

**GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE**

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**MINUTES**

**The Garrett County Planning Commission** held its regular monthly meeting on Wednesday, February 2, 2011, at 1:30 p.m., in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Troy Ellington	Gary Fratz	Bruce Swift
Tim Schwinabart	Com. Gregan Crawford	Eric Robison
William Weissgerber	Com. Bob Gatto	Angie Brant
Tony Doerr	John Nelson-staff	Jim Lascaris
Jeff Messenger	William DeVore-staff	Joe Spiker
		Bill Franklin

1. Call to Order and Introduction of Guests – By Chairman Ellington at 1:30 pm.
2. The January minutes were unanimously approved as submitted.
3. Report of Officers –
  - a. The Chairman Ellington informed the Commission of appointments to the DNR Deep Creek Policy Review Board, including some new appointments:  
*Legislative Delegation* - Wendell Beitzel and State Senator George Edwards  
  
*Governor Appointees* - David Myerberg, replacing Barry Weinberg; John Stakem, Frostburg; Barbara Beeler, Deep Creek Lake, replacing John Forman and Susan Fowler, replacing Steve Green.  
  
*Local Appointments by the Governor*- ex officio County Commissioner, Bob Gatto; ex officio from the Chamber of Commerce, Bob Browning and ex officio from the Property Owners Association (POA), Lou Battistella.  
  
*Bass Federation* - Jamie Coyle
  - b. Tony Doerr noted that the PACE Reception was very successful and well attended, though Mr. Doerr notes that for the next budget the State will reduce, by 25 percent, the amount of funds that the County will receive from the Deep Creek Lake docking fees.

#### 4. Unfinished Business –

##### a. Commission Members-

The Chairman noted that there was discussion at the last meeting regarding the voting privileges of the ex-officio member of the Commission. Commissioner Gatto has decided that he will not vote on issues that will later come before the Board of County Commissioners. The Chairman also noted that the ex-officio member's vote maybe needed for a quorum at times. The Commissioner agreed to consider voting on issues before the Commission, when a quorum is needed.

Commissioner Gatto stated that the Commissioners have considered the recommendation for membership to the Planning Commission; however, no action has been taken. The Commissioners will reserve the right to appoint a second alternate member to the Commission, rather than having the Commission operate with just one alternate.

#### 5. New Business

##### A. **Discussion Regarding Adding Ridgelines as a Sensitive Area in Need of Protection and Implementation Measures that the County May Pursue.**

John Nelson summarized and updated the Commission of the status of the amendment to the Comprehensive Plan. State Planning believes that the State will be able to expedite their review of the changes. This would allow the Commission to arrange a public hearing early next month, possibly on March 9th. The hearing would be a joint meeting with the County Commissioners.

Mr. Nelson explained that the protection provisions in the draft Plan suggests that new regulations could be incorporated into the subdivision, sensitive areas and zoning ordinances, specifically for ridgeline protection. A variety of implementation measures could be adopted according to this language. First, the ridgelines that would be protected must be identified and criteria must be developed for sighting of the wind turbines. Mr. Nelson said that the county attorney believes that it is not possible to regulate height of these structures via the Sensitive Areas Ordinance. Article 66B clearly gives the authority of local governments to control... "height, number of stories, size of buildings and other structures, percentage of lot that can be occupied, parking, size of yards and other open spaces, density, location and use of buildings signs and structures and other land", through zoning.

Some members of the Commission feel that some sort of "soft" countywide zoning is the answer to adapting to these new industrial/commercial pressures that

are being placed on the county. These members believe that it is possible to amend and adapt to whatever the situation warrants if some form of zoning is in place. Some feel some framework should be in place to enable response to the next controversial use that may impact the citizens of the county. Members of the Board agree that the Deep Creek Watershed is quite different from other areas of the county, largely because of developmental pressure, the lake itself and the tourist aspect of the area around the lake. Therefore, zoning outside of the lake area should be much less rigid and have fewer controls, than the lake area.

The chairman believes that a massive educational process would need to occur, before any form of countywide zoning could be adopted. Mr. Nelson noted that it would be up to the Commission and the Board of County Commissioners to ultimately determine the scope and extent of any type of ordinance that may be drafted. Setbacks, height limitations, and permitted uses would also have to be determined. Other members support wind and gas development as energy sources, provided that the uses are carried out properly and safely, in approved areas and with certain restrictions, such as setbacks. Noise, hours of operation, traffic safety, and other issues could also be addressed with zoning.

