

## GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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### MINUTES

**The Garrett County Planning Commission** held its regular monthly meeting on Wednesday, April 4, 2012, at 1:30 p.m., in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Troy Ellington	George Brady	Jerry Plauger
Bob Gatto	Tony Doerr	Joe Refosco
Tim Schwinabart	Gregan Crawford	John Nelson -staff
Jeff Messenger	Paul Durham	William DeVore-staff
Gary Fratz	Bill Meagher	

1. Call to Order and Introduction of Guests- by Chairman Ellington at 1:30 pm.
2. The March minutes were unanimously approved, as submitted.
3. Report of Officers –
4. Unfinished Business – None
5. New Business –

**A. Discussion on the Draft 2011 Planning Commission Annual Report**– Mr. Nelson explained that the 2011 Annual Report for the county has been completed and with Planning Commission approval will be soon placed on the county website.

Permits and subdivisions are listed to show the number of each located within Priority Funding Area (PFA) boundaries. In 2011, only 1.3% of new homes were built within a PFA, which is below the county goal of 10% growth in PFA's, through the year 2020. Also 4.2% of new lots were created inside of a PFA, which is also well below the 10% goal.

Mr. Nelson notes that much of the recent growth (2003 to 2008) that has occurred within PFA's is not included in this 2011 data. Mr. Nelson explained that the graph of building permit activity in the report shows the decrease in building permits activity, since 2005.

The Commission notes that a comprehensive map, on page 22, shows all of the protected lands in the county. Priority Funding Areas (PFA's) are shown on page 28. Mr. Nelson stated that in order to qualify as a PFA the area must be served or planned to be served by public sewer, as prescribed in the county master plan. The second restraint is that the allowable density must be at least 3.5 dwelling units per acre. A third requirement is that an analysis of the development capacity in the PFA must show that the current rate of growth in that area is in line with the capacity. There cannot be an over abundance of capacity in that PFA, in order to qualify.

The Commission decided to keep the goal for development within PFA's the same, even though current market conditions make the goal difficult to achieve, in the short term. The Planning Commission approved the Annual Report by a vote of 6 to 0, and the report will be submitted to the Maryland Department of Planning.

**B. Discussion on Revised Draft: 2012 Land Preservation Parks and Recreation Plan (LPPRP).**

Mr. Nelson explained some of the comments received from the State of Maryland regarding the Plan. The State noted that in the draft, the Community Parks and Playground POS funding was not mentioned. These are funds that are available to towns in the county, from DNR. Wording was added to include the use of this funding source that is available, which a number of the towns have taken advantage of over the years. Secondly, the font size on the map on page III-6 was adjusted to improve the readability.

A question was raised by the State regarding the use of a "user needs" survey that was based on a survey in Western Maryland, from Frederick County, west. The State requested that this survey data be provided, so a website address to this data is now referenced in the Plan.

Another comment from the State notes that DNR does not support the proposed trail through the Youghiogheny River corridor. On page III-22, a statement was added noting that the county will work with the State to find a route for the Eastern Continental Divide Loop Trail, ultimately connecting Deep Creek Lake, the town of Friendsville and the Great Allegheny Passage.

Minor changes were made to page III-13 and IV-9 of the plan to accommodate DNR comments. GIS data will also be provided as requested. With assistance from ERM, all of the comments have been addressed.

On May 9, Clive Graham of ERM indicated that he would be available for a joint public hearing with the County Commissioners, which is the second Wednesday

of the month. The meeting will be scheduled for 1:30 pm in the County Commissioners Meeting Room. The Plan will be posted on line soon and will be available by hard copy at the Planning and Land Development Office. The Commission accepts the Plan as its Final Draft of the document, for presentation and public comment, on May 9<sup>th</sup>.

**C. Update of Bills of Interest for Proposed Legislation by the Maryland General Assembly-** John Nelson updated the Commission regarding the status of several bills currently being debated in Annapolis.

**Senate Bill 614- Stormwater Management-Watershed Protection**

**Implementation Program-** Mr. Nelson notes that this bill has been dramatically altered and now exempts Garrett County as one of the jurisdictions that would be affected by this legislation. These water quality requirements dictate that some jurisdictions must retro-fit their storm sewers to add stormwater protection for type MS-IV stormwater discharges. Garrett County does not have any MS-IV permits, so the county would be exempt and the amended bill will only affect ten counties in the State. Proposed fees charged to landowners based on their amount of impervious surface will not take effect this year in Garrett County.

