided to move the regular meeting of the Commission from the first Wednesday of the month to Wednesday, December 8th. A motion to set the hearing date to December 8<sup>th</sup> was approved unanimously by a vote of 6 to 0. Mr. Nelson stated that a copy of the Heritage Plan is available for review on the County web site. A hard copy of the plan may be available from the Chamber of Commerce in the near future.

Mr. Nelson also noted that the Garrett Board of County Commissioners held a public hearing on the final draft of the Heritage Plan on October 26. Minor comments were received at the hearing.

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

Mr. Nelson notes that the city of Cumberland and Allegany County has formed a committee to analyze and consider the Draft Watershed Implementation Plan that MDE has prepared. Any comments regarding the plan must be submitted to MDE by Monday, November 8. The committee has generated a list of comments and also a request to extend the deadline for final comments concerning the plan.

Mr. Nelson distributed a draft labeled Summary Table of Actions that lists 75 strategies that have been developed in the WIP. According to the document, if this set of strategies were adopted, Maryland would exceed planned reductions by 31%. Since this would be excessive, the question becomes which of these strategies should be limited because they may be too onerous or expensive to implement.

Mr. Nelson notes that local jurisdictions will not know the full effect of the implementation plan and their targeted load allocations until June of 2011. A breakdown of the planned reduction for each contributor to the watershed is expected at that time. Forest cover, distance from the Bay and the amount of the County that lies outside of the watershed should benefit the County when assessing any targeted, proposed reductions in nutrients. According to the draft, the full reductions must be met by 2025. Maryland plans to meet 70% of the targeted reductions by the year 2017 and the full reduction by 2020.

In response to a question from the Commission, Mr. Nelson stated that the EPA has threatened consequences for failure to meet the new standards including; expansion of NPDES point sources, permit intervention and oversight, offset tradeoffs, establishment of load allocations, point surface reductions, increased federal enforcement, redirection of EPA grants, and the possibility of litigation.

After discussion, the Commission requests that Mr. Nelson and staff develop a letter to address the concerns of the Commission, regarding the Chesapeake Bay WIP, by the November 8<sup>th</sup> deadline.

The Commission feels that the letter should include concerns about additional regulation of septic systems within 1,000 ft of a stream. The letter should point out that the greater the distance from the bay, the less effective the strategies become, due to natural processes. The Commission feels that questions regarding the need for retrofitting minor wastewater treatment plants are also an area of concern because small municipalities may not be able to afford costly upgrades.

Another issue is the required retrofitting for 20 percent of urban areas for stormwater control. This requirement would not be practical for some local jurisdictions.

The Implementation Plan also proposes best farming practices including stream protection with and without fencing. No-till farming and irrigation is also proposed to help improve water quality. Tree planting, wetland restoration and the construction of grass buffers are also included in the WIP. The issue of State responsibility for winter road clearing pollution is also discussed.

Mr. Nelson also noted that the County has benefited from the Bay Restoration fund in the form of grants to repair several failed septic systems that are not in the Bay watershed. Water quality, cost sharing funds are available to the farmer for water troughs and other measures to limit animal impacts on streams. Other funding may be available from the USDA for small rural projects.

The Commission requests that John Nelson and staff provide a letter to the MDE regarding the WIP based on the letter that Cumberland and Allegany County has prepared, by a unanimous vote of 6 to 0.

## **C. Miscellaneous**

- 1. Deep Creek Watershed Zoning Appeals Cases – None**
- 2. Minor Subdivisions** – Approved minor subdivisions have been included in the packet mailed to the Commission members prior to the meeting.
- 3. Waivers Requests- None**
- 4. Mining Permit Applications –None**

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

- 1. Preliminary & Final Plat- Harding** The developer, Tracy Harding, submitted a combined Preliminary and Final plat for a one lot commercial subdivision located off of Friendsville Road. The property is located on tax map 23, parcel 23, lot 7 in a Rural land classification. The Planning Commission granted approval of this Final and Preliminary plat by a unanimous vote of 6 to 0.
  
- 2. Preliminary and Final Plat- Steyer** The developers, Glen and Betty Steyer, submitted a combined Preliminary and Final plat for a one lot subdivision located off of Gorman Road. The property is located on tax map 92, parcel 98 in an Agricultural Resource land classification. On behalf of Mr. and Mrs. Steyer, Century Engineering submitted a waiver request from the private road design requirements that apply to roadways serving three or more lots found in Article 10 of the Subdivision Ordinance. The lot has proposed access using a driveway currently serving two existing dwellings. The Planning Commission granted approval of the Final and Preliminary plat and conditional approval of the waiver request by a unanimous vote of 6 to 0. The waiver is conditioned on the requirement that any future development including the creation of any additional lots will require the road design to conform to the standards of Article 10.

**E. Next Scheduled meeting -** The next regular meeting of the Planning Commission is for Wednesday, **December 8, 2010**, in the County Commissioners Meeting Room, at **1:30 pm**.

**F. Adjournment-** 3:30 pm.

Respectfully submitted,

William J. DeVore  
Zoning Administrator