Paul Durham reiterated that the Board of Realtors supports the reinsertion of the ridge line protection language into the Comprehensive Plan. The Board also recommends some type of countywide zoning, to insure ridgeline protection and performance standards for gas drilling and other industrial uses, as outlined in the Board's January letter to the Commissioners.

Eric Robison suggests that developing local or community regulations at the local level would be the preferred method rather than trying to enact legislation at the state level. Mr. Robison believes that we can develop regulations locally that will protect the county residents much more effectively, than with legislation in Annapolis. Mr. Robison points out that the county would have to have over 6,000 turbines in order to meet the State's 20 percent, green energy standard, while 18 counties in Maryland have restricted, if not prohibited, the construction of windmills. He feels that the present number of windmills may be affecting tourism and the county should probably not add to the numbers that are here.

Mr. Nelson suggested that the Commission is getting to a point where the group needs direction to move forward on any implementation measures, such as zoning, subdivision controls or sensitive area controls. Mr. Nelson considers that the subdivision and sensitive areas ordinances will have marginal effect on management of industrial uses, such as wind energy or gas drilling. The director requests that the Commission come to some consensus at the next meeting, or in April, and determine how the County should proceed with land use management and protection of ridgelines. No matter which implementation measure is selected, it will take time to develop any ordinance and hold the necessary public hearings to accommodate such a proposal, before adoption could take place.

Some members of the Commission feel that new zoning regulations would be too controlling, while others feel that some form of soft zoning is necessary in order to preserve the quality of life in the county. Some members of the Board believe that zoning would provide a long term solution that would be the safest and most effective way to protect residents from existing and future developmental pressures. Another member noted that other counties in Maryland have prohibited, or effectively discouraged, industrial wind turbines.

Mr. Nelson believes that the framework or basic outline for zoning is already in place. For example, a Table of Use Regulations could be written in such a way to allow most uses, by right. He foresees almost any residential, commercial, business or retail use, as being permitted throughout most land classification areas. Other standards such as setbacks, height, noise, parking, lighting and other language would have to be worked out. Setbacks for homes could be very minimal and lot sizes are already regulated by the subdivision ordinance.

Commissioner Crawford stated that no formal consensus has been formed, regarding countywide zoning by the Board of County Commissioners, as of yet.

### **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. Final Plat-Back of Beyond-** The developer, Franklin Trust, PSE Family, submitted a Final Plat for Lot 1 - an eight-lot cluster development located off of Shoreline Drive. The property is located on tax map 67, parcels 419, 1 and 778 in a Lake Residential 1 zoning district. The Planning Commission granted approval of the Final plat by a unanimous vote of 7 to 0, with anticipation of all DPU fees being paid and bonding for sewer line extension, including the costs for upgrades to Shoreline Drive.

- 2. Final Plat- Weaver Group Commercial Lot-** The developer, Weaver Group LLC, submitted a Preliminary and Final plat for one commercial lot, Lot 5 located at 25297 Garrett Highway. The property is located on tax map 41, parcel 51 in a Town Center zoning district. The Planning Commission granted approval of the Preliminary and Final plat by a unanimous vote of 7 to 0, pending the payment for the ERU fee.
  
- 3. Final Plat- Silver Tree Commercial Lot-** The developer, Silver Tree Enterprises, LLC submitted a Preliminary and Final plat for one commercial lot located at 567 Glendale Road. The property is located on tax map 58, parcels 745 and 772 in a Town Center zoning district. The developer has recently received a Variance from certain setback requirements from the Garrett County Board of Appeals. The Planning Commission granted conditional approval of the Preliminary and Final plat by a unanimous vote of 7 to 0. The approval is contingent on final resolution of existing stormwater issues.

**E. Next Scheduled meeting -** The next regular meeting of the Planning Commission is scheduled for Wednesday, **March 9, 2011**, in the County Commissioners Meeting Room, at **1:30 pm**. The meeting will also be a joint meeting with the County Commissioners for the Public Hearing regarding amendments to the Comprehensive Plan.

**F. Adjournment-** 3:00 p.m.

Respectfully submitted,

William J. DeVore  
Zoning Administrator