**Senate Bill 240- Act Concerning Bay Restoration-** If enacted, as currently written, this bill would double the flush fee for all, regardless of water use rates.

**House Bill 366- Fire and Safety- Building Performance Standards- known as the “Sprinkler Bill”-** Mr. Nelson believes that this bill will probably pass. The bill would require all new single family and duplex homes in the State to be fitted with sprinkler systems, beginning October 1, 2012.

**Senate Bill 236- Sustainable Growth and Agricultural Preservation Act- “Septic Bill”** -Mr. Nelson notes that this bill has passed the Senate and is on its way to the House. The bill has been amended, giving some flexibility to local jurisdictions and extending grandfathering provisions. Also the number of lots to be considered as “minor” was raised to seven lots. Approval by MDP and MDE for individual plats and the requirement for the boundaries of the four tiers of development was dropped, giving more digression to local governments. The final bill must be approved by Monday.

**C. Miscellaneous**

**1. Deep Creek Watershed Zoning Appeals Cases –**

- a. **SE-421-** an application submitted by Meagan Till, on behalf of Dutch’s at Silver Tree, for a Special Exception permit to allow live, outdoor entertainment at the outdoor, tavern portion of the restaurant known as the

Harbor Bar. The property is located at 567 Glendale Road, tax map 58, parcel 740 and is zoned Town Center.

The Planning Commission believes that, with appropriate restrictions, the Special Exception should be approved, by a vote of 6 to 0.

- b. **SE-422-** an application submitted by Taylor-Made Deep Creek Vacations for a Special Exception permit to establish a laundry service building. The applicant proposes to use an existing building to wash and process laundry, on the premises of Timber Ridge Development, LLC. The property is located at 35 Towne Centre Way, tax map 42, parcel 452, and is zoned Town Center.

The Planning Commission offered no comments on the application.

- c. **VR-686** an application submitted by Lakeside Commercial Properties, LLC for a Variance to allow the establishment of a marina on 9,204 sq ft. of property, instead of the required 87,120 sq ft. The property is located at 20282 Garrett Highway, tax map 58, parcel 267 and is zoned Town Center.

Bill Meagher of Lakeside Commercial Properties gave a brief overview of the project including description of the boat rental business. Mr. Meagher explained that he is not proposing to do many of the things that the definition of “marina” calls for, such as boat storage, repairs or fueling. The rentals would take place from an existing building.

The Planning Commission recommends supporting the Special Exception, by a vote of 6 to 0.

- d. **VR-687** an application submitted by Susan Crawford for a Variance to allow the reconstruction of a residence, that would come to within 3.22 and 7.11 feet of the side property lines. The property is located at 218 Hazelhurst Lane, tax map 67, parcel 115, and is zoned Lake Residential 1 (LR1).

The Planning Commission offered no comments on the application.

- e. **VR-688** an application submitted by William Bertrand for a Variance to allow the construction of a proposed addition to a residence that would come to within 10.0 feet of the rear property line. The owner has purchased the “buy-down” from the State of Maryland. The property is located at 308 Cedarbrook Lane, tax map 67, parcel 508 is zoned LR1.

The Planning Commission offered no comments on the application.

- 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**

**6. Agland Preservation District Applications-**An application is included in the package distributed before the meeting from Linda White. This property is located along Maryland Route 135. The property is located just past Enterprise Drive, adjacent to the Dale Evans property which is also in a preservation district. Mr. Nelson believes that the property meets the criteria of the agland preservation district and the local agland board. The property is part of an active farming operation. The parcel is over 50 acres in size, meets the soil criteria, and is outside of any planned area for public sewer area. The Commission recommends that the application be approved by a vote of 6 to 0.

**D. Action on Major Subdivisions and Planned Residential Developments –**

**1. Preliminary and Final Plat- None**

**E. Next Scheduled meeting -** The next regular meeting of the Planning Commission will be held on **May 9, 2012**, in the County Commissioners Meeting Room, at 1:30 pm.

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

Respectfully submitted,

William J. DeVore  
Zoning Administrator

