

GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, December 7, 2011, at 1:30 p.m., in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Troy Ellington	Bob Gatto	Paul Durham
George Brady	Bill Weissgerber	John Nelson -staff
Tim Schwinabart	Tony Doerr	William DeVore-staff
Jeff Messenger	Charlie Thorne	

1. Call to Order and Introduction of Guests – By Chairman Ellington at 1:30 pm.
2. The November minutes were unanimously approved, as submitted.
3. Report of Officers – Chairman Ellington reported that a workshop was held on Friday December 2, sponsored by the Property Owners Association of Deep Creek Lake. Planning Commission Members in attendance were; Bob Gatto, John Nelson and Troy Ellington. The chairman feels that the workshop was beneficial to all. The group focused on improving communication between the various agencies and the general public and identified various goals intended for improvement on current policy.
4. Unfinished Business – None
5. New Business –
 - A. Discussion on the “Revised Plan Maryland” document-** John Nelson, Director of Planning and Land Development noted that a copy of the Planning Commission’s comments on Plan Maryland is included in the packet mailed to commission members. In the letter, the Commission has recommended a delay of implementation of the plan, until such time as the criteria for “designated places” is determined and State Agency review of policies and procedures is completed. A public hearing is to be conducted by the State Senate next Monday. The Chairman thanked Mr. Nelson for what he believes is an excellent letter that was written and sent on behalf of the Commission.

There will be opportunity for interested citizens to attend a forum, before the hearing in Annapolis, on Monday. Commissioners Gatto and Crawford plan to attend the forum and the Senate hearing. A coalition of rural representatives opposes the plan because they feel it will usurp local government land use planning authority and also may redirect funds to metropolitan areas.

Mr. Nelson also reported that the Sustainable Growth and Wastewater Disposal (Septic) Taskforce headed by State Delegate Maggie McIntosh have recommended a four-tiered approach to limiting the amount of growth on septic systems in the State. Consideration will be given in the following order: Tier 1) lands that fall within PFA's that do not have public sewer; this could include areas like "rural villages", identified in the Comprehensive Plan; Tier 2) areas designated for growth in the Comprehensive Plan that do not have sewer, such as the Deep Creek Watershed LR1 zoning district; Tier 3) and 4) would be areas designated for agricultural or forestry uses and could have severe limitations for septic installation. Mr. Nelson notes that this particular factor would affect a large portion of Garrett County. This process would be controlled with a requirement of the Maryland Department of the Environment (MDE) for discharge permits in those areas.

Paul Durham of the Board of Realtors noted that this draft legislation is not yet available from Delegate McIntosh. Mr. Nelson stated that he and others would be sure to watch for the first draft of the legislation, which may be available next month. Discussion ensued regarding the differences between the terms Smart Growth and Plan Maryland.

Since the comment period is over, the Commission concluded that it has done all that it can do to slowdown the implementation of the Plan. Mr. Nelson notes that the Commission could react to legislation that will result from Plan Maryland, such as the Septic Bill and others.

In answer to a question from a Commission member, Mr. Nelson notes that the County will rely on the Board of Realtors, Maryland Association of Counties (MACO), Senator Edwards, Delegate Beitzel, the County Commissioners and other sources to keep the County informed about any upcoming legislation this year.

B. Discussion on the draft Phase II WIP Plan for Nutrient Reductions- This Federal and State program involves the reduction of nitrogen, phosphorous and sediment that is entering into the Chesapeake Bay. Mr. Nelson noted at the last Commission meeting that the members of the Watershed Implementation Plan (WIP) Committee, from Garrett County met with representatives from the Maryland Bureau of Mines to discuss solutions to the mandated TMDL reductions. Mr. Nelson explained that computer modeling had shown that mine reclamation could be enough to offset targeted nutrient reductions that are being

imposed by the State as a result of the program. Since that time, the WIP group has discovered that with the implementation of the new stormwater control standards for all permitted mining activity, the County's goal will be met for reduction of nitrogen and phosphorus, automatically. With the application of these standards to the 3,650 affected acres, the reduction will exceed the target reduction imposed by the State. In fact, this modeling has shown to decrease the amount of nitrogen by 960 lbs per year, and phosphorus by 1,077 lbs. per year. These totals exceed the required reduction by 300 lbs. of nitrogen and 700 lbs. of phosphorus. According to a reply by MDE, this strategy has been accepted by the State and will be included in the statewide plan. It is noted by the Commission that since the amounts exceed the targeted reduction, the excess could be used to offset some other target and the County could receive credit elsewhere for the excess.

Members of the local WIP team include Mr. Nelson, Steve Sherrard, Linda Lindsey, Gregan Crawford, Chad Bucklew and Shawn Sanders. There are five sectors considered for reduction, in loading by the EPA and MDE; agriculture, urban (includes mining), septic, forest and wastewater management. Of the five sectors, the agriculture sector must reduce their share by the largest amount. The agriculture sector must reduce nitrogen by 1700 lbs. and phosphorus by 800 lbs. The agriculture group is working separately with the Maryland Agriculture Department, Soil Conservation Service, to attain these targets.

Mr. Nelson noted that the strategies for septic reductions were expensive and ineffective largely because of the distance factor from the bay. Expensive strategies or devices did little to reduce the bottom line loading at the bay.

Mr. Nelson noted that the State of Maryland is still committed to the 2020 deadline, instead of the 2025, EPA mandated date that is being used by all other states in the watershed. The year 2017 is the mid term period, by which 65% of the reductions would be completed. Mr. Nelson reported that Maryland's final plan to the EPA will be completed near the end of this month. Also by the end of the month, other measures and reporting will have to be made to the EPA, showing that reductions are being made toward the goal of reducing pollution loading into the bay.

C. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases –

- a. SE-419-** an application submitted by Thomas and Judy Pitman for a Special Exception permit for the establishment of a six-bedroom Transient Vacation Rental Unit. The property is located at 188 Highline Drive, tax map 49, parcel 119, lot 15 and is zoned Lake Residential 1. The Commission has no comment on the application for Special Exception.

b. **VR-685** - an application submitted by Michael and Karen DeVore for a Variance to allow the construction of an addition to a residence that would come to within 9.0 feet of a common road within a mobile home park, instead of the grandfathered 15 feet. The property is located at 263 Penn Mar Drive, tax map 50, parcel 481, lot 7 and is zoned Town Center. The Commission has no comment on the application for Variance.

2. **Minor Subdivisions** – Approved minor subdivisions have been included in the packet mailed to the Commission members prior to the meeting.

3. **Waiver Requests**– None

4. **Discharge Permit Application** - None

5. **Surface Mine Permit Applications**- None

D. Action on Major Subdivisions and Planned Residential Developments - None

E. Next Scheduled meeting - The next regular meeting of the Planning Commission will be held on **January 4, 2012**, in the County Commissioners Meeting Room, at 1:30 pm.

F. Adjournment- 3:00 p.m.

Respectfully submitted,

William J. DeVore
Zoning Administrator

