

**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, December 4, 2013, at 1:30 p.m., in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Troy Ellington	Tim Schwinabart	Lars Dorr
George Brady	Eric Robeson	Barbara Thorne
Jeff Messenger	Robert Paye	Charles Thorne
Bob Gatto	Paul Durham	John Nelson-staff
Jeff Conner	Elaine Blaisdell	William DeVore-staff
William Weissgerber		Deborah Carpenter-staff

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

**A. Review and Discussion- Petition to amend the Deep Creek Watershed Zoning Ordinance to allow Industrial Wind Energy Conversion Systems in the RR Zoning District-Messenger Limited Partnership, LLLP.**

1. Mr. Robert Paye, of Geppert, McMullen, Paye and Getty explained that he is representing Messenger Limited Partnership, LLLP regarding the proposed amendment to the Deep Creek Watershed Zoning Ordinance. Mr. Paye is requesting a favorable recommendation from the Planning Commission on the grounds that the request is compliant with the zoning ordinance, the Garrett County Comprehensive Plan and the applicable state statutes and criteria. Mr. Paye notes that the change of use, as proposed by the petitioner, would only permit turbines in the Rural Resource (RR) zone. Also the wind energy devices would have to be less than 200 feet in height and, as proposed in the draft amendment, would have to be located at least 20,000 feet from the high water mark of Deep Creek Lake. Other proposed conditions would require certain setbacks

from residences and property lines. The attorney notes that the property for the intended use is located approximately four miles north of Deep Creek Lake State Park and power would be generated using innovative new technology.

Lars Dorr, representing NDEC Renewables, LLC, and Ogin, Inc., which is the entity registered to do business in Maryland, distributed a handout showing a diagram of the size of the Ogin turbines, versus the contemporary mega-watt class, taller turbines that exist elsewhere in the County. Mr. Dorr, who is the Director of Business Development at Ogin, stated that the proposed turbines are less than 200 feet in height with smaller rotors, which keeps the devices less visible, just above the tree line. Each of the turbines would produce one-tenth of a megawatt. These turbines are unique because they have a shroud around the rotors with a smaller rotor sweep area that captures more energy than contemporary turbines. The diameter of the shroud of the turbine is approximately 60 feet. Ogin, Inc. which is located in Massachusetts has constructed prototypes of these turbines, one in California and one in Massachusetts. The company has submitted to the Pennsylvania-New Jersey-Maryland Interconnection or PJM, for an interconnection request, to an existing electric transmission line across the property.

The Ogin turbines are manufactured in California with parts produced globally. Mr. Dorr stated that two other projects using these turbines are planned. The life expectancy of the structures would be at least 20 years or much longer with upgrades and replacement of certain parts. At the end of their life, the turbines would be decommissioned and reclaimed, according to state law. A bond would be required before construction begins. Mr. Dorr stated that this type of turbine would operate at about 125 rpm, versus 12-17 rpm for the larger Criterion turbines. The turbines would be located on the northern edge of the Deep Creek Watershed zoning district and would be painted white, as required for aviation purposes. The two wind measuring devices currently on the site have already collected six months of wind speed data.

Lars Dorr, said that the project would produce between 10 and 13 megawatts of power and each turbine would have a separation of about three times the diameter of the blade, or about 180 feet. Each turbine would produce about one-tenth of a megawatt. Between 100 and 133 turbine units are proposed, requiring about 34 to 40 acres to be cleared, including access roads. Mr. Dorr stated that no specific sound/noise data is available for the project, as of this date. It is hoped that specific sound data from certified tests would be available by mid 2014. The company is anticipating that these turbines would produce slightly less decibels than the “conventional”, larger classification turbines, but this data has not been confirmed. Mr. Dorr said that specific sound data is not yet available but

the project would conform to all state and county noise level restrictions. The company also anticipates that this type of turbine would be more avian and bat friendly. A thorough avian analysis will be conducted at the California site. The project would have a maximum of about 20 megawatts. The company has not yet applied to the Public Service Commission for the project. Mr. Dorr stated that the project will meet any and all state and federal requirements regarding wind turbines. The target date for construction is the end of 2015.

Chairman Ellington stated that six letters had been received by the Planning Commission opposing, or at least suggesting delaying, the project. Letters were received from Friends of Deep Creek Lake, Robert Cuthriell and Virginia Hatcher, Douglas Henry, William Goodman, Dan Moore and Barbara Thorne.

