

GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

203 S. 4th St –Room 210
Oakland Maryland 21550
(301) 334-1920 FAX (301) 334-5023
E-mail: planninglanddevelopment@garrettcountry.org

MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, July 11, 2012, at 1:30 p.m., in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Troy Ellington	Gary Fratz	John Nelson -staff
Bob Gatto	William Weissgerber	William DeVore-staff
Tim Schwinabart	Tony Doerr	Paul Durham
Jeff Messenger	George Brady	Jerry Plauger
		Steve Friend

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

A. Discussion on Amending By-Laws for the Ex-officio Member -Mr. Nelson explained that one of the issues that has recently been discussed by the County Commissioners is the voting privileges for the ex-officio member of the Planning Commission. Mr. Nelson distributed a copy of the by-laws and the section in Article 66B that pertains to Commission membership. Article 66B states that “one member may be a member of the local legislative body, acting in ex-officio capacity”. The Planning Commission by-laws state that the Commission consists of seven members and each member gets one vote.

In the past, ex-officio members of the Commission have abstained from voting in instances where the Commissioner would have to later vote on that same issue, as a member of the County Commissioners. Mr. Nelson further explained that the Commission must have a majority of the membership of the Board to approve certain Comprehensive Plan related actions before the Commission. This means that four positive votes must be received from the seven members for

any decisions on comprehensive plans or plan amendments. This could lead to six voting members and possible ties in voting which could be problematic.

Some members believe that it is common practice to have ex-officio members join in and participate in the business of a particular board and not have voting privileges. Other members suggest that it may be in the best interest of all involved to just eliminate the ex-officio member from the official Commission membership.

The issue was raised after the chairman of the County Commissioners noted that Commissioner Gatto did not vote when the Commission entertained a proposed amendment to the Deep Creek Watershed Zoning Ordinance. Mr. Gatto said that he would decline to vote on issues that would come before him as a commissioner and then, in those cases, the alternate would vote as a member.

Mr. Nelson will ask for an opinion from the county attorney whether the Commission has the ability, under Article 66B, to establish the ex-officio member as just an advisory position, without voting privileges. Also, Mr. Nelson will talk to the attorney to see if it is possible to remove the ex-officio member from a membership role and make the position advisory only. The move would also involve making the alternate member a full member of the Commission. The advisory position may also have to be defined in the by-laws. After the advisory opinion is received, the Commission will vote on any possible change to the by-laws.

B. Discussion of the Draft of the Countywide Land Use Ordinance- Mr. Nelson explained that the County Commissioners were not able to reach a consensus on whether to advance the ordinance and three separate motions failed action by the Board. Commissioner Railey believes that it would be best to approach the General Assembly one more time, about giving the Commissioners the power to regulate setbacks for industrial wind turbines, rather than adopting countywide zoning regulations. A bill, submitted at the last session regarding setbacks for wind turbines was thought to be very close to passage but the legislature ran out of time and the bill failed. The county would approach the local delegation, along with other organizations such as the Maryland Energy Administration, to see if they would support a local bill to give the county the authority to regulate these setbacks. The issue of a countywide ordinance could be resurrected at anytime, pending the effort to get this legislation enacted.

Chairman Ellington believes that according to Robert's Rules for a small board, such as the County Commissioners, one does not have to have a second, in order to get a motion on the floor. The chairman believes that an issue could be discussed and voted on, even without a second from the remaining members.

C. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases –

- a. **SE-425-** an application submitted by Patsy McKenzie, for a Special Exception permit to establish a petting zoo at her residence. The property is located at 577 Penn Point Road, tax map 66, parcels 466 and is zoned Agriculture Resource.
The Planning Commission believes that the Board of Appeals should give special consideration to any comments and opinions that are received from the surrounding property owners when considering this application and voted unanimously to submit a letter to that effect to the Board.
- b. **SE-426-** an application submitted by Frank Lancelotta, for a Special Exception permit for a banquet hall. The property is located at 19530 Garrett Highway, tax map 58, parcel 63 and is zoned Town Center.
The Planning Commission supports this application for Special Exception and voted unanimously to submit a letter to that effect to the Board.
- c. **VR-691 -** an application submitted by Hugh Umbel for relaxed standard Variances to allow the reconstruction of a residence, that would come to within 7.5 and 11.8 feet of the side property lines and to within 14 feet of the rear line. The property is located at 910 Beckman Peninsula Road, tax map 58, parcel 717 and is zoned Lake Residential 1 (LR1).
The Planning Commission offered no comments on the application.
- d. **VR-692 -** an application submitted by Susan Skinner and Anna Robinson for relaxed standard Variances to allow the reconstruction of a residence, that would come to within 12.0 feet and a deck to within 0.0 feet of the rear property line. The applicant also requests that the new residence come to within 10 feet of both side property lines. The property is located at 199 Red Run Road, tax map 57, parcel 209 and is zoned LR1.
The Planning Commission offered no comments on the application.
- e. **VR-693-** an application submitted by Robert Pumphrey for Variances to allow the creation of a lot with a substandard width and also to allow an existing residence to within 4.6 feet of a newly created side property line. The property is located at 1597 Shoreline Drive, tax map 67, parcels 223 and 539 and is zoned LR1.
The Planning Commission believes that the Board of Appeals should carefully scrutinize this application when considering this variance and voted unanimously to submit a letter to that effect to the Board.

- f. **Intp-20-** an application submitted by St. Moritz Properties, LLC, Bill’s Marine Service, Inc and Silvertree Marine, LLC for an interpretive hearing regarding the issuance of a zoning permit to Bill Meagher of Lakeside Commercial Properties. The property is located at 20294 Garrett Highway tax map 58, parcel 267 and is zoned Town Center. The appellant believes that the basis for issuance of the permit for the commercial business service was incorrect and/or illegal for ten reasons that are outlined in the application for the Interpretive hearing.

The Planning Commission offered no comments on this application. The Commission notes that this case would be heard by the Board of Appeals at their regular meeting in August.

- 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 –**

- a. **Camp Sunrise** - has submitted an application for the renewal of a permit to discharge 7,000 gallons per day of treated domestic wastewater from property north of Friendsville, near the Pennsylvania state boundary line, to an unnamed tributary of the Youghiogeny River. After discussion, the Commission had no comment on the application.

- b. **Maryland Department of Transportation- SHA** - has submitted an application for the renewal of a permit to discharge 390,000 gallons per day of treated leachate water, from property near Keyser’s Ridge along Interstate Route 68, into Puzzley Run. After discussion, the Commission had no comment on the application.

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

- 6. **Agland Preservation District 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 **September 5, 2012**, in the County Commissioners Meeting Room, at 1:30 pm. The August meeting will be cancelled, unless rescheduling is necessary.

F. Adjournment- 3:00 p.m.

Respectfully submitted,

William J. DeVore
Zoning Administrator

