

GARRETT COUNTY DEPARTMENT OF PLANNING AND LAND DEVELOPMENT

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MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, February 13, 2013, at 1:30 p.m., in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Troy Ellington	Jeff Conner	John Nelson-staff
Tony Doerr	Jeff Messenger	Chad Fike-staff
Tim Schwinabart	Robert Patton	Paul Durham
George Brady	Rusty Simmons	Karen Myers
Bill Weissgerber	Marty DiLoreto	Mark Fisher
	Pat Hudnall	

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

A. Overview of Wisp PRD Transition- Karen Myers of DC Development, LLC provided the Planning Commission with an overview of the transition of the Wisp Resort Planned Residential Development (PRD). The Planning Commission originally granted approval of the overall concept plan for the Wisp Resort PRD, submitted by DC Development, on September 12, 2005. The Planning Commission agreed to allow the developer to submit plans for preliminary approval by phases of development, as long as the plans were generally consistent with the original concept plan. A total of 2,301 acres was included in the PRD and 2,500 residential units were planned. Ms. Myers presented maps titled Wisp Resort Master Plan that show the outline of the PRD and other pertinent information.

Since that time, several of DC Development’s assets within the PRD were sold in 2011 and 2012, as part of a Chapter 11 bankruptcy process. There is a possibility that additional assets will be sold this spring. Ms. Myers introduced representatives from two parties that purchased properties within the PRD: Mark

Fisher, representing Everbright Pacific/EPT Ski Properties, LLC (EPT) and Rusty Simmons and Mark DiLoreto representing National Land Partners of Maryland, LLC (NLP). It is the desire of both of these parties to continue with the original development vision of the PRD. Development phases or “pods” have been agreed on to distribute the remaining undeveloped lots within the PRD. There may be some shifting of units within the pods but the overall permitted density of the PRD will not be exceeded. Twenty-five percent of the PRD is required to be protected open space. Discussion ensued regarding the definition of open space, which was explained by Mr. Nelson, according to the definition in the Subdivision Ordinance.

Since the Subdivision and Zoning Ordinance require a single legal entity to develop a PRD, the parties have verbally agreed that DC Development will continue to act as the single legal entity securing preliminary approval for each specific phase of the development. However, a legal agreement binding on all parties is still pending. Both preliminary and final plans will have to be submitted to the Commission for their approval. Once preliminary approval is granted, the approved phase may be transferred to, and developed by, a subsequent owner such as EPT or NLP. The Planning Commission noted that the overall density and open space requirements of the PRD should be maintained but the Commission took no formal action regarding the presentation.

- B. Discussion regarding LED sign standards in the Deep Creek Watershed -** Chairman Ellington explained that he had informed the Planning office about LED signs that did not seem to conform to sign regulations in the Deep Creek Watershed Zoning Ordinance. The Zoning Ordinance contains specific requirements for LED, LCD and Scrolling Message signs including prohibitions against the illusion of motion, changing colors and flashing. Mr. Nelson reiterated the rules pertaining to these types of signs that are in the Ordinance. Mr. Fike explained that staff had investigated two signs: one sign had been reprogrammed to stop the illusion of motion and it was found that the second sign is no longer in operation. The Planning Commission made a recommendation that the Planning office send a notification to all applicants that were issued zoning permits for LED, LCD and Scrolling Message signs, reminding them of the pertinent regulations in the ordinance pertaining to these signs.

C. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases –

- A. SE-428-** an application submitted by NDEC Renewables, LLC, c/o FloDesign Wind Turbines for a Special Exception permit to construct a meteorological tower on property owned by Messenger Limited Partnership, LLLP. The property is located off of Accident Bittinger Road, tax map 34, parcel 92 and is zoned Rural Resource (RR). Meteorological towers are not specifically addressed in the Deep Creek Watershed Zoning Ordinance but a Special Exception is required since the use is considered substantially similar in character and impact to a communications tower.

Prior to discussion of the application, Chairman Ellington recused member Jeff Messenger since he is an owner of Messenger Limited Partnership. Robert Patton of FloDesign Wind Turbines was introduced and provided some details regarding the application. The proposed meteorological tower and one additional tower not located in the Deep Creek Watershed will be used to gather information including wind speed and direction at the site.

The Planning Commission discussed the application and expressed concerns about whether the application should be permitted since industrial wind turbines are not permitted in the Deep Creek Watershed. Mr. Patton indicated the accumulated data from the towers would help the applicant determine the suitability of this property and others for commercial wind power applications but could not say whether or not any future application would be made to amend the Ordinance in an attempt to place industrial wind turbines in the Watershed. In response to questions from the Planning Commission, Mr. Patton indicated that he did not think his company would agree to a restriction that they not propose future industrial wind turbines in the watershed. Mr. Patton stated that the turbines his company is promoting are only 160 feet tall and the shrouded blades are approximately 17 feet in diameter. He believes this design is friendlier to wildlife and be much quieter than conventional turbines.

After considerable discussion, a motion was made to recommend that the Zoning Board of Appeals deny the application. The motion failed with a vote of two in favor and three opposed. A second motion was made to recommend that if the Board of Appeals grants the Special Exception they would do so with a condition that the tower must be removed after 24 months and require bonding with the County to ensure proper removal. The motion passed by a unanimous vote.

B. VR-699 - an application submitted by Joseph E. Conway for relaxed standard Variances to allow the reconstruction of a residence to within 14.5 feet of the rear property line. The applicant also requests the new residence to extend within 4.5 feet and 12 feet of the side property lines and to 24.0 feet of the front line. The property is located at 529 Marsh Hill Road, tax map 50, parcel 500 and is zoned LR1. After discussion, the Planning Commission made no comment on the application.

2. **Minor Subdivisions** – Approved minor subdivisions were included in the packet mailed to the Commission members prior to the meeting.
3. **Waiver Requests**-None
4. **Mining Permit Applications** – None
5. **Agland Preservation District Applications**-None

6. Action on Planned Residential Development (PRD)- None

D. Action on Major subdivisions-None

E. Next Scheduled meeting - The next regular meeting of the Planning Commission will be held on **March 6, 2013**, in the County Commissioners Meeting Room, at 1:30 pm.

F. Adjournment- 3:05 p.m.

Respectfully submitted,

William J. DeVore
Zoning Administrator