Robert Paye noted that the recommendation made by the Planning Commission should be based on whether the turbines are consistent and compatible with the County Comprehensive Plan, State Planning statutes and the zoning ordinance. The turbines would meet any required setbacks and comply with any other federal, state or local guidelines. Mr. Paye notes the Garrett County Comprehensive Plan recognizes potential benefits from wind power related to clean sustainable power generation and potential social and economic benefits. The Plan further recognizes private property rights and Mr. Paye feels that the request is compatible with the Plan. State statutes include resource conservation and environmental protection and he urges the Commission to consider those factors in making any decision about the amendment.

Paul Durham, representing the Board of Realtors, suggests that the Commission conduct an advertised public hearing on the request before the Commission takes any action on the matter. Mr. Durham believes that the applicant should provide information on the sound that would be produced by the turbine units before the Commission makes a recommendation regarding the proposed amendment. He also believes aerial images and perspectives of the site would be helpful.

Eric Robeson suggests that before any decision is reached by the Commission that the group take into account any comments from the Deep Creek Steering Committee, specifically the subcommittee that is looking into the impacts of development at Deep Creek Lake. Mr. Robeson recommends waiting until studies are completed concerning the impacts of such development, set to be released by June of 2014. Mr. Robeson also notes that Ogin will need to receive certification from the Public Service Commission in Maryland, in order to generate power at the site.

William Weissgerber suggested that the applicant provide a before and after perspective of the project including maps, photos and artist renderings. Mr. Weissgerber notes that after the Ordinance is changed, only variance(s) from the Deep Creek Watershed Board of Appeals would be necessary to build larger turbines, at a different location in the RR zone.

Mr. Jeff Conner pointed out that together the 100 to 133 turbines, producing about the same amount of noise as a “conventional” turbine, could be quite loud. He believes that there are already a large number of existing and proposed turbine sites in the County. Mr. Conner believes that wind power is unreliable, meaningless and expensive. He notes that this type of power cannot be stored for use, when needed. Mr. Conner is concerned for the County because of aesthetic reasons and the effect of the proliferation of these industrial wind projects on ridge tops in the region, which could affect the amount of real estate taxes that are collected. He feels that Garrett County is serving as a “guinea pig” for projects such as this, which are experimental in nature and only financially viable with tax credits and other support from the state and federal government. Mr. Conner believes that the project would be detrimental to wildlife, especially birds and bats. His calculations show that approximately 44,000 of these units would be needed to produce the same amount of energy as the Mt. Storm power plant. Mr. Conner believes that the applicant should provide additional information concerning the noise that will be produced by the turbines. Also he believes that the Deep Creek Steering Committee recommendations should be taken into account before any recommendations are made by the Planning Commission.

Mr. Paye notes that the Commission could recommend additional conditions or modifications to be placed upon the developers at the site, such as sound level monitoring, if they so choose.

The Board approved a motion, by a vote of 4 to 0, to conduct a public hearing on the amendment request, at the regular February meeting of the Commission. That regular meeting date would be February 5, 2014. (Note: subsequent to the meeting, Chairman Ellington noted that he had a conflict with February 5<sup>th</sup> date. Consequently, this date may change.) Jeff Messenger and Bob Gatto were recused from the vote, at their request.

## **B. Miscellaneous**

### **1. Deep Creek Watershed Zoning Appeals Cases – None**

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

3. **Discussion on Major Subdivisions-**

- A) **Preliminary Plat- Snowy Mountain-** The developer, Howlin Realty Management, Inc. proposed a seven-lot subdivision located off of Deere Road. The property is located on tax map 23, parcel 1, in Agricultural Resource and Rural Resource land classifications. The Planning Commission granted approval of this Preliminary plat by a unanimous vote of 6 to 0.
- B) **Preliminary Plat- Bedingfield Estates East-** The developer, Robert Bedingfield proposed a six-lot subdivision located off of Turkey Neck Road. The property is located on tax map 74, parcel 109, in an Agricultural Resource zoning district. The Planning Commission granted approval of this Preliminary plat by a unanimous vote of 5 to 0.
- C) **Preliminary Plat- Bedingfield Estates West-** The developer, Robert Bedingfield proposed a six-lot subdivision located off of Turkey Neck Road. The property is located on tax map 73, parcel 18, in an Agricultural Resource zoning district. The Planning Commission granted approval of this Preliminary plat by a unanimous vote of 6 to 0.

3. **Mining Permit Applications** – None

4. **Agland Preservation District Applications-**None

D. **Next Scheduled meeting -** The next regular meeting of the Planning Commission will be held on **January 8, 2014**, in the County Commissioners Meeting Room, at 1:30 pm. Mr. Nelson announced that this would be his last meeting due to his pending retirement.

E. **Adjournment-** 3:15 p.m.

Respectfully submitted,

William J. DeVore  
Zoning Administrator